

1.0 Application Number: [2/2019/1529/FUL](#)

Site Address: Bourton Mill Factory Hill Bourton SP8 5AX

Proposal: Erect 20 No. dwellings.

Applicant name: Clublight Developments Limited

Case Officer: Hannah Smith

Ward Member(s): Cllr Potheary, Cllr Ridout, Cllr Walsh

2.0 Summary of recommendation:

Delegate authority to the Head of Planning to grant, subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a suitable body to undertake responsibility for future dam management, to provide a local play facility to serve the application site, to secure the future maintenance of the IOWA, play facility and River Stour buffer strip together with its public access, to secure a contribution towards the village hall development and conditions as listed at the end of this report.

3.0 Reason for the recommendation:

- The principal of development has been established by the grant of earlier planning permissions;
- There are no material considerations which would warrant refusal of this application;
- 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
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact;
- There is not considered to be any significant harm to neighbouring residential amenity.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development has been established by the earlier granting of planning permission for the mixed use scheme incorporating B1 use and 29 residential units in 2014 (Council ref: 2/2012/0066) and the further grant of planning permission for 35 residential dwellings under reference 2/2015/1841/VARIA.
Scale, design, impact on character and appearance	The scale of development and its design is very similar to that previously approved. It is not considered that it would be inappropriate in this location and there will be no detrimental impacts on the character and appearance of the locality.
Impact on amenity	The development is distant from other dwellings other than those forming part of the development site and as such, there will be no significant impacts on amenity.
Impact on landscape or heritage assets	The site is not in a conservation area and no heritage assets are adversely impacted. A programme of archaeological recording should take place before and during development to provide an appropriate record of buildings and other features of interest. This can be required by a suitable condition. The impact upon the setting of the AONB would be acceptable considering the distance, topography, and intervening vegetation.
Access and Parking	The access to the development has already been implemented. This scheme seeks to amend the parking so that it is to be provided in and under the dwellings or in the case of plots 17 to 19 off the central access road. As a result, only three dwellings are to be served off the western access road. This has therefore been reduced to a 3-metre private drive with a passing place. All car ports previously approved off that road have now been removed resulting in a more open development and larger rear garden areas.

<p>Affordable Housing and Other Contributions</p>	<p>Policy 8 of the NDLP seeks the provision of 40% of the total number of dwellings as affordable units on developments delivering eleven or more additional dwellings. The policy advises 70%-85% should be affordable rent with 15%-30% provided as intermediate housing. The Policy also requires that affordable units are indistinguishable from market housing and should be grouped in small clusters amongst the market housing.</p> <p>The earlier granted permissions included provision for 6 affordable units or alternatively a contribution to off-site provision. A deed of variation is required to tie this application to the S.106 requirements of the previously granted application for the whole site, which included contributions as follows:</p> <ul style="list-style-type: none"> • To secure a suitable body to undertake responsibility for future Dam Management. • To provide a local play facility to serve the application site. • To secure the future maintenance of the IOWA, play facility and River Stour buffer strip together with its public access. • To secure a contribution towards the village hall development project. <p>However, an application to discharge the affordable housing element of the earlier s106 agreements was submitted in 2017 and the Council accepted that due to viability issues, this element could not be provided, and the affordable housing obligation was thus discharged in February 2019.</p>
<p>Flooding</p>	<p>The site lies partly within flood zones 2 and 3 but the development proposed has an almost identical footprint to that previously agreed and will not increase flood risk to any greater degree.</p>
<p>Contaminated Land</p>	<p>Planning Application No 2/2019/1529/FUL proposes to reuse stockpiled soils currently present within the area proposed for development. If the application is granted permission, all design, pre-construction and construction works must comply with</p>

	<p>remediation measures proposed for the development, the Asbestos Material Management Plan, as approved by the Local Planning Authority (LPA) and Environment Agency (EA). This to prevent and mitigate potential contaminated land risks to sensitive human health and controlled water receptors. After appropriate remediation, the land should be considered not to represent a risk to sensitive human health/controlled water receptors and would not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.</p>
<p>Economic benefits</p>	<p>It is acknowledged that the continued development would bring economic benefits through jobs in construction and the local economic benefits that additional occupiers would bring. There has also been grant funding for the development from Homes England. These benefits need to be balanced and considered with other planning matters that pertain to the case.</p>
<p>Other Matters – 5-year housing land supply</p>	<p>The Council cannot currently demonstrate a five-year housing land supply and therefore the presumption in favour of sustainable development, as set out in paragraph 14 of the National Planning Policy Framework is engaged in respect of this application.</p> <p>The Council at present can only demonstrate 3.3 years of housing land supply of the requisite 5.0 years of housing land supply as set out in the NPPF.</p> <p>One reason that the 5 year supply has fallen (despite an increase in approvals) is that there is an amended definition of ‘deliverable’ in the latest NPPF, which means that the Council can no longer automatically include major development with outline permission in its 5 year supply. The definition states that Councils can only include such sites “where there is clear evidence that housing completions will begin on site within five years.” This means that the approval of outline applications such as the ones for the Gillingham SSA would not</p>

	immediately improve the Council's 5-year supply, but it will over time as the allocation is progressing with the outline consents and the construction on the Lodden Lakes site.
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5.0 Description of Site

Bourton Mill lies approximately 200m to the north of the village of Bourton, Dorset. Bourton is a large, former industrial village located in the northeast part of the former North Dorset district. It is currently a partly developed residential area through earlier planning permissions granted under references 2/2012/0066/PLNG and 2/2015/1841/VARIA.

Considerable engineering works have been undertaken at the site and the River Stour, which was formerly culverted under the mill factory floor, and which now flows through an open channel. A new road bridge takes Factory Hill over the river which then connects to its original open channel.

Within the southern section of the site and the adjoining Bridge Street units the culvert taking a small stream has been re-routed into the River Stour.

The earlier consented development site comprised of additional land to the east of Factory Hill and north of Bridge Street and land to the south-east of Dovehayes Cottage fronting onto Bridge Street: This originally formed part of Dovehayes Cottage and borders the dwellings curtilage and Dovehayes Barn. This also contains part of the Important Open/Wooded Area (IOWA).

The River Stour flows through the site. The Environment Agency has identified that the site falls within Flood Zone 3 (FZ3).

At the present time 14 units have been completed within the overall development site (plots 1 and 2, plots 22-24, plot 25 and plots 27-34).

6.0 Description of Development

The proposed development seeks planning permission for the erection of 20 dwellings on part of the site that has been previously consented to house 16no. dwellings (under Council reference 2/2015/1841/VARIA). Although there is an increase in overall unit numbers, the number of bedrooms proposed falls as the units proposed are smaller and comprise of 10no. two-bedroomed dwellings and 10no. three-bedroomed dwellings (previously 16no. four-bedroomed dwellings). Whilst adding four dwellings the net result is a reduction of 14 bedrooms and as a consequence, fewer residents. The changes also require fewer car parking spaces.

The proposed building forms remain the same with the ridge heights, massing, expression, and materials being retained as previously approved. In the case of

materials these are as those used on the properties completed or in the course of construction. Natural stone is Shaftesbury Greenstone, through colour render of white, Imerys's Beauvoise Graphite and double Panne clay roof tiles.

7.0 Relevant Planning History

Previous applications include:

2/2003/1166 Erection of 43 dwellings with garaging; conversion of former mill to doctor's surgery and business centre; creation of new accesses to Bridge Street and Factory Hill. (withdrawn)

2/2004/0716 Erection of 44 residential units and 4 live work units. Refused & appealed. Appeal allowed and later quashed by the High Court. Re-determined appeal subsequently withdrawn.

2/2012/0066/PLNG Develop the land with a mixed-use development comprising of 29 No. dwellings with parking and Class B1 business use with parking. (Outline application to determine access and layout) (Approved subject to a s106)

2/2015/1841/VARIA Application to vary conditions from application number: 2/2012/0066/PLNG dated 27/01/2014 (Approved subject to s106).

22016/0610/REM Erect 35 No. dwellings with garaging, parking, and associated landscaping. (Reserved Matters application to determine Appearance, Landscaping and Scale, following grant of Outline Planning Permission No. 2/2015/1841). (Approved).

2/2017/1656/MODPO Request to discharge Affordable Housing Planning Obligation set out in Schedule 3 /Section 2.0 - 2.17 of Agreement dated 20 May 2016 of Agreement Pursuant Section 106 of the Town & Country Planning Act 1990.

2/2019/0566/FUL Erect 1 No. dwelling and create 2 No parking spaces. Refused.

8.0 List of Constraints

Grade: GRADE 3

Type of Charge: Planning Agreements Area Description: Undertaking dated 7th April 1993 relating to the development and use of the land as a golf course (PA 90/850) Amended by Planning Committee Minute no. 21 dated 24th May 1995

Grade: GRADE 4

Type of Charge: Planning Agreements Description: Deed of Undertaking between Clublight Developments Limited and National Westminster Bank and relating to the development of land at Bourton Mill, Bourton, Dorset.

TPO Polygon: Area TPO 5/5/04 Bourton Mill and land off Factory Hill and Bridge Street, Dovehayes Cottage Bridge Street, and various other pieces of adjacent land. All trees of all species. A1

Type of Charge: Planning Agreement - S106 Description: Agreement dated 20th May 2016 relating to the variation of conditions from application number 2/2012/0066/PLNG to enable the redevelopment of the land with a residential development comprising of 35 No. dwellings with parking & landscaping (outline application to determine access & layout) at Bourton Mill, Bridge Street, Bourton, SP8 5BA.

Type of Charge: Planning Agreement Description: Agreement dated 27 January 2014 relating to the redevelopment of the land with a mixed use development comprising of 29 dwellings with parking and Class B1 business use with parking (outline application to determine access and layout); and the planning obligations attaching thereto. PA 2/2012/0066/PLNG

Floodzone Type: Flood Zone 3

Floodzone Type: Flood Zone 2

9.0 Consultations

Consultees

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

Bourton Parish Council

The Parish Council comment that they have serious doubts about the claimed presence of an impermeable membrane beneath the stockpile. This is from continuous observation of activities onsite since commencement of the Bourton Mill development.

They request that the Council obtains irrefutable evidence from the developer which proves that the impermeable membrane has been placed under the entire area covered by the stockpile.

OFFICER COMMENT: Officers advise that the membrane under the spoil heap was proposed as a precaution, first when the pollution incident occurred in 2017, and subsequently until chemical testing of the spoil heap was undertaken, and the soils contaminative status could be determined. However, this was not part of a remediation strategy following site investigation and risk assessment and it is not a remediation requirement for the development. This has also been stated by the Environment Agency, EA letter dated 18/12/2020.

A number of other issues have been raised pertinent to on site construction works but are not pertinent to the determination of this application, which must be judged on its planning merits.

Dorset Education Officer

Based on the current protocol for the identification of developer contributions, 20 qualifying units would require £43,346 towards primary education and £81,541 towards secondary education. These funds would be used to support the building of an additional teaching spaces at St Georges Bourton Primary School. The secondary

contributions would be secured for the new specialist and/or science provision at the Gillingham School. Funds should be secured via a s106 agreement.

OFFICER COMMENT: There was no request for an education contribution on the consented scheme and therefore this did not form part of the original heads of terms. As the construction of the site is well under way with part of the wider site now occupied, it is not considered reasonable to seek this contribution in this particular instance. All of the other contributions that were previously sought across the site will be retained within the new S.106 agreement, that forms part of the recommendation.

Environmental Health Officer

The application should be forwarded to The Council's contaminated land consultants for their comments in relation to land quality. (See below).

Tree Officer

No objections but would recommend that the relevant landscaping conditions are applied so to succeed the previous consent.

Natural England

Natural England have no objection to the principle of the application. However, it is imperative that the originally secured and approved Biodiversity Mitigation and Enhancement Plan is equally secured to this application which is intended to supersede the extant one.

Transport Development Management

No objections are raised to the application.

Environment Agency

Details submitted with the application suggest the clay barriers form swales that allow soakaway of surface water to groundwater is concerning as it suggests that the clay has not been placed and compacted adequately to form a sufficiently impermeable barrier.

The installation of this barrier formed part of the agreed Remediation Strategy for the currently permitted development as required by condition 15 of 2/2015/1841/VARIA. It should be noted that this barrier feature and the one in the northern part of the site are yet to be validated as required by the existing planning permission and Remediation Strategy.

The EA are however, satisfied that levels of contamination identified in the placed material do not significantly alter the residual risk to controlled waters provided the remedial measures set out in the agreed Remediation Statement (LBH Wembley, May 2018) are fully implemented and validated.

The EA have no objection to the measures set out in the document submitted now (Site Remediation Strategy, ACS August 2020) being implemented provided they are additional to the full measures and validation testing set out in the previously agreed remediation strategy.

Regarding waste management, the EA are in general agreement with the conclusions of the Remediation Review that levels of contamination, identified in the stockpiled material do not significantly alter the residual risk to controlled waters, provided the remedial measures set out in the agreed Remediation Statement (LBH Wembley, May 2018) are fully implemented and validated.

In respect of flood risk the EA would not be minded to challenge this particular proposal subject to the following:

- (i) there must be no reduction in finished floor levels to the dwellings compared to the previous approval(s) to the terraces in question.
- (ii) there must be no other amendments proposed to layout or designs to the terraces in question or elsewhere within the site that could increase flood risk and/or impact on flood risk interests compared to the previous approval(s).
- (iii) Where appropriate, previous flood risk related conditions and informatives requested by the Environment Agency (and also by the LLFA and Local Authority drainage engineers, at their request) in response to associated planning approvals must be applied and discharged for this new planning application.

Flood Risk Manager – Highways

Advice from EA should be sought as previously.

Suggested conditions are incorporated within the recommendation below.

Dorset Police Architectural Liaison Officer

No comments received.

Dorset & Wiltshire Fire and Rescue Services

No comments received.

Wessex Water

No comments received.

Dorset Waste Partnership

No comments received.

Representations received

WPA Contaminated Land Consultants (obo Dorset Council)

WPA have reviewed all relevant documentation to determine whether soils can be reused at the site under planning application 2/2019/1529/FUL, without representing a human health risk and in compliance with the National Planning Policy Framework (NPPF) 2021 and the Part 2A of the Environmental Protection Act (EPA) 1990.

WPA required additional information in relation to the asbestos risk assessment and the asbestos license status for construction works to be undertaken for planning application 2/2019/1529/FUL and agreed that construction works proposed for the site do not fall under the Licensed Works requirement definition.

However, WPA remains of the opinion that any construction works under the new planning application should be classed as “Notifiable Non-Licensed Works”. Under this category, the HSE should be notified prior to undertaking any works.

To mitigate human health risks from asbestos during construction works, all site works should comply with parameters included in the Asbestos Material Management Plan, Rev 02 prepared by ACS, 03 March 2021. The Watching Brief, Rev 2, by ACS, March 2021 should be in place during all pre-construction (site preparation works) and construction works.

Site operatives will need to be suitably trained for asbestos, and at least one trained operative will be permanently on-site to ensure that any unforeseen presence of ACMs or other type of contamination is identified and appropriately reported to the LPA.

All construction workers within the spoil heap area should be appropriately trained and are aware of the ground conditions, so they can avoid exposing themselves and others to asbestos fibres. Should visible AIB, lagging or any form of licensable ACMs identified during site preparation and/or construction works, the work should be stopped, and the LPA be notified immediately. A qualified/competent consultant would be required to assess the type of asbestos materials found and to determine the potential risk to construction workers and other human health receptors. Based on the findings of the further investigation and asbestos risk assessment, the license status of the works should be reviewed and modified accordingly. These matters are all addressed through suggested conditions included within the recommendation.

It is considered that contaminated land risks from the spoil heap soils can be safely mitigated, provided the above is in place, and the remediation measures included in the Site Remediation Strategy Rev 2 by ACS, 03 March 2021, The Remediation Strategy Addendum by ACS, 22 March 2021 reference 21-70726 and the LBH Wembley Limited. Land Contamination Assessment & Remediation Statement. Ref LBH3256 Rem All Zones Ver. 2.3, are implemented in full in accordance with the agreed remediation requirements.

Additional remediation measures have been agreed for the capping system of all private gardens and areas of soft landscaping of the new development. This includes 200mm of a capillary breaker below 600mm of the imported clean cover (imported certified 300mm topsoil and 300mm subsoil) and the impermeable geomembrane. Additional measures have also been agreed with the developer for hydrocarbon vapours, which include the incorporation of a CS3 gas protection system for all new dwellings. The above measures are in addition to the remediation measures included in the Land Contamination Assessment and Remediation Statement for All Zones Ver. 2.3. LBH Wembley, May 2018.

For the capping of the “Stockpile Re-use Area” All imported soils should be obtained from a certified soil supplier and contamination testing should be provided by the soil supplier. On-site validation testing should also be undertaken, 1 sample per 50m³ or 1 sample per plot.

It is imperative that all remediation measures proposed for the development are fully incorporated within the various phases of the construction works. Any variation to the agreed remediation measures should be discussed, reviewed, and agreed with the LPA

All remediation records should be compiled for inclusion in the Validation/Verification Report to be prepared for the site. Confirmation that all works were undertaken as specified in the approved Asbestos Material Management Plan, Plan of Work and Remediation Action Plans (asbestos contamination, ACS and LBH remediation plan) will be required. This to be corroborated with the appropriate/related site records.

In addition to validation data listed in section 4.5 of the Site Remediation Strategy by ACS, Rev 2, the following records should be included in the validation report:

- Topographical survey showing final depths of reused soils placed across the site in accordance with the Materials Management Plan (MMP). Soil movement records, site/soil inspection records, photographic records of works.
- Records of all asbestos remediation measures adopted for the “Stockpile Re-use Area” in compliance with the Asbestos Materials Management Plan (AMP) Rev 02 prepared by ACS, including asbestos training records, air asbestos monitoring results. Should a separate Asbestos Validation Report be prepared for the site, this should be indicated.
- Validation and verification records for the various capping system across the “Stockpile Re-use Area” including verification of thickness of topsoil, subsoils, capillary break layer and coloured geomembrane, on-site validation testing results at the required validation sampling rates, photographic records of all works, etc.
- Records of all other remediation measures approved for the site as included in the LBH Wembley Land Contamination & Remediation Statement (Ref LBH3256 Rem All Zones Ver. 2.3), dated May 2018.

A Discovery Strategy should be in place during all pre-construction (site preparation works) and construction works. Should unforeseen contamination or licensable ACMs be encountered during the works, work should stop immediately, and the LPA be notified. Works cannot restart until the soils are investigated and assessed by a competent and suitable qualified Consultant and the Site Category and Plan of Work is revised and modified accordingly.

The Asbestos Material Management Plan and Plan of Work should be reviewed and modified accordingly to reflect the asbestos work license category and asbestos control requirements for the development. The Remediation Action should be also be reviewed and amended to consider the above and WPA’s comments.

It is further recommended that Permitted Development Rights are restricted. PD Restrictions should apply to any construction works that can compromise remediation works undertaken for the development, e.g., foundations/footings for new extensions and conservatories, significant landscaping works, etc. Any development proposal which can compromise remediation measures should require planning permission and Contaminated Land (CL) conditions imposed should permission be granted.

WPA understands that the Environment Agency has been notified in relation to potential risk to controlled water receptors, drainage issues and flooding risks. It is further understood that Building Control has been notified in relation to potential settlement and instability issues related to the reuse of made ground soils beneath foundations of the proposed development.

OFFICER COMMENT: Matters raised by WPA in respect of land contamination and other issues are covered through suggested conditions, informatives or other legislation outside of the scope of planning considerations (e.g. HSE legislative requirements).

Total - Objections	Total - No Objections	Total - Comments
8	0	1

Petitions Objecting	Petitions Supporting
0	0

In total 8no. objections and one further item of correspondence have been received in respect of this application. The issues raised are summarised below:

- Density is too high for a village location;
- Development will create more pollution;
- Additional traffic and parking problems;
- There is no demand for the development;
- There is inadequate access to schools from the site;
- Inadequate and inappropriate underground parking;
- Inadequate landscaping in this location;
- The site still contains contaminated soil;
- Reducing the size of the housing should make it easier to sell them and thus the development will be completed;

OFFICER COMMENT: A number of comments received also relate to construction activities that have taken place at the site in relation to the earlier consented development but these issues whilst noted, are not pertinent to the determination of this application.

10.0 Relevant Policies

Development Plan

Local Plan: The North Dorset Local Plan Part 1 (LPP1) was adopted by North Dorset District Council (NDDC) on 15 January 2016. It, along with policies retained from the 2003 North Dorset District-Wide Local Plan, 1 and the 'made' Gillingham Neighbourhood Plan, form the development plan for the North Dorset Area within Dorset Council. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant applicable policies in the adopted North Dorset Local Plan Part 1, January 2016 are as follows:

Policy 1 – Presumption in favour of sustainable development

Policy 2 - Core Spatial Strategy

Policy 4 – The natural environment

Policy 5 – The Historic Environment

Policy 6 – Housing distribution

Policy 7 – Delivering Homes

Policy 8 – Affordable Housing

Policy 13 – Grey Infrastructure

Policy 15 – Green Infrastructure

Policy 20 – The Countryside

Policy 23 – Parking

Policy 24 – Design

Policy 25 – Amenity

Policy 1 reflects the approach in the NPPF and sets out a presumption in favour of sustainable development. Planning applications which accord with the plan will be granted without delay. In other cases, the Council will consider whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

All development should accord with the Core Spatial Strategy set out in Policy 2. Outside the defined boundaries of the four main towns (the settlement boundaries being retained from the 2003 Local Plan), the remainder of the District (including Stalbridge and all the District's villages) will be subject to countryside policies where development will be strictly controlled unless it is required to enable essential rural needs to be met. It is agreed that the appeal site lies outside the settlement boundary in an area which is defined as countryside. Policy 20 seeks to restrict development in such locations to specified categories or where there is a local need.

Policy 4 refers to the natural environment. Development will be expected to respect the natural environment and landscape character. This is consistent with paragraph 170 b) of the NPPF which recognises the intrinsic character and beauty of the countryside. Policy 5 seeks to ensure that heritage assets are not harmed by development with harm balanced against public benefits as also required by the NPPF.

Policy 5 relates to the historic environment and is consistent with the NPPF in requiring decision makers to apply great weight to the conservation of heritage assets. Clear and convincing justification will be required where harm is identified including any change to

its setting. The policy also identifies the degree of harm: either substantial or less than substantial with harm weighed against the public benefits.

Policy 6 outlines the distribution of new housing within the District. The vast majority of growth will be concentrated in the four main towns. This also seeks the provision of 500 affordable new dwellings in the period 2011-2026. The type and delivery of new housing is set out in Policy 7 and affordable housing in Policy 8. While Policy 9 sets out the details for rural exception sites and how dwellings in the countryside will be delivered.

Policy 7 States that all housing should contribute towards the creation of mixed and balanced communities. It requires the delivery of about 40% of market housing in North Dorset as one or two-bedroom properties and about 60% of market housing as three or more-bedroom properties. Further, the Council will support the delivery of about 60% of affordable housing in North Dorset as one or two-bedroom properties and about 40% of affordable housing as three or more-bedroom properties. The Council will support the provision of age-restricted housing for the elderly and will usually seek to control its occupancy by planning condition or planning obligation. Density of development should respect the character and distinctiveness of the locality.

Policy 8 sets out the Council's approach to the provision of affordable housing, subject to site-based viability testing. The revised threshold of ten published in the NPPG update on 28/11/2014 forms part of this policy approach. The policy compliant proportion of affordable housing in Blandford Forum is 30% on developments of more than 10 dwellings with a tenure split of 70% affordable rent and 30% intermediate housing.

Policy 13 refers to grey infrastructure which includes transport, utilities, and drainage. Social infrastructure (cultural, educational, health and leisure facilities) and green infrastructure (open space and wildlife corridors) are covered under Policies 14 and 15.

Policies 23, 24, and 25 are design related policies. These policies address matters related to parking, design, and amenity respectively.

Bourton Neighbourhood Plan

Policy 1: Landscape Setting. a) All new development adjoining or close to the rural edges of the village shall be planned and designed to create a sensitive transition between village and countryside. Development shall take place within the existing Settlement Boundary or on allocated sites.

Policy 2: Settlement Pattern and Character. Development proposals will maintain the settlement pattern and character and: a) Development proposals which are likely to alter, remove or otherwise have a detrimental impact on trees, hedges and open spaces should be resisted. Such proposals should consider the likely impact on the amenity value of trees, hedges and open spaces and an assessment of their contribution to their immediate and wider setting should be included at the commencement of any development proposals. b) All new development shall have regard to the spatial characteristics of the locality and shall secure adequate space and planting. Visually

important open space between buildings and groups of buildings will be required to maintain an open aspect. c) Changes to existing boundaries and the creation of new ones shall reflect the streetscapes, materials, and heights of boundaries in the vicinity and be of high quality. Hedges are the preferred method of delineating boundaries. The omission of boundary fences, walls, or hedges from new development in order to create an 'open plan' environment shall be resisted.

Policy 3: Building Design and Form. a) The scale, form and massing of new development or alterations to existing buildings shall reinforce the underlying vernacular or character of its particular context. b) All new development shall be of high quality and respect the surrounding environment, both built and natural. c) All alterations or new development shall complement the character and appearance of surrounding properties in terms of height, scale and density. d) All new development shall reflect or reinforce the existing road frontage where a clear historic building line has been established. e) External security lighting shall be sited so as to prevent light pollution or inconvenience to neighbours or pedestrians.

Policy 4: Traffic and Parking. a) The impact of increased traffic resulting from development proposals should not detract from the village character and the rural ambience of roads and lanes and is a material consideration in the determination of Planning Applications. b) The provision of off-road parking shall continue to be a requirement in all new development proposals. c) Any new development or alteration shall ensure that frontages do not become dominated by hard surfacing and parked vehicles.

Policy 6: Biodiversity. Development proposals must ensure that local biodiversity will not be harmed either directly or indirectly. Where opportunities exist, new habitats should be created to enhance the ecological network. In exceptional circumstances, where some impact is unavoidable, developers shall demonstrate that appropriate mitigation and/or compensation will be provided and will aim to achieve a net enhancement to biodiversity in the NPA. Permission will not be supported if significant harm resulting from development cannot be avoided.

Policy 7: Protection of Habitats.

Bourton Village Design Statement

BOU1, BOU2 and BOU4

Material Considerations

National Planning Policy Framework

The following sections of the NPPF are most relevant:

1. Introduction
2. Achieving sustainable development

- para 11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework 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 this Framework taken as a whole.

4. Decision-making - para 49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both: a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5. Delivering a sufficient supply of homes - para 77. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

6. Building a strong, competitive economy

7. Ensuring the vitality of town centres

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.

183 - Ground conditions and pollution. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

184. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Other material considerations

North Dorset Landscape Character Assessment (as amended) (2008).

Dorset County Council parking standards guidance.

Planning Practice Guidance: On 6 March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This includes the following statement:

“This guidance is intended to assist practitioners. Ultimately the interpretation of legislation is for the Courts, but this guidance is an indication of the Secretary of State’s views. The department seeks to ensure that the guidance is in plain English and easily understandable. Consequently, it may sometimes be oversimplified and, as the law changes quickly, although we do our best, it may not always be up to date”.

Elements of the Planning Practice Guidance relevant to this application have informed the “Planning Appraisal” section of the report.

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims: -

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

13.0 Financial benefits

Benefits	Quantum
Construction jobs	During the construction phase
Council Tax revenue.	Tbc

Spending in local economy by residents of 20 dwellings	Not known.
New Homes Bonus	Tbc
Village Hall Contribution	A £4,650 contribution towards the village hall development project (this is in addition to the £38,000 which has been paid by the developer, plus index linking)
Local Play Facility & maintenance of IOWA	A contribution of £160,444 to secure the future maintenance of the IOWA, play facility and River Stour buffer strip together with its public access, with the requirement to offer the open space to the Parish Council in the first instance.

14.0 Climate Implications

The development is considered to be in a sustainable location with the services and facilities of the village 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 scheme to enhance the ecology of the site is to be provided as part of the overall development.

15.0 Planning Assessment

Location of Development

Paragraph 122 of the NPPF states that *“Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting*

(including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive, and healthy places.

In this instance, it is considered that the principle of development has been established by the earlier granting of planning permission for the development of the mixed use scheme incorporating B1 use and 29 residential units in 2014 (Council ref: 2/2012/0066) and the further grant of planning permission for 35 residential dwellings under reference 2/2015/1841/VARIA. This scheme is very similar in footprint to the earlier approval but seek permission for an additional 4no. residential units in total. The more efficient use of the site is supported by the NPPF.

Since the adoption of the Local Plan Part 1, 2011-2031, Bourton continues to be a village that will receive further growth as it has been identified as one of the 18 larger villages. Development in the larger villages will contribute towards meeting locally defined need within the district. Bourton continues to represent a sustainable location for new housing, having regard to the spatial distribution that is outlined in the core policies of the plan.

The site remains within the village settlement boundary and there are no “in-principle” objections to the development of 20no. units in this location.

Character and Appearance

The site is relatively well contained due to the topography of the land, within the valley basin, and also due to the existing mature vegetation. With this in mind, the proposed dwellings will not appear obtrusive in the landscape or when viewed within the sites immediate setting. The site is located in close proximity to the Area of Outstanding Natural Beauty (AONB). However as there is limited scope for intervisibility between the application site and the AONB, the proposals will not give rise to any harmful effect on the setting of the AONB.

In terms of character and appearance of the area more generally, the scheme does not differ to any significant degree from the earlier approved scheme that featured 16 units in this section of the site. The somewhat elongated nature of the site supports a broadly linear development and the site layout reflects this position. The majority of houses will face towards the central square and central access road. The majority of buildings comprise parts of terraces with plots 7-8 and 9 and 9a consisting of semi-detached properties. The palette of materials will again reflect the earlier permitted schemes, incorporating stone, render and tiles. As can be seen from the dwellings already constructed, the quality of design is good.

Whilst the design might not reflect the immediate context of the site, which comprises detached dwellings set within large plots, as a constrained brown field site that was previously used for employment purposes and developed in the first instance because of its proximity to the river, it has little scope to be re-developed to reflect the context of the locality. It also reflects the detail of the earlier approved scheme.

It is considered that the scheme will not impact adversely on the character and appearance of the locality and is consistent with policies 7 and 24 of the Local Plan Part 1, policies 1, 2 and 3 of the Bourton Neighbourhood Plan and with advice contained within the NPPF.

Landscaping Proposals

The whole of the application site is designated with a Tree Preservation Order (TPO). It is of note that the majority of the trees on the site are poor quality and self-seeded. All of the trees of significance would be retained and there are no trees contained within the red line of this application. The TPO will remain in place and protect all of the existing trees in the wider site. Tree protection measures were conditions of the outline consent and are repeated here in relation to this standalone full application.

Impact on Amenity

The units proposed within this section of the development are distant from any neighbouring properties in the vicinity. Therefore, the proposed dwellings will not give rise to any unacceptable overlooking of adjacent properties. Nor will the dwellings share an overbearing relationship with Dovehayes Cottage, River View, or any of the other dwellings along Bridge Street and Factory Hill. Although there will inevitably be some additional noise by way of traffic movements and associated disturbance, this would not be of a degree that would be harmful. Consequently, there will be no significant impacts on amenity.

Access and parking

The access is as previously agreed, and no objections are thus raised in this respect. In terms of parking, in the redesigned scheme, all parking is to be provided in and under the dwellings or in the case of plots 17 to 19 off the Central Access Road. As a result, only three dwellings are to be served off the Western Access Road. This has thus been reduced to a 3-metre private drive with a passing place. All car ports previously approved off that road have now been removed.

The Council's Highways Officer has raised no objections to the amended scheme, and it is considered acceptable in terms of access and parking arrangements.

Affordable housing and other contributions

Policy 8 of the NDLP seeks the provision of 40% of the total number of dwellings as affordable units on developments delivering eleven or more additional dwellings. The policy advises 70%-85% should be affordable rent with 15%-30% provided as intermediate housing. The Policy also requires that affordable units are indistinguishable from market housing and should be grouped in small clusters amongst the market housing.

The earlier granted permissions (ref: 2/2012/0066/PLNG and 2/2015/141/VARIA) included provision for 6 affordable units or alternatively a contribution to off-site

provision. A s106 and subsequent deed of variation were agreed to secure this provision along with provision to secure the following:

- To secure a suitable body to undertake responsibility for future Dam Management.
- To provide a local play facility to serve the application site.
- To secure the future maintenance of the IOWA, play facility and River Stour buffer strip together with its public access.
- To secure a contribution towards the village hall development project.

Following these applications however, an application to discharge the affordable housing element of the earlier s106/deed of variation was submitted in 2017 and the Council accepted that due to viability issues the affordable housing element could not be provided and the affordable housing obligation was thus discharged in February 2019.

In respect of this current application, officers are satisfied that there has been no change in circumstance in terms of development viability. The development has received funding from Homes England, and this helped with significant issues including the demolition of the old mill buildings, remodelling the weir, site remediation, infrastructure, and the construction of homes. The site has continued to experience issues with expenditure, including increased costs due to the need for pilling of the foundations, due to the adverse ground conditions.

The other contributions remain relevant, and thus a further Section 106 Agreement will be required to secure such details.

Flood risk

The NPPF states at paragraph 159 that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”*.

Further at paragraph 167 it states *“when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the*

event of a flood, it could be quickly brought back into use without significant

refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”.

The site is identified by the Environment Agency as being within Flood Zone 3 at the highest risk of flooding. Flood risk assessments have been submitted with the earlier approved schemes and also with the current application.

The sequential and exception tests have been applied and previously concluded to be passed. However, the Council will still require the Applicant to demonstrate through a deed of variation to the section 106 obligation that the future management and maintenance of Bourton Dam and all other associated flood mitigation proposals and can be ensured in perpetuity without placing unreasonable and unrealistic requirements on future occupiers of the proposed dwellings.

In terms of the sequential test, there are no other identified sites within the Bourton area which could accommodate the level of housing proposed. The additional dwellings on this consented site are required to aid viability.

It is considered that subject to appropriate conditions and the deed of variation, the development is at no greater risk of flooding.

Contaminated Land

The NPPF 2021 states at paragraph 183 that “Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

The NPPF further states at paragraph 184 that “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.

A number of representations have been received that refer to previous poor site management arrangements and issues regarding land contamination. Issues have arisen in this respect through on site construction works methodology, but both the Environment Agency and the Council’s own contaminated land consultants, are at this

point in time content that the contaminated land issues have been addressed by the applicant and the works are currently compliant with conditions imposed and the relevant legislation outside of the requirements of the Planning Act and subject to the imposition of further conditions, to address all such matters, the application is acceptable in this respect.

The Planning Balance

There is currently a lack of a 5-year housing land supply in the North Dorset area. This proposal would provide much needed housing, in a sustainable location. This weighs strongly in favour of the proposal. In view of the lack of any other significant harms that cannot be addressed by appropriate conditions, Officers consider that the proposal complies with all relevant policy, and having regard to the guidance within the NPPF, permission should be granted without delay.

16.0 Conclusion

The application is considered to be acceptable. However, an additional s106 obligation is required to tie this application to the current s106 obligation so continue to secure the following:

1. A Dam Management Contribution of £50,000, to secure a suitable body to undertake responsibility for future Dam Management.
2. To provide a local area of play (LAP) to serve the application site.
3. A contribution of £160,444 to secure the future maintenance of the IOWA, play facility and River Stour buffer strip together with its public access, with the requirement to offer the open space to the Parish Council in the first instance.
4. A £4,650 contribution towards the village hall development project (this is in addition to the £38,000 which has been paid by the developer, plus index linking)

17.0 Recommendation

A) Grant, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

And the conditions (and their reasons) listed at the end of this report.

B) Refuse permission if the agreement is not completed by 24th January 2022 or such extended time as agreed by the Head of Planning.

Time Limit

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).

Drawings

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

- 2608-19-15 Location Plan
- 2608-19-10 Block Plan (North)
- 2608-19-11 Plans & Elevations Units 3-5
- 2068-19-16 Plans & Elevations Units 15-16
- 2068-19-17 Plans & Elevations Units 10-13
- 2608-19-18 Plans & Elevations Units 21-24

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

3. Within three months of the grant of consent, samples of materials to be used in the construction and finish of all walls (including screen and retaining walls) roofing windows and hard surfaces shall be submitted to the Local Planning Authority. Use of any such samples shall first require approval to be obtained in writing from the Local Planning Authority. The development shall thereafter accord with the approved details.

Reason: To safeguard the character of the locality.

4. Within three months of the grant of consent, sample panel(s) a minimum of 1 m x 1 m of any brickwork or stone panels shall be erected on site to demonstrate the bond, method, colour and texture of the pointing and coursing. Any such sample panel(s) shall require approval to be obtained in writing from the Local Planning Authority. The sample panel(s) shall be retained on site until all building work is completed. The development shall accord with the approved panels.

Reason: To safeguard the character of the locality and in the interests of the appearance of the development.

5. Within three months of the grant of consent, a scheme showing precise details of all fences, walls, retaining structures or other means of enclosure shall be submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority. The approved means of enclosure shall be erected or constructed before that part of the development is occupied.

Reason: In the interest of the amenity of the area.

6. Within three months of the grant of consent, a scheme showing precise details of the construction and surfacing of all parking, servicing, paved or hard surfaced areas, shall be submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority. The approved scheme shall be implemented before the development is occupied.

Reason: In the interests of the orderly development of the site and the amenities of the area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order)(with or without modification) no extensions to the dwellings or alterations within the curtilage permitted by Classes A, AA, B, D, E & F of Schedule 2 Part 1 of the Order shall be erected or constructed.

Reason: To enable the Local Planning Authority to retain control over the development of the site in the interests of amenity issues in relation to the density of development, public safety and to manage surface water disposal (in relation to Class F).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order)(with or without modification) no garages, sheds or other outbuildings shall be erected or enlarged, nor shall any means of enclosure be constructed within the land shown edged in red on the approved site plan.

Reason: In the interest of public safety and to safeguard the appearance of this development given its density in a rural edge location.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no wall, fence, structure etc. shall be erected unless express planning permission is obtained from the Local Planning Authority.

Reason: In the interest of public safety and to allow free passage of flood water during extreme flood events.

10. The finished floor slab levels shall accord with the levels shown on approved block plan layout drawing number 2238-11-03C received on 31st May 2012. Any revision to the layout of buildings shall be accompanied by plan(s) and section(s) of a scale not less than 1:200 and other particulars showing the level of the finished floor slab of the dwelling(s) in relation to Ordnance Datum. Any such plan shall require approval to be obtained in writing from the Local Planning Authority. The development shall thereafter accord with the approved finished slab levels.

Reason: To ensure that the building relates properly to adjoining property or properties in the locality, to safeguard the character and amenity of the area and to minimise the risk of flooding.

11. Before the commencement of any further works, a scheme shall be submitted to the Local Planning Authority to provide for archaeological observation and recording to take place during the development process, including (where appropriate) the observation and recording of any structure on the land which may be demolished (completely or in part) in the course of the development. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority. The development shall thereafter accord with the approved scheme.

Reason: The area is one of archaeological potential and it is important that any archaeological features and finds are properly recorded

12. The development shall be carried out in full accordance with the approved Asbestos Material Management Plan, Rev 2.

All construction workers within the spoil heap area should be appropriately trained and are aware of the ground conditions, so they can avoid exposing themselves and others to asbestos fibres. If, during works on site, visible AIB, lagging or any form of licensable ACMs identified during site preparation and/or construction works, the work should be stopped, and the LPA be notified immediately. A qualified/competent consultant would be required to assess the type of asbestos materials found and to determine the potential risk to construction workers and other human health receptors. Based on the findings of the further investigation and asbestos risk assessment, the license status of the works should be reviewed and modified accordingly, and an appropriate remediation scheme submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority.

(d) On completion of all the works detailed in the agreed Asbestos Material Management Plan, Watching Brief and Remediation Statement and prior to occupation of the development, a Site Remediation Completion Report (Validation and Verification Report) must then be completed by the environmental consultant(s) who carried out the remediation works confirming that they have supervised all the agreed remediation actions. All asbestos remediation records shall be compiled for inclusion in the Validation/Verification Report to be prepared for the site. Confirmation that all works were undertaken as specified in the approved Asbestos Material Management Plan, Plan of Work and Remediation Action Plans will be required. This to be corroborated with the appropriate/related site records. This report shall be submitted to the Local Planning Authority. No occupation shall take place until the Local Planning Authority is in receipt of said Remediation Completion Report and has confirmed in writing that it is satisfied with the contents of the statement and the standard of work completed.

The development shall be carried out in accordance with the approved details.

Reason: To prevent and mitigate potential human health risk from asbestos contamination during construction works to neighbouring occupiers and construction workers and to safeguard the living conditions of future and neighbouring occupiers and other sensitive receptors.

13. The development shall be carried out in full compliance with the remediation measures included in the Site Remediation Strategy Rev 2 by ACS, 03 March 2021, The Remediation Strategy Addendum by ACS, 22 March 2021 reference 21-70726 and the LBH Wembley Limited. Land Contamination Assessment & Remediation Statement. Ref LBH3256 Rem All Zones Ver. 2.3. Any variation to the agreed remediation measures must be agreed in writing by the local planning authority.

On completion of all the works detailed in the agreed documents as above, and required by Condition 12, a Site Remediation Completion Report (Validation and Verification Report) must then be completed by the environmental consultant(s) who carried out the remediation works confirming that they have supervised all the agreed remediation actions. The validation and verification shall be corroborated with the appropriate/related site records and all documentation shall be submitted to the Local

Planning Authority for approval in writing. Any variation to the agreed remediation measures must be agreed 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. The Watching Brief Rev 2 by ACS, March 2021 and a Discovery Strategy must be complied with during all pre-construction (site preparation works) and construction works. If unforeseen contamination is encountered during the works, all work must stop immediately, and the LPA shall be notified. Works shall not restart until the soils are investigated and assessed by a competent and suitable qualified consultant and the Site Category and Plan of Work shall be revised and modified accordingly to reflect the asbestos work license category and asbestos control requirements for the development, and the results shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved details

Where unforeseen contamination is found (asbestos or other type of contamination), which (in the opinion of the Local Planning Authority) requires additional remediation, a detailed Remediation Statement, including effective measures to avoid risk to future and neighbouring occupiers, the water environment and any other sensitive receptors when the site is developed and remediation programme detailing when each remediation action will occur relative to the construction works, shall be submitted to the Local Planning Authority for approval in writing. Any remediation scheme(s), or part(s) thereof recommended in the Remediation Statement, shall be carried out in accordance with the approved Remediation Scheme.

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

15. Before any further works on piling foundations are carried out, , a Piling Risk Assessment to evaluate environmental risks from piling and including the proposed piling technique shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Assessment.

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

16. Prior to the construction of any new foundations on site including those for roads, buildings and car parks, but permitting demolition and site clearance works, and prior to construction of any part of the flood risk management scheme, flood risk mitigation measures and dam works, a detailed fluvial flood management scheme, supported by detailed hydraulic modelling, shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include how the scheme integrates with the upstream dam and downstream natural channel, as well as design details of the stilling pool, river channel, Factory Hill Bridge, flood compensation, bollards/fencing to prevent objects/cars entering the channel, proposals to protect the adjoining natural channel from erosion, and a detailed plan showing how the scheme shall be managed,

maintained and funded in perpetuity after completion. The development shall be carried out in accordance with the agreed details.

Reason: To ensure long term effective provision of fluvial flood risk management

17. No part of development approved by this permission shall be first occupied until all of the flood mitigation measures, detailed in the flood risk assessment prepared by Fairhurst (December 2019), have been carried out in full and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is subject to minimum risk of flooding.

18. Prior to the construction of any foundations on site including those for roads, buildings and car parks, but permitting demolition and site clearance works, and prior to construction of any part of the flood risk management scheme, flood risk mitigation measures and dam works, a detailed floodpath analysis, utilising the flows and velocities calculated in the dam breach analysis, and details of the final building designs, taking into account structural loading criteria, shall be carried out in accordance with the recommendations contained within the Flood Risk Assessment by Fairhurst (December 2019). The final scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved details.

Reason: To ensure the development is adequately designed to resist structural damage in the event of a catastrophic flood, such as that resulting from a partial collapse of an upstream dam.

19. No development approved by this permission shall be occupied until a flood warning scheme and Flood Plan, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed and implemented in accordance with the approved details.

Reason: To ensure that owners and occupiers of premises are aware of evacuation procedures and are given adequate notice to evacuate during a major flood event.

20. A strip of land 8 metres wide adjacent to the top of the bank of the River Stour, downstream of Factory Hill, must be permanently kept clear of all new buildings and structures (including gates, walls, fences, hedges). A strip of land a minimum of 2.5 metres wide upstream of Factory Hill shall be maintained in the same condition.

Reason: To preserve access to the watercourse for maintenance and improvement and to avoid prejudicing the River Stour maintenance requirements.

21. Before any foundation of any individual building is dug on land forming the subject of this application, excluding plots 25, 26, 27, 28, 7,8, 9, and 9A, a new estate road shall be constructed from the carriageway of the existing highway to the site of that building. The minimum requirements for this estate road shall be concrete foundations to kerb, hardcore laid level to the top of the kerb foundations and suitably blinded, soil and surface water drainage laid complete with road gullies and gratings - all to the specification first approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority. No building shall be occupied until such

time as the carriageway and footway/footpath have been constructed up to and including base course surfacing (complete with kerbing and street lighting to the approved specification) from the site of the building to the existing adopted highway.

Reason: To ensure that individual dwellings or buildings are accurately set out in accordance with the approved layout and an adequate means of access is available when the dwelling or building is under construction and when it is occupied.

22. Within a period of:

- (a) Two years of the commencement of any further work on site or,
- (b) Within three months of the completion of building works, or
- (c) Where the development is phased, within three months of the completion of building works on any particular phase of the development, or,
- (d) Within six months of the completion of 75% of the buildings on any phase (whichever is the sooner), completion of all roadworks shall occur. This will entail the making good of works previously undertaken, the provision of kerbing, channelling, street lighting (where applicable) and the final surfacing of all roads, footways and footpaths to the approved specification of the Local Planning Authority in conjunction with the Local Highway Authority.

Reason: In the interests of highway safety and to ensure a well-co-ordinated development.

23. The retention or siting of any poles, lighting columns or similar obstructions in the visibility splays shall not be permitted unless otherwise agreed in writing with the Local Planning Authority in conjunction with the Local Highway Authority.

Reason: In the interests of highway safety.

24. Prior to the construction of any new foundations on site including those for roads, buildings and car parks, but permitting demolition and site clearance works, and prior to completion of any part of the flood risk management scheme, flood risk mitigation measures and dam works, a scheme showing precise details of the means of highway drainage and surface water disposal from the whole site including sustainable drainage principles and a phasing programme to deliver any works specified shall be submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority in conjunction with the Local Highway Authority. The approved scheme shall be constructed before any part of the development served by that part of the highway is occupied or is brought into use.

Reason: In the interests of highway safety.

25. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage systems has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

26. The development hereby permitted shall not be occupied or brought into use until the areas shown on drawing numbers 2238 - 11 - 01E & 03C for the manoeuvring, parking, loading and unloading of vehicles have been surfaced, marked out and made available for these purposes. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purpose(s) specified.

Reason: In the interests of highway safety.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building operation or alternative use shall be undertaken which would prevent the garage or parking area(s) indicated on drawing number 2608 - 19 - 10 from being used for the parking of motor vehicles.

Reason: To maintain the original concept for the development, which may be frustrated by alternative uses of vehicle parking areas, resulting in potential danger or inconvenience to road users.

28. Before the commencement of any further works a scheme showing the provision of a temporary vehicle parking area for site operatives, visitors, construction and delivery traffic shall be submitted to the Local Planning Authority and shall include details of the works to reinstate the land on substantial completion of the development. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority in conjunction with the Local Highway Authority. The approved scheme shall be constructed before any further development takes place and reinstatement works shall be completed within 3 months of the substantial completion of the development.

Reason: In the interests of highway safety.

29. Prior to first occupation of any further dwelling hereby approved through this permission, a plan showing the extent of all areas being offered to the Highways Authority for adoption shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be accompanied by detailed proposals showing how public access across all non-adopted areas shall be secured for maintenance purposes and waste collections to include copies of any agreements required to ensure such access has been secured. The development shall thereafter be managed in accordance with the approved plan and schemes and agreements.

Reason: To ensure that adequate access is secured for public service maintenance operations to be satisfactorily undertaken.

30. No further development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, hours of operation, and location of storage compounds has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment and to mitigate impacts upon residential amenity.

31. Before commencement of any further works on site, a detailed Arboricultural Impact Assessment shall, by reference to site layout drawings of an appropriate scale, be carried out and submitted to the Local Planning Authority. Based on the Tree Survey, the assessment will identify and assess the impact of the proposed development on the existing trees on site, as well as any appropriate measures to alleviate this impact. Any such assessment shall require approval to be obtained in writing from the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved details.

Reason: To ensure thorough consideration of the impact of the development and any mitigating measures on the existing trees.

32. Prior to the construction of any further foundations on site including those for roads, buildings and car parks, but permitting demolition and site clearance works, and prior to construction of any part of the flood risk management scheme, flood risk mitigation measures and dam works, details of the design of building foundations, car park surface construction and the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjoining the site) shall be submitted to the Local Planning Authority. Any such details shall require approval to be obtained in writing from the Local Planning Authority.

Reason: To ensure the protection of trees to be retained, and in particular to avoid unnecessary damage to their root systems.

33. The approved planting and landscaping proposals for the site shall be implemented as soon as site conditions permit and, in any case, not later than the end of the first planting season (October to April) (following the substantial completion of the development. In the five-year period following the substantial completion of the development any trees or plants 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 shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that, in the interests of visual amenity, the landscaping is phased as the development progresses.

34. Prior to first occupation of any dwelling hereby permitted, a landscape management plan shall, by reference to site layout drawings of an appropriate scale, be submitted to the Local Planning Authority and shall include long term design objectives, management responsibilities and maintenance schedules to include proposals for the re-planting of any specimens which die or otherwise fail during the first five years following completion of the development for all landscape areas, other than small, privately owned, domestic gardens. Any such management plan shall require approval to be obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved Landscape Management Plan.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features of communal, public,

nature conservation or historical significance.

35. No trenches or pipe runs for services or drains shall be sited within the tree protection zone in accordance with BS5837 of any existing tree or group of trees to be retained on the site or on adjoining land, and no ground levels shall be altered within this same radius.

Reason: To avoid any undue damage to trees to be retained on the site.

36. The proposed roads, driveways, and parking areas within BS5837 Root Protection Areas not already completed, shall be constructed to a no-dig specification above existing ground levels, the details of which shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the commencement of its construction. Their construction shall be carried out in accordance with the agreed details and thereafter retained.

Reason: In order to protect trees on site which are to be retained and which are protected by a Tree Preservation Order.

37. No development hereby approved shall commence until further habitat surveys together with mitigation measures, to include timing for implementation to accord with the recommendations made within the Protected Species Survey prepared by CTM Wildlife (submitted January 2010) shall be submitted to, and approved in writing by the Local Planning Authority, and works shall subsequently accord with the approved scheme. The submitted information shall follow the Dorset Council Biodiversity Mitigation Protocol.

Reason: In order to protect trees on site which are to be retained and which are protected by a Tree Preservation Order and to protect and enhance the biodiversity interests of the site.

38. Prior to construction of any foundations on site including those for roads, buildings and car parks, but permitting demolition and site clearance works, and prior to construction of any part of the flood risk management scheme, flood risk mitigation measures and dam works, a scheme to provide floodplain compensation including a detailed hydraulic modelling assessment shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent an increase in flood risk.

INFORMATIVE 1:

In addition to any other permission(s) that may have already been obtained, e.g. planning permission, an Environmental Permit for flood risk activities may be required to carry out work in, under, over or near (within 8m of) a main river (including where the river is in a culvert), on or near (within 8m of) a flood defence on a main river, in the floodplain of a main river, on or near (within 8m of) a sea defence.

For further information and to check whether a permit is required please visit:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

For any further advice, please contact your local Environment Agency FRA Permitting

Officer via Blandford.frap@environment-agency.gov.uk

INFORMATIVE 2:

The applicant is advised that any construction works under the new planning application should be classed as “Notifiable Non-Licensed Works”. Under this category, the HSE should be notified prior to undertaking any works. This is important as it also outlines the requirements to notify any material change which might affect the particulars of the original notification e.g., discovery of licensed ACMs and determination of licensed work.