

1.0 Application Number: 6/2019/0639

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Disclaimer?returnUrl=%2F>

Site address: Land North of West Lane, Stoborough, Wareham

Proposal: Outline application for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all matters reserved apart from vehicular access from West Lane

Applicant name: The Trustees of the Stoborough Settlement

Case Officer: PW

Ward Member(s): Cllr Beryl Ezzard and Cllr Ryan Holloway

The Service Manager for Development Management and Enforcement considers that the concerns raised by the Parish Council warrant the application being considered by the planning committee.

2.0 Summary of recommendation:

Grant permission subject to conditions and the completion of a S 106 Legal agreement – to provide (summary) affordable housing provision of 7 dwellings plus financial contribution of £82,500.

or

Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed within 6 months from the date of committee or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation: as set out in paras 17 at end

- The proposal is compliant with the Arne Neighbourhood Plan
- 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
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

4,0

Key planning issues

Issue	Conclusion
Principle of development	Acceptable on balance – taking account of Purbeck Local Plan Part 1 policy RES, the Arne Neighbourhood Plan, Housing Delivery Test:2020 measurement results for the Purbeck Local Plan area and guidance contained in the NPPF
Impact on the Dorset Area of Outstanding Natural Beauty (AONB)	Acceptable – localised views not harmful to the special qualities of the AONB.
Affordable Housing Provision	Acceptable – provision considered acceptable by Housing Needs Officer to be secured through Section 106 legal agreement
Protected habitats	Acceptable – mitigation provided via CIL and improvements to footpath leading to public right of way which connects with the Bog Lane SANG (condition 7)
Biodiversity	Acceptable – mitigation and enhancements considered to be appropriate (condition 14)
Scale, design and impact on the character and appearance of the area	Acceptable in principle – full details to be provided at reserved matters stage (conditions 1-5)
Highway safety and access	Acceptable – subject to the provision of a public footway (pavement) connecting to Corfe Road. This will be achieved by condition (condition 9)
Impact on amenity	Acceptable in principle - full details to be provided at reserved matters stage (conditions 1-5)
Flooding and drainage	Acceptable – as long as a further FRA is submitted with the reserved matters application (condition 11) and SUDs details are provided alongside the layout at the reserved matters stage of the application (conditions 12 and 13)
Impact upon protected trees	Acceptable – subject to condition (condition 6)

5.0 Description of Site

The site is a plot of land currently in agricultural use 0.69 hectares in size. The plot comprises of 2 fields, separated by established hedgerow. To the east of the site is the settlement of Stoborough, with the rear gardens of 1-9 Hollow Oak Road. To the south east of the site running along the southern boundary is West Lane. An existing vehicular access to the site exists onto West Lane.

To the west of the site is a mature strip of trees and hedgerow that serve to provide a noise screen from the A351 Wareham to Swanage Road which is beyond the site. To the north and north west of the site is land in the ownership of the applicant, beyond which is a public footpath connecting Stoborough to the Bog Lane Suitable Alternative Natural Greenspace (SANG), which is situated the other side of the A351 road. Beyond the footpath are the flood plains of the River Frome. The land level gently slopes from 4.5m (Above Ordnance Datum) AOD at the southern end to 1.25m AOD at the northern boundary. The site is situated within the Dorset Area of Outstanding Natural Beauty (AONB).

West Lane is rural in nature with hedgerow maintained along the majority of the road. It connects Corfe Road to the A351 and then onto Grange Road leading to Creech. There are footways (pavements) at either end of the northern side of West Lane, near the junctions of Corfe Road and the A351. However, the majority of the road is not served by a footway. The lane is wide enough for traffic to pass but HGVs are restricted from using it. As such, it is not a main through route.

6.0 Description of Development

The application is for outline planning permission to include the access with other matters reserved.

The proposal is for up to 15 residential dwellings on the site which will necessitate some re-profiling, forming a small plateau at the northern end of the site. The original description did not include the quantum of development. However, the applicant has agreed to the quantum being included in the description. As the quantum is clearly defined in the publicly available Design and Access Statement, it is not considered necessary to re-publicise the proposal.

Whilst the application is in Outline, an indicative site plan shows an access road on a north south axis, with residential units either side. To the north of the site a footpath is shown leading to a public right of way which runs east -west to the north of the site. The Design and Access statement accompanying the application suggests a development of two storeys across the site.

A balancing area will be created to collect surface water run-off from the northern end of the site. This will control the removal of surface water run-off. The plateau (at a height of 3.64m AOD) will be formed using the cut from the balancing area.

The viability of the scheme has been calculated on the basis of achieving 15 units, as a rural exceptions site. This would consist of the following:

Affordable Units:

- 4 x one-bedroom flats
- 2 x two-bedroom semi-detached houses
- 1 x three-bedroom detached house

Open Market units:

- 2 x two-bedroom semi-detached houses
- 4 x three-bedroom detached houses
- 2 x four-bedroom detached houses

The scheme seeks to deliver a total of 7 affordable units on site, with a further commuted sum of £82,500 towards affordable housing provision. It has been demonstrated that 8 market housing units are required to make the scheme viable.

7.0 Relevant Planning History

None

8.0 List of Constraints

- Within Dorset Area of Outstanding Natural Beauty (AONB): (statutory protection to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)
- Heathland Consultation Area – within 5km of SSSI heathland
- Within the Poole Harbour Nitrate catchment area

9.0 Consultations

All consultee responses can be viewed in full on the website. A summary of the responses is set out below.

Consultees

- **Natural England (additional comments received 21.06.2021)**

No objection subject to connecting pathway to SANG. Condition recommended. (Condition 7)

- **Environment Agency**

No objection

Further comments received 09 July 2021 advising that due to revised EA data regarding surface water peak flows an updated Flood Risk Assessment will need to be submitted with the reserved matters application, this is secured by condition 11.

- **Dorset Police Crime Prevention Design Adviser**

Satisfied that the site layout is to be guided by Secured by Design principles and would encourage the developer to secure official accreditation of this. Would also encourage all rear access gates secured with a key lockable bolt.

- **Dorset Council: Cllr Holloway (Ward Cllr)**

Objection to the proposal due to the amount of affordable housing provided and the location of the development.

- **Dorset Council – Highways Management**

No objections subject to provision of footway (pavement). Conditions recommended (conditions 9 & 10 and informative note 1).

- **Dorset Council – Environmental Health**

No objections. Construction Management Plan recommended (condition 15).

- **Dorset Council – Housing Needs Officer**

No objection subject to viability being established to ensure that the maximum level of affordable housing provision is achieved.

- **Dorset Council – Senior Landscape Architect**

Overall sensitivity of the landscape is assessed to be Low/ Moderate. However, planting should be carefully managed to avoid harmful wider views of the site. As landscaping is a reserved matter a condition is not required at this time.

- **Dorset Council – Planning Policy Team**

No objection so long as need for market homes is established and the proportion is no more than required to facilitate the development.

- **Dorset Council – Arboricultural Manager**

No objections. Conditions recommended (provision of an Arboricultural Method Statement – condition 6).

- **Dorset Council – Lead Local Flood Authority**

No objection. Conditions recommended for the provision of a surface water drainage scheme (conditions 12 &13).

- **Dorset Council – Natural Environment Team**

No objection subject to the implementation of the approved biodiversity mitigation plan (condition 14).

- **Dorset AONB Management Team**

Impacts will be relatively localised, and the harm is outweighed by the provision of affordable housing.

- **Arne Parish Council**

Objection (received 17/01/2020)

- Neighbourhood Plan states that site should not be used for development.
- Should not be considered as a Rural Exceptions site, as the proportion of open market housing is too high.
- Lack of pedestrian link to the village
- Increase in traffic and impact upon highway safety.

Representations received

In addition to letters to neighbouring properties, a site notice was posted outside the site on 25th November 2019 with an expiry date for consultation of 19th December 2019.

26 objections and a petition with 35 signatures raising the following concerns:

- The carbon footprint of the construction process
- The risk of flooding on the site
- Impact on the amenity of the neighbours
- Impact on wildlife and biodiversity
- Impact on the AONB
- Lack of school provision
- No pavement leading to the village centre and Corfe Road
- Proposed parking provision
- Impact upon highway safety

- The site is outside of the settlement boundary
- Agricultural land will be lost
- Second home ownership
- Density of development too high
- Inappropriate design
- Lack of the need for the development
- Not an allocated site
- Not in accordance with the Arne Neighbourhood Plan
- Impact upon nearby SSSI land
- Impact upon protected trees
- Concerns regarding the accuracy of the site boundaries
- Impact on the view of neighbouring residents
- Noise during the construction process

10.0 Relevant Policies

Development Plan documents

Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy CO: Countryside

Policy HS: Housing Supply

Policy AHT: Affordable Housing Tenure

Policy AH: Affordable Housing

Policy RES: Rural Exceptions Sites

Policy BIO: Biodiversity and Geodiversity

Policy DH: Dorset Heaths International Designations

Policy PH: Poole Harbour

Policy FR: Flood Risk

Policy D: Design

Policy LHH: Landscape, Historic Environment and Heritage

Policy IAT: Improving Accessibility and Transport

Arne Neighbourhood Plan

Eastern Planning Committee
28th July 2021

Supported at referendum in May 2021 and adopted by Dorset Council on 22nd June 2021. The adopted Neighbourhood Plan forms part of the Development Plan. The following policies are relevant to the application:

Policy 1: House Types

Policy 2: Local character

Policy 3: Sustainable Design

Policy 4: Small Sites

Material considerations

Purbeck Local Plan 2018-2034.

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the council's position following consultation on proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

- E1: Landscape
- E12: Design
- E4: Assessing flood risk
- E10: Biodiversity and geodiversity
- I2: Improving accessibility and transport

National Planning Policy Framework:

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed places

Eastern Planning Committee
28th July 2021

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

Chapter 15: Conserving and enhancing the natural environment

Other material considerations

National planning practice guidance

Purbeck District design guide supplementary planning document adopted January 2014.

Development contributions toward transport infrastructure in Purbeck guidance February 2013.

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted March 2020.

Affordable housing supplementary planning document 2012-2027 adopted April 2013.

Strategic Flood Risk Assessment 2018

Nitrogen reduction in Poole Harbour – supplementary planning document April 2017.

Poole Harbour Recreation 2019-2024– supplementary planning document April 2020.

Bournemouth, Poole and Dorset residential car parking study May 2011 – guidance .

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

Dorset biodiversity appraisal and mitigation plan.

Dorset AONB Management Plan 2019-2024

Dorset AONB Landscape Character Assessment & Management Guidance 2008

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.

- The proposal includes the provision of a pavement connecting the development with the village centre.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable Housing	7 units plus commuted sum of £82,500
Non Material Considerations	
CIL	To be calculated at the Reserved Matters application stage

14.0 Climate Implications

The proposal provides additional footway provision allowing a safe route to local facilities, reducing the reliance on private motor vehicles. The scheme will be required to meet current Building regulations in terms of energy efficiency.

15.0 Planning Assessment

Principle of development

Local Plan

The site is situated outside of the settlement boundary and as such is considered to be within open countryside. Policy CO of the Purbeck Local Plan Part 1 therefore applies to the proposal. Policy CO is generally not supportive of residential development outside of the defined settlement boundaries. However,

there are exceptions, one of which is where the proposal would form a rural exceptions site. In this instance, so long as the proposal is compliant with Policy RES: Rural Exceptions Sites of the Purbeck Local Plan Part 1, the proposal would in principle considered to be acceptable.

Policy RES states that the development of Rural Exceptions Sites will be acceptable so long as the following criteria are met:

- *The Council is satisfied that the proposal is capable of meeting an identified, current, local need within the parish, or immediately adjoining rural Parishes, which cannot otherwise be met;*
- *Ideally, the site is not remote from existing buildings and does not comprise scattered, intrusive and isolated development and is within close proximity to, or is served by, sustainable transport providing access to local employment opportunities, shops, services and community facilities. However if evidence can be submitted to demonstrate the site is the only realistic option in the parish, the Council will give consideration to supporting the proposal;*
- *The number of dwellings should be commensurate with the settlement hierarchy set out in Policy LD: Location of Development, of character appropriate to the location and of high quality design; and*
- *There are secure arrangements to ensure that the benefits of affordable housing will be enjoyed by subsequent as well as initial occupiers.*

In this instance, the proposed development site is adjacent to the existing settlement, adjacent to Hollow Oak Road It is located within close proximity to local facilities such as a village shop and the Primary school.

The site is within walking distance of a bus stop served by the Poole to Swanage bus route and as such is considered to be sustainable in this respect.

The indicative layout suggests that 15 units is achievable on the site. As the design and layout are not included for consideration, those details would be considered as part of a subsequent Reserved Matters application.

The Council's Housing Needs Officer has been consulted on the application and is satisfied that there is an established need for affordable housing in the Parish, which this site would help to meet. The Housing Needs officer has no objections so long as the open market housing provision is only enough to make the Rural Exceptions Site viable. This matter is considered later in the report, but it is noted here that 53% market housing has been identified as necessary to support the affordable housing provision.

Policy RES goes on to state:

On rural exception sites, a small amount of market housing may be permitted provided it enables the provision of significant additional affordable housing to meet local needs.

Officers consider that the proposed open market housing cannot be considered to be a small amount, being 53% of the total on site provision. It is noted

however, that a higher level of affordable housing (60%) could have been provided were it not for the requirement that a pavement to be constructed along West Lane, which has an impact upon the viability of the scheme. The amount of affordable housing now comprises 7 units out of 15 alongside a commutes sum towards the provision of affordable housing elsewhere. Although the construction of a pavement connecting West Lane to Corfe Road and providing a safe pedestrian link is material to housing delivery on this site, the proposal cannot be considered to be wholly compliant with the requirements of Policy RES.

Neighbourhood Plan

The Arne Neighbourhood Plan (NP) was adopted on the 22 June 2021 so forms part of the Development Plan documents that must be considered when assessing the application. It is of course more recent than Policy RES of the Local Plan.

The Neighbourhood Plan does not allocate any specific sites for development. Policy 4 – Small Sites, allows for some development in or adjacent to the settlement, it states that housing should be developed in small sites, numbering no more than 15 dwellings in or adjacent to Stoborough,

Policy 4 states:

Future housing growth in Arne Parish will be limited to small-scale developments to meet local housing need, subject to the following criteria:

- Be within, adjoining or otherwise well-related to the defined development boundaries for Stoborough or Ridge, excluding any proposed housing development on land within the 400 metre buffer around protected heathlands other than for replacement dwellings*
- Be in keeping with the distinctive character of Arne Parish and its settlements*
- Not individually or cumulatively harm the landscape or settlement character, or heritage designations, unless the harm is not substantial, and the public benefits justify the scale of the harm or loss in line with within national policy*
- Take full account of the potential effect they will have on neighbouring properties*
- In line with national guidance not be at risk of flooding from tidal, river, surface water or ground water sources, or give rise to increased flood risk to properties off-site*
- Not exceed fifteen dwellings on any one site at or adjoining Stoborough, and not exceed five dwellings on any one site at or adjoining Ridge, or*

eventually become a larger site that would breach these limits through the subsequent development of adjacent 'small' sites

- Be restricted to ensure that such homes are occupied only as a principal residence*
- Constitute an appropriate mix of sizes of homes in line with Policy 1, including affordable homes*
- The effects of proposed homes, individually and in combination with other developments, on European sites are screened to assess whether they are likely to be significant. Planning applications must include full details (including upkeep over the lifetime of the development) of avoidance or mitigation measures to address adverse effects.*

The application site is explicitly named in the supporting text to the plan as being excluded from development (as evidenced on Map 4 of the Neighbourhood Plan).

(paragraph 7.12):

Any development of the sites alongside West Lane... is strongly opposed by a significant number of residents due to the narrow and un-paved nature of West Lane, exacerbated by its use as a link between Corfe Road and the bypass. Such opposition is strengthened by the use of West Lane as the main pick-up and drop-off area for the school, with consequent parking congestion and safety hazards for parents and children.

Whilst the supporting text to the Local plan seeks to exclude the site, this intention is not embedded in policy and therefore carries very limited weight. In the absence of any site allocations it is necessary to assess the proposal against the neighbourhood plan criteria for small sites.

The site is adjacent to the settlement boundary of Stoborough and therefore is considered to be compliant with the first point. It is not within 400m of a protected heathland site. The layout and design are reserved matters, however, officers would expect that the development would have due consideration for the character of the area which will need to be reflected in the reserved matters application.

The harm caused to the landscape character by the application is considered in further detail later in the officer report. The impact upon neighbouring residential properties is also considered later in the officer report. The site is in Flood Risk Zone 1, and this too is discussed in further depth later in the report.

The proposal is for up to 15 dwellings, which is compliant with the policy. Officers consider that there is not likely to be significant scope for extending the site to the north due as it forms part of Flood Risk Zones 2 and 3.

The policy requires the dwellings to be homes to be restricted to being used as a principal residence. This could be achieved via a Section 106 legal agreement.

The mix of affordable homes in compliance with Policy 1 of the Arne Neighbourhood Plan would also be achieved through a Section 106 agreement.

The effects of the development on European protected sites has been considered by Natural England and suitable mitigation offered. This is discussed in greater detail later in the report.

As Policy 4 requires that homes are a person's main residence, a condition will be applied providing this restriction (condition 17).

Taking all of the above factors into account, it is considered that the proposal is compliant with the criteria set out in Policy 4: Small Sites of the Arne Neighbourhood Plan.

The supporting text (paragraph 7.12) objecting in principle to development on this site is based on opposition *"by a significant number of residents due to the narrow and un-paved nature of West Lane, exacerbated by its use as a link between Corfe Road and the bypass. Such opposition is strengthened by the use of West Lane as the main pick-up and drop-off area for the school, with consequent parking congestion and safety hazards for parents and children". Third party representations to the application raise similar issues concerning the lack of a footway and the associated highway safety concerns that are inherent with this."*

In consultation with Dorset Highways and in an attempt to address concerns raised, the applicant has agreed to the provision of a footway along West Lane to link to the existing footway on Corfe Road (B3075) to be secured by means of a Grampian condition (Condition 9).

Concerns from third parties reflect paragraph 7.12 of the NP regarding parking issues in the vicinity of the school. West Lane is currently informally used by parents for drop off and pick up from the school. The road is made with a footway along part of its length. There is unrestricted parking on West Lane (except for an area close to the junction with Corfe Road where there are a double yellow lines). The provision of a continuous footway as part of this development will improve pedestrian safety along West Lane, to Corfe Road, including travel to and from the school. With regards to concerns raised regarding unregulated parking in the road, this is a parking management and enforcement issue and not something that can be addressed through the planning process. The status of West Lane would not be changed by the proposal and there would be no additional restrictions to parking on West Lane. The application has been assessed against Policy 4: small sites of the NP and is considered to be acceptable subject to conditions.

Guidance in the NPPF is also relevant to consideration of the application. Paragraph 12 of the NPPF advises that:

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan),

permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 14 of the National Planning Policy Framework (NPPF) states that the adverse effects of allowing development which conflicts with a neighbourhood plan are likely to significantly and demonstrably outweigh the benefits if;

- the neighbourhood plan is less than two years old and contains policies and allocations to meet its identified housing need;
- the LPA has at least a three year housing supply and;
- housing delivery is over 45%.

In this instance the adopted Arne Neighbourhood Plan is less than two years old but it does not have a policy allocating specific sites within the plan area for development to meet its housing need and so all of those criteria are not met.

The government's recent publication of housing delivery test results ([Housing Delivery Test: 2020 measurement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/housing-delivery-test-2020-measurement)) is also relevant to this application. Under the heading 'Recently reorganised local planning authorities with Housing Delivery Test published at predecessor authority level for Housing Delivery Test: 2020 measurement', too few dwellings have been delivered in Purbeck in two of the last three years (in total the number of homes required was 465 and the number of homes delivered was 345). This gives rise to a Housing Delivery Test: 2020 measurement of 74%.

As the housing delivery has been substantially below (i.e. less than 75%) of the housing requirement, the most relevant local plan housing policies are out of date and the presumption in favour of sustainable development applies. As housing policies are the key determinant considering this application, para 11 of the NPPF states that permission should be granted unless:

- i. 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
- ii. 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.

Therefore, in the absence of a site allocation policy within the Arne neighbourhood Plan and taking into account the Housing Delivery Test results for the Isle of Purbeck, it is reasonable to conclude that there is a presumption in favour of sustainable development on the site.

As a result of the consideration of issues above and in particular, the impact on the AONB (considered below), officers do not consider that either of the provisos to paragraph 11 apply so that the presumption of sustainable development applies. The application is recommended for approval on this basis.

Impact on the Dorset Area of Outstanding Natural Beauty (AONB)

The site is situated within the Dorset Area of Outstanding Natural Beauty (AONB) which is one of the protected areas identified in NPPF para 11 footnote 6 where the presumption in favour of sustainable development may not apply.

Paragraph 172 of the National Planning Policy Framework (NPPF) states that planning permission should be refused for major developments in the AONB except in exceptional circumstances and where it can be demonstrated they are in the public interest. Officers have given consideration as to whether the proposal represents a major development within the terms of NPPF paragraph 172.

Appeal decisions have held that there are no strict thresholds for this and that it is not measured by the normal definition of major development provided in the Town and Country Planning (Development Management Procedure) Order (10 dwellings and above). Court rulings have confirmed that the NPPF does not define or seek to illustrate the meaning of the phrase 'major development'. The intention of paragraph 172 is to capture developments which have a major impact on the AONB. Much therefore depends on the specific location and foreseeable impacts.

For example, in an appeal at Prospect Farm Swanage the Inspector did not consider a settlement extension of 35 dwellings to be major under paragraph 172.

For other development (ie not major development) paragraph 172 requires that great weight should be given to conserving and enhancing landscape and scenic beauty. Thus any harm must be given great weight and balanced against the benefits of the development.

If permitted the development would be a fairly substantial addition to Stoborough. The site is quite peripheral to the village and it would extend housing development westward into the AONB.

The applicant has undertaken a Landscape and Visual Impact Assessment (LVIA). The LVIA cites the South Purbecks Heaths Landscape Character Area and within 1.33 refers to the Assessment's evaluation as "overall landscape is judged to have a weak character" and "overall the landscape condition is judged to be moderate and stable". Further, within the Dorset AONB LCA – the Assessment states that the "overall landscape is judged to have a moderate character" and that the "overall landscape condition is judged to be moderate and improving".

The AONB Management Team have been consulted on the proposal. They have stated in principle that they have no objections to the proposal and that the impacts of the development will be relatively localised.

The AONB team has had oversight of the LVIA. They concur with the visual baseline of the LVIA (paragraph 1.43) that states that the site is visual well contained with views limited to the immediate area. The LVIA judges that the overall magnitude of effects on the landscape character is “medium adverse”, which the AONB Management Team agree with. They disagree however, that the impact upon visual amenity is small, as the site provides a green buffer between the A351 and the village.

The AONB Management Team note that there will be a need to ‘raise’ the northern end of the Site with “suitable imported inert fill material” (ref. 3.41). This may have some implications for the retention of the hedgerow that exists within this area. The AONB Management Team further comment:

“...within 3.44 the DAS makes reference to a 3m high wooden noise attenuation fence along the western boundary. This has the potential to negatively affect the amenity quality of rear gardens. The ‘fencing’ is shown as extending along the whole western length of the Scheme – forming a solid barrier between the gardens and the tree belt.’

It is recognised that provision of a fence is likely to be the most appropriate form of noise attenuation. The Reserved Matters application would need to demonstrate that the proposed siting would be compatible with the fencing so as to achieve acceptable levels of amenity.

“Landscaping – within 3.49 it is stated that ‘additional planting is proposed along the field boundaries (outside the application site boundary but within land controlled by the Applicant) and within the development site itself. The Illustrative Masterplan only indicates tree planting to either side of the spine access road – with an absence of indicative planting at the northern ‘edge’ of the development. I would advise that the approach here would be to include native hedges as soft boundaries that provide a sensitive interface with the open land to the north.”

As the area to be landscaped is outside of the boundary of the site, but within the ownership of the applicant, a condition will be added to the permission requiring details to be provided at the Reserved Matters application stage will be added (condition 8).

“I note that the western tree belt is located ‘outside’ the Application boundary – however in the DAS Appendix Part 2 a concept layout illustrates that this belt is ‘retained and supplemented’. The management of this belt is critical to the screening of any development within – and should be included within the Application Area or subject to a separate legal management agreement.”

While the western tree belt has been excluded from the development site, it is within the ownership of the applicant, therefore is in the control of the applicant with regards to being retained.

“I also note that within the supporting BMP document – habitat enhancements are advised within the fields to the north of the Application Area and to existing hedgerows. Enhancements are illustrated on the Plan contained within the BMP. These ‘ecological enhancement areas’ will serve as compensatory measures for the loss of pasture/hedges – and would ideally be within the Application Area and part of a longer term management obligation.”

The area to the north of the site is in the ownership of the applicant, although it is outside of the application area. A condition can reasonably be imposed to secure the mitigation, enhancement and compensation works identified in the Biodiversity Plan.

For the above reasons it is considered that these matters can be secured by condition or resolved when the reserved matters application is considered (condition 8).

The issues discussed above suggest this is not a major application; largely due to the fact that impacts on the AONB are quite localised, due to landform and vegetation. Therefore, on balance officers conclude that the impact of a residential development on this site is sufficiently localised so that it is not major within the terms of paragraph 116 of the NPPF.

The AONB Management Team consider that the proposal contravenes, to a degree, the following policies of the Dorset AONB Management Plan 2019-2024:

- C4a “Remove existing and avoid creating new features which are detrimental to landscape character, tranquillity, and the AONB’s special qualities”.
- C4c “Protect and where possible enhance the quality of views into, and within and out of the AONB”.
- C4d “Protect the pattern of landscape features, including settlements, that underpin local identity”.

However, the AONB Management Team conclude that although the development will have an impact on the AONB, harm is localised in nature, and therefore is acceptable in principle subject to the justification for open market housing and subject to implementation of the landscape and ecological enhancements set out in the LVIA, Biodiversity Mitigation Plan and Design and Access Statement.

Officers have given great weight to the localised harm to the AONB. Taking into account the AONB Management Team’s views, officers consider that the substantial public benefits of providing 15 homes, including 7 affordable dwellings (plus an off site affordable housing contribution), are sufficient to outweigh that harm.

Affordable Housing Provision

The application has been submitted as a Rural Exceptions Site to provide affordable housing. Policy RES of the Purbeck Local Plan Part states that a degree of open market housing will be acceptable to facilitate the development of the affordable housing.

The applicant initially proposed 50% affordable housing (comprising of 47% provision on the site and a financial contribution). The Council has sought the advice of an independent valuer who advised that based on the figures provided by the applicant, a contribution of 60% affordable housing would be viable for the development.

However, the Council's Highways department have advised that in order for the development to be acceptable from a highway safety perspective, a footway (pavement) connecting the development to Corfe Road would need to be provided.

The applicant has agreed to this but stated that this will impact upon the viability of the development. The independent valuer has undertaken a further valuation based on the cost of providing the footway and concluded on this basis that 50% affordable housing is viable, but 60% would not be. Therefore, it is accepted that to deliver the site, 53% of the housing will need to be open market housing.

In terms of the provision of affordable housing, the Arne Parish Housing Needs Survey shows the needs for:

- 2 x 1 bed and 1 x 2 bed rented units
- 3 x 1 bed and 1 x 2 bed low cost home ownership units.

The housing register for Arne shows a need for:

- 4 x 1 bed and 1 x 3 bed rented units
- 1 x 3bed and 1 x 4/5 bed low cost home ownership units.

The applicant has proposed that the affordable units would all be rented. In terms of the housing mix, the applicant proposes:

- 4 x one bedroom units
- 2 x two bedroom units
- 1 x three bedroom unit

The Council's Housing Needs Officer has confirmed that there is a current local need for affordable housing within the Parish, as evidenced by the Arne Housing Needs survey. She has advised that she is satisfied that the proposal is capable of meeting a current local need within the Parish or immediately adjoining rural parishes which otherwise cannot be met, in accordance with Policy RES.

7 affordable units are to be provided, which is below the 50% proposed. Therefore a commuted sum will be required in addition to the 7 units. Using the Council's affordable housing calculator, this equates to £82,500.

The affordable housing provision mix is considered to be acceptable subject to the completion of a S106 agreement to secure on site delivery, tenure type and commuted sum.

Protected habitats

Habitats sites are another protected area referred to in NPPF footnote 6 in relation to para 11.

The site is situated within 5km of internationally significant Ramsar sites, notably Stoborough and Creech Heaths SSSI (approx. 560m to the south and 750m to the east, forming part of Dorset Heathlands Ramsar site), Povington and Grange Heaths (approx. 800m to the west, also forming part of Dorset Heathlands Ramsar site) and Wareham Meadows SSSI (approx. 380, to the north east forming part of Poole Harbour Ramsar). In addition, the River Frome which runs approximately 400m to the north of the site is also a SSSI habitat.

The proposal for up to 15 dwellings falls below the 50-dwelling threshold for which a Suitable Alternative Natural Greenspace (SANG) must be provided. An element of the Community Infrastructure Levy, for which the development will be liable, will provide a financial contribution towards mitigating the impact of the increased recreational pressure on the protected heathlands.

Natural England have noted that the site is surrounded by sensitive and important habitats but the site is approximately 150m from the eastern end of the Bog Lane SANG. A footpath runs along the northern boundary of the site which then crosses the A351, leading to the SANG. The indicative masterplan for the site indicates that a footpath would run from the south of the site to the north and connect to the existing footpath. Natural England have indicated that this would be a positive element of the development, making it easier for residents to access the SANG and discouraging them from exercising on the protected habitats. Officers consider that a condition should be applied as part of any reserved matters application requiring details of the route of the footpath, as well as its construction and maintenance to ensure that the footpath is available for resident's use (condition 7). It is also noted that the existing footway on West Lane leading to the A351 will connect to the development. There is a footway (pavement) on the A351 that leads to the crossing point to access Bog Lane SANG. This therefore provides another route for residents to access the SANG.

An Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF, which shows that there is no unmitigated harm generated by the proposals to interests of nature importance. Natural England was consulted on the application, and have advised that an Appropriate Assessment should be completed to consider the pressures generated by the development on protected heathlands, Poole Harbour for recreational purposes and also for the release of nitrates as a result of the development.

The Appropriate Assessment concludes that these matters can be satisfactorily resolved through contributions made to the Community Infrastructure Levy (CIL) in accordance with the Dorset heathlands planning framework 2020 – 2025, the Nitrogen reduction in Poole Harbour SPD and the Poole Harbour Recreation 2019-2024 SPD.

Taking account of the above, the proposal is considered to sufficiently mitigate the impact on protected heathland sites in the area.

Biodiversity- Protected Species

The site has an area of 0.69 hectares and is an undeveloped meadow. In accordance with the Dorset Biodiversity Protocol, a biodiversity survey has been undertaken. The survey discovered a bat roost in a mature hedge that is identified to be removed on the illustrative plan. As such it qualifies as a Hedgerow of Importance under the Hedgerow Regulations Act 1997. The roost is a non-breeding day roost used by a common pipistrelle bat. In addition, some of the hedgerow and adjacent woodland is used by greater horseshoe bats for commuting and foraging. In addition, the survey identified commuting and foraging by noctule, serotine, common pipistrelle, soprano pipistrelle, myotis and Nathusius' pipistrelle.

This will be compensated by the enhancement of 120m of hedgerow. This will be achieved by 'thickening' the hedgerow by planting an additional row of trees immediately adjacent to it. The area of enhancement will include the hedgerow habitats to the north of the development area. The planting schemes will be designed to enhance the diversity of the hedgerow and protect it in the long term by increasing its width by 50%. This will allow the habitat to better function and a wildlife corridor and provide increased foraging in native species. Hedgerows will be managed in the long term by a bi-annual cut which will remove vegetation on one side of the hedgerow in each year. The cut will be undertaken either in April or September to avoid the nesting bird season.

The survey concludes that the site holds county level importance for bats.

In addition to the bats, the site is considered to be low suitability habitat for dormice and a potentially suitable habitat for nesting birds.

A mitigation plan has been prepared in response to the findings. The plan proposes felling the dead oak tree that provides a roost and placing it along the western boundary of the woodland to continue to provide a roost for bats. In addition, the temporary roost that is installed during the works to the tree will be retained as an additional permanent roost.

In addition, the applicant proposes to maintain a dark corridor along the boundary of the site to encourage the commuting of the rare greater horseshoe bats that have been seen in the area. No lighting is proposed within the roads of the development area. The existing woodland and retained foraging habitat will not have lighting that exceeds 1 lux or their existing light levels. To ensure any additional lighting as a result of the development does not impact upon foraging

and commuting bats a lighting scheme will be designed based on guidance provided in Bats and Artificial Lighting in the UK (BCT, 2018).

The Biodiversity Plan includes principles to be followed when designing the lighting scheme to minimise the glare and light spill. Officers also consider that given the importance of restricting external lighting to protect biodiversity interests that a condition restricting external lighting to that which is proposed in the mitigation plan should be imposed. This will also contribute to the protection of the dark skies special quality of the AONB. (Condition 16)

In order to protect the adjacent woodland, barriers and ground protection will be placed in the tree protection zones in accordance with BS5837:2012. Following the development a soundproof fence will be installed between the houses and woodland. This will also provide a light spill buffer.

In order to protect nesting birds, vegetation clearance works will be conducted outside of the bird nesting season which is considered to run from March to August. If this is not possible a suitably qualified ecologist will check potential nesting habitat immediately prior to the removal of the vegetation. If nesting birds are encountered, the clearance will be halted until the nestlings have fledged. 5m of vegetation will be retained around the nest and it will be demarked to prevent accidental damage.

In relation to potential dormice, the works team will be trained regarding dormouse ecology. Prior to the works taking place a hand and visual search will be undertaken by the ecological clerk of works. A watching brief will be applied to the site.

In addition to mitigating the impact upon known protected species, the grassland to the north of the site will be improved to encourage protected species and the growth of wildflowers.

As part of enhancing the site, each house will be fitted with a 1FR bat tube or nesting bird brick in addition to two bee bricks. Fencing will include hedgehog suitable gravel boards with holes of 10x10 centimetres to enable hedgehog movements around the development.

The Council's Natural Environment Team have been consulted on the biodiversity proposals and have raised no objections subject to a condition requiring the implementation of these details (condition 14).

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

The appearance, landscaping, layout and scale are all reserved matters. As such, the impact on the character and appearance of the area cannot be fully assessed at this stage of the application process. However, an indicative masterplan has been provided that shows linear development built either side of a central access road. While indicative, it is noted that the proposal 13 buildings, which would be commensurate with two of the buildings containing two one-bedroom flats within them.

The indicative masterplan indicates that the site can successfully accommodate this number of dwellings. While it is acknowledged that the units are of a higher density (21.7 dwellings per hectare, compared to 15.3 dwellings per hectare in the neighbouring Hollow Oak Road) and have less amenity space than surrounding properties, it is noted that the Stoborough Meadow development has a broadly similar density and also has smaller gardens. Therefore, the indicative layout is not considered to be incongruous in the village. The scale of the buildings is indicated in the Design and Access Statement as being two storey. The properties on the western side of the neighbouring Hollow Oak Road are also two storey, as are the majority of properties within Stoborough. The proposed indicative scale is therefore also considered to be acceptable. The viability statement outlines the gross internal floor areas of the units. These are all just above the national space standards. Details of the finished floor levels are not provided at this stage, however a condition will be applied to ensure that these are provided with the reserved matters application.

Given the position of the site at the edge of the village within the AONB, it is considered appropriate that a condition is applied requiring a sample of materials to be provided for approval by the Council. (Condition 5)

It is noted that the site is adjacent to existing residential development and as such would not represent isolated residential development. The site is bounded to the west by the A351 road, and a road junction with a turning lane. As such, the road dominates the character of the area, which was formerly agricultural.

The Council's Environmental Health Team have provided comments in relation to the noise impact of the neighbouring roads on the residents of the proposed properties. The applicants have provided a noise report stating that the noise generation from the A351 is on average 76.9 dB, while the noise from West Lane is on average 58.8 dB. The Environmental Health Team have advised that they accept the findings of the applicant's noise report.

It is noted that the applicant proposes to utilise closed windows and trickle vents, which may contravene Building Regulations. The Environmental Health Team have advised that as an alternative, the proposed acoustic screen to the west of the site could be increased in height. If this would result in visual harm, then the layout may need to be reconsidered to ensure that appropriate levels of amenity and protection of the AONB are both secured. Given that the layout and landscaping are reserved matters, officers are satisfied that this matter can be resolved at the reserved matters stage.

The density of the development is higher than the historic core of the village. However, it is not significantly higher than Hollow Oak Road, situated to the east of the site. As Hollow Oak Road separates the site from the rest of the village, this is considered to limit the impact that the proposal will have on the character of the historic core of the village.

As such the development is not considered to significantly detract from the character of the area.

Highway safety and access

The access is the only matter not reserved as part of the application. At present the site is accessed via a gate in the south eastern corner, adjacent to Meadow Cottage. West Lane itself is wide enough to accommodate two-way traffic, although the road is not marked outside of the site at present.

The applicant proposes forming a new access further to the west. The access road, including the footways on either side, would be approximately 8.5m in width, the road accounting for 5m of the width. At the entrance to the site, the width of the road increasing to 13.6m to accommodate visibility splays. The splay distance both to the east and the west of the site would be 43m.

A 2m wide public pavement is proposed to the east of the site, leading to the site boundary. Tactile paving leading to a lowered kerb will be installed at the entrance to facilitate safe crossing of the road. A short stretch of pavement is proposed to the west which will connect to the existing pavement. The existing pavement to the west is presently of a substandard width, and this will be increased to accommodate all pavement users.

The Council's Highways Team have been consulted on the proposals. They stated that they were satisfied with the access point itself. However, the generation of additional pedestrian trips between the site and the village was a concern. At present, there is no pavement along West Lane which experiences relatively high levels of traffic, particularly at school pick up and drop off times. To encourage families to walk to the Primary School, which is approximately 200m away, the Highways Team have stated that the development should provide a pavement, connecting to the existing pavement on Corfe Road, which then leads to the school and the village centre. This addresses the concern raised as part of the Arne Neighbourhood Plan and is considered by officers to overcome the primary objection in the Neighbourhood Plan to development on this site.

The applicant has agreed to the provision of the footway (pavement) which can be secured by condition. As a consequence of this, the provision of affordable housing has been reduced, as detailed above. Subject to securing the pavement and to a condition requiring details of the internal highway layout, turning and parking areas to be submitted, the highways department are satisfied with the proposal. (conditions 9 and 10)

In addition to the footway, a footpath is also proposed. This is set out in more detail above (see Protected Habitats). The delivery of a footway and a footpath link will increase choice and connectivity of the site increasing options for people on foot.

Impact on the living conditions of the occupants of neighbouring properties

The nearest residential properties are those situated on Hollow Oak Road adjacent to the east of the site and Meadow Cottage, also immediately to the east of the site. The application is for outline planning permission with layout as a

reserved matter so a full assessment of the impact of the development upon the neighbouring properties cannot be made at this stage.

However, an indicative layout has been provided. It shows linear development built either side of a central access road. While indicative, it is noted that the proposal 13 buildings, which would be commensurate with two of the buildings containing two one-bedroom flats within them.

The indicative masterplan suggests that there would be a distance of at least 30m between the properties on Hollow Oak Road, which would be considered to be sufficient to protect the neighbouring residents from harmful overlooking and would also ensure that a reasonable outlook for the properties is maintained.

The unit situated at the southern end of the site would be situated considerably closer to Meadow Cottage to the east (approximately 9m away). However the house faces north to south with no first floor windows facing to the west (towards the application site). The mature hedgerow will provide a degree of screening to this property, but it is likely to be impacted by the development. Nevertheless, officers are satisfied that the site has capacity to accommodate the proposed housing without having a harmful impact on this neighbouring property.

Additionally, it is noted that there is a mature established hedgerow separating the site from the neighbouring residential properties. Landscaping is a reserved matter, however, the submitted biodiversity mitigation plan indicates the retention of this hedge, which will also serve the amenity of the neighbours as well as biodiversity interests. Beyond the hedgerow, the neighbouring properties fronting onto Hollow Oak Road are set in well sized rear gardens. Officers consider that subject to the layout of the development, a satisfactory relationship between these properties and the proposed dwellings can be achieved given the retention of the hedgerow and the rear gardens.

The Council's Environmental Health Team have recommended the provision of a construction management plan to ensure that the living conditions of the neighbouring residents are not unduly affected during the construction process. This will be resolved by means of a condition (condition 15).

Subject to the above, the proposal is not considered to have an unduly harmful impact on the living conditions of the neighbouring residents.

Flooding and Drainage

The site is situated within flood risk zone 1. As such, it is not in itself at risk from coastal or fluvial flooding. It is noted that the land immediately to the north of the site are in flood risk zones 2 and 3, associated with the River Frome and coastal waters.

The site is seen to be largely unaffected by mapping of (theoretical) surface water risk, or indeed ground water flooding, although lower ground to the west / south-west, and adjoining the ditch feature (Ordinary Watercourse) which currently flows northward through the middle of the site, is shown to be at some risk during significant rainfall events. The risk of surface water flooding is however more significant in relation to the access to the site. Both the A351 and

West Lane are known to suffer from surface water flooding. Therefore, the proposed development should not exacerbate the existing issues.

The Lead Local Flood Authority has commented on the proposals, initially objecting due to the lack of details about how surface water would be removed from the site. The agent responded to concerns, stating that where ditches run through the gardens of open market dwellings, the requirement to keep the ditches maintained and free of obstruction 'could form part of the deeds of the houses. In addition, the applicant has identified a number of locations where open SuDS features could be introduced within the overall surface water drainage strategy. It is therefore necessary to require that surface water drainage details are provided with any reserved matters application relating to layout so that use of open suds features can be secured (condition 12).

Following the provision of these details, the Lead Local Flood Authority has removed their objection subject to conditions requiring further drainage details to be provided prior to groundworks taking place. (conditions 12 &13)

In July 2021, the Environment Agency (EA) are revising peak river flow climate change allowances calculations. The Council have consulted the EA to determine whether the changes will have an impact on the application site. They have advised that the new "higher central" 2080's allowance for the site is 63% compared to the 40% as has previously been the case (and is used in the applicant's flood risk assessment).

The EA consider that the buffer zone between the site and the flood zones to the north is likely to be sufficient so that the site will continue to be classified as Flood Risk Zone 1. However, as flood maps relating to the site have not yet been updated it is not possible to be sure how future flood extents will affect the site. Therefore, as a precaution, the EA have advised that a condition should be applied to any planning permission, requiring the submission of a revised flood risk assessment. The applicant has agreed to this condition (condition 11).

Impact upon Protected Trees

To the north east of the site, in the neighbouring property is a protected Oak Tree. There are also a number of trees, particularly along the western boundary of the site that, while not protected are important in terms of character of the area, biodiversity interests and provided visual and noise screening from the A351.

The applicant has prepared a Heads of Terms Arboricultural Method Statement that has been considered by the Council's Tree Officer. This refers to controlling activities but does not say how this will be achieved. As such, a full Tree Protection Plan and Arboricultural Method Statement will need to be submitted, complying with BS5837:2012. This can be achieved by means of a condition (no. 6).

For the above reasons it has been found that 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 of the provision of affordable and market housing. The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11 and approval is recommended subject to conditions and a s106 legal agreement to secure the affordable housing and necessary highway improvements.

17.0 Recommendation

- (A) Delegate to the Head of Planning to grant permission 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:**

Affordable housing provision of 7 dwellings in accordance with the mix set out above plus financial contribution of £82,500.

And the following conditions:

- 1 Before any development starts details of 'reserved matters' (that is any matters which concern the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s) or the landscaping of the site) must be submitted to the Council for subsequent approval. Application for approval of any 'reserved matter' must be made within three years of the date of this permission.
Reason: This is a mandatory condition imposed by the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to encourage development to take place at an early stage.
2. The development must start within two years from the final approval of the reserved matters.
Reason: This is a mandatory condition imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to encourage development to take place at an early stage.
3. The development permitted must be carried out in accordance with the following approved plans: 236801/01, 113263-CAL-XX-XX-DR-D-1100 rev P1 and 236801 / PL_001/B
Reason: For the avoidance of doubt and in the interests of proper planning.
4. Any reserved matters application including details of layout and scale shall be accompanied by a plan showing details of existing and proposed finished

ground levels (in relation to a fixed datum point) and finished floor levels and their relationship with adjoining buildings and ground levels. Thereafter the development shall be carried out in accordance with the approved finished floor and ground levels. Reason: To control matters which will impact on the visual impact of the development within the Area of Outstanding Natural Beauty and in the interests of neighbouring amenity.

5. Before the construction of any external walling starts a sample panel of the proposed external walling/rendering must be completed, inspected and agreed in writing by the Council. This must clearly demonstrate the finish to be used, The panel must remain on site during construction works. The development must be built in accordance with the agreed sample panel. Reason: To ensure the satisfactory appearance of the development in the interests of the character and appearance of the AONB.
6. An Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted with any Reserved Matters application for layout or landscaping and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the AMS must provide the following:
 - a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
 - b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
 - c) a schedule of tree work conforming to BS3998;
 - d) details of the area for storage of materials, concrete mixing and any bonfires;
 - e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
 - f) details of any no-dig specification for all works within the root protection area for retained trees;
 - g) details of the supervision to be carried out by the developer's tree specialist;Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.
7. Prior to the first occupation of any of the houses, a footpath crossing the site connecting it to the existing footpath SE5/13 running to the north of the site must be constructed in accordance with details that have first been submitted to and agreed in writing by the Council. The details must include the route of

the footpath, any materials to be used and a maintenance scheme. The footpath shall be maintained in accordance with the details agreed by the Council.

Reason: To ensure that there is a pedestrian link to the existing footpath network which leads to the Bog Lane SANG, providing an opportunity for residents to utilise the SANG for recreation instead of nearby protected heathlands.

8. A scheme of landscaping, both for the site and covering the area outside of the application site, but shown in blue on drawing 236801/01 dated 04 November 2019 must be submitted in writing and approved by the LPA and then carried out in accordance with the approved scheme prior to first occupation of the dwellings. This needs to include:
 - i. A survey plan, showing existing cables, pipes and ducts above and below ground, existing levels, and all existing trees, shrubs and hedges on the land, 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 levels, and details of hard landscape (cables, pipes and ducts above and below ground, , surface water drainage, etc.) and soft landscape (trees, shrubs, herbaceous plants and grassed areas);
 - iii. Planting plans which must 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 complies 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 of the grassed areas, and details of protection from rabbits and other grazing animals;
 - v. Information, which complies with BS 7370 Part 1 1991 and Part 4 1993 Grounds Maintenance, regarding how the planting will be maintained for the first five years following planting. This should include detail of watering, weed control and pruning.

Reason: These details are required to be agreed at the Reserved Matters application stage, in order to allow full consideration of the mitigation provided by landscaping in considering the layout of the site. The details are required to protect existing trees, hedges and biodiversity which may exist on the site, ensure the satisfactory landscaping of the site and to enhance the biodiversity, visual amenity and character of the area.

9. Before the development is occupied or utilised the following works must have been constructed:

A pavement along the north side of West Lane from the A351 to Corfe Road (B3075).

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.

10. No development must commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority.
Reason: To ensure the proper and appropriate development of the site
11. An updated Flood Risk Assessment (FRA) for the site, incorporating the most up to date flood data and climate change allowances must be submitted in writing with any Reserved Matters application. The agreed recommendations set out in the FRA shall be fully implemented before any of the dwellings are occupied.
Reason: To reduce the risk of flooding to the proposed development and future users in line with paragraph 163 of the National Planning Policy Framework
12. 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, must be submitted in writing with any Reserved Matters application relating to layout. The surface water scheme shall be fully implemented in accordance with the submitted details before any of the dwellings are occupied.
Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.
13. Details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system must be submitted to and approved in writing by the Local Planning Authority prior to first occupation. 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 surface water drainage scheme throughout its lifetime.
Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.
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 16/10/2020 must be strictly adhered to during the carrying out of the development.
The development hereby approved must not be first brought into use unless and until the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the

requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

15. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during demolition and construction in accordance with the IAQM "Guidance on the assessment of dust from demolition and construction (February 2014)
 - vii. measures to control noise arising from the demolition and construction
 - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - ix. hours of operation on the site
- Reason: This information is required prior to commencement to safeguard the amenity of the locality and in the interests of road safety.

16. There will be no additional external lighting beyond that which is specified in the Biodiversity Mitigation Plan approved by the Dorset Natural Environment Team on 16/10/2020.
Reason: In order to ensure that the impact of lighting upon protected species (notably bats) is minimised. In addition, the low amounts of external lighting will contribute to the protection of the dark skies special quality of the Dorset AONB.

17. The properties shall only be occupied by a person as his or her only or principal home. For the avoidance of doubt the dwelling shall not be occupied as a second home. The occupier shall supply to the Council (within 15 working days of the Council's request to do so) such information as the Council may reasonably require in order to determine compliance with this condition.
Reason: To ensure that the approved properties are not used as second homes, which would harm the sustainability of the local communities and would not contribute towards meeting local housing need.

Informative Notes:

1. Informative Note - Dorset Council Highways.
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 Infrastructure Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, Hall, Dorchester, DT1 1XJ.
2. Informative Note: Any works proposed to the Ordinary Watercourse which crosses the site may require prior Land Drainage Consent (LDC) from DCC/LLFA, in accordance with s23 of the Land Drainage Act 1991, in addition to planning permission. The proposed realignment, culverting and any associated improvement or reprofiling of the existing / retained channel will certainly require such prior LDC from ourselves. LDC enquires can be sent to floodriskmanagement@dorsetcouncil.gov.uk.
3. Informative Note: If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.
4. Informative Note: When discharging the conditions in relation to the drainage scheme, the following details must be included:
 - A comprehensive surface water drainage strategy that prioritises the use of open surface water attenuation features
 - Maintenance details to include assurances that the relevant homeowners will have a clause in their deeds that informs the homeowners of their riparian responsibilities to maintain the Ordinary Watercourse flowing through their gardens.
5. Informative Note - Community Infrastructure Levy. This outline planning permission is not subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008, but any reserved matters application will be.
6. Informative Note - Planning Obligation. This permission is subject to a Section 106 Planning Obligation with respect to affordable housing provision and the provision of the footway.
7. Informative Note – Secured by Design. The applicant is advised to ensure that the development adheres to the Secured by Design Principles and may wish to consider applying for accreditation by the scheme.

8. Informative Note – Rear access gates. The applicant is encouraged to ensure that any rear access gates are secured with a key lockable bolt to enhance the security of the properties.

9. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: the applicant/agent was updated of any issues; the opportunity to submit amendments to the scheme/address issues was given which were found to be acceptable.

or

- (B) Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.**

● Approximate Site Location

Application reference: 6/2019/0639

Site address: Land North of West Lane, Stoborough, Wareham

Proposal: Outline application for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all matters reserved apart from vehicular access from West Lane

