

Application Number:	P/OUT/2021/01128
Proposal:	Outline application for the erection of up to 9.no dwellings and access
Location:	Land East Of The Paddocks Mosterton DT8 3HQ
Case Officer:	Emma Telford
Ward Member(s):	Cllr Knox

This application is referred to committee in line with the Scheme of Delegation consultation process at the request of the Service Manager.

1. Summary of Recommendation:

Recommendation A: That the committee be minded to 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 an off-site affordable housing contribution based on a calculation of £345 per square meter and conditions and that the Head of Planning determine the application accordingly.

Recommendation B: That the committee be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the head of planning and that the Head of Planning determine the application accordingly.

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of a financial contribution for the off-site provision of affordable housing. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2019).

2. Reason for the Recommendation:

- Absence of 5 year housing land supply.
- The location of the development is outside of the defined development boundary but it is considered that the site should be regarded as a sustainable location.
- Nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbours.
- There are no material considerations which would warrant refusal of this application.

3. Key Planning Issues:

Issue	Conclusion
Principle of development	The location of the development is outside of the defined development boundary but it is considered that the site should be regarded as a sustainable location.
Residential Amenity	Nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbours.
Visual Amenity, Area of Outstanding Natural Beauty and Heritage Assets	Nothing to suggest at this outline stage that the proposal would be detrimental to the AONB or the visual amenity of the site and surrounding area.
Drainage	A detailed surface water management scheme condition would be placed on any approval granted.
Highway Safety	The Highways Officer considers the access is acceptable in highway safety terms.
Biodiversity	Biodiversity Plan submitted and agreed.
Right of Way	Indicative plans show 9 dwellings can be accommodated without impacting on the right of way.
Community Infrastructure Levy	CIL liable.
Affordable Housing	Financial contribution would be secured by S106 agreement.

4. Description of Site:

4.1 The application site lies on the north-eastern edge of Mosterton adjacent to existing properties of the Paddocks to the west and Chedington Lane to the south. The site currently consists of agricultural land with the existing access off Chedington Lane. There are residential properties to the south and west with open countryside on the other boundaries. A right of way runs from Chedington Lane through the site and out into the open countryside beyond.

4.2 The application site lies outside of the defined development boundary for Mosterton. The site lies within the Area of Outstanding Natural Beauty (AONB) and is also within the setting of the grade II listed buildings Corner Ways which is positioned on Chedington Lane and Cranford Cottage on Bowes Lane.

5. Description of Proposal:

5.1 This application seeks outline permission for the erection of up to 9 dwellings with all matters reserved apart from access. The site would be accessed off the existing residential development of The Paddocks. Indicative plans have been submitted to

show how 9 dwellings could be accommodated within the site. The indicative plans also show an attenuation pond in the south-east corner and additional planting in the north-east corner on the opposite side of the right of way from the proposed dwellings.

6. Relevant Planning History:

WD/D/20/000393 Decision: Withdrawn Decision Date: 17/05/2021

Outline application for the erection of up to 40no. dwellings & associated vehicular access

7. Relevant Constraints:

Outside defined development boundary

Area of Outstanding Natural Beauty

Right of Way

8. Consultations:

8.1 Highways – *It is understood that the application is outline and only covers the access arrangements. The Highway Authority considers the access is acceptable in highway safety terms. It is important to note that the indicative layout will require alteration and is not agreed at this stage.*

The Highway Authority recommends the following condition(s) if minded to grant:

Outline estate road construction (adopted or private)

Notwithstanding the information shown on the plans approved by this application, no development must commence until precise details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority.

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

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, County Hall, Dorchester, DT1 1XJ.

8.2 Building Control – *No comments.*

8.3 Tree Officer – *The boundaries of the plot are enclosed with native hedging on the north, south and west boundaries with the east boundary being stock fencing, there is a public right of way running parallel to the east boundary. These hedges are an important screen to the site and are to be retained through out and post development.*

Some maintenance of the hedges is required to make into formal hedges. Enclosing the east boundary with new native hedging will be required.

Tree planting is shown on site plan, tree planting within the site and within the current and new planted hedgerows is required.

The only mature trees at the site are situated in the north west corner, a group of mature hedgerow ash trees and on the north boundary there is a mature hedgerow oak.

No tree or landscaping information has been submitted to support this application.

There are Tree Preservation Orders protecting the trees in the north east corner, the plot is not within a Conservation Area.

Tree protection plan required to ensure hedges and trees are not affected by construction activities.

Landscaping plan showing locations of any new trees and hedging is required to be submitted.

RECOMMENDATIONS

Unable to determine due to lack of required information.

Arboricultural Method Statement - Prior to Further decision on this application, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing.

b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012).

c) a schedule of tree work conforming to BS3998.

d) details of the area for storage of materials, concrete mixing and any bonfires; e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility

f) details of any no-dig specification for all works within the root protection area for retained trees

g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

Prior to Further decision on this application, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. Detailed landscape plan to provide details of tree and hedge planting throughout the site. Details to include species and planting method. 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: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

The above documents are to be supplied and approved prior to any further decision being made on the development, this is to ensure that all tree protection measures are appropriate for the site.

8.4 Housing Enabling Team – The site lies within the Dorset AONB on land outside the defined development boundary. Although appraised as a SHLAA site in 2018, it lies outside the defined development boundary and is therefore a rural exception site which, according to the Local Plan, should be available to provide for 100% affordable housing. While the housing register demonstrates that there is a significant need for quality affordable family housing in the west area of Dorset, the community of Mosterton has reached capacity for affordable homes. Two recent developments in the village have provided in the region of 46 affordable homes, which is a significant number to be built in a settlement with a population of approximately 600. In addition, Mosterton is only 3 miles away from Beaminster which currently has developments in progress set to provide over 60 new affordable homes. If granted permission, an affordable contribution will be expected from the development of this scheme.

8.5 Mosterton Parish Council – Mosterton Parish Council objects to this outline planning application. There is no planned development of the infrastructure of Mosterton, a village which is poorly served by public transport and has little by way of employment opportunities within the village or walking distance, making the development unsustainable.

Properties near to the proposed development site are already experiencing flooding as a result of surface water run-off, and this will only increase with additional development.

The mains sewerage system for the village has been operating above capacity for a number of years, causing issues with back flow.

The village school is already unable to offer places to children living in the village in some year groups, and is almost full across the board, with no increase in provision likely in the near future. The village has seen a large amount of development in recent years, with no additional investment in the infrastructure.

Whilst Mosterton Parish Council acknowledges that the village plan indicates the village is open to developments of up to 10 properties, there is a significant concern that an outline application for 9 properties, will change into a subsequent full application for significantly more properties, bearing in mind that the original application submitted for this site, Application number WD/D/20/000393 was for 40 dwellings.

8.6 In response to the comments of the Tree Officer a Tree Survey and Arboricultural Impact Assessment was submitted. The Tree Officer was re-consulted on the application and made the following further comments:

8.7 Tree Officer - *Applicant has supplied Tree Survey and Arboricultural Impact Assessment (AIA) to support this outline application, at this stage the supplied information will be sufficient to support the proposed development.*

Recommendation

Arboricultural Method Statement - Prior to Further decision on this application, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing.*
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012).*
- c) a schedule of tree work conforming to BS3998.*
- d) details of the area for storage of materials, concrete mixing and any bonfires.*
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility*
- f) details of any no-dig specification for all works within the root protection area for retained trees*
- g) details of the supervision to be carried out by the developers tree specialist.*

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

Prior to Further decision on this application, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. Detailed landscape plan to provide details of tree and hedge planting throughout the site. Details to include species and planting method. 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: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

9. Representations:

9.1 Eleven responses have been received in response to the application, ten of which are objecting to the application for the reasons set out below and one response was a comment on the scheme.

- The footpath should be properly fenced and maintained.
- Will the development lead to mission creep?
- Adverse effects on biodiversity and ecology of the site.
- Is there capacity for the pipes and system to cope with more houses for both run off and sewerage?
- School has been at or very close to capacity for a few years now.
- Extra homes will put pressure on the school and exclude children who are in the catchment area.
- Additional cars will put huge pressure on Chedington Lane which is not designed for a lot of traffic .
- Chedington Lane is prone to flooding.
- Field is not suitable for building.
- Site is within area of outstanding natural beauty.
- Drainage in Chedington Lane is not sufficiently up to date.
- Proposed dwellings will significantly overlook number 10 The Paddocks and reduce privacy – property should be changed to bungalow to mitigate the issue.
- Proposed dwellings if two storey would be overbearing.
- Village does not have the infrastructure to deal with further housing or local need.
- Recent and acceleration of housing is putting strain on infrastructure.
- Road entrance will put pressure on a fast road.

- Will alter the quiet and safe close, the Paddocks.
 - Application site is located outside of the defined development boundary.
 - Development will be pre-cursor for more where the plan clearly retains an access way through to the remaining land.
 - Bus service is not at all regular and is much reduced – poor access to the neighbouring towns.
 - New occupiers will be reliant on cars.
 - Beyond the village shop and occasional pop up post office in the village hall residents will need to travel outside of the village for most things including work.
 - Pedestrian and vehicular access from the Paddocks is poor – already a lot of on-street parking.
 - On-street parking reducing the entrance to the Paddocks to a single lane.
 - Road crossing point is unsafe.
 - Proposed development is in a village with few facilities, poor public transport, little employment and which is split by a fast A road.
 - Vehicles approach the village at excessive speed from the north.
 - For a considerable distance there is no pathway on the roadside.
 - Pedestrians must cross the busy A3066 twice or walk in the road.
 - Site is a field used for grazing animals, its habitat includes a diverse range of wild animals including deer, badgers, foxes etc as well as a diverse range of bird life all of which will be destroyed.
 - Development will add to the flood risk.
 - Pond will need a maintenance agreement to keep it operational otherwise it will fill in like others elsewhere.
- Support the position of the flood pond

10. Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage Assets
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV12 - The design and positioning of buildings

- ENV16 - Amenity
- HOUS1 - Affordable housing
- SUS2 - Distribution of development
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

Other Material Considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Supplementary Planning Documents/Guidance for Southern/Western Area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
- The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering the impact of proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

National Planning Practice Guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11. 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. 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. This application is for outline permission and the layout of the scheme is a reserved matter however the indicative details show how dwellings with parking adjacent to them can be provided. In addition, Mosterton is considered to be a sustainable location for development enabling residents to access a school, village shop, pub, village hall and other facilities on foot without needing to drive.

13. Financial Benefits:

Material Considerations:

Employment created during construction phase

Spending in local economy by residents of up to 9 dwellings

Non-Material Considerations:

Contributions to Council Tax Revenue

New Homes Bonus

Community Infrastructure Levy

14. Climate Implications:

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 dwelling would generate vehicular movements releasing carbon monoxide. Heat escape from the dwelling 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 versus conserving natural resources and minimising energy use.

A Sustainability/Green Energy Statement was submitted as part of the application and sets out a series of guiding principles for sustainable design and construction that will be explored as part of any detailed design.

15. Planning Assessment:

Principle of Development:

15.1 Mosterton 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 SUS2. 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. 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 Mosterton.

15.2 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. The Council cannot currently demonstrate a five year housing land supply for the West Dorset, Weymouth & Portland plan area and is at a position of 4.93 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 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 proposal; 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.

15.3 The site is located outside of the DDB for Mosterton although the site is located adjacent to the DDB. However, Mosterton is identified with a DDB and as such can be considered, in terms of the spatial strategy for the distribution of development, to be a sustainable location. Since the village is considered, in general terms, to be a sustainable location and the proposed development site is relatively well located to the village and its facilities which include the village hall, shop, pub and primary school, the development of this site with housing could be considered to be a 'reasonable opportunity' to improve the short term housing land supply position. Given the above 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 section of the report. NPPF footnote 7 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 181) 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 68); and areas at risk of flooding or coastal change.

15.4 The application site is located within the designated Dorset Area of Outstanding Natural Beauty and therefore para 11 d) i) of the NPPF is applicable in this instance. The impact of the proposal on the AONB will be considered in the following section of this report.

Residential Amenity:

15.5 The proposed development involves the erection of up to 9 dwellings accessed off The Paddocks. Third party concerns have been raised regarding the impact on of the proposed development on the properties of The Paddocks. As part of the application indicative plans have been provided to show how 9 dwellings could be accommodated on the site. The indicative plans show that adequate spacing between properties, boundary treatments and orientation of the proposed properties can be provided so as not to result in an adverse impact on neighbouring properties. The proposed fenestration details are not known at this outline stage and would be considered as part of any reserved matters application. **The proposed development would be accessed off The Paddocks which would result in increased movements on this road however the increase would be for up to 9 dwellings which would not be a uncommon arrangement and would not result in a significant adverse impact on neighbouring amenity. A condition would be placed on any approval granted for a Construction Management Plan for any construction vehicles accessing the site given the proximity to neighbouring dwellings. Given the above there is nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbours and policy ENV 16 of the adopted Local Plan is met.**

Visual Amenity and Area of Outstanding Natural Beauty:

15.6 The application seeks outline permission for the erection of up to 9 dwellings and access to the site. The application site is located within the setting of the grade II listed buildings Corner Ways and Cranford Cottage and is located within the Dorset Area of Outstanding Natural Beauty. NPPF paragraph 177 sets out that *when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.* This application is not considered to meet the threshold of major development as the proposal is for the erection of up to 9 dwellings in

the settlement of Mosterton with a population of approximately 600 which would not result in a significant increase to the population.

15.7 Matters of detail relating to appearance, landscaping, layout and scale are reserved matters. However, the indicative site plan submitted as part of the application shows that 9 dwellings could be accommodated on the site that reflects the neighbouring development of The Paddocks. An outline application WD/D/20/000393 for the erection of up to 40 dwellings on the site and adjoining land was previously withdrawn. It was considered that the proposal in its scale, form and location would not conserve and enhance the character of the AONB. In response this current application has been much reduced to 9 dwellings and the built form would not extend out past the existing right of way through the site. This reduction is considered to bring the site back in line with the existing development of The Paddocks with the existing right of way providing a clear boundary to the built form. Concerns were raised with the agent regarding the boundary of the proposed development with the right of way and that there would need to be sufficient room for native planting to provide a soft edge to the development rather than a close board fence or something similar. In response to this an indicative site plan was submitted showing that adequate hedging could be provided, and a condition would be placed on any approval granted removing permitted development rights for means of enclosure (see proposed condition 5).

15.8 The application site is located within the setting of the grade II listed buildings Corner Ways and Cranford Cottage. The listed buildings are nestled in amongst existing residential development with the application site separated from the listed buildings by neighbouring development. It is considered at this outline stage that the development of up to 9 dwellings could be acceptable and would not lead to substantial harm to the setting of the listed properties. The proposal would therefore lead to less than substantial harm to the significance of the listed properties Corner Ways and Cranford Cottage. NPPF para 202 sets out that *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*. In this case the harm needs to be weighed against the provision of 9 dwellings and a financial contribution for affordable housing. These public benefits are considered to outweigh the less than substantial harm to the heritage assets. Given all of the above there is also nothing to suggest at

this outline stage that the proposal would be detrimental to the AONB or the visual amenity of the site and surrounding area.

Drainage:

15.9 The proposed development is for up to 9 dwellings and as part of the application a Drainage Strategy and indicative site plan showing an attenuation pond in the south-east corner of the site was submitted. The submitted information was discussed with the Flood Risk Management Team at a surgery meeting and it was considered that appropriate drainage of the site could be undertaken and a condition for a detailed surface water management scheme for the site was recommended and would be placed on any approval granted (proposed conditions 7 and 8).

Highway Safety:

15.10 This application seeks outline permission with access for the erection of up to 9 dwellings. The proposed access would be located off The Paddocks and indicative plans show parking for each of the properties. Highway safety concerns have been raised by third parties including the increase in vehicles from the development and in relation to the location of the proposed access. Highways were consulted on the application and considered that the proposed access was acceptable in highway safety terms. They also advised that the layout for the proposed dwellings shown on the indicative plans will require some alteration however they are indicative and this would be a consideration for any reserved matters stage. The Highways Officer recommended an outline estate road construction condition which would be placed on any approval granted.

15.11 NPPF para 112(e) sets out that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. A condition would be placed on any approval granted for a scheme for car charging to be submitted.

Biodiversity:

15.12 The proposed development involves the erection of up to 9 dwellings on a site currently used for agriculture. A Biodiversity Plan (BP) was submitted alongside a Certificate of Approval from the Natural Environment Team and it is considered that the proposal will have no adverse impact on biodiversity

interests. The mitigation in the BP includes the provision of bird boxes, bat boxes, bee bricks, new tree planting and meadow planting. A condition would be placed on any approval granted for the development to be carried out in accordance with the agreed BP (proposed condition 11).

15.13 There are mature trees situated in the north west corner, a group of mature hedgerow ash trees and on the north boundary there is a mature oak. There is a Tree Preservation Order protecting the trees in the north east corner. The Tree Officer was consulted on the application and set out that prior to a decision being made on the application an Arboricultural Method Statement was required. In response this information was submitted and the Trees Officer was reconsulted who considered that the information supplied was sufficient at this stage. A condition would be added on any approval granted for a Arboricultural Method Statement and a soft landscaping scheme to be submitted (proposed conditions 13 and 14).

15.14 The very north of the application site falls within the Somerset Levels Hydrological Catchment area. The indicative plans submitted as part of the application show the proposed location of the attenuation pond outside of this catchment. This was discussed with Natural England who advised that as long as the final scheme ensures the drainage pond lies outside of the catchment and it can be satisfied that the waste water treatment works that serves the properties also discharges outside of the hydrological catchment area it would be safe to conclude there would be no likely significant affect on the Somerset Levels and Moors Ramsar site. To ensure the above conditions would be placed on any approval granted for the attenuation feature to be located outside of the catchment and for this to be shown at reserved matters stage and a scheme for waste water to be submitted (proposed conditions 7 and 12).

Right of Way:

15.15 A right of way runs from Chedington Lane through the site and out into the open countryside beyond. The submitted site plan is indicative but it does show how 9 dwellings could be accommodated on the site without impacting on the right of way. An informative would be placed on any approval granted setting out that the right of way needs to be kept open and unobstructed.

Community Infrastructure Levy:

15.16 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.

15.17 The development proposal is CIL liable. 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.

Affordable Housing:

15.18 The application site lies outside of the DDB and therefore in accordance with the local plan policies should first be considered as an affordable housing exception site. However, given the Councils lack of five year housing land supply as set out in 15.1 of this report market housing has been considered acceptable on the site. Para 64 of the NPPF sets out the following:

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 units or fewer).

15.19 The proposed development is for the erection of 9 dwellings which falls just under the threshold for major development however it is located within the AONB and therefore is considered as a designated rural area. Therefore, as the proposed development is for more than 5 dwellings, affordable housing would be sought. The Housing Enabling Team were consulted on the application and set out that while the housing register demonstrates that there is a significant need for quality affordable family housing in the west area of Dorset, the community of Mosterton has reached capacity for affordable homes. Two recent developments in Mosterton have provided in the region of 46 affordable homes. In addition, Mosterton is in close proximity to Beaminster- which has developments in progress set to provide over 60 new affordable homes. There is still however a significant need for more affordable housing across the plan area and therefore in this case if permission was granted for this scheme a financial contribution would be sought. To comply with local plan policy HOUS 1, 35% affordable units would be required which when based on 9 units would equate to 3.15 units. As the requirement is for a financial contribution the full amount required to deliver an equivalent affordable home will not be sought but rather an amount broadly

equivalent to the average level of public sector subsidy required to deliver an equivalent affordable home in the plan area. This level of subsidy is equivalent to £345 per square meter. The level of contribution therefore will be based on this calculation and the formula would be included in the S106 agreement in order to calculate the exact contribution based on the floor areas of the scheme prior to commencement.

16. Conclusion:

16.1 The applicant is seeking outline permission for the erection of up to 9 dwellings. The location is considered to be sustainable given its location close to the DDB for Mosterton and its facilities. The Council cannot currently demonstrate 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 public benefits outweigh any adverse impacts and there are insufficient material considerations which warrant a recommendation of refusal of this application.

16.2 At this outline stage the proposal is considered acceptable in relation to visual amenity, setting of heritage assets and the AONB, residential amenity, drainage, highway safety, biodiversity, right of way and affordable housing.

17. Recommendation:

Recommendation A: That the committee be minded to 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 an off-site affordable housing contribution based on a calculation of £345 per square meter and conditions and that the Head of Planning determine the application accordingly.:

1. Before any development is commenced details of 'reserved matters' (that is any matters in respect of which details have not been given in the application and which concern the layout, scale, appearance or landscaping) shall be submitted to the Local Planning Authority for its approval.

Reason: This condition is required to be imposed by the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

2. Application for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990 (as amended).

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Location Plan – drawing number 3947-BB-XX-XXX-XX-A-201 B

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

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, walls or gates or other means of enclosure permitted by Class A of Schedule 2, Part 2 of the 2015 Order shall be erected around the curtilage of any dwelling house other than those agreed as part of any subsequent reserved matters permission.

Reason: In the interests of visual amenity.

6. 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:

- Construction vehicle details (number, size, type and frequency of movement)
- A programme of construction works and anticipated deliveries
- Timings of deliveries

- A framework for managing abnormal loads
- Contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- Wheel cleaning facilities
- Vehicle cleaning facilities
- Temporary traffic management measures where necessary
- Details of construction lighting
- Hours of construction
- Location of loading/unloading and storage of plant, waste or debris and construction materials
- Dust suppression details
- Noise reduction measures
- Details of where contact details will be displayed on site for members of the public and any notifications to adjacent residents

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and neighbouring residential properties.

7. The layout details to be approved under condition 1 shall include a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction and a timetable for the implementation of the scheme, to be submitted to, and approved in writing by the local planning authority. Any surface water attenuation basin/pond shall be located outside of the Somerset Levels Hydrological Catchment area. The surface water scheme shall be fully implemented in accordance with the approved details and timetable for implementation.

Reason: To prevent the increased risk of flooding and in the interests of the Somerset Levels and Moors Ramsar site.

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

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

9. Notwithstanding the information shown on the plans approved by this application, no development must commence until precise details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

10. No development above damp proof course level shall take place until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted and approved in writing with the local planning authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority including the timetable for implementation.

Reason: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

11. No development above damp proof course level shall be commenced until a timetable for the implementation of the measures of the Biodiversity Plan has been submitted and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed timetable and the approved Biodiversity Plan, signed by Julian Perrett and dated 27/05/2021, and agreed by the Natural Environment Team on 27/05/2021, unless a subsequent variation is agreed in writing with the Council.

Reason: In the interests of biodiversity mitigation and enhancement.

12. The layout details to be approved under Condition 1 shall include a scheme for waste water management including its discharge outside of the Somerset Levels Hydrological Catchment area and a timetable for the implementation of the scheme, to be submitted to, and agreed in writing by the local planning authority. The waste water scheme shall be fully implemented in accordance with the submitted details and timetable for implementation.

Reason: In the interests of the Somerset Levels and Moors Ramsar site.

13. No development shall take place until an Arboricultural Method Statement providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development has been submitted to and agreed in writing by the Local Planning Authority. The method statement must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing.
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012).
- c) a schedule of tree work conforming to BS3998.
- d) details of the area for storage of materials, concrete mixing and any bonfires.
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility
- f) details of any no-dig specification for all works within the root protection area for retained trees
- g) details of the supervision to be carried out by the developers tree specialist.

The agreed protective fencing shall be erected prior to the commencement of development and thereafter, all works must be carried out in accordance with the agreed method statement.

Reason: To ensure the trees and hedges worthy of retention on-site will not be damaged prior to or during the construction works.

14. **No development above** Damp Proof Course (DPC) level shall be commenced until a soft landscaping and planting plan has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November–March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include a detailed landscape plan to provide details of tree and hedge planting throughout the site, details of species and planting method and provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

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

Informatives:

- 1) NPPF
- 2) Outline – CIL
- 3) S106
- 4) Right of Way
- 5) Development Team
- 6) Biodiversity Plan
- 7) Street Name and Numbering

Recommendation B: That the committee be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the head of planning and that the Head of Planning determine the application accordingly:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of a financial contribution for the off-site provision of affordable housing. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2019).