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| Application Number: | 2/2019/0680/FUL |
| Webpage: | LINK |
| Site address: | Former A T S Euromaster Site New Road Shaftesbury Dorset SP7 8QH |
| Proposal: | Erect 18 No. dwellings, form vehicular access, car parking and landscaping. |
| Applicant name: | Westcoast (Bristol) Limited |
| Case Officer: | James Lytton-Trevers |
| Ward Members: | Cllrs Derek Beer & Tim Cook |

1.0 Taking account of representations made during the course of the consideration of the application, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

2.0 Summary of recommendation:

A) Delegate authority to the Head of Planning to grant planning permission subject to the conditions as set out in section 17 of the report and the completion of a S106 Agreement to secure the following,

£125,206.70 towards the provision of play facilities, play facilities maintenance, informal outdoor space and primary and secondary education.

B) Refuse permission for the reasons set out below if the legal agreement is not completed by September 2021 or such extended time as agreed by the Head of Planning.

The proposal would fail to make provision for contributions towards the provision of health and education contrary to North Dorset Local Plan Part 1 (2011-2031) policy 14.

3.0 Reason for the recommendation:

- Contribution to 5 year land supply and contribution to public infrastructure.
- Para 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.
- Safe access would be made to serve the development.
- The location is considered to be sustainable and the proposal is acceptable in its design and would enhance the character and appearance of the Conservation Area.

- There is not considered to be any significant harm to neighbouring residential amenity.
- Suitable drainage provision would be made.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

| Issue | Conclusion |
|--|--|
| Location of Development | It is within a settlement boundary in a sustainable location and would contribute to the housing land supply. |
| Affordable housing & other contributions | The scheme was not viable to make provision for affordable housing, but can make contributions towards the provision of play facilities, play facilities maintenance, informal outdoor space and primary and secondary education |
| Movement and Access | A safe access would be made from Kings Hill replacing the former access from New Road. |
| Character and appearance of the area | The replacement of the car repair building would enhance the character and appearance of the area. |
| Setting of heritage assets | The proposal would bring no harm to the significance of the Conservation Area and setting of heritage assets. |
| Amenity | The amenity of neighbouring occupants would be safeguarded. |
| Drainage | A sustainable drainage scheme would be accommodated within the site. |
| Other matters | There are no other matters that materially outweigh the benefits of the scheme. |

5.0 Description of Site

The site was occupied by ATS Euromaster and functioned as a vehicle maintenance garage. It has now been cleared of all buildings and sits as a vacant and unkempt site in the town centre.

The land is relatively level, but drops away by around 6 metres at the rear (north) down towards the residential properties in Yeatmans Close, Enmore Green, located at the base of the slope. There are mature trees located outside of the confines of the site and fencing bound the north western boundary. New Road runs along the eastern boundary of the site and Kings Hill, a no through road, along the south western boundary. The sheltered housing, Abbeyfield House and the

accommodation named Pepperell House, are located to the south of the site. A dental surgery is north of it. It is directly opposite a town centre car park.

The site is located centrally in Shaftesbury and on the very edge of the Conservation Area with a small part of the site to the south falling just within the designation. The road frontage and Kings Hill form the boundary to the Conservation Area. This area is designated an Important Open or Wooded Space (IOWA). The site does not encroach into this designation.

The site is located within the setting of a number of listed buildings. These include the grade II listed buildings La Fleur De Lys and the Grosvenor Hotel to the north and Abbeyfield House, Kings Arms, and Ship Inn to the south.

6.0 Description of Development

The application has been substantially revised since it was originally submitted substituting three buildings for two. It has since been revised again after concerns were raised over the impact on the immediate neighbour.

The proposals comprise the construction of 18 three bedroom, open market dwellings in a layout in two individual blocks, A and B. Block A would be a terrace of 9 houses fronting on to New Road front and rear gardens. Block B would be a three storey block of 9 flats with a basement car park located towards the rear of the site. A new access to Kings Hill would replace the original access in New Road.

7.0 Relevant Planning History

Application 2/2016/0629/FUL

Demolish existing ATS garage, erect 28 No. sheltered apartments for the elderly including communal facilities, access, car parking and landscaping.

Approved

The permission, which was never implemented, was for a substantial building occupying nearly all of the land available as there was no need for parking on the site in any great numbers. The building would have been three storeys excepting a small part at the rear. It would have been designed as a whole, with variety in terms of its design, to break up the mass of the building, and so that it appeared as it had been developed over time.

8.0 List of Constraints

Grade: GRADE 4

The Shaftesbury Conservation Area

Policy: 1.9

Grade: GRADE 3

Policy: 2.1

Policy: 1.16

Policy: SB2

Type of Charge: UNILATERAL UNDERTAKING Description: Unilateral Undertaking relating to the demolition of existing ATS garage, erection of 28 sheltered apartments for the elderly including community facilities, access, car parking and landscaping to Land at New Road, Shaftesbury, Dorset, SP7 8QH. : 2/2016/0629/FUL P/A.
Ward Name: Shaftesbury West Ward
POLICY: 1.33: Shaftesbury CP

9.0 Consultations

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

- **NHS - Comment**
A Contribution of £13,277.00 sought will go towards the gap in the funding created by each potential patient;
A contribution of £36,312 will be sought contributing towards the necessary improvements of the existing primary school;
A contribution of £73,386 will be secured for the provision of the Secondary & Post 16 provision required to mitigate this development.
- **Transport Development Management – No objection**
Conditional of Vehicle access construction, Dropped kerb expunged, Turning and parking construction, Cycle parking, Grampian condition.
- **Crime Prevention Design Advisor – Comment:**
Measures for lockable gates and the security of the car park recommended.
- **Dorset Archaeologist – Comment:**
A tunnel was discovered beneath the site and an archaeological evaluation is recommended.
- **Dorset Council Children's Services – Comment**
Developer contribution of a total of £109,698 will be sought
- **Drainage Flood Risk Management – No objection:**
Conditional of a detailed surface water management scheme, details of maintenance & management of both the surface water sustainable drainage scheme and any receiving.
- **Tree Officer- Comment:**
There would be less landscaping than last approved. A landscaping scheme and maintenance are recommended.
- **Housing Enabling Team – Comment:**
30% of the total number of dwellings delivered should be for affordable homes and that within this provision there should be the inclusion of 70% rented and 30% shared ownership.
- **Environmental Health Officer – Comment:**
Potential contamination.

- **Urban Design/Conservation** – No objection
- **Technical Officer** – No comment
- **Shaftesbury Town Council** - Objection:
Not in keeping with local character,
Too dense.
Insufficient vehicle access and parking.
Pressure on Shaftesbury's infrastructure.
Dwellings to the North of the plan too close to the road

Representations received

37 letters, some repeated, after the plans were revised.

Traffic

Dangerous junction and an alternative should be sought

Footway too narrow

Excess of parking

Internal pedestrian access through a car park

Arrangements for the collection of refuse are unclear.

Disturbance during construction and disruption to services

Harm to visual character

Too tall

Inappropriate materials

Harm to setting of heritage assets

Biodiversity report out of date

Additional activity and disturbance from subsequent occupants

Overlooking

Traffic fumes

Drainage

Number of dwellings in various documents and plans do not tally

Spend of contributions questioned

Local infrastructure is not adequate to service the proposed development

| Total - Objections | Total - No Objections | Total - Comments |
|---------------------------|------------------------------|-------------------------|
| 37 | 0 | 1 |

| Petitions Objecting | Petitions Supporting |
|----------------------------|-----------------------------|
| 0 | 0 |
| 0 Signatures | 0 Signatures |

10.0 Relevant Policies

North Dorset Local Plan Part 1 (2011-2031):

3. 2 Dev. on Defined Employment Sites

Policy 1 - Sustainable Development.
Policy 2 - C Spatial Strategy
Policy 4 - The Natural Environment.
Policy 6 - Housing Distribution
Policy 7 - Delivering Homes
Policy 8 - Affordable Housing
Policy 11 - The Economy
Policy 14 - Social Infra.
Policy 23 - Parking
Policy 24 - Design
Policy 25 - Amenity

National Planning Policy Framework (2019):

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

Other material considerations

Shaftesbury Neighbourhood Plan

The Neighbourhood Plan is at an advanced stage, with the referendum scheduled for Thursday 6th May 2021. The plan carries significant weight in decision making. The proposal is not considered to conflict with the aims of the emerging plan.

The following draft policies are relevant:

Policy SFDH1 - Respecting Local Character
Policy SFDH2 - High Quality Designs
Policy SFDH3 - Scale, Positioning and Orientation of Buildings
Policy SFDH4 - Creating and attractive public realm
Policy SFDH5 - Accommodating Vehicles
Policy SFDH6 - Building Styles and Detailing
Policy SFDH7 - Building Materials

Policy SFTC1 defines the Town Centre and our priorities for development in that area. Note that only one small corner of the application site falls within this area. Policy SFHE2 refers to new housing developments. Policies SFDH1 to SFDH7 seek to preserve and enhance the character and design of our historic town and the different character areas. The site falls within the Town Centre Character Area.

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.

- Access; any arrangements made to ensure people with disabilities or mobility impairments or pushing buggies would be accommodated.

13.0 Financial benefits

| What | Amount / value |
|---|--|
| Material Considerations | |
| Contributions towards the provision of play facilities, play facilities maintenance, informal outdoor space and primary and secondary education | £125,206.70 |
| Non Material Considerations | |
| Council Tax | According to the appropriate charging bands. |

14.0 Climate Implications

The development is considered to be in a sustainable location with the services and facilities of the town within walking distance.

Energy would be used as a result of the production of the building materials and during the construction process. However, that is inevitable when building dwellings and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

The development would be built to current building regulation standards at the time of construction. It is therefore likely that it would use renewable systems to lower the energy usage from the grid. The insulation values would lower the energy usage. A carefully designed landscape to enhance the ecology of the site.

15.0 Planning Assessment

Location of Development

The site is located within the settlement boundary of Shaftesbury where the principle of development may be acceptable. There is an extant permission on the site for a C3 use as sheltered housing, which also establishes the principle of residential re-use of the brownfield site.

The site was in an employment use and Policy 11 of the Local Plan seeks to retain such uses and to protect them from other forms of development. With this in mind, the development of this site for residential purposes conflicts with Policy 11 as it would lead to a loss of an employment use. It is however a requirement to consider whether there are any material considerations that indicate that planning permission should be granted, despite the identified policy conflict.

This site is located on the edge of the Conservation Area and in close proximity to a number of listed buildings. The B2 industrial garage was not highly compatible with the surrounding uses in terms of its visual appearance. There could be some enhancement with a more conventionally styled building.

It would represent a benefit of contributing to the Council's housing land supply in a highly sustainable location.

It is acknowledged that the Council cannot currently demonstrate a five year housing land supply for the north Dorset area, the current supply being at 3.3 years. By virtue of this, policies 2 and 6, are considered to be out of date. They nevertheless serve to identify areas where development should be located and where development is to be limited to meeting local or rural need in the countryside, an aim which accords with Paragraph 9, 77, 103 and 170 of the Framework. In this instance, the site is a brownfield site within one of the main towns within the North Dorset area. The site represents a highly sustainable location, within easy walking distance to town centre, and the services and the employment found therein. Redevelopment of the site would fully accord with the spatial aims of the development plan in terms of the location of development.

On balance, the conflict that has been identified in relation to Policy 11 maybe outweighed by other material considerations considered further below.

Affordable Housing and other Contributions

Policy 8 of the Local Plan sets out the Council's approach to the provision of affordable housing and was updated in March 2015 to seek 30% affordable housing within the settlement boundary of Shaftesbury. A number of contributions would also normally be expected toward the provision of health and education as indicated in the consultation responses above. These would include recreation facilities, recreation facilities maintenance, public Open Space, public Open Space maintenance, rights of way enhancement, primary and secondary education.

The NPPG states that 'The National Planning Policy Framework policy on viability applies also to decision-taking. Decision-taking on individual schemes does not normally require an assessment of viability. However, viability can be important where planning obligations or other costs are being introduced. In these cases decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.'

National guidance states that where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and the proposed development in question.

The applicant has completed a viability assessment. In response to this, the Valuation Office Agency (VOA) has been instructed to look at the viability of the scheme and to produce an independent assessment of the schemes viability. The VOA has undertaken their own extensive research into sales values and development costs, including their own appraisal, based on their opinion of current values and costs.

The conclusion was that the scheme cannot viably support any affordable housing contribution and with other required section 106 contributions, the proposed scheme would still indicate a deficit. In order to achieve a financial balance with no deficit or surplus, the other section 106 contributions would have to fall to an aggregate sum of £125,206.70. These contributions would make provision towards the provision of play facilities, play facilities maintenance, informal outdoor space and primary and secondary education. The contribution would be 71.5% of each of the following:

| | |
|---------------------------------|-----------------------|
| Play facilities | £967.52 per dwelling |
| Play facilities maintenance | £359.36 per dwelling |
| Informal outdoor space | £2307.36 per dwelling |
| Primary and secondary education | £6094.33 per dwelling |

In spite of the request by the NHS for contributions for additional patient care provision, this cannot at the present time be secured. There is now a formal mechanism for calculating such contributions, however, this approach is not being applied retrospectively to schemes that were submitted prior to 3rd November 2020.

It was also suggested that a time scale for delivery is agreed which if not met triggers a further viability review.

Movement and Access

The main vehicular site access would be from a new access point in Kings Hill. The existing vehicular site access would be closed. The access serves a central parking area for the houses and basement car park. Each of the houses in block A would have pedestrian access to New Road and Kings Hill. There would be a total of 36 parking spaces comprising 19 surface parking spaces and 16 spaces in the basement of block B.

The Highway Authority has confirmed that the proposal is compliant with the requirements of the NPPF as it would not result in severe highway impacts, which includes pedestrians and those using Kings Hill where there is adequate footway provision. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy 23 refers to the relevant parking standards and guidance for residential and non-residential developments in an appendix. The Council's overall approach to design is set out in Policy 24. It establishes a set of 'design principles' against which the design merits of any development can be assessed. It also sets out standards for the provision of storage for recycling bins (in accordance with advice from the Dorset Waste Partnership). Policy 25 deals with the issue of amenity in terms of noise and vibration; and unpleasant emissions (such as odour and fumes).

The parking provision would meet requirements and given the sustainable location within walking of all daily needs, would be a sustainable location for the development.

Dorset Waste Partnership have confirmed that the arrangements for collecting refuse from the plots that front New Road are satisfactory. However, they will not collect from the rear parking area unless they have written permission from the owner of the private access road (Kings Hill) that they may drive along it and that the rear turning area is of sufficient size that they can turn a refuse vehicle safely within it, so that they can exit the site in a forward gear.

The swept path analysis shows that a suitably sized refuse vehicle can enter and exit the rear parking area in a forward gear. The applicant has confirmed that they have written permission from the owner of the private access road (Kings Hill) for the refuse vehicle to drive along it and access the site.

Character and Appearance of the Area

The application has been revised following concerns about the design, layout and appearance.

The buildings would be of conventional design with pitched roofs, some dormer windows where there would be rooms in the roof and a height commensurate with buildings in the vicinity. The changes in level would also reduce the impact of the height of the development, in particular block B.

Block A on the frontage of the site would be divided into three sections, each with its own distinct character. At the southern end of the terrace it would have a classical style, rendered with sash style windows with glazing bars and low cill and discreet dormers with hipped roofs. The central section of the building would be red brick and the northern end a classical style with painted brickwork and slate roof. Block B would be Edwardian in style.

Shaftesbury as a whole has a character that is closely related to the quality of its historic fabric. The town retains a high number of historic buildings, many of which form unbroken groups with little modern infill. Within the town centre, simple two storey buildings are mixed with larger scale three storey buildings which feature arched doorways, columns and brick quoins around windows. Materials vary between local Greensand, red brick and a neutral palette of coloured render. These vernacular buildings with their limited palette of local building materials make a strong contribution to the urban character of the town and its setting. However, the town centre quickly transitions into its edges where there is a subtle, but important, difference in character.

The proposal would be on the North West edge of the town centre, sitting just outside of the Conservation Area and almost opposite the Kings Arms public house, listed at grade II. Although buildings still sit tightly on the back edge of the pavement they are more domestic in their scale and are not as ornate as those found a few streets away in the town centre. The design is simpler with Greenstone dominating as a building material. Grosvenor House on Bleke Street is a 3 storey stone building, but other than this, buildings are commonly 2 storeys. Some buildings have rooms within the roof space but dormers are not a common feature. To the east, on New Road and Bleke Street, modern developments have had a negative impact on the otherwise fine grain of the townscape and have diluted its character.

The site is in a prominent location within the townscape and any development here would have an impact on the historic character of the town as a whole. Development here provides an opportunity to repair the urban grain and enhance the character of the immediate area and the edge of the town centre.

The Local Plan clearly states in para 10.59 that 'An understanding of the local context is fundamental to establishing good design for any particular development site. It should concentrate on the sites existing features, characteristics and immediate surroundings but equally consider how the site sits within the wider landscape or townscape.'

Block A would be on the front of the site and be larger in its massing than the surrounding buildings and more in keeping with the architecture found in the town centre than the edges of the town, where the scale of development tends to reduce down. Views looking up from Bleke Street and New Road are key and there were concerns that the scheme would appear overbearing from this approach into the town. Block A would be set back from the pavement and whilst this may provide an element of defensible space, it could be out of context with the strong building line that is apparent in the character of the immediate surroundings. In line with Policy 24 of the Local Plan and the design principles set out in table 10.1, development should 'promote the continuity of street frontages, reinforcing spatial patterns.' The building

location has not changed since the application was revised, but the setback would be small and with appropriate surface treatment would be in keeping. The architecture of Block A has also been simplified to avoid it appearing too grandiose, but the architectural expression would remain polite.

In the immediate vicinity, local building materials are dominated by Greensand and although some smaller properties within the vicinity are rendered, red brick is only evident within the town centre and are limited to commercial buildings. Painted brickwork is found on only a handful of town centre buildings and buff brick has not been used locally with success.

In light of this, some of the materials, particularly on the frontage, were revisited and should be predominately stone with any quoins being in the same material as the elevation rather than contrasting with it. Some render is acceptable and this would be more appropriate on buildings with a very simple architectural treatment.

Block B would be at the rear of the site and less well finished as Block A in terms of materials and features, but the revisions show the substitution of the buff brickwork on the ground floor with stonework. Though minor, these slight revisions would result in a better integrated site, one which maintains a connection between the two and yet shows a distinction between front and rear elements as displayed on the adjacent site (Abbeyfield and Avishays).

The revisions would be of acceptable design and bring enhancement to the character and appearance of the area in replacing the former garage, derelict site and creating a built frontage. The scale and layout would be appropriate to the location in bringing development close to the road and creating variety in the form with carrying roof heights, design detailing and form.

It is important to note that the last permission for the sheltered housing scheme, in the form of one large block of flats, was substantially bigger than that now proposed. There is some precedent so formed for a building or buildings of a similar height and site coverage. The amount of development now proposed would be less than that last approved as the central portion of the site would remain undeveloped. The proposal is considered to be neither too dense nor overdevelopment by comparison with that approved and the surroundings where in the old town densities are generally higher than the suburbs and outskirts of the town.

Setting of Heritage Assets

The Shaftesbury Conservation Area does not have an appraisal. The significance of this part of the Conservation Area is derived from the location of the site on the edge of the plateau on which the historic core is located at an entry point to the main town. The site is located within the setting of several listed buildings. These include the grade II listed buildings, La Fleur De Lys and the Grosvenor Hotel to the north and Abbeyfield House, Kings Arms, and Ship Inn to the south. Parts of the surroundings have been degraded by 20C development, most notably the over engineered entrance to and the public car park opposite and until recently the Euromaster tyre depot which has been demolished. The vacant site is now unsightly. On each side are an Edwardian villa and a 19C house now a modern nursing home with 20C

extension at the rear and to the rear of the site at the foot of the very steep slope, Yeatmans Close from the 20C. The buildings which are listed and referred to in the description above have distinct settings in the overall street scene where their significance lies in their placement reflecting status, where higher status buildings occupy more prominent positions.

While map regression has not been carried out, it is unclear how this site came to be redeveloped in the 20C with the tyre depot and what it replaced in this key location at the entrance to the historic town. The immediate surroundings consist of built up frontages creating a sense of enclosure and also drawing the eye along the street where the buildings which are mostly terraced or very close together create this urban intimacy characteristic of much of the old town.

Given the significance described above, a proposal which would create enclosure to the street scene and appear as a number of different buildings in a terrace, would reinforce the existing character and provide enhancement. The rearmost building proposed would be less prominent from New Road and its prominence would be from the north and from much lower ground in Enmore Green, an historic suburb of the town. From this vantage, whilst a large building, it would not stand out from the rest of the buildings which occupy this ridge on the edge of the town. The setting of listed buildings in the New Road would in some respects have their setting enhanced by the continuity in the frontage that the development would bring with it.

The large gap on this side of the road, when it was a forecourt of a tyre depot or now as a cleared site, is currently harmful to the character and appearance of the Conservation Area bringing with less than substantial harm. The proposal would introduce a sensitive development into the street scene and provide significant enhancement to the setting of the Conservation Area and to the setting of listed buildings.

Amenity

The main neighbours to be affected would be those on each side and as a consequence of concerns raised by the Case Officer, the proposal was revised to reduce overlooking, overshadowing and overbearing of 1 Kings Hill. 1 Kings Hill is an early 21C house immediately adjacent to proposed block B. It forms part of small development built at the same time with a traditional theme. The house is two storeys with a number of windows and conservatory and garden facing the site. The rear garden slopes as does the proposal site until it literally falls off a cliff.

The proposal has been revised to be commensurate with the scale and height of the building already approved on the site such that the roof would step down where it adjoins no. 1. This would reduce overbearing to the same amounts as those already approved which were found to be acceptable. There would be a first floor kitchen window facing the conservatory of no.1 and bedroom windows facing the rear part no.1 which is a bathroom and secondary bedroom and where the separation distance would be acceptable. The garden would be no more overlooked that before with the approved scheme. It is acknowledge that the occupancy of the approved sheltered housing would have been more likely to have had greater occupancy than the unrestricted dwellings now proposed, although as this would be hard to prove

does not attach much weight. The ground floor windows present less of an issue given there is fencing of around 2m in height on the common boundary.

The dental surgery is less likely to be affected by the proposal given its use mainly in daytime and even so the separation and relationship, where it would mainly be bordered by the car park, is considered an acceptable one.

The nursing home has a number of its windows facing the proposal on the opposite side of Kings Hill, a narrow cul de sac. While there would not be significant overlooking, overshadowing and overbearing in the relationship and orientation of the proposal with the home, most of the concern expressed by residents of the home and also potentially those of Kings Hill would be the noise and disturbance from activity in the road harming the current peacefulness. It is acknowledged that since the tyre depot went it has been much quieter. When the depot was in operation there was a large amount of activity in the site itself and noise from mechanics working on vehicles which has now gone. The amount of traffic from the proposal would be greater than currently that which uses Kings Hill, but the frequency and duration would be limited in number and the effect of it on residents of the home unduly significant when walking along the footway to the entrance any more or less than the traffic using New Road, which is considerably greater.

Properties in Yeatmans Close would not be affected in terms of overlooking, overshadowing, overbearing and other amenity issues owing to the separation and aspect. Properties other than those referred to above in New Road and Kings Hill would not be adversely affected by overlooking, overshadowing, overbearing and other amenity issues.

Drainage

Most concerns have been addressed and the drainage design no longer seeks to discharge to the foul sewer which is an improvement from the former application. However, there is disappointment with the proposed layout which prevents use of gravity to drain the site, increases the risk of failure and increases energy use.

Given the type of development, rainwater harvesting could be used at this site, which may offset some of the energy use required by the pump, by reducing potable water requirements. Equally, the drainage scheme proposed offers no multifunctional benefit contrary to sustainable planning policy. Rain gardens could be used to provide some additional amenity and biodiversity benefit, but none have been offered.

The presence of an extant permission for this site, (which grants permission for a pumped discharge to a foul sewer and establishes a building footprint within the lower half of the site), should be given weight. However:

- The extant permission does allow enough space in the lower half of the site for a crate soakaway to be used, further to additional Ground Investigation, required by way of the recommended conditions. The revised footprint does not, due to the basement parking.

- Wessex Water's permission for a pumped, foul discharge was conditional on their being no other solution available – this was to be further explored at discharge of conditions stage.
- The existing permission has now expired, due to the three-year time limit on the former decision notice.

The drainage strategy presented is feasible and deliverable and is / was, in part, a brownfield site with an existing un-attenuated SW discharge to the foul sewer (which will be removed).

Whilst Flood Risk Management have withdrawn their objection, the proposals are far from positive from a drainage perspective and arguably do not fully conform to government expectations concerning delivery of SuDS on major development. The weight to be placed on this and other material planning issues is, however, ultimately a planning matter.

Regardless, the applicant will need to provide a fully substantiated detailed design and maintenance strategy at Discharge of Conditions / Detailed Design stage to ensure that the above elements are properly considered.

Other Matters

The applicant undertook an archaeological evaluation. The findings were considering the sites proximity to the Saxon core of Shaftsbury, consisting of the Burgh and the Abbey, both established in the late 9th century. The possibility of further features elsewhere on site is considered to be high as well as anecdotal evidence of a tunnel.

There would be visual benefits brought to residents and the wider locality by the inclusion of street trees along the road frontage to the south west. The proposed tree planting in this scheme looks to be placed in areas laid predominately to hard standing; which will fail to thrive if not planted appropriately i.e. engineered planting pits with irrigation. Many are unlikely to provide a wider contribution to public amenity, due to their positioning within the site behind terraced housing. Tree species choice will need to pay attention to overall shape and spread, particularly, if being placed near to car parking spaces and access points. A detailed landscaping scheme should be conditioned.

Contamination is likely given historic land use. A condition would be needed to address any found contamination.

The biodiversity report did not identify any protected species and only required tree protection, supervised tree removal, keeping vegetation short to deter reptiles, checking of debris for reptiles and care during construction to avoid light affecting foraging bats. The report was carried out in 2019, within date.

A degree of disturbance during construction and disruption to services is likely with a site in an urban location although access would be available from New Road during the duration and normally large schemes are well managed to avoid disruption to neighbours.

There would be sufficient local infrastructure to service the proposed development including sewerage, water, electricity and refuse collection.

16.0 Conclusion

The proposal would make a contribution to the 5 year housing land supply, when currently there is an identified lack of supply. In view of there being no identified conservation harm, the tilted balance is engaged, and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Safe access would be made to serve the development.

The location is considered to be sustainable and the proposal is acceptable in its design and would enhance the character and appearance of the Conservation Area and the setting of listed buildings.

There is not considered to be any significant harm to neighbouring residential amenity.

Suitable drainage provision would be made.

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

17.0 Recommendation

- A)** Delegate authority to the Head of Planning to grant planning permission subject to the conditions as set out below and the completion of a S106 Agreement to secure the following:

To secure £125,206.70 towards the provision of play facilities, play facilities maintenance, informal outdoor space and primary and secondary education and the following conditions:

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

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

2. The development hereby permitted shall be carried out strictly and only in accordance with the approved drawings and details forming the approved application. 200B,201B,202B,203B,204B,205B,206B,207B,5237-202

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

3. No development hereby approved above damp proof course shall commence until a scheme showing precise details of the construction and finish of the walls and roofs of the development shall be submitted to the Local Planning Authority. Any

such scheme shall require approval to be obtained in writing from the Local Planning Authority and the development shall thereafter accord with the approved materials.
Reason: To safeguard the character of the locality.

4.No development hereby approved above damp proof shall be implemented until detailed drawings (at a scale of not less than 1:5) showing the design, materials and construction specifications of external doors and windows, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved scheme.

Reason: In order to ensure that the details are of sufficient standard.

5. No development hereby approved above damp proof course shall commence until a scheme showing precise details of the construction and finish of eaves, verges, dormer, chimney, plinth, cills, window arches and lintol details, shall be submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority and the development shall thereafter accord with the approved materials.

Reason: To safeguard the character of the locality.

6. Prior to the commencement of construction above damp proof course of the development hereby permitted, a sample panel measuring at least 1 metre by 2 metres, using the approved facing brick and demonstrating the proposed coursing, mortar mix and pointing detail, shall be constructed on site. Construction of the development hereby permitted shall not commence until a sample panel of the stonework has been approved in writing by the Local Planning Authority, thereafter, the stone panel shall remain on site until the external walls of the dwelling have been constructed to eaves height.

Reason: To safeguard the character of the locality.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, walls, gates or other means of enclosure permitted by Class A of Schedule 2 Part 2 of the 2015 Order shall be erected around the curtilage of any dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the development of the site.

8. All rainwater goods shall be painted or colour finished metal of half round profile or of a form to be agreed in writing by the Local Planning Authority before development above damp proof course commences and the development shall thereafter accord with the approved materials.

Reason: To safeguard the character of the locality.

9. The location of any vents, flues, letter boxes and meter boxes to be installed externally shall be approved in writing by the Local Planning Authority before development above damp proof course commences. All must be fitted in accordance with the details of that scheme prior to the occupation of the development.

Reason: To ensure works are carried out in a manner consistent with the character of the building and/surrounding area.

10. No development shall be occupied until details of all proposed means of enclosure, and boundary walls, gates and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority, and shall thereafter be implemented in full in complete accordance with the approved details.

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

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

Reason: To safeguard the character of the locality.

12. No dwellings shall be occupied until full details of both hard surfacing materials be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved materials.

Reason: To ensure the provision of appropriate landscape design.

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

Reason: To safeguard the living conditions of future and neighbouring occupiers and to protect the water environment and other sensitive receptors.

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

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

15. No development shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

16. The Biodiversity Mitigation Plan (BMP) shall be implemented in full in accordance with the specified timetable(s) in the BMP.

Reason: To minimise impacts on biodiversity.

17. Prior to commencement of the development approved details of the finished floor level(s) of all the building(s) hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

18. Prior to the commencement of any development hereby approved, including any excavation, a scheme that details a programme of investigative archaeological work shall be submitted to, and agreed in writing by the Local Planning Authority. The development shall thereafter accord with the approved scheme.

Reason: To safeguard and/or record the archaeological interest on and around the site.

19. Before the development is occupied or utilised the first 10.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority. The development shall be carried in accordance with the approved details.

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

20. Before the development is occupied or utilised the existing highway vehicular crossing along New Road shall be expunged and reinstated to provide a 2.00m wide footway, to a specification which must be submitted to and approved in writing by the Planning Authority. The development shall be carried in accordance with the approved details.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.

21. Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number P9117/200 Rev B 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.

22. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number P9117/200 Rev B must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

23. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority: The construction of a widened footway along the northern side of Kings Hill as shown on Drawing Number P9117/200 Rev B (or similar scheme to be agreed in writing with the Planning Authority).

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

INFORMATIVE NOTE: Dorset Highways The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

INFORMATIVE: Crime prevention

It is recommended that the security of the development meets the standards laid out in the Secured By Design Homes 2019 guide which can be found at www.securedbydesign.com This is the Police guidance on crime prevention in new developments and will assist with the sustainability of the development.

It is recommended that all rear access gates that lead to dwellings i.e. plots 1-9 are key lockable from both sides. Burglaries most commonly occur at the rear of the premises where access is not restricted i.e. unlocked gates.

It is recommended that criminal opportunity for the underground car park is minimised and that day to day access and emergency exit do not undermine the security of the residential flats above.

INFORMATIVE: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to a contribution to health and education.

INFORMATIVE: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on

providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

B) Refuse permission for the reasons set out below if the legal agreement is not completed by September 2021 or such extended time as agreed by the Head of Planning.

The proposal would fail to make provision for contributions towards the provision of health and education contrary to North Dorset Local Plan Part 1 (2011-2031) policies