

**1.0 Application Number:** 6/2020/0013

**Webpage:**

<https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2020/0013>

**Site address:** Land at White Lovington Bere Regis BH20 7NF

**Proposal:** Erect 17 No. dwellings, create an access and associated parking and landscaping

**Applicant name:** Bayview Developments

**Case Officer:** Alexandra Dones

**Ward Member(s):** Councillor Laura Miller and Councillor Peter Wharf

The Nominated Officer has identified this application to come before the Planning Committee in light of the concerns raised by ward members and the parish council relating to compliance with the Neighbourhood Plan.

**2.0 Summary of recommendation:**

GRANT subject to conditions and the completion of a satisfactory planning obligation.

**3.0 Reason for the recommendation:**

- Paragraph 14 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 land is allocated in the Bere Regis Neighbourhood Plan for residential development.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- It is possible to secure mitigation to make the development acceptable in relation to internationally protected Dorset Heathland.
- There are no material considerations which would warrant refusal of this application

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable, within settlement boundary. Does not conflict with Neighbourhood Plan.
Affordable housing	Acceptable, in accordance with the Local Plan requirements subject to

	legal agreement.
Scale, design, impact on character and appearance	Acceptable, subject to conditions.
Impact on the living conditions of the occupants of neighbouring properties	Acceptable, subject to conditions.
Highway safety, access and parking	Acceptable, subject to conditions.
Flood Risk and Drainage impacts	Acceptable, subject to conditions.
Impact on internationally designated heathland	Acceptable, subject to legal agreement.
Biodiversity impacts	Acceptable, subject to conditions.
Impact on trees	Acceptable, subject to conditions.

## 5.0 Description of Site

- 5.1 The site is approximately 1.3 hectares and is a 'Y shape' that wraps around the existing cul-de-sac known as White Lovington. The site lies within the Bere Regis village envelope.
- 5.2 White Lovington is accessed via Rye Hill/ Southbrook, the main road through Bere Regis which is a Key Service Village as defined in the Purbeck Local Plan Part 1. The site is agricultural in terms of use and there are no buildings on the land which is currently used for grazing with the boundary defined by mature trees and hedgerows.
- 5.3 The site itself is relatively flat however it is at a higher level than Rye Hill/ Southbrook as the existing White Lovington cul-de-sac slopes gradually upwards towards the south. Although the site is currently vacant it is located directly adjacent to White Lovington which is an established residential cul-de-sac comprising of mainly two storey dwellings which were consented during the period 1986 to 1993.
- 5.4 The dwellings located on White Lovington are typically set back from the road with garden frontages, driveways and enclosed rear gardens. Beyond White Lovington is Rye Hill/ Southbrook and the wider settlement of Bere Regis where houses vary in their style and age.
- 5.5 The site has been allocated in the Bere Regis Neighbourhood Plan for residential development.

## 6.0 Description of Development

- 6.1 The application proposes the erection of 17no. dwellings with associated access, off-street parking and landscaping. The development will consist of:

Bedrooms	Property type	Tenure	Number
2	Semi-detached two storey	Affordable rented.	2
3	Semi-detached two storey	Affordable rented.	4
	Semi-detached two storey	Open market.	4
	Bungalow	Open market.	2
4	Detached two storey	Open market.	5

- 6.2 The majority of the proposed dwellings are two storey and 6 of the dwellings will be affordable with monies provided to secure 40% provision.
- 6.3 All dwellings have off-street parking and private gardens. Details of materials will be submitted and considered by the Local Planning Authority post decision in accordance with a proposed planning condition (no. 7).
- 6.4 A new vehicular and pedestrian access point is proposed off White Lovington that will be laid out in tarmac.

## 7.0 Relevant Planning History

There are no specific planning applications on this site. The site is vacant and has been used for grazing land. The residential development on White Lovington was consented during the period 1986 to 1993.

The site is allocated for residential development in the Bere Regis Neighbourhood Plan.

## 8.0 List of Constraints

- within the Settlement Boundary of Bere Regis.
- On the boundary of 400m from Black Hill Heath (designated as SSSI heathland and Dorset Heaths Special Area of Conservation).
- TPO order – T2 (ash).
- In the catchment of Bere River.

- Flood Risk Zone 2 for sewer flooding.
- Bere Regis Neighbourhood Plan Housing designation.

## 9.0 Consultations

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

### Consultees

- **Natural England (final comments received 21<sup>st</sup> December 2020)**

There were ongoing discussions between the Planning Officer, Planning Agent and Natural England. It was agreed that a temporary Heathland Infrastructure Project (HIP) directly adjoining the site would provide suitable mitigation for the site and the details of this are set out in the main body of the report below. In its final comments (date December 2020) Natural England commented that the HIP was acceptable subject to a management plan and a Grampian planning condition regarding first occupancy of any dwelling.

- **Wessex Water (received 11<sup>th</sup> March 2020)**

The Foul Drainage Strategy proposes connections to the public foul sewer in Rye Hill and White Lovington which is acceptable in principle for foul only flows. Our records indicate that northern parts of the site may be located in a groundwater flood risk area where there is a moderate risk of foul sewer inundation during periods of prolonged wet weather leading to sewer flooding. Wessex Water will be seeking higher levels of design and construction in these areas to ensure that the proposed drainage is resilient to the impacts of groundwater infiltration when the water table rises. On site private sewers and sanitary appliances must be designed to be resilient to the impacts of sewer flooding due to high groundwater.

Surface water arrangements and supporting flood risk measures to be agreed with the Lead Local Flood Authority. In areas area where there is a risk of high groundwater levels the adequate performance of soakaways when the water table rises should be demonstrated. We request that a robust surface water strategy is agreed as there are no public Surface Water sewers in proximity of this site and surface water connections to the public foul sewer network will not be permitted at a later date. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

- **Fire Safety Advisor**
- No response received.

- **Dorset Council – Highways (received 17<sup>th</sup> June 2020 and final comments following amendments received 15<sup>th</sup> March 2021).**

There were ongoing discussions between the Planning Agent and the Highways Officer and amendments were made to the scheme to address initial concerns (details are set out in the main body of the below report). Following amendments and modifications the proposals are considered to be acceptable subject to a number of conditions.

- **Dorset Council – Arboricultural Officer (received 9<sup>th</sup> April 2020)**

No objection subject to condition ensuring adherence to the Arboricultural Method Statement and a condition requiring a pre-commencement on site meeting.

- **Dorset Council – Landscape (received 25<sup>th</sup> February 2020)**

No objections but recommended changes and/or conditions. Recommended visitor car parking spaces be relocated to the less open areas of the site. Recommended alternative hard surfacing to lessen the visual impact of the road and a planning condition to control this. Recommended using a planning condition to control the landscaping scheme and the landscaping management plan.

- **Dorset Council – Archaeology (received 26<sup>th</sup> March 2021)**

No objection.

- **Dorset Council – Lead Local Flood Authority (received 2<sup>nd</sup> March 2020)**

The site of the proposal is shown to fall within Flood Zone 1, as indicated by the Environment Agency's (EA) indicative flood maps. Whilst the EA's Risk of Flooding from SW (RoFfSW) mapping indicates no theoretical risk of surface water flooding on site up to the 1-in-1000 year rainfall event. The nearest watercourse (to the north and the east) is the Bere Stream which at its nearest is approximately 100m away from the edge of the site and as such Flood Zones 2 and 3 are located nearby.

Regardless of prevailing risk, any development has the potential to exacerbate or create flood risk, if runoff is not appropriately considered and managed as evidenced by a substantiated SW strategy. Further details should be provided to explain how the developer will ensure that the individual soakaways will be maintained for the lifetime of the development.

- **Dorset Council – Planning Policy (received 27<sup>th</sup> February 2020)**

The site is allocated in the Bere Regis Neighbourhood Plan so the principle of development is established as being acceptable. The proposal is in accordance with the Neighbourhood Plan's objectives to 'facilitate the

development of a sufficient quantity of new housing to meet local demand'. The Neighbourhood Plan indicates this land would be suitable for 12 homes with a 'lower density' than other land parcels allocated for homes (pg. 18, Bere Regis Neighbourhood Plan). This decision was made in order to 'respect the existing development in that area' allowing for homes to be 'designed in keeping with the character of the area' (pg. 17-18, Bere Regis Neighbourhood Plan). Though the proposal is for more than 12 homes, being 17 homes, it is thought this still to be a suitable density as it retains the ability to maintain the character of the surrounding area. Moreover, the proposal for 17 homes makes best use of land in the constrained area that is Bere Regis and is in accordance with paragraph 123 (NPPF, 2019). Therefore, the Council supports the development of 17 homes on this site.

- **Dorset Council – Housing (received 31<sup>st</sup> March 2020)**

*'I can confirm that from the Housing Enabling aspect I am happy with the provision of 6 affordable units on site with a commuted sum to bring it up to the full 40% affordable provision'.*

- **Bere Regis Parish Council (received 24<sup>th</sup> February 2020)**

Cannot support this application in its present form and requested the application is presented to committee.

- The application does not conform with the adopted Bere Regis Neighbourhood Plan which allows for development of the site with 'approximately 12' dwellings. Whilst we appreciate the figure is not exact, a 42% increase is not acceptable. This number of dwellings was put forward by the developer during the consultation process, and the density was confirmed by Purbeck District Council as being appropriate and 'in line with the requirements being included in their Local Plan,'
- It is a requirement of the Neighbourhood Plan that developers discuss their proposals with the Parish Council before submitting a planning application. The developer has not entered into discussions. The Parish Council has sent frequent emails to the developer since the Plan was adopted in June 2019 asking what was happening and would they like to discuss the way forward, but no responses were received, and no indication of their intention was given.
- The Neighbourhood Plan further requests a recreational area on the site (page 18), but this has been completely ignored. It should be stressed that the Parish Council is not averse to construction on this site, but we are looking for the site to be developed in accordance with the adopted Neighbourhood Plan. As has already been demonstrated with a planning application for development of a different site within Bere Regis, the Bere Regis Neighbourhood Plan carries considerable weight and needs to be

taken into consideration when determining planning applications within the Plan area.

Regarding comments put forward by the developer regarding housing land supply, we can confirm that figures included in the adopted Neighbourhood Plan were based on the most up-to-date evidence of housing need, and not on figures included in PLP1. Consequently, the figures shown in the adopted Plan are sound and, in our opinion, the arguments put forward by the developer for a higher density of housing are ill founded'.

- **Councillor Peter Wharf (received 8<sup>th</sup> February 2020)**

Request the application is presented to committee due to concerns regarding the increase in dwellings compared to the number allocated in the Bere Regis Neighbourhood Plan.

### **Summary of Local Representations received**

The application was advertised by means of a site notice displayed on 05/02/2020, a press notice in the Daily Echo on 06/02/2020 and by letters sent to neighbours.

The Council received a total of 22 responses from neighbours about the application.

The following list sets out a summary of the key issues and objections raised:

- Concerns regarding highway safety due to an increase in traffic accessing White Lovington off of Rye Hill. Many neighbours cited concerns regarding the safety of pedestrians, especially children walking to the nearby Primary school.
- The proposals are not in accordance with the Bere Regis Neighbourhood Plan because the proposals are for 17 dwellings and this is considerably more than the 'approximately 12' cited in the Neighbourhood Plan.
- The proposals include too many semi-detached dwellings which is out of keeping with the character of the area.
- The proposals do not include enough parking spaces for occupiers and their visitors.
- Concerns regarding the accuracy of the submitted transport statement.
- Concerns regarding the cumulative impact on highways of other proposed residential development in Bere Regis and further afield.
- Concerns regarding biodiversity and the impact of the proposals on protected species.

- Concerns regarding the density of the proposals being out of keeping with the existing character of White Lovington.
- Concerns regarding the design of the proposals being out of keeping with the existing character of White Lovington.
- Concerns regarding the suitability and appropriateness of the size and type of dwellings proposed.
- Concerns regarding the noise and nuisance during construction.
- Concerns regarding the noise from the increase in traffic and pedestrian movement to the new dwellings.
- Concerns regarding the drainage infrastructure and existing problems with sewage.
- Concerns regarding car headlights interrupting houses currently at the top of White Lovington.
- Concerns regarding overlooking the houses currently at the top of White Lovington (numbers 6, 7, 8 and 9).

## **10.0 Relevant Development Plan Policies**

### **Purbeck Local Plan Part 1:**

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy HS: Housing Supply

Policy D: Design

Policy LHH: Landscape, historic environment and heritage

Policy BIO: Biodiversity and geodiversity.

Policy FR: Flood risk

Policy IAT: Improving accessibility and transport.

### **Bere Regis Neighbourhood Plan**

Policy BR2 – SANG

Policy BR4 – Bere Regis Groundwater

Policy BR6 – Affordable Housing Tenures

Policy BR7 – Residential Development

### **Other material considerations:**



Emerging Purbeck Local Plan 2018 – 2034

Regard has been had to the emerging Purbeck Local Plan 2018-2034. Following initial examination of the plan the Inspector has reported that she is reasonably satisfied that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'. A further consultation has just been completed and the Sustainability Appraisal and Habitats Regulation Assessment will be updated prior to a final decision on whether the plan is found legally compliant and sound.

Paragraph 48 of the NPPF advises that;

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

and

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

The following relevant policies of the emerging Local Plan are consistent with the Framework, there are no significant unresolved objections and the emerging local plan is considered to be at a stage where weight can be given to these policies:

E1: Landscape

E12: Design

The following policies of the emerging Local Plan are also considered relevant to the application but cannot be given any significant weight in the decision-making process because there remain unresolved objections and/or there are the potential for further objections through Main Modifications consultation. The weight that can be given to these policies will change as the local plan progresses to adoption:

E8: Dorset Heathlands

E9: Poole Harbour

E10: Biodiversity and geodiversity

I2: Improving accessibility and transport

I3: Green infrastructure, trees and hedgerows

H14: Second Homes

**National Planning Policy Framework:**

Section 2: Achieving sustainable development – paragraph 8(b)

Section 4: Decision making - paragraph 48

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting sustainable transport.

Section 11: Making effective use of land;

Section 12: Achieving well-designed places;

Section 14: Meeting the challenge of climate change, flooding and coastal change.

Section 15: Conserving and enhancing the natural environment.

National planning practice guidance

National Design Guidance

Purbeck District design guide supplementary planning document adopted  
January 2014.

Dorset biodiversity appraisal and mitigation plan.

Purbeck Strategic Flood Risk Assessment 2018

Dorset Heathlands Planning Framework 2020- 2025 Supplementary Planning Document

British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

**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 Public Sector Equalities Duty.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable housing	6 units with a commuted sum to supply the full 40% affordable provision.
Non Material Considerations	
CIL contribution	Approx. £86,112.05.
Council Tax	Approx. £37,710.08. Based on average Council Tax Band D.

### 14.0 Climate Implications

The proposal is for seventeen new dwellings and associated infrastructure located within and just beyond the Bere Regis settlement boundary on a site that has been allocated for residential development. The properties will be constructed to current building regulation requirements and will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

### 15.0 Planning Assessment

15.1 The main planning considerations in respect of this application are:

- Principle of development
- Impact on habitat sites/ SSSI Dorset Heathland

- Affordable housing
- Scale, design, impact on character and appearance of the area
- Impact on the living conditions of the occupants of neighbouring properties
- Highway safety, access and parking
- Flood Risk and Drainage impacts
- Biodiversity impacts
- Impact on trees

These and other considerations are set out below.

### **Principle of development**

- 15.2 To provide context for the consideration of the application; on 19 January 2021 the Housing Delivery Test: 2020 measurement results were published. Purbeck Local Plan area was found to have delivered only 74% of the total number of homes required and therefore, in accordance with National Planning Policy Framework (NPPF) footnote 7, it is judged that the Purbeck housing policies are out of date and the presumption in favour of sustainable development applies.
- 15.3 Under paragraph 14 of the NPPF the presumption in favour of sustainable development does not apply where a proposal for housing conflicts with the neighbourhood plan. Bere Regis Neighbourhood Plan (BRNP) was formally made on 25 June 2019 so it is less than two years old, it contains policies and allocations to meet its identified housing requirement, the local planning authority has at least a three year supply of deliverable housing sites and housing delivery was at least 45% of that required over the previous three years. This means that where development conflicts with the Neighbourhood Plan, the adverse impact of allowing development is likely to significantly and demonstrably outweigh the benefits.
- 15.4 The majority of the application site is located within Bere Regis settlement boundary as defined in the Purbeck Local Plan Part 1 (PLP1). Only the road serving the development extends outside of the boundary. The principle of housing on the site is therefore acceptable in accordance with PLP1 Policies SD: Presumption in favour of sustainable development and Policy LD: General Location of Development of the Purbeck Local Plan Part 1.
- 15.5 The site is allocated for residential development in the Bere Regis Neighbourhood Plan (BRNP). Concerns have been raised by objectors, the parish and the Ward member that the proposal conflicts with the BRNP because 17 homes proposed is significantly more than the 'approximately 12 homes' identified for the site by policy BR7 of the BRNP. They also note a lack of open space provision and lack of pre-application discussion contrary to text within the BRNP.

- 15.6 In this case, officers consider that the proposal does not conflict with Bere Regis Neighbourhood Plan (BRNP) for the following reasons:
- The site is allocated for housing in the BRNP
  - Policy BR7 states '*New residential development will be allowed on the five allocated sites shown on Map 3, comprising...*'
    - *White Lovington- Land extending to about 1.0 Hectare (2.5 acres) approximately 12 homes'*
  - The preamble notes that the site '*should be developed at a lower density to respect the existing development in that area'* but the policy does not include an upper limit on housing numbers and the impact of the proposed development on the character of the area is considered appropriate (more detail is provided later in the report).
  - The supporting text of the Bere Regis Neighbourhood Plan identifies that the White Lovington site '*should include areas for informal recreation'* but there is no text within any NP policy specifying the requirements. A temporary open space is anticipated to be necessary to mitigate the impacts of the development on heathland but there is no policy basis for securing additional public open space; a contribution secured via the Community Infrastructure Levy is policy compliant.
  - The Neighbourhood Plan encourages developers to '*work closely with BRPC, parishioners and PDC to consider development density and architectural styles before submitting planning applications for any of the sites'* but such engagement is not a policy requirement which can influence the determination of the application.
- 15.7 As officers judge that the proposal does not conflict with the neighbourhood plan, the application has been considered in the light of the presumption in favour of sustainable development; permission should be granted unless:
- 15.8 The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- 15.9 Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

**Impact on Habitat Site/SSSI Dorset Heathland**

- 15.10 The site is located approximately 400m from Black Hill Heath Site of Special Scientific Interest. The site is located on the boundary of the 400m buffer zone which is set out in the Dorset Heathlands Planning Framework 2020- 2025 Supplementary Planning Document. Within the 400m buffer zone evidence has shown that the impacts of additional residential development on the integrity of protected Dorset Heathland cannot be effectively mitigated. The proposals have

been designed to take into account this buffer zone and no part of the proposed dwellings or their residential gardens fall within this area.

- 15.11 The site is not large enough in terms of its scale or housing delivery to require mitigation in the form of a Suitable Alternative Natural Greenspace (SANG), however, due to its proximity to the 400m buffer zone and the lack of local SANG provision, a Heathland Infrastructure Project (HIP) has been proposed and agreed as appropriate mitigation by Officers in discussion with Natural England.
- 15.12 The applicants have ownership of land measuring approximately 0.8 ha, shown on the submitted block plan outlined in blue, which adjoins the proposed development site (outlined in red) and this where it is anticipated that the HIP will be located. Natural England consider that a HIP consisting of informal pathways offering dog waste bins and benches would provide sufficient and appropriate mitigation for the development as it would provide open space for new and existing residents to use reducing the likelihood of trips to the designated heathland.
- 15.13 The applicant anticipates that the Heathland Infrastructure Project will be a temporary provision because it is anticipated that appropriate mitigation for the development will be secured via the creation of the SANG at Back Lane allocated in the Bere Regis Neighbourhood Plan. As the applicants have no control over the provision of the SANG it is necessary to secure the provision of the HIP as mitigation via a S106 planning obligation. The proposed HIP land is in the ownership of the applicant but as planning permission will be required to change the use of the agricultural land to open space a condition is not considered appropriate in this instance.
- 15.14 It is also necessary to secure the provision and maintenance of the HIP via the planning obligation for this application, as the HIP will need to remain available to be used by the public until such time as alternative mitigation, for example the Back Lane SANG, is brought forward and it is agreed in writing by the Council that the mitigation is acceptable.
- 15.15 Natural England have raised no objections to the proposals subject to the provision and maintenance of the HIP together with the contribution to the Strategic Access, Management and Maintenance (SAMM) scheme. In this case the latter will be funded via the Community Infrastructure Levy.

### **Affordable housing**

- 15.16 The application site is an allocated site for residential development identified by the Bere Regis Neighbourhood Plan (policy BR7 – Residential Development). Policy AH (affordable housing) states that developments that result in a net increase of 2 or more dwellings, or are on a site area of 0.05 hectares or more will be required to provide an affordable housing contribution and identified local

need, economic viability and any other overriding planning objectives for the site will also be taken into consideration.

- 15.17 For this site in this location, policy AH states the affordable housing contribution must be 'at least 40%'. The details submitted with the application initially referred only to 6 units which is a contribution of approximately 35% but the Planning Agent subsequently confirmed via email on 31<sup>st</sup> March 2020 that the scheme would provide the full 40% affordable housing contribution in the form of 6 dwellings on site and a commuted sum contribution in the amount of 0.8 units. Units 10-15 will comprise the 6 affordable dwellings on site and all 6 units are to be Affordable Rented Tenure. The Senior Housing Officer has confirmed that this is an acceptable contribution.
- 15.18 The proposed affordable housing contribution, in the form of 6 dwellings and a contribution equivalent to 0.8 units, delivers the full 40% affordable housing contribution. The proposal therefore accords with local policy AH and would contribute to affordable housing supply in accordance with the National Planning Policy Framework.

**Scale, design, impact on character and appearance of the area**

- 15.19 Concerns have been raised by Councillor Wharf, the Parish Council and neighbours regarding the number of dwellings proposed. The Bere Regis Neighbourhood Plan indicates this land would be suitable for '*approximately 12*' homes and the supporting text refers to the site supporting development with a '*lower density*' than other land parcels allocated for homes '*to respect the existing development in that area*'.
- 15.20 The current proposal is for 17 dwellings and concerns have been raised that the density is too high and the Bere Regis Neighbourhood Plan is not being adhered to. The Planning Policy Officer was consulted regarding the housing density and adherence to the Bere Regis Neighbourhood Plan and they commented that they support the development of 17 homes on this site. The Planning Policy Officer states that '*though the proposal is for more than 'approximately 12 homes', being 17 homes, it is thought this still to be a suitable density as it retains the ability to maintain the character of the surrounding area*'. A scheme of 12 houses would equate to a net density of 9 dwellings per hectare (dph). The proposed development would achieve 13 dph which is considered to be best use of land in the constrained area that is Bere Regis in accordance with paragraph 123 of the National Planning Policy Framework'.
- 15.21 The area adjoining the development site is characterised by substantial, detached, two storey brick dwellings in generous curtilages with open front gardens and off street parking.
- 15.22 The proposed dwellings are all set back from the road with more modest soft landscaped areas to the front. Off road parking will serve each dwelling and properties have rear gardens which, although smaller than those of existing nearby properties, provide ample amenity space. The inclusion of semi-detached

properties allows 17 units to be provided within 12 structures plus associated garage buildings. Whilst sited on the edge of the settlement and adjacent to low density development along White Lovington, Officers consider that the proposed density can be achieved without harm to the character of the area. The existing trees and hedgerows combined with the proposed soft landscaping scheme (details to be secured via planning condition no. 6) will soften the urban nature of the overall development ensuring it does not appear an incongruous addition in this edge of the settlement boundary location.

- 15.23 Neighbours have raised concerns regarding the number of semi-detached dwellings as they consider these are not in keeping with the character of the area. The proposals include 10 semi-detached dwellings 2no. two bedroom and 8no. three bedroom. These are proposed to be sited in the south eastern part of the site and will be visually distinct from the existing built form, separated by the new road and landscaping. The remaining 7 dwellings are detached 5no. four bedroom detached dwellings and 2no. three bedroom. Officers consider the form and size of the proposed variety of dwellings will result in a positive contribution to meet local housing need and the layout respects existing development. Although large four bedroom detached dwellings may be more in keeping with the existing buildings located on White Lovington, Officers consider the variety of dwellings proposed is more appropriate to meet the area's need for 2 and 3 bedroom dwellings identified by the Strategic Housing Market Assessment (2015).
- 15.24 The proposals include 8 different house types across the 17 dwellings and although each type is different in terms of its size and layout, the overall design elements remain similar, pay regard to nearby existing dwellings and complement one another, for example, quoin brick detailing around windows and doors is used across almost all units. The proposed materials are to be agreed via planning condition (no. 7) prior to the construction of the dwellings so Officers have control over the materials and colours used. There are no Conservation Area or Listed Building impacts to be considered for these proposals.
- 15.25 The overall design of the site is largely shaped by constraints such as the Dorset Heathland 400m buffer zone and tree protection orders. The Landscape Officer requested some of the visitor car parking spaces be relocated away from the most open areas of the site. As a result the car parking spaces are now positioned closer to the proposed dwellings and are positioned less formally within verges to have less of an urban look and feel.
- 15.26 Officers consider the scale, density and design of the proposals are appropriate in this location. The proposals comply with policy D (design) of the Purbeck Local Plan Part 1 and the Government's overall objective to significantly boost the supply of homes (Paragraph 59 of the NPPF) and promote an effective use of land (Paragraph 117 of the NPPF).

**Impact on the living conditions of the occupants of neighbouring properties**



- 15.27 The two main concerns raised by neighbours were regarding the increase in traffic generation and the potential highway safety issues that arise from this and the density and design of the proposed dwellings. The concerns regarding highways issues are addressed in the 'Highway safety, access and parking' section of this report and the concerns regarding building density and design are addressed in full in the Scale, design, impact on character and appearance of the area section of this report.
- 15.28 As described above the development site is a 'Y shape' that wraps around the existing cul-de-sac of White Lovington. There are no further residential properties to the south, east or west of the development site and therefore the only properties that have the potential to be impacted by the proposals are those on White Lovington. Concerns were raised regarding the potential overlooking and loss of privacy for the occupiers of some existing dwellings on White Lovington. Officers consider the dwellings most likely to be impacted by the proposals are those at the head of the cul-de-sac, those on the east and the property adjacent to the northern edge of the development site: namely, 4, 5, 6, 7, 8 and 12 White Lovington.
- 15.29 Unit one will be located approximately 10m from the existing building of 12 White Lovington and taking into account the topography of site the finished floor levels will be similar. Unit one is proposed to be a detached four bedroom house (house type 6 as referenced on the submitted proposed plans). Officers note there is one first floor window on the first floor east (side) elevation facing towards 12 White Lovington. Given the fact this is a small secondary window and as a mature protected tree (to be retained) acts as a significant privacy screen, Officers do not consider this window would result in the potential for any harmful level of overlooking.
- 15.30 The rear gardens of 7 and 8 White Lovington will back onto the proposed new road. Originally visitor car parking spaces were located in this position however these have now been repositioned to a different area of the site. The distance between the buildings and the proposed new road is approximately 30m. Officers consider the distance of 30m is more than sufficient to ensure the proposals do not result in demonstrable harm on the occupiers from noise and disturbance. The rear boundaries of 7 and 8 White Lovington are demarcated by mature protected trees that again will be retained and protected during the construction phase of development.
- 15.31 Units 16 and 17 (house type 4) located to the east of 4, 5 and 6 White Lovington are three bedroom detached bungalows. The distance between the proposed units and the existing dwellings is approximately 30m separated by the newly proposed road and the existing mature trees on site. Given the fact that the units are bungalows set behind mature trees Officers are not concerned regarding overlooking and/or a potential loss of privacy.
- 15.32 Units 14 and 15 (house type 1) located to south east of 6 White Lovington are two bedroom semi-detached dwellings. The distance between the proposed units and the existing dwellings is approximately 27m separated by the newly

proposed road and the existing mature trees on site. Again, Officers consider this distance combined with the natural tree screening is more than sufficient in ensuring there is no demonstrable harm on the occupiers of 6 White Lovington.

- 15.33 The proposals will result in an increase in traffic movement on White Lovington due to this being the only vehicular access point. The layout of the scheme means that the new road is not a through road and the design anticipates limited vehicle speeds. The existing and proposed dwellings are all set back from the existing and proposed road which also lessens the impact and reduces the amount of noise. Officers do not consider the additional comings and goings associated with 17 residential dwellings in this location in the settlement boundary would result in demonstrable harm on the occupiers of White Lovington in terms of noise nuisance and/or disturbance.
- 15.34 Given the nature of the development with all new and existing properties having substantial gardens and there being sufficient distances between all buildings Officers do not consider the proposals would result in any overshadowing or overbearing impact on the existing occupiers. The presence of the natural boundary in the form of mature protected trees and hedgerows further mitigates any such impact.
- 15.35 Although noise caused by construction is not a material planning consideration Officers acknowledge the Bere Regis Neighbourhood Plan sets out to ensure due care and consideration is given to neighbours. Officers suggest adding an informative note (no. 22) to the decision notice recommending the developer signs up to or uses a contractor that is registered with the Considerate Constructors Scheme.
- 15.36 Officers consider the proposals are designed to best make use of the land within the settlement boundary whilst considering the existing built environment and the occupiers of these dwellings. The proposals are considered to be in accordance with policy D (design) of the Purbeck Local Plan Part 1 and design details recommended in the National Design Guidance and the National Planning Policy Framework as they would not result in any demonstrable harm on the occupiers of nearby residential properties.

#### **Highway safety, access and parking**

- 15.37 The proposals include creating a new road from the north west of White Lovington to access the proposed dwellings. The proposals also include creating a total of 52 car parking spaces, a minimum of 2 parking spaces are allocated per unit and the remainder are unallocated guest parking bays.
- 15.38 Officers met with Councillor Peter Wharf and a neighbour at Westport House when the application was first submitted in early 2020. The main concerns raised in this meeting were regarding highway safety and the cumulative impact of proposed development and following the meeting a series of points were put to the Highways Officer during the consultation period. Following this a number of neighbours raised concerns through the application process again regarding

highway safety. The Highways Officer addressed the points raised in his first formal response dated June 2020.

- 15.39 White Lovington is an adopted highway with a generous bell-mouth junction with Southbrook (which is a “C class” road) and has very good visibility splays either way from the junction. The Highways Officer commented that the visibility splays are in excess of today’s standards as its construction preceded Manual for Streets. The existing carriageway is suitable for two vehicles to pass and has 1.8m wide footways both sides of the access road from the back of its bell-mouth leading into the estate to the point at which the road splits. At this point the road is served by a single footway leading to the south only. However, as highway verges are still provided on both sides of the road on the northern spur this allows for the provision and extension to the footway best suited to the north side of the road.
- 15.40 Neighbours and the Parish Council raised concerns regarding visibility at the junction of White Lovington and Southbrook/ Rye Hill. In his initial comments dated June 2020, the Highways Officer commented that 85th percentile speeds had been obtained and readings of 32mph southbound and 33mph northbound have been recorded. The visibility splays (in excess of 80 metres) to both to the north and south of White Lovington exceed the requirements of Manual for Streets for even a 40mph road. As Southbrook has a 30mph limit the visibility splays exceed requirements.
- 15.41 Neighbours and the Parish Council raised concerns regarding traffic collisions at the junction of Southbrook/ Rye Hill and White Lovington. The Highways Officer commented that there have been no recorded injury accidents within the vicinity certainly within the last 5 years along Southbrook within 150 metres either side of the junction its junction with White Lovington. It is noted that there was sadly one fatal accident when a trailer became detached and careered onto the footway striking two pedestrians in 2007 and another accident when a 17 year old driver lost control, striking the kerb and with the vehicle ending up on its roof a just after 4am in 2003. Another involved a tractor towing a trailer hitting a car in 2005 and another when a car in a line of traffic was rear ended in 2006 and finally a HGV and pedestrian collided “on the nearside” in 2006. No cause was given. The nearest of these was over 40 metres from the junction of White Lovington and these accidents occurred over a period of 20 years. The accident record would not justify refusal on the grounds of highway safety.
- 15.42 Throughout the application process requests were made for pedestrian guard railing to be installed within White Lovington as this is on a route to school. Both the Highways Officer and the Road Safety Officer have considered the situation but have not identified the need for mitigation to make the development acceptable. In response to concerns raised regarding the increase in traffic movement the Highways Officer commented that it is recognised that the proposed 17 units will effectively double the number of dwellings served by White Lovington, but that even this number of some 34 units in total is very low for such

an access road particularly noting the geometry and the sight lines of the junction with the "C" class road.

- 15.43 Following receipt of the initial comments the planning agent submitted an amended site plan showing additional footway throughout the site and an amended visibility splay plan. The Highways Officer confirmed in March 2021 that in light of the additional information supplied the proposals are acceptable subject to conditions.

**Flood Risk and Drainage impacts**

- 15.44 The proposed development site falls within Flood Zone 1, as indicated by the Environment Agency's (EA) indicative flood maps and in this respect the proposals are acceptable. The EA's Risk of Flooding from surface water mapping indicates no theoretical risk of surface water flooding on site up to the 1-in-1000 year rainfall event.
- 15.45 The nearest watercourse (to the north and the east) is the Bere Stream which at its nearest is approximately 100m away from the edge of the site and as such Flood Zones 2 and 3 are located nearby. The Lead Local Flood Authority commented that regardless of the prevailing risk, any development has the potential to exacerbate or create flood risk, if runoff is not appropriately considered and managed as evidenced by a substantiated surface water strategy.
- 15.46 Bere Regis is known to have problems with surface water flooding and policy BR4 (Bere Regis groundwater) of the Bere Regis Neighbourhood Plan states that development will only be permitted where it not only meets Local Plan policies covering flood risk and SUDS but also incorporates specific measures so as to not exacerbate groundwater flooding or flooding from sewers.
- 15.47 A drainage strategy document has been submitted alongside the planning application. The drainage strategy details that foul drainage will be to existing public foul sewers in Rye Hill and White Lovington and Wessex Water have confirmed this is acceptable so long as it is foul only. Wessex Water commented that their records indicate that northern parts of the site may be located in a groundwater flood risk area where there is a moderate risk of foul sewer inundation during periods of prolonged wet weather leading to sewer flooding. Wessex Water will therefore be seeking higher levels of design and construction in these areas to ensure that the proposed drainage is resilient to the impacts of groundwater infiltration when the water table rises. On site private sewers and sanitary appliances must be designed to be resilient to the impacts of sewer flooding due to high groundwater.
- 15.48 The proposals indicate that surface water will be dealt with using soakaways. The Lead Local Flood Authority has commented that this would be acceptable but further details should be provided to explain how the developer will ensure

that the individual soakaways will be maintained for the lifetime of the development. In areas where there is a risk of high groundwater levels the adequate performance of soakaways when the water table rises should be demonstrated. Wessex Water requested that a robust surface water strategy is agreed as there are no public surface water sewers in proximity of this site and surface water connections to the public foul sewer network will not be permitted at a later date. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

- 15.49 In order to accord with policy BR4 it is judged necessary to require by condition 3 that prior to commencement of the development the applicant must submit details of the robust surface water SUDS strategy including details of all soakaways and details explaining how the developer will ensure that the individual soakaways will be maintained for the lifetime of the development. In addition (and also prior to the commencement of development) the applicant must submit details of the proposed foul connections to be approved by the local Planning Authority under consultation with Wessex Water. This will secure the appropriate level of detail to provide reassurance that the development will not result in flooding.

#### **Biodiversity impacts**

- 15.50 The application is supported by an Ecological Appraisal undertaken by Abbas Ecology includes bat transect surveys and similar work undertaken for reptiles and other investigations for badgers and dormice. The Ecological Appraisal concludes that there is a low population of slow worms on the site and potentially badger presence. The Ecological Appraisal also states the site is well used by bats for foraging, including commuting along the treelines and hedgerows.
- 15.51 Given the evidence of biodiversity interest on site a full Biodiversity Mitigation and Enhancement Plan (BMEP) has been submitted as part of this planning application to secure the protection of biodiversity. The plan also includes a number of enhancement measures including 12 integrated bat boxes, 'hedgehog holes' in any new fencing, bee bricks, sparrow terraces and swift blocks on all houses with a gable end on the north or eastern side. In addition to biodiversity measures built into the dwellings and their boundaries there are a number of enhancements set out across the wider site. These include the protection of existing trees and hedgerows, details setting out the type of new trees and hedgerows that must be planted, bird boxes in trees, a sympathetic lighting scheme and monitoring of Ash trees and restrictions on pruning to fit with the bird breeding season.
- 15.52 The Biodiversity Mitigation Enhancement Plan was approved and signed off by the Natural Environment Team on 1<sup>st</sup> April 2020 and a Dorset Biodiversity Appraisal Protocol Certificate of Approval issued by the Natural Environment Team on 1<sup>st</sup> April 2020. The proposals are acceptable in accordance with policy

BIO (biodiversity and geodiversity) of the Purbeck Local Plan Part 1 and the objectives set out in Section 15: Conserving and enhancing the natural environment of the National Planning Policy Framework. Officers consider the proposals are acceptable in these terms subject to adherence to the Biodiversity Mitigation Enhancement Plan (Condition 14) and a pre-commencement meeting on site where an ecologist is present (Condition 4)

### **Impact on trees**

- 15.53 The application has been submitted with a number of tree survey plans, a tree protection plan and a detailed Arboricultural Method Statement that covers the entire site. Although the majority of the site where development is proposed is clear of trees, the rear boundaries of the existing properties at White Lovington are lined with mature trees that are protected by Tree Preservation Orders. The Tree Preservation Orders surrounding the site were made in the 1980s.
- 15.54 The Arboricultural Method Statement sets out appropriate measures to protect the trees on site during the construction period including the erection of protective barriers, installing no-dig cellular confinement systems and protecting the soil for new tree planting and landscaping. The Arboricultural Method Statement also sets out details of the proposed materials and methodology for the protective measures that will be used.
- 15.55 The Senior Tree and Landscape Officer has commented that the submitted Arboricultural Method Statement is thorough and the impact assessment is a realistic. The Senior Tree and Landscape Officer has raised no objections to the proposals in relation to impact on trees subject to a planning condition be added to the decision notice ensuring adherence to the submitted Arboricultural Method Statement. They also specifically referred to paragraph 5.6 of the Arboricultural Method Statement which suggests a pre-commencement meeting on site; this will be secured via a planning condition.
- 15.56 The proposals are acceptable in accordance with local and national planning policies subject to adherence to the Arboricultural Method Statement and a pre-commencement meeting on site where the Senior Tree and Landscape Officer is present (conditions 4 and 16).

### **Open Space**

- 15.57 The supporting text of the Bere Regis Neighbourhood Plan identifies that the White Lovington site 'should include areas for informal recreation'. Although this was not included as a requirement in policy BR7, concerns have been raised by the parish that no open space is being provided.
- 15.58 Although it is anticipated that open space will need to be secured on adjacent land as mitigation to overcome restrictions relating to Dorset Heathland, this may only be for a temporary period. The open space offered by the proposal is limited to a landscaping area measuring approx. 11m by 62m in front of units 1-3, to the rear of 9 White Lovington. Appropriate landscaping of this modest area of Green

Infrastructure can be secured by condition but it is recognised that lack of informal recreation space fails to meet the aspirations of the Bere Regis Neighbourhood Plan.

- 15.59 Green Infrastructure policy GI of the Purbeck Local Plan requires that new residential development makes provision for open space and green infrastructure but on this site a contribution will be secured via the Community Infrastructure Levy so the limited on site provision included in the application would not be reasonable grounds for refusal.

## 16.0 Conclusion

Officers consider that the proposed development does not conflict with the Bere Regis Neighbourhood Plan and in the light of the Housing Delivery test it has been necessary to consider this application against paragraph 11 of the National Planning Policy Framework. In this case the NPPF policies do not provide any clear reasons for refusing the development proposed and no adverse impacts have been identified that would outweigh the benefits.

The proposed erection of 17 dwellings makes efficient use of land without harming the character of the area and will contribute to housing supply including the provision of affordable housing which can be secured by a planning obligation. The proposed dwellings are considered to be of an appropriate scale, size and design and are acceptable in terms of impact on the character and appearance of the local area. The impact on neighbouring amenity, highway safety, biodiversity and drainage are also considered to be acceptable subject to conditions and securing appropriate heathland mitigation via a planning obligation. The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11.

Approval is recommended subject to the conditions as set out below.

## 17.0 Recommendation

**A) Grant, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:**

- The 6 units of affordable housing,
- The affordable housing contribution
- Provision (including a change of use planning application) and management of a Heathland Infrastructure Project until such time that the Council agrees that alternative mitigation can be relied upon.

and the following DRAFT conditions:

1. The development must start within three years of the date of this permission.  
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
  
2. The development permitted must be carried out in accordance with the following approved plans: 19-1057-001, 19-1057-002-B, 19-1057-003-P8, 19-1057-004, 19-1057-005, 19-1057-006, 19-1057-007, 19-1057-008, 19-1057-009, 19-1057-010, 19-1057-011, 19-1057-012, 19-1057-013, 19-1057-014, 19-1057-015, 19-1057-016, 19-1057-017, 19-1057-018, 19-1057-019, 19-1057-020, 19-1057-021, 19-1057-022, 19-1057-023, 19-1057-024, 19-1057-025-A, 19-1057-026, 19-1057-027, 19-1057-028, 19-1057-029, 19-1057-031, 19-1057-033, 087.5008.001 revision C, 087.5008.002 revision A, 087.5008.003 revision A and Accommodation schedule to be read in accordance with 19-1057-003.  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
3. Prior to commencement of development a scheme for (a) land and (b) surface water (including maintenance for the life time of the development) drainage, must be submitted to and approved in writing by the Local Planning Authority. No land, surface water or foul drainage works must start until this is approved. The development must then be implemented and maintained in accordance with the approved scheme and must be completed before first occupation of any of the dwellings.  
Reason: To ensure that these details are agreed before they are undertaken, and to alleviate the possible risk of flooding to the site and the adjoining land, and in the interests of ground stability.
  
4. As referenced in paragraph 5.6 of the Arboricultural Method Statement (reference: ATC/518/2019) before the installation of any tree protection measures, ground-works, excavations or the use, storage and movement of any plant machinery or building materials on site an onsite meeting between the developer and the Local Authority Tree Officer must take place to clarify and approve the position of tree protective fencing and no-dig cellular confinement systems as marked out before installation, the frequency and timing of arboricultural site supervision (if required), and to agree any modifications to the approved Arboricultural Method Statement. Any modifications shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. An ecologist must also be in attendance at this meeting in accordance with the details set out in Section F (trees) of the NET signed Biodiversity Enhancement and Mitigation Plan signed 01.04.2020.



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

5. No development is to take place until the a scheme of hard landscaping has been submitted to and approved in writing by the Council. This needs to include a landscape proposals plan showing proposed land levels, and details of hard landscaping including lighting, walls, fences and any materials to be used in the construction of the roads, parking spaces and footpaths. The development must be carried out in accordance with the approved scheme.

Reason: To ensure the satisfactory hard landscaping of the site so that the development is completed to a high standard that is appropriate to the character and appearance of the rural location.

6. No development is to take place until a scheme of soft landscaping has been submitted to and approved by the Council in writing. This needs to include:
  - i. A survey plan, showing existing levels, and all existing trees, shrubs and hedges on the land subject to the application, plus details of any to be retained, together with measures for their protection during the course of development.
  - ii. A landscape proposals plan showing proposed soft landscaping such as trees, shrubs, herbaceous plants and grassed areas.
  - iii. Planting plans, which should show the species of trees, shrubs and herbaceous plants to be planted and where they will be planted, the size that the trees/shrubs/plants will be on planting, and the number that will be planted.
  - iv. Written detail, which needs to comply with BS 4428:1989 Code of Practice for General Landscape Operations, of how the ground will be prepared and cultivated before planting, the methods that will be used to plant the trees/shrubs/plants, and seed or turf the grassed areas, and detail of protection from rabbits of other grazing animals that may damage the plants.
  - v. Details for the provision of hedges in place of close boarded boundary fences.
  - vi. Details of the planting of a native hedgerow with standard trees alongside the access road to units 4-9.
  - vii. Details of planting to fill/ thicken up gaps in the existing boundary vegetation.

The soft landscape works detailed in the scheme agreed by the Council must be carried out during the first planting season (October to March) following the first occupation of any of the building(s). The approved hard surfacing/paving, walls, fences or other external structures must be carried out before the first occupation of any of the building(s).

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

7. The manufacturers name, product name and colour of all external facing and roofing materials must be submitted to and approved in writing by the Council before they are used on the proposal. The development must then be implemented using the approved materials.

Reason: To ensure satisfactory appearance of the development.

8. A landscape management plan, including long term design objectives must be submitted to and approved in writing by the Council before commencement of any planting work. The management plan must contain information (which needs to comply with BS 7370 Part 1 1991 and Part 4 1993 Grounds Maintenance) about how the planting will be maintained for the first five years following planting. This should include details of watering, weed control and pruning, and the replacement of failed or missing plants with plants of a similar species. The management plan shall also provide details of who will be responsible for the ongoing management and maintenance of the existing vegetation along the boundaries of the site, and all other landscaped areas that are not owned by residents. The approved management plan must be complied with for the lifetime of the development.

Reason: To ensure that the existing vegetation along the boundaries of the site continues to screen the development effectively, that the planting of the approved scheme establishes successfully, and to ensure that the biodiversity, visual amenity and character of the area are enhanced.

9. Before the approved development is occupied or utilised the following works must have been constructed to the specification of the Planning Authority. The existing footway should be continued from where it currently ends outside existing house number 16 and into the proposed estate to the end of proposed estate road at a width of 2 metres as opposed to existing 1.83m where it can be provided (or similar scheme to be agreed in writing with the Planning Authority).

Reason: To provide the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

10. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 19-1057-037-P8 (Site Layout) must be 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.

11. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed.

Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

12. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

13. The development hereby approved must not be first brought into use unless and until a report or photographs providing evidence of compliance with the Biodiversity Plan certified by Dorset Natural Environment Team on 1st April 2020, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure mitigation, compensation and enhancement/net gain for impacts on biodiversity

14. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 1st April 2020 must be implemented in accordance with the timings it specifies and completed in full prior to the first occupation of the houses hereby approved. The development shall be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

15. All works impacting on the retained trees during the development must be carried out as specified in the approved Arboricultural Method Statement (reference: ATC/518/2019).

Reason: To prevent trees on site being damaged during construction works.

**Informatives:**

1. Informative Note - Planning Obligation. This permission is subject to a Section 106 Planning Obligation with respect to affordable housing and the proposed temporary heathland infrastructure project (HIP).

2. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice has been issued with this planning permission that requires a financial payment. Full details are explained in the notice.
3. The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, Hall, Dorchester, DT1 1XJ.
4. 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 Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ
5. Informative Note - Wessex Water. The point of foul connection to existing public sewage must be agreed with Wessex Water Services Ltd.
6. Consider signing up to or using a contractor that is registered with the Considerate Constructors Scheme. Members follow a code which promotes best practice for development sites, their workforce, safety, the community and the environment. More details can be found <http://www.ccscheme.org/>
7. Please give some thought to how your new development will be ready to connect to superfast broadband for use by the occupants. Find out more about BT Openreach and the Home Builders Federation cost sharing approach via this website link <http://www.newdevelopmentsopenreach.co.uk/> BT Openreach and Virgin Media also have the following guides:  
<http://www.newdevelopments-openreach.co.uk/developers-and-architects/developershandbook.aspx>  
[https://keepup.virginmedia.com/Content/networkExpansion/doc/New\\_Build\\_Developers\\_Guide.pdf](https://keepup.virginmedia.com/Content/networkExpansion/doc/New_Build_Developers_Guide.pdf)  
Dorset County Council has also produced information for developers about providing fibre broadband in new housing developments at:

<https://www.dorsetforyou.gov.uk/business-consumers-licences/superfast-dorset/about-superfastdorset/guidance-for-property-developers.aspx>

**B) Refuse permission for the reasons set out below if the s106 obligation is not completed by October 2021 or such extended time as agreed by the Head of Planning.**

1. The proposal fails to make provision for 40% affordable housing provision where there is an identified need in the area and would therefore be contrary to Purbeck Local Plan Part 1 policy RES and the provisions of the National Planning Policy Framework.
  
2. The entire application site lies within 5km and partially within 400m of the Blackhill Heath Site of Special Scientific Interest (SSSIs) and within 2km of a number of other SSSIs which are designated European wildlife sites, namely Dorset Heathlands Special Protection Area and Dorset Heaths Special Area of Conservation. The proximity of these European sites means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017, in particular Regulation 63. There are currently no Heathland Infrastructure Projects in the vicinity on which the proposal can rely and it fails to secure avoidance measures identified as necessary to mitigate the impact of the development, in combination with other plans and projects, on the integrity of the designated site as set out in the Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2015-2020. As there are no imperative reasons of overriding public interest in support of the proposal the development is contrary to policy DH of the Purbeck Local Plan, the provisions of the National Planning Policy Framework, particularly paragraphs 175-177 and the Conservation of Habitats and Species Regulations 2017.

NB. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.