

[WP/18/00662/FUL](#)

Develop vacant land by the demolition of garage, formation of vehicular access, erection of 25 dwellings & associated landscaping.

Land off of Verne Common Road & Ventnor Road, Portland

Applicant name – Laming and Sons Ltd

Case Officer – Emma Telford

Ward Member(s) – Cllr Hughes, Cllr Kimber & Cllr Cocking

Taking account of the comments made by the Ward Members the Head of Service considers that under provisions of Dorset Council’s constitution this application should be determined by the Area Planning Committee.

1.0 Summary of Recommendation:

1.1 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 5 affordable rented units on site, an affordable housing contribution of £59,254, a financial contribution for grassland compensation and management for the Local Nature Reserve of £15,638 and conditions.

2.0 Reason for the recommendation:

- Absence of 5 year land supply
- Para 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 result in any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

3.0 Key planning issues

Issue	Conclusion
Principle of development	The site lies outside of the DDB for Portland. Para 11, d) of the NPPF is relevant as the Council cannot demonstrate a 5 year housing land supply. The principle of development is acceptable if other considerations do not outweigh the lack of a 5 year housing land supply.
Visual Amenity	Design considered appropriate for the site.
Heritage Assets	The proposed development would preserve the

	setting of the Conservation Area. Acceptable impact on the setting of the Scheduled Monument.No need for any further archaeological evaluation or mitigation.
Residential Amenity	Not considered to result in a significant adverse effect on living conditions of either neighbouring properties or future occupiers of the proposed development.
Biodiversity	Biodiversity Mitigation & Enhancement Plan considered acceptable.
Land Instability	Technical Services raised no in principle objection.
Highway Safety	Highways raise no objections subject to conditions.
Drainage	Flood Risk Management Team raise no objection subject to conditions.
Affordable Housing	S106 required for the provision 5 on site units and the remainder (1.25) by financial contribution.
Community Infrastructure Levy	CIL liable.

4.0 Description of Site

4.1 The application site is accessed off Verne Common Road with Ventnor Road to the western boundary. The site is surrounded by residential development to the west, north and east. From Verne Common Road the site levels slope downwards to the western boundary and the rear of the properties of Ventnor Road. A pathway runs through the north part of the site linking the lower part of Verne Common Road to the higher section of the road.

4.2 The site is greenfield and part of the site is used to graze horses. Planning permission was previously granted (WP/16/00286/FUL) for the erection of 8 dwellings on the site.

4.3 The application site is located outside of the defined development boundary (DDB) for Portland although it is positioned adjacent to the DDB. The site lies in close proximity to the Site of Special Scientific Interest (SSSI).

5.0 Description of Proposal

5.1 The proposed development involves the erection of 25 dwellings. The proposed 25 dwellings would include 2, 4 bedroom units, 14, 3 bed units, 4, 2 bed units and 5 affordable 3 bed units. The site would be accessed off Verne Common Road on the eastern boundary and the proposed layout of the scheme would provide three tiers of housing. The sloping topography of the site means the proposed properties are stepped down the slope. The proposed materials include a mix of render, Portland Stone and grey multi brick. The proposed scheme would also include the provision of 59 parking spaces and 22 garage spaces to serve the proposed 25 dwellings.

6.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
WP/16/00286/FUL	Erect 8 dwellings (Resubmission)	Approved	19/10/2016
WP/15/00533/FUL	Erection of 8 dwellings	Withdrawn	-

7.0 Relevant Constraints

Outside defined development boundary

Adjacent to Site of Special Scientific Interest (SSSI)

Adjacent to the Conservation Area

8.0 Consultations

8.1 Natural England – *No objection, subject to conditions.*

Designated sites

The applications site is adjacent to land designated as the Isle of Portland SSSI and the Isle of Portland to Studland Cliffs SAC, part of which is also designated Verne Yeates Local Nature Reserve (LNR). Natural England have no concerns in regards to the impact of the development on the condition of the SSSI and SAC during operational phase, however the increase in residential units in close proximity to the LNR is likely to increase management costs for the reserve.

Without any additional measures to address the issues outlined above the proposals as they stand will not meet the aspiration for achieving sustainable development by, amongst other things, ensuring proposals achieve a biodiversity net gain as set out in NPPF paragraphs 7, 9, within the core planning principles in paragraph 17, paragraph 109 and 152. If your authority is minded to approve the application, we recommend the development support the ongoing management of the LNR, which could be by way of a contribution to the managing organisation, we would be happy to discuss this with the applicant.

Given the proximity of the development to the SSSI & SAC, we advise the below is secured via a condition to ensure no adverse impact on the designated site during the construction phase of the development;

- No disposal of materials, waste or debris is permitted within the SSSI.*
- Temporary construction lighting is angled away from the SSSI to avoid light spill into the sensitive area.*
- Workers are made aware of the SSSI and risks to the site.*

BMEP

Natural England welcomes the inclusion of a Biodiversity Mitigation and Enhancement Plan (BMEP), however this is not accompanied by a certificate of approval from the Dorset County Council Natural Environment Team (DCC NET). Natural England therefore recommends that permission is not granted until the BMEP has been approved by the DCC NET. Provided the BMEP and any agreed financial contributions has been approved by the DCC NET and its implementation in full is made a condition of any permission, then no further consultation with Natural England is required.

8.2 Natural England (Further Comments) - *It is not clear if the applicant has refused to negotiate and acquire an approval certificate with the Natural Environment Team or if they intend to do so and resubmit an approved Biodiversity Mitigation and Enhancement Plan, incorporating our previous advice and the matters within this letter.*

If the former is the case, please notify us and our advice is likely to change to an objection. If the latter is the case then Natural England do not require re-consulting on this matter unless a the application changes significantly.

8.3 Dorset Police Crime Prevention (Original Comments) – *I have reviewed the plans for the above proposed development and wish to make the following comments:*

I have concerns in relation to the layout and design of the play space and the open land behind houses 13 – 20.

- Communal areas such as playgrounds and seating areas have the potential to generate crime, the fear of crime and anti-social behaviour. They should be designed to allow visibility from nearby dwellings, which the current layout does not allow. They should also not immediately abut residential buildings (house 13). Also, by positioning amenity/play spaces to the rear of dwellings (open land behind houses 13 -20) can increase the potential for crime and complaints arising from increased noise and nuisance.*
- I would also strongly recommend that the security of the dwellings meets the standards laid out in the Secured by Design Guidance: Homes 2016 – Section 2. This is a minimum standard for security but would assist with the sustainability of the development.*

8.4 Dorset Police Crime Prevention (Amendments) - *I have reviewed the amended plans for the above proposed development and wish to make the following comments:*

- I am pleased to see that the play area that was next to house 13 has been moved.*
- I still, however, have concerns in relation to the open land behind houses 13 – 20 and will be speaking to the Architect to see what boundary fencing (if any) is proposed on this development.*
- I would also like to see that the security of the dwellings meets the standards laid out in the Secured By Design Guidance: Homes 2019 (supersedes Homes 2016). This is the minimum standard of security but would assist with the sustainability of the development.*

8.5 Wessex Water - Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

Sewerage Infrastructure

Foul sewers from this area flow to the Victoria Square pumping station, from here flows are pumped onwards to the Weymouth Sewage Treatment Works.

The site shall be served by separate systems of drainage:

Foul Drainage

- A connection to the public sewer network can be agreed for proposed foul flows.
- To achieve a gravity connection, a Section 98 off-site sewer requisition may be required across third party land to connect the 225mm public combined sewer in Ventnor Road.

Surface Water Drainage

- The drainage strategy by GAP Ltd (Oct 2018) indicates attenuated discharge in to the public combined sewer. Surface water discharge should be disposed of in accordance with Suds Hierarchy and NPPF Guidelines and disposal to local land drainage systems should be prioritised ahead of a connection to the public sewer. We will require the applicant to prove that other means of disposal are not viable, and this includes disposal of proposed highway runoff to any existing highway drain network.
- We will consider a connection to the public combined system where it is proven that other options higher up the surface water hierarchy cannot be achieved.
- This is a full application and the proposed drainage layout should provide a true representation of the surface water system required to serve this development.
- The steep contours and elevation of this site is noted and we request that more detailed engineering drawings are submitted that provide an accurate representation of how the storm water attenuation features are to be constructed on the hillside, along with the proposed foul and surface water routes and any easement widths (3m either side of the adoptable sewers) where they run outside of public highway. This is required to confirm that it is feasible to accommodate the necessary sewers and surface water storage features within the proposed site layout.
- Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Development sewers can be offered for adoption under a formal S104 agreement, subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the local development team as early as possible to agree proposals for the Section 104 adoption and any off site Section 98 sewer requisition works development.south@wessexwater.co.uk.

Additional development flows will cause capacity issues further downstream at the Victoria Square SPS. Under the new developer charging arrangements, Wessex Water will need to plan design and construct any necessary improvements to accommodate permitted development in compliance with regulatory requirements. Prioritising and programming these works will require consultation with all stakeholders to ensure that capacity improvements can be delivered to match the rate of development.

Water Supply

The site is crossed by a 3" cast iron water main. The position of the water main must be accurately located and marked on site and on deposited plans.

There must be no development within 3m either side of the water main and no tree planting within 6m. Ground levels above the water main must be maintained and the applicant should contact Wessex Water to agree protection works during the construction programme and thereafter.

Subject to application and engineering agreement it may be possible to divert/lower the water main. Diversions of public apparatus are at the developer's cost and the applicant should refer to our guidance note DEV002G and our website <http://www.wessexwater.co.uk/Developers/Supply/Buildingnear-a-water-mains/> for further guidance and contacts.

A water supply can be made available from the local network with new water mains installed under a Section 41 requisition arrangement. The applicant is advised to contact Wessex Water as early as possible in the construction process to discuss a Section 41 application and to determine if a booster pump will be required.

8.6 Highways – No objection subject to the following conditions:

Estate Road Construction (adopted or private)

Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on the approved plans must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

Turning and parking construction as submitted

Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

INFORMATIVE NOTE: Privately managed estate roads

As the new road layout does not meet with the County Highway Authority's road adoption standards, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

INFORMATIVE NOTE: Development team

*The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under **Section 38 of the Highways Act 1980**, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, Hall, Dorchester, DT1 1XJ.*

8.7 Environmental Health – No comments received at the time of report preparation.

8.8 Trees Officer – *There is an area of trees within neighbouring land that are adjacent to the western boundary of the site which are within a Conservation Area. It is quite possible that the layout of the proposed development could have implications on the long term retention of these specimens.*

Tree survey / report required for any trees within and adjacent to the site.

8.9 In response to the original comments from the Tree Officer further information was submitted and the following further response was made.

8.10 Trees Officer (Amended) - There are no trees of any significant consequence within the site or on neighbouring land that borders the western boundary of the site and therefore, I do not see the need for a full Tree Report.

8.11 Technical Services – *With regards to this application I have no 'in principle' objection. Given the size of the development, the FRM team in their role as LLFA have provided comments regarding the management and discharging of surface water so I suggest you refer to their comments. The site is located in an area where we would not expect there to be land instability issues however, as with all development, particularly on sloping ground, the applicant will have to be satisfied that the proposals have been suitably designed and will not result in instability and approved construction practices should be followed in a responsible, safe manner. The applicant should seek appropriate technical advice and ensure the necessary geotechnical investigations are undertaken to confirm the construction methodology is sound. There should be continual monitoring of ground conditions during any construction work and particularly during any earthwork operations with particular attention to any ground movement or groundwater conditions – although the site is not expected to have any prevailing issues with groundwater and collected surface water is to be drained off site to a piped system. Building Control will have to be satisfied with the foundation arrangements if/when an application is made for Building Regs approval.*

8.12 Landscape Officer – *The application site is located on steeply sloping ground with Verne Common Road to the east and rough ground leading to the rear gardens of Ventnor Road to the west.*

The site is quite visible in views from more elevated streets to the east and south (for example, Clovens Road and New Road but is less visible from public footpaths and bridleways within the wider landscape, with the exception of views from New Ground, footpath S3/85 and footpath S3/3 immediately to the east of the application site. The site forms part of a wider area of open ground that encompasses Verne Hill but sits within the context of the Verne Common Road settlement.

Visual Amenity

A photomontage has been submitted with the application which illustrates how the development may look within views from the New Ground area. This shows proposed housing that does not appear out of place or out of scale to its location and does not appear to be a detrimental element within the highly valued views towards Wyke Regis. The existing tree planting that is located in the rough ground between the application site and the rear gardens of Ventnor Road will act as a visual screen between the two. It is proposed that this planting will be further supplemented by new planting along the western edge of the proposed development.

Landscape Character

The proposed scheme is not located on a clifftop and does not broach the skyline in any views. Verne Hill has a distinct character that is different to much of the landscape within the Limestone Peninsula character area. Its steep slopes are covered in scrub, pasture or rank grassland with the Verne Citadel sat on top. The introduction of housing on the application site will see the spread of development along the lower parts of this slope, albeit on a small scale. My initial concerns that this application may start a pattern of development along this lower part of the Verne Hill were slightly alleviated when I reviewed the contour plan of the area and could see that the land becomes increasingly steeper the further one travels south and east towards Tillycombe Road.

Conclusion

I have no objection to this application on grounds of impact on landscape character or visual amenity.

8.13 Urban Design Officer – *The proposed site plan incorporates numerous instances of dwellings fronting out facing the rear of neighbouring proposed new dwellings largely as a response to the topography of the site. The high quality architecture and use of side-on gardens for the detached units mitigate against the fact that there are front / rear issues within the site plan. The site sections drawings show how the design and scale of the detached dwellings could function successfully on this site. However, there are urban design issues with the site layout detailed below.*

The sweeping street pattern proposed in the site plan reflects the existing street pattern at Verne Common Road and facilitates a high level of on-plot parking. The application

for 8 dwellings (WP/16/00286) included an access point which is further north than that of the proposal within this application (WP/18/00662). The approach to situate the access point further north would give a greater separation between the site access point and the sharp bend to the south east. The sense of arrival would be somewhat compromised by this access point as visitors would be greeted by the rear of plots 1 and 2 upon arrival to the site. The site layout currently misses the opportunity to create casual surveillance of the footpath. This could be achieved through either reorienting the dwellings close to the footpath or through appropriate fenestration on the relevant side elevations.

I agree with the aspiration to incorporate the northernmost parcel of land within the application area and to include built form on this area. However, under the current proposals to occupy this area with affordable units entirely, a severance is created. The division between the proposed open market and affordable units is most evident in 'drawing 3D view 13' which shows clear separation between the two parcels. The proposed orientation of the affordable units coupled with the topography of the surrounding area is likely to ensure that existing dwellings on Verne Common Road (82, 84, 86 and 88) will be imposing to the affordable units. The West Dorset and Weymouth and Portland Adopted Local Plan states that there is a requirement for 25% affordable housing on sites where open market housing is proposed on Portland. The Housing Enabling Team have highlighted that the five dwellings proposed to be affordable units do not meet the 25% required. The total number of affordable units required on this site, given the total proposed is 25, would be 6.25 units. This will have implications for a revision to the site layout with an additional affordable unit sought at the expense of an open market unit.

I disagree with the assertion made in the Design and Access Statement that 'All of the proposed homes will be provided with large gardens'. In many instances (plots 13-16 & 21-25) the plots proposed do not include gardens that match the ground floor footprint of their assigned dwelling. The remaining plots that do incorporate amenity space that match the GF footprint do not have gardens that could be considered large, with possibly the exception of plot 6. The use of gardens sitting side-on to their respective detached dwelling is generally shown to work well within the site layout with the exception of plot 12. The garden for this dwelling is proposed to sit on the corner of the street and as such, would adversely impact the public realm. In terms of public open space, the positioning of the 'garden' and its proposed proximity to the bin store reduces the amenity value of this space. I echo the comments made by the Crime Prevention Design Advisor with respect to the 'wild landscaped buffer' to the rear of proposed units 13 – 20. This area should ideally be reconsidered within a revised site layout.

The parking arrangement proposed for the 2B terrace is well designed with street planting used to break up the hard surfacing. This approach should also be applied to the parking arrangement for the affordable units. Breaking up the single terrace of five would assist with this. The five parking spaces at the northernmost part of the site could be a potential source of conflict. Parking in this configuration on a gradient lends itself to car doors banging against neighbouring cars.

The play space could be repositioned to sit in the space currently proposed to be occupied by the 'garden'. This would still allow the play space to be easily accessed from the footpath and would present the chance for dwellings to be oriented to allow casual surveillance of the space. This would address concerns raised by the Crime Prevention Design Advisor regarding the potential to generate crime, fear of crime and anti-social behaviour. Furthermore, this could also ensure that residential buildings do not abut the play space, reducing potential for complaints arising from increase noise and nuisance.

The opportunity to provide a bathroom / en-suite window for all detached and end of terrace dwellings could be realised in order to aid ventilation. For the 3 bed detached dwellings, a bathroom window should be incorporated on the north elevation (south elevation for plot 2) which may involve slightly reconfiguring the floor plan. Under the current layout, for the 2B terraced units 13 – 16, an en-suite window should be incorporated in each dwelling on the SW elevation. For the end of terrace 2B units, unit 13 should be afforded a bathroom window on the NW elevation and likewise unit 16 on the SE elevation. In the current configuration for the 3B affordable units (plots 21-25) the floor plan for unit 21 should be mirrored to allow the bathroom to include an outer facing wall and therefore, incorporate a bathroom window. The floor plan for unit 25 would not need to be mirrored in order to afford a bathroom window under the current layout, one should be provided.

There is scope for a revised site layout to address the concerns outlined. Repositioning the play space as previously mentioned would force a re-routing of the road servicing the northern parcel and, in turn, would allow built form in this parcel to front west rather than east. It is imagined that the northern parcel could accommodate between two and three detached dwellings whilst offering some casual surveillance of the footpath and play space to the south. The issue of the side garden for plot 12 could potentially be addressed by positioning a terrace of three affordable units in this space, fronting north. This would allow these units to front onto the repositioned play space. The remaining three affordable units could be accommodated in the lower tier of the site in space vacated by the detached units moved to the northern parcel. Breaking the terrace of five affordable units would enable these dwellings to be better distributed across the site in a tenure blind approach. An added benefit to splitting up the affordable units into groups of two or three adjoining units rather than a group of five is the reduction in mid terraced units which preclude the provision of a bathroom window on the side elevation.

8.14 Planning Obligations Manager – *On the understanding that 20 of these 25 units will remain CIL liable I have no comments on this application from a S106/ CIL perspective.*

8.15 Flood Risk Management Team (Original Comments) – *The site is entirely within Flood Zone 1 (low risk / fluvial flooding), in accordance with indicative flood mapping provided by the Environment Agency's (EA). Equally, it is seen to be largely unaffected by indicative mapping of both surface and ground water flooding, other than the (theoretical) formation of an overland flow path during severe rainfall events (1:1000yr).*

The site is understood to fall generally east - west / north-west, whilst prevailing ground conditions are understood from BGS mapping to comprise of Sedimentary Mudstone bedrock, of Kimmeridge Clay. Therefore, infiltration rates are anticipated to be low and unlikely to support the use of soakaways for the management of surface water.

Whilst we (DCC/FRM) do not hold specific flood records relevant to the site, it is appropriate that surface water management is adequately considered, and that the requirements of the National Planning Policy Framework (NPPF - Revised July 2018) are fully complied with to prevent both flood risk to the site / proposed development or any off site / downstream worsening.

The limited supporting information that has been supplied, namely Section 5 (Flood Risk Assessment) of the supporting Design & Access Statement does not provide sufficient clarification of the necessary management of surface water, although we note that the requirement for a conceptual strategy is acknowledged. Within Section 11 of the relevant Application Form, the proposed use of SuDS, an existing watercourse and soakaways are all identified, but have not been substantiated by supporting information. Indeed, it is not clear that the site has access to a receiving watercourse or that infiltration rates will support the use of soakaways, as suggested by the relevant Application Form.

Whilst we appreciate that this proposal relates to the (re)development of a largely Greenfield site, the applicant should supply a viable & deliverable scheme of surface water management, based upon adequate consideration of prevailing ground conditions, relevant constraints & the SuDS hierarchy.

On this basis, we (DCC FRM) recommend that a precautionary approach be adopted and request that a (Holding) Objection be applied to this proposal pending the supply and acceptance of a conceptual strategy for the management of surface water derived from the proposed development.

8.16 Flood Risk Management Team (Amendments) – The more recent submission of the following revised document;

- GAP Ltd compiled Drainage Strategy (DS) report ref: 18195 Rev 3 dated May 2019.
- GAP Ltd drawn Surface Water Drainage Strategy (SWDS) plan ref: 18195-900 P3 (Appendix E of DS report) dated May 2019.

On the basis of these revised documents and additional clarification provided we (DC/FRM) withdraw our previous (Holding) Objection in this matter.

We have No In-Principle Objection to the proposed development subject to attachment of the following (2) conditions to any planning approval granted and compliance with the (conceptual) drainage strategy that has been outlined.

CONDITION (1)

No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and with due consideration of the construction phase, has been submitted to, and approved in writing by the local planning authority. The necessary detail design shall include all required clarification and substantiation of the proposed surface water management scheme and be implemented in accordance with the submitted details before the development is completed.

REASON: To prevent the increased risk of flooding, and to improve & protect water quality.

CONDITION (2)

No development shall take place until details of responsibility; maintenance and management of the surface water sustainable drainage scheme and associated infrastructure have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON: To ensure future operation and maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

8.17 Countryside Access Team - The proposed works are in the vicinity of the above public right of way, as recorded on the County Definitive Map and Statement of rights of way (please see the attached plan). However, I am unaware of any unrecorded paths that may be affected.

I have no objection to the proposed development, as shown in the plans accompanying the application. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.

*The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above path then a Temporary Path Closure Order must be obtained. This can be applied for through this office but the application must be completed and returned at least **thirteen weeks** before the intended closure date. It should be noted that there is a fee applicable to this application.*

8.18 Housing Enabling Team - The Local Plan states that 25% of affordable housing is to be delivered on open market housing sites. Whilst it is welcomed that this proposal offers five 3 bedroom homes all for affordable rent, it should be noted that 25% of the total build is in fact 6.25 homes therefore Housing Enabling team would seek an additional affordable home and a financial contribution for the fraction.

Currently the affordable houses are considerably smaller than the market homes and are situated together in a terrace separated from the open market homes. Ideally, to ensure a balanced community, it would be preferable to offer affordable homes that are 'tenure blind' and 'pepper-potted' around the site.

There is a high level housing need in the Borough of Weymouth and Portland which these homes would assist in meeting. Ideally the affordable housing on this site would be a mix of two and three bedroom properties.

8.19 Portland Town Council – PTC declined to make a comment on the original planning application as the Builder was, at the time, the Prime Contractor for the PCV. Given that no comments were made on the initial application PTC do not feel that it is appropriate to make comment on the amendment.

8.20 Senior Archaeologist – An archaeological evaluation took place on the site in 2016, and found very little. Although I cannot immediately see the evaluation report among the application documentation, I think the reference is: Bellamy, P, 2016, Land at Verne Common Road, Fortuneswell, Portland, Dorset. Archaeological Field Evaluation. Based on the results of this report, I see no need for any further archaeological evaluation or mitigation.

9.0 Representations

9.1 Thirty seven third party responses have been received in response to the application. The application was re-consulted on and therefore further responses have been received from the same people. One response was received in support of the application for the following reasons summarised below:

- Positive impact on the surrounding area
- Separated from neighbouring properties
- Sufficient parking provided
- The development will create local employment whilst generating much needed income to the local economy

9.2 Thirty six third party responses were received objecting to the application for the reasons summarised below:

Principle of Development:

- Application site is outside of the defined development boundary
- Is there a need for the additional housing proposed
- Brownfield sites should be considered first

Highway Safety:

- Exacerbate existing highway safety issues
- Already poor parking facilities
- Increased volume of traffic and create issues with vehicles being able to turn
- Access close to the corner of the existing road
- Road is the main route to the Verne Prison with traffic constantly using it
- No parking for visitors
- Entry/Exit to the site is a very tight turning giving onto a hairpin bend
- Constant risks in the access of emergency vehicles to this section of Portland

Neighbouring Amenity:

- Overlooking of neighbouring properties removing the privacy of properties in Ventnor Road
- Noise Impact – disturbance to back gardens of existing properties
- Proposed dwellings with little or no gardens
- Ongoing maintenance of proposed park could lead to anti-social behaviour
- Loss of rear access to existing properties
- Planning permission granted (WP/18/00662/FUL) for a single dwelling which would be located adjacent to the proposed site
- Concerns regarding the height of trees proposed including safety concerns and loss of light
- Proposed play area has been removed from the plans
- Loss of green space/community, social space
- Affordable units are in separate enclave which not be conducive to inclusivity and community spirit
- Sheer drop on the other side of the fence line concerns as to what would hold the properties up
- Approved scheme (WP/16/00286/FUL) was positioned further away from the boundaries to protect privacy and amenity of existing homes and gardens

Visual Amenity:

- Overdevelopment/ Overcrowded of the site
- High visibility impact on the wider landscape from popular viewpoints
- Does not offer any intrinsic architectural value to locality
- Not in keeping with the characterful surrounding properties
- Styles of the properties will not blend into the site
- Proposed design seems very similar to the Officers Field and Osprey developments, suitable for those sites being nearer the sea, they would look out of place in this more rural setting
- The layout is unacceptably rigid and regimented
- Modern approach to the design of these dwellings will be out of keeping with the existing area
- Loss of open and green space in wider views
- Higher density development than the housing to the north

- The original proposal for the site (WP/15/00533/FUL) was withdrawn because I believe the case officer at the time stated that detached properties were not in keeping with the area
- Revised and subsequently approved application was also limited to 8 houses with no detached houses
- Disproportionate number of proposed houses and their height together with the new roads will create a highly visible mass

Heritage Assets:

- Impact on archaeological potential
- Impact on the Conservation Area
- Original ancient field boundary wall on the eastern side of the site has been removed and replaced with gabion wall

Environmental/Biodiversity:

- Road could cause significant damage to the SSI
- Detrimental impact on biodiversity including a vast number of species (bats, badgers, birds, hedgehogs, reptiles) – no amount of mitigation will prevent the harm to the wildlife in this area
- Loss of trees
- Significant negative impact on air quality
- Reduce the amenity and environmental value of Portland
- Ongoing maintenance of the trees
- Adjacent to the SSI and Local Nature Reserve
- Proposed Nature Reserve Reptile habitat area is not enough to compensate for the loss of the whole site
- Loss of wildlife corridor
- Significant source of light pollution
- No buffer between the planned development and the nature reserve

Other issues:

- Site used as play area as the landlocked site makes it safe for children will move children to play in roads
- Illegal to obstruct a public footpath
- Provide access to the affordable units over an existing public footpath
- Further stretch services for example healthcare to the limit
- Infrastructure within Fortuneswell is already stretched and this development will only add additional pressure
- Danger of subsidence
- Contribute to the dangers of run-off from heavy rains
- Loss of natural soakaway
- Large properties for a price range that will be far out of reach for the local area or become second homes/holiday lets
- Substantial loss of grazing land
- Many existing properties standing unoccupied for many years

9.3 Comments were also received setting out that the application would result in the properties surrounding the site being devalued, that it would impact on the ability to resell and that the proposal and associated planting would impact on the views of the surrounding neighbouring properties. These issues raised are not material planning reasons and there will not be considered as part of the application.

9.4 A comment was also made that the proposal would involve the introduction of buildings and associated formal gardens in an area of outstanding natural beauty. To clarify this site is not within the Dorset AONB.

9.5 As part of the third party responses questions were asked regarding the retention of access to the rear of the existing neighbouring properties which is currently gained over the application site. This is a civil issue between the owners of these properties and the land owner. However the agent for the application was asked to respond and set out that particular attention will be paid to the boundary arrangements at the lower (western) parts of the site in consultation with their Ecologists to ensure that legal rights are maintained and that landscaping and planting works enhance the existing vegetation and features to be retained.

9.6 Comments were received regarding the plans and the need for site sections to show the relationship of the proposed development with the neighbouring properties. Through the course of the application amended plans and further site sections were submitted and it is considered that sufficient information has been provided to complete a full assessment of the scheme. It was also raised that there was no certificate of approval from the Natural Environment Team for the BMEP, this was the case at the beginning of the application but a BMEP has been submitted alongside a NET certificate of approval.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan

INT 1 – Presumption in favour of Sustainable Development
ENV 1 – Landscape, Seascape and Sites of Geological Interest
ENV 2 – Wildlife and Habitats
ENV 3 – Green Infrastructure Network
ENV 4 – Heritage Assets
ENV 5 – Flood Risk
ENV 7 – Coastal Erosion and Land Instability
ENV 10 – The Landscape and Townscape Setting
ENV 11 – The Pattern of Streets and Spaces
ENV 12 – The Design and Positioning of Buildings
ENV 15 – Efficient and Appropriate Use of Land
ENV 16 – Amenity
SUS 1 – The Level of Economic and Housing Growth
SUS 2 – Distribution of Development

HOUS 1 – Affordable Housing
HOUS 3 – Open Market Housing Mix
COM 7 – Creating a Safe and Efficient Transport Network
COM 9 – Parking Standards in New Development
COM 10 – The Provision of Utilities Service Infrastructure

National Planning Policy Framework

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
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
16. Conserving and enhancing the historic environment

Other material considerations

Urban Design SPG
DCC Parking Standards Guidance
Weymouth and Portland Landscape Character Assessment

11.0 Human rights

Article 6 - Right to a fair trial.
Article 8 - Right to respect for private and family life and home.
The first protocol of Article 1 Protection of property

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

12.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits

of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED, the proposal would provide parking adjacent to the proposed dwellings. The proposed development would be located on the hill side and is therefore sloping in nature.

13.0 Financial benefits

Material Considerations	
Provision of affordable housing	5 units on site and financial contribution £59,254
Employment created during construction phase	Not known
Spending in local economy by residents of 25 dwellings	Not known

Non Material Considerations	
Contributions to Council Tax Revenue	Not known
New Homes Bonus	Not known
Community Infrastructure Levy (CIL)	Estimated charge - £270,880 index linked

14.0 Climate Implications

14.1 The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would be used as a result of the production of the building materials and during the construction process. When occupied the development would generate vehicular movements releasing carbon monoxide. Heat escape from dwellings would contribute to greenhouse gases. However it should be noted that modern building regulations would help minimise such heat release. A balance has to be struck between providing housing to meet needs (both open market and affordable) versus conserving natural resources and minimising energy use.

15.0 Planning Assessment

Principle of Development

15.1 Portland is a settlement with a defined development boundary (DDB) in the adopted Local Plan. The spatial strategy in the Local Plan is set out in Policy SUS 2. This has a three-tiered approach, with the main towns of Weymouth and Dorchester as the highest priority locations for new development and elsewhere in the market and coastal towns of Beaminster, Bridport, Lyme Regis, Sherborne, the village of Crossways and Portland at the second tier of the hierarchy.

15.2 Policy SUS2 also advises that development outside of Defined Development Boundaries will be “strictly controlled” and limited to the exceptions listed in bullet point iii) of the policy. This includes affordable housing, but not open market housing. Therefore the provision of open market housing on the site is contrary to SUS2 as it lies outside of the DDB for Portland.

15.3 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications. The Council’s policies in the adopted Local Plan follows the approach of the presumption in favour of sustainable development. In a recent appeal decision APP/D1265/W/18/3206269 at Land South of Westleaze, Charminster the Inspector concluded that the council cannot demonstrate a 5 year housing land supply for the West Dorset, Weymouth & Portland plan area and therefore the presumption still applies. The Inspector concluded that the position is greater than 4.12 years but less than 4.88 years. Therefore the relevant policies for the supply of housing should not be considered up-to-date. This invokes NPPF paragraph 11, d) which states, *where there 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.

15.4 The site is located outside of the defined development boundary (DDB) for Portland although it does adjoin the DDB as set out in the Local Plan. Local Plan Policy SUS 2, i) bullet point 2 sets out that Portland will be a focus for future development and therefore the Local Plan regards Portland as sustainable location for further development. Furthermore the site would be encompassed on three sides by residential development and a previous application WP/16/00286/FUL was approved on the site for the erection of 8 dwellings.

15.5. In the circumstances, it is considered that the site should be regarded as a sustainable location for further development. The assessment of the merits of the scheme against the remaining policies of the Local Plan is set out in the following sections of the report. Footnote 6 of the NPPF states that:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the

Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

15.6 The application site is located within the setting of a Scheduled Monument and therefore para 11 d) i) of the NPPF is applicable in this instance. The impact of the proposal on the Scheduled Monument will be considered in a following section of this report.

Visual Amenity

15.7 The application involves the erection of 25 dwellings. A previous application (WP/16/00286/FUL) was approved on the site for the erection of 8 dwellings. The topography of the site means the proposed dwellings are built into the slope with the three tiers providing a steepening in the roof forms of the dwellings. The application site does currently provide an open gap between the properties of Ventnor Road and Verne Common Road. The Landscape Officer was consulted on the application and considered that the site is quite visible in views from more elevated streets to the east and south (for example, Clovens Road and New Road but is less visible from public footpaths and bridleways within the wider landscape, with the exception of views from New Ground, footpath S3/85 and footpath S3/3 immediately to the east of the application site. The site forms part of a wider area of open ground that encompasses Verne Hill but sits within the context of the Verne Common Road settlement. It is considered that the proposed dwellings would not appear out of place or out of scale to its location and does not appear to be a detrimental element within the highly valued views towards Wyke Regis. The existing tree planting will act as a visual screen between the two and will be further supplemented by the proposed additional planting. A condition would be placed on any approval granted for the submission of a landscaping plan including its management. The Landscape Officer raised no objection to the application and considered the proposed scheme is not located on a clifftop and does not broach the skyline in any views. Verne Hill has a distinct character that is different too much of the landscape within the Limestone Peninsula character area. Its steep slopes are covered in scrub, pasture or rank grassland with the Verne Citadel sat on top.

15.8 The proposed development would include 16 detached dwellings, two pairs for semi-detached properties and a terrace of five dwellings. The terrace and semi-detached properties are located closer to the existing built development. The proposed properties comprise of traditional forms and materials with contemporary detailing for example large windows. The proposed materials include white render, grey brickwork and Portland Stone. The proposed properties are not considered to reflect the design of the adjoining neighbouring properties however they are similar in design to those approved as part of the Officers Field, Portland.

Heritage Assets

15.9 The application site is located just outside of the Underhill Conservation Area the boundary of which runs along the rear of the properties of Ventnor Road to the west of the site. The proposed development would therefore impact on the setting of the Conservation Area. A previous application was approved on the site under the reference (WP/16/00286/FUL) for the erection of 8 dwellings. The current application is for 25 dwellings, the style of the proposed dwellings would reflect its hillside location and would be constructed of white render, Portland Stone and grey brick are reflective of the materials in the conservation area. Given the above the proposal is considered to preserve the setting of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

15.10 The proposed development is also within the setting of the Scheduled Monument, The Verne Citadel. A previous application WP/16/00286/FUL was approved on the site for the erection of 8 dwellings. Historic England considered as part of the previous scheme that the proposals would not result in an adverse impact on the significance of designated heritage assets via a change in setting. The current proposal is for the erection of 25 dwellings and therefore a larger part of the site would be developed. However the topography of the local area means the proposed development would be set down from Verne Common Road which leads up to the scheduled monument and would be a continuation of the existing residential development.

15.11 The application site is located within an area of archaeological potential and concerns have been raised by third parties that the application site has archaeological potential. The Senior Archaeologist was consulted on the application and indicated that an archaeological evaluation took place on the site in 2016 and found very little. Based on the results of this report the Senior Archaeologist considered there was no need for any further archaeological evaluation or mitigation.

Residential Amenity

15.12 The proposed development includes the erection of 25 dwellings. The sloping topography of the site means the proposed layout for the scheme is set out with three tiers of dwellings going down the slope. The upper tier would be positioned to the east of the site closest to the proposed access off of Verne Common Road. The proposed upper tier properties would be set down from the existing properties of Verne Common Road. The proposed upper tier would also be located approximately 32m from the existing properties opposite and would be separated by Verne Common Road. Planning permission has been granted under the reference WP/18/00441/FUL for the erection of one dwelling adjacent to no. 92 Verne Common Road but the scheme has not yet implemented. There is no guarantee that the scheme will be implemented but it is the garage and parking bay of the approved dwelling that would be located to the rear of the proposed House 01 of the upper tier. The living space of the approved dwelling would

overlook the shared space of the proposed development and therefore is not considered to result in a significant adverse impact.

15.13 The proposed middle tier due to its location within the middle of the application site would be positioned some distance from any existing neighbouring properties. There would be some degree of overlooking between the proposed dwellings due to the tiered approach however this is reflective of the character of hillside development due to the rise in levels. This is further mitigated against with the use of side-on gardens for the detached units. It should also be noted that anyone buying a property as part of this scheme would be aware of this when purchasing a home.

15.14 The proposed lower tier (not including the proposed terrace) would back onto the properties of Ventnor Road to the west of the application site. However the distance between the proposed dwellings and the rear of the dwellings of Ventnor is considered to be sufficient to not result in overlooking. The proposed terrace properties positioned to the north of the site are two storey in height and would be separated by the existing properties to the east by the garden of the existing property and the access road and parking of the proposed site. The existing properties located to the west of the proposed terrace would also be separated by both the gardens of the proposed dwellings and those of the existing.

15.15 Local Plan Policy ENV 12 sets out that *new housing should meet and where possible exceed appropriate minimum space standards*. The proposed dwellings are considered to meet the space standards and each dwelling is considered to have sufficient outside amenity space with garden and roof terrace space.

Biodiversity

15.16 The south-east boundary of the application site borders the Portland Site of Special Scientific Interest (SSSI), the Isle of Portland to Studland Cliffs Special Areas of Conservation (SACs), part of which is also designated Verne Yeates Local Nature Reserve (LNR). The proposed access road into the site would be positioned adjacent to this boundary. Concerns have been raised by third parties regarding the impact of the development on the adjacent SSSI but also the impact on the biodiversity of the application site. Natural England were consulted on the application and had no concerns in regards to the impact of the development on the condition of the SSI and SAC during the operational phase, however the increase in residential units in close proximity to the LNR is likely to increase management costs for the reserve. Natural England recommended the development support the ongoing management of the LNR, a financial contribution of £15,638 has been agreed through the BMEP and would be included as part of a Section 106 agreement. Natural England has also requested conditions for the protection of the SSI and SAC during the construction phase and these have been included as part of a condition for a Construction Management Plan. Natural England also comments that the submitted BMEP needs to be agreed with the Natural Environment Team and a certificate of approval issued. The BMEP has been

agreed by the Natural Environment Team and a condition would be placed on any approval for the development to be carried out in accordance with the agreed BMEP.

Land Instability

15.17 The application site has a sloping topography, concerns have been raised by third parties regarding land instability. In response to the concerns Technical Services were consulted on the application and raised no in principle objection. They set out that the site is located in an area where land instability issues are not expected. As with all development particularly on sloping ground, the applicant will have to be satisfied that the proposals have been suitably designed and will not result in instability and approved construction practices should be followed in a responsible, safe manner. An informative would be placed on any approval to set out the advice given by Technical Services.

Highway Safety

15.18 The proposed development is for the erection of 25 dwellings with 59 parking space and 22 garage spaces and the application site would be accessed off Verne Common Road. In response to initial concerns raised by Highways the proposed access to the site was moved further up Verne Common Road. Highways were then re-consulted on the application. Third party concerns have been raised regarding the proposed access and the impact of increased road users on Verne Common Road on highway safety. Highways have raised no objection subject to conditions for the estate road construction and for the turning and parking construction as submitted. A condition would also be placed on any approval granted for the submission of a Construction Management Plan.

15.19 Highways also made a note that the *footway gradient exceeds the maximum of 1:23 specified by Inclusive Mobility and also gives cause for concern with regard to the Equalities Act 2010. We note the maximum gradient appears to be 1:10. This is the former adoptable standard, and whilst this would be acceptable for the carriageway it wouldn't be accepted for adoptable footways and as such the whole development still cannot be adopted. However, on the basis the road isn't being offered for adoption (as per the application form) and that the site is vertically remote being half way up the scarp face of the highest part of Portland on a long zig-zag road; the Highway Authority considers it not unreasonable provided it remains private.* The comments of Highways have been noted but the application site is situated on the hillside and it therefore both the site and the route to access the site has a sloping topography. If the application were to be approved then any buyers would be aware of the nature of the site before purchasing a property there.

15.20 Concerns were raised by third parties that the proposed road within the site to provide access to the proposed units 21-25 would go over the existing right of way which would raise safety concerns. The footpath which links the lower part of Verne Common Road to the higher part. This footpath although well established in the local area is not a public right of way. The proposed plans retain the footpath through the site,

users of the footpath would have to cross the access road which would serve five residential properties.

Drainage

15.21 The application site is located within flood zone 1 and is seen to be largely unaffected by indicative mapping of both surface and ground water flooding other than the (theoretical) formation of an overland flow path during severe rainfall events. The Flood Risk Management Team were consulted and recommended a holding objection be applied to the proposal pending the supply and acceptance of a conceptual strategy for the management of surface water derived from the proposed development. In response to the comments received a Drainage Strategy and plans were submitted which were considered acceptable and the Flood Risk Management Team withdrew their holding objection and raised no in principle objection to the proposed development subject to planning conditions. Therefore conditions for a detailed and finalised surface water management scheme and details of responsibility, maintenance and management of the surface water sustainable drainage scheme would be placed on any approval granted.

Affordable Housing

15.22 Para 63 of the NPPF states that *Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 unit or fewer)*. Major development for housing is defined in the NPPF as *development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more*. The proposed development exceeds this threshold and therefore local plan policy HOUS 1, as the application site is in Portland it requires 25% of the development to be for affordable housing.

15.23 The provision of 5 affordable rented homes on site and a financial contribution equivalent to 1.25 units of £59,254 has been offered by the applicant. The on-site provision together with the financial contribution equate to a policy compliant affordable housing provision of 25%. The policy states that in most cases affordable housing should be provided on-site however in this case the Senior Housing Enabling Officer considers that the provision of 5 on-site and the remainder by financial contribution would be acceptable.

15.24 If the application were to be approved this financial contribution would be secured by a S106 agreement.

Community Infrastructure Levy

15.25 The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate.

15.26 The development proposal is CIL liable. The rate at which CIL is charged is £80 per sqm. The CIL charge is approximately £270,880 (relief can be claimed on the affordable element of the proposal). Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning permission is granted.

16.0 Conclusion

16.1 The design and layout of the proposed dwellings and access to the site are acceptable. A policy compliant affordable housing scheme has been offered. On site issues of biodiversity, access and parking have been resolved to the satisfaction of consultees and the design is considered acceptable with no adverse impact on heritage assets. Nor would the proposal have a significant adverse effect on the living conditions of future or existing occupiers. The location is considered to be sustainable given the close proximity of the site to existing development and its location close to the DDB for Portland and the previously approved application for 8 dwellings on the site. The Council does not have a 5 year housing land supply, therefore the provisions of paragraph 11 d of the NPPF are relevant. In this case, the balance of consideration leans towards approval as the benefits to the short fall in housing would outweigh any adverse impacts and there are insufficient material consideration which warrant a recommendation of refusal of this application.

17.0 Recommendation

A) DELEGATE AUTHORITY TO THE HEAD OF PLANNING TO GRANT, SUBJECT TO COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

The provision of five affordable rented units on site and a financial affordable housing contribution of £59,254 index-linked and a financial contribution for grassland compensation and management for the Local Nature Reserve of £15,638 together with the following conditions (and their reasons):

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

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

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

Location Plan - Drawing Number P01 received on 20/08/2018

Lower Tier - 3 Bed Terrace - Ground Floor Plan - Drawing Number P19 Rev A received on 25/11/2019

Lower Tier - 3 Bed Terrace - First Floor Plan - Drawing Number P20 received on 25/11/2019

Lower Tier - 3 Bed Terrace – Front Elevation - Drawing Number P21 Rev A received on 25/11/2019

Lower Tier - 3 Bed Terrace - Rear Elevation - Drawing Number P22 Rev A received on 25/11/2019

Lower Tier - 3 Bed – Rear & Side Elevations - Drawing Number P18 Rev A received on 25/11/2019

Lower Tier - 3 Bed – Front & Side Elevations - Drawing Number P17 Rev A received on 25/11/2019

Upper Tier - 3 Bed - Floor Plans - Drawing Number P08 Rev A received on 25/11/2019

Upper Tier - 3 Bed – Front & Side Elevations - Drawing Number P09 Rev A received on 25/11/2019

Upper Tier - 3 Bed – Rear & Side Elevations - Drawing Number P10 Rev A received on 25/11/2019

Upper Tier - 4 Bed - Floor Plans - Drawing Number P11 Rev A received on 25/11/2019

Upper Tier - 4 Bed – Front & Side Elevations - Drawing Number P12 Rev A received on 25/11/2019

Upper Tier - 4 bed – Rear & Side Elevations - Drawing Number P13 Rev A received on 25/11/2019

Middle Tier - 3 bed – Rear & Side Elevations - Drawing Number P14 Rev A received on 25/11/2019

Middle Tier - 3 bed – Front and Side Elevations - Drawing Number P15 Rev A received on 25/11/2019

Parking layout - Drawing Number P07 Rev C received on 01/03/2019

Proposed Street Elevation 04 - Lower Tier [east elevation] - Drawing Number P31 Rev B received on 25/11/2019

Proposed Street Elevation 02 - Middle Tier [west elevation] - Drawing Number P30 Rev B received on 25/11/2019

Lower Tier – 2 Bed Semi - Front & Side Elevations - Drawing Number P25 Rev B received on 25/11/2019

Lower Tier – 2 Bed Semi - Rear & Side Elevations - Drawing Number P26 Rev B received on 25/11/2019

Lower Tier – 2 Bed Semi - Ground Floor Plan - Drawing Number P23 Rev B received on 25/11/2019

Lower Tier – 2 Bed Semi - First Floor Plan - Drawing Number P24 Rev A received on 25/11/2019

Proposed Street Elevation 01 -Top Tier [west elevation] - Drawing Number P29 Rev C received on 25/11/2019

Lower Tier & Middle Tier - 3 Bed - Floor Plans - Drawing Number P16 Rev A received on 25/11/2019

Bin Store Floor Plans and Elevations - Drawing Number P57 received on 25/11/2019
Site Levels - Drawing Number P59 received on 25/11/2019
Proposed Site Plan - Drawing Number P04 Rev G received on 25/11/2019
Proposed Boundary Treatment - Drawing Number P55 Rev A received on 25/11/2019
Proposed Section dd - Drawing Number P58 received on 25/11/2019
Proposed Street Elevation 05 – Lower Tier [west elevation] – Drawing Number P50 received on 25/11/2019
Proposed Street Elevation 03 – Middle Tier [east elevation] – Drawing Number P49 received on 25/11/2019
Proposed Verne Common Street Elevation – Drawing Number P46 Rev A received 25/11/2019
Proposed Section cc – Drawing Number P53 received 25/11/2019
Proposed Site Section aa – Drawing Number P47 Rev A received 25/11/2019
Proposed Section bb – Drawing Number P28 Rev B received 25/11/2019
Proposed Section aa – Drawing Number P27 Rev B received 25/11/2019
Housing Mix – Drawing Number P06 Rev D received 25/11/2019
Massing Context Plan – Drawing Number P05 Rev D received 25/11/2019
Lower Tier – 3 Bed Terrace – Elevation 04 – Drawing Number P52 received on 25/11/2019
Lower Tier – 3 Bed Terrace – Elevation 03 – Drawing Number P51 received on 25/11/2019

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

3) No development above Damp Proof Course (DPC) level shall be commenced until details and samples of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

4) No development above Damp Proof Course (DPC) level shall be commenced until a timetable for the implementation of the measures of the Biodiversity Mitigation Plan has been submitted and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the agreed timetable and the approved Biodiversity Mitigation Plan signed by dated 23/05/2019 and agreed by Natural Environment Team on 23/05/2019, unless a subsequent variation is agreed in writing with the Council.

REASON: In the interests of biodiversity mitigation and enhancement.

5) No development shall take place until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be adhered to throughout the construction period. The management plan shall provide for:

- Location for loading/unloading and storage of plant, waste or debris and construction materials;
- Details of construction lighting;
- Hours of operation;
- Parking of vehicle of site operative and visitors (including measures taken to ensure satisfactory access and movement of existing occupiers of neighbouring properties during construction);
- Routes of construction traffic;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

REASON: In the interests of road safety, neighbouring amenity and the protection of the SSSI.

6) No development above Damp Proof Course (DPC) level shall be commenced until a landscaping and tree planting scheme shall have been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented during the first planting season November – March inclusive, immediately following commencement of the development. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

REASON: In the interests of visual amenity.

7) No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and with due consideration of the construction phase and including a timetable for the implementation of the scheme, has been submitted to, and approved in writing by the local planning authority. The necessary detailed design shall include all required clarification and substantiation of the proposed surface water management scheme and it shall thereafter be implemented in accordance with the submitted details and timetable.

REASON: To prevent the increased risk of flooding, and to improve & protect water quality.

8) No development shall take place until details of responsibility; maintenance and management of the surface water sustainable drainage scheme and associated infrastructure have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON: To ensure future operation and maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

9) Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on the approved plans must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

REASON: To ensure the proper and appropriate development of the site.

10) Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

Informatives –

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 the 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.

Rights of Way

The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

Land Instability

The applicant should be satisfied that the proposals have been suitably designed and will not result in instability and approved construction practices should be followed in a responsible, safe manner. The applicant should seek appropriate technical advice and ensure the necessary geotechnical investigations are undertaken to confirm the construction methodology is sound. There should be continual monitoring of ground conditions during any construction work and particularly during any earthwork operations with particular attention to any ground movement or groundwater conditions.

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE AGREEMENT IS NOT COMPLETED WITHIN 6 MONTHS OF THE COMMITTEE RESOLUTION OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING:

Recommendation B: Refuse permission for the reason set out below if the agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the Head of Planning.

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of the affordable housing on site and any necessary financial contribution for off-site provision. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015.

2. In the absence of a satisfactory completed Section 106 agreement the scheme fails to provide adequate compensatory biodiversity/nature conservation measures through the provision of a financial contribution for grassland compensation and management of the Local Nature Reserve. Hence the scheme is contrary to policy ENV 2 of the West Dorset, Weymouth and Portland Local Plan and Section 15 of the National Planning Policy Framework.