

## Officer Report

<b>Application Number:</b>	P/FUL/2021/04282		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land West And South Of Sandways Farm New Road Bourton Dorset		
<b>Proposal:</b>	Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.		
<b>Applicant name:</b>	T & A Land Ltd		
<b>Case Officer:</b>	Robert Lennis		
<b>Ward Member(s):</b>	Cllr Pothecary, Cllr Walsh, Cllr Rideout		
<b>Publicity expiry date:</b>	19 April 2022	<b>Officer site visit date:</b>	10/12/2021
<b>Decision due date:</b>	2 March 2022	<b>Ext(s) of time:</b>	12/04/2022

**1.0** The application is reported to Committee as Bourton Parish Council have supported the application.

**2.0 Summary of recommendation:**

Refuse planning permission for the reasons set out at section 17.0 of this report.

**3.0 Reason for the recommendation:**

As set out in paras 15.0 to 17.0 at the end of this report.

- The principle of development is not acceptable. The proposed development would result in 30 dwellings in the countryside contrary to Policies 2, 6, and 20 of North Dorset Local Plan and in excess of the Bourton Neighbourhood Plan (BNP) Policy 5 which envisaged approximately 10 dwellings.
- The proposal would only provided 3no. affordable houses rather than the policy compliant 12no. (40%) contrary to Policy 8: Affordable Housing of the North Dorset Local Plan Part1.
- The proposed layout, design, and scale would be contrary to BNP Policy 5: New Village Hall. In particular, the proposal does not consisting of mainly small family homes, the amenity space would be removed from the proposed village hall, and the overall layout and appearance is considered to be poor.

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- The proposal would result in less than substantial harm to the designated heritage asset, Sandways Farmhouse, next-door contrary to Policy 5: The Historic Environment of the North Dorset Local Plan Part 1 with no clear or convincing justification why this has to be necessary.

### 4.0 Key planning issues

Issue	Conclusion
Principle of development	<p>The principle of development in the countryside is contrary to the Council's spatial strategy. Policy 5 of the BNP is permissive of some development in the countryside to enable the delivery of land for a village hall and amenity space: 0.3ha of land for the village hall, 0.3ha (apprx 10no. houses), and 1.5ha for amenity space.</p> <p>The proposed development is contrary to this policy as it seeks to provide an excessive amount of land for housing (1.7ha), and an under provision of amenity space 0.7ha. While the proposed layout is considered to be poor as it does not meet the very basic aims of the policy to put the amenity space "immediately adjacent" to the hall.</p>
Affordable Housing	The proposal is contrary to Local Plan Policy 8 which requires 40% affordable housing to be provided. However, the applicant is only offering 10% with no justification.
Housing Delivery	Proposal would make a contribution towards housing delivery across the area of the former District.
Layout	The layout of the proposal is poor and does not meet the aims of BNP Policy 5 with some land unaccounted for, poor relationship between housing and parking, and the separation of the proposed community hall and amenity space.
Scale/Design	The scale of the dwellings seems large and does not meet the aims of the BNP to deliver small family homes. The design and detailing of the units results in blank elevations being provided, poor window proportions and dwellings that do not address the open space.

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Impact on Residential Amenity	Proposal is not considered to have significant harm to residential amenity. Acoustic report has been assessed and is considered to be robust.
Highways	As submitted, the estate road layout is not suitable for adoption. There are also potential safety issues relating to the lack of forward visibility around bends.
Heritage	Proposal would result in less than substantial harm to Sandways Farm (designated heritage asset) and there is not considered to be sufficient public benefits to outweigh this harm.
Landscape	Proposals would not have an adverse impact on surrounding landscape. However, additional planting at this stage and should be conditioned.
Flooding/Drainage	Site is flood zone 1, no in-principle objection to the proposed scheme on flood or surface water management grounds.
Biodiversity	A Biodiversity Certificate of Approval has been issued by NET team.

### **5.0 Description of Site**

The application site is located centrally within Bourton and is accessed off the New Road. The site is approximately 3.10 hectares in size and comprises two fields connected with a stream running between them. The fields are currently used for agriculture and there is a large agricultural barn with pig sties within the north eastern section of the site adjacent to the main road, and a former hay barn within the lower field.

The application site is not located within the settlement boundary of Bourton, however part of the site is allocated for residential development (0.3ha) in conjunction with a village hall in the Bourton Neighbourhood Plan (adopted 2018). There are two listed buildings located immediately northeast of the site, Sandways Farm (Grade II) and Sandways, 1-5 Main Road (Grade II). The surrounding area is characterised by dwellings in a more linear pattern of development addressing the main road, with a largely undeveloped, agricultural character of open fields behind these dwellings.

### **6.0 Description of Development**

Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.

### **7.0 Relevant Planning History**

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2/2016/1227/OUT – WITHDRAWN - demolish agricultural buildings, carry out improvements to existing access points, provision of new access road and modification of existing access track. Residential development and erection of new Village Hall with associated parking. (Outline application to determine access)

2/2017/1357/OUT – No decision issued, S106 not completed, resolution to Grant at Committee. Demolish agricultural buildings, carry out improvements to existing access points, provision of new access road and modification of existing access track. Develop land for residential purposes and a new Village Hall with associated parking (outline application to determine access).

### **8.0 List of Constraints**

SSSI impact risk zone;

- NE - SSSI (5km buffer): Dead Maid Quarry ;
- NE - SSSI (5km buffer): Heath Hill Farm ;
- NE - SSSI (5km buffer): Whitesheet Hill ;

Setting of Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Setting of the Area of Outstanding Natural Beauty - Name: Cranborne Chase & West Wiltshire Downs (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

### **9.0 Consultations**

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

#### Consultees

- 1. Parish - Bourton Parish Council**
  - Supports application
- 2. Ward Councillor - Gillingham Ward**
  - No comments received
- 3. Dorset Police Architectural Liaison Officer**

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- In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements.
- 4. Parish - Silton Parish Council**
    - No comments received
  - 5. Dorset Council – Landscape**
    - No objection subject to conditions.
    - However, proposal does not currently include sufficient additional landscape planting to integrate the development into its surroundings or mitigate the proposed developments landscape and visual impact
  - 6. Dorset Council - Education Officer**
    - No comments received
  - 7. Dorset Council - Natural Environment Team**
    - No objection; Certificate of Approval issued
  - 8. Dorset Council - Flood Risk Manager – Highways**
    - No in-principle objection, subject to condition.
  - 9. Dorset Council - Highways**
    - No in principle objection
    - There are a number of amendments required in order for the estate road layout to be considered for adoption under s38 of the Highways Act.
  - 10. Dorset Council - Dorset Waste Partnership**
    - Raised concern with bin collection points
  - 11. Dorset Council - Conservation Officers**
    - Unable to support application, reasons set out below.
  - 12. Dorset Council - Trees (North/West/Weymouth)**
    - No comments received
  - 13. Dorset Council - Urban Design**
    - No support application

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### **14. Dorset Council - Housing Enabling Team**

- No support, the provision of affordable homes on a scheme in Bourton should provide 40% (12 affordable units) .

### **15. Dorset Council - Planning Policy**

- No support, contrary to BNP and LP policies

### **16. Public Health Dorset**

- No comments received

### **17. Dorset Council - Economic Development and Tourism**

- No comments received

### **18. Dorset Council - Environmental Services – Protection**

- No comments received

### **19. Dorset Council - Building Control North Team**

- If clay soils are present, consideration to their depths should be suitable in regards to any existing or felled trees.
- Road layout to comply with ADB B5 access for the fire rescue service.
- Village Hall to comply with ADB B1 Means of escape

### **20. Dorset Council – Libraries**

- No comments received

### **21. Dorset Wildlife Trust**

- No comments received

### **22. Dorset Council - Outdoor Recreation**

- No comments received

### **23. Wessex Water**

- Wessex Water have formally agreed to a sewer diversion which deals with their initial holding objection.

### **24. Natural England**

- Natural England note the submission of a Certificate of Approval (dated 30/11/21) from the DC NET.

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### Representations received

13 objections received for the following reasons:

- Proposal contrary to Policy 5b of the Adopted Bourton Neighbourhood Plan.
- The application proposes less than 1 ha of amenity allocated for amenity land against the 1.5 ha requirement under BNP Policy 5b
- No provision for local play
- Adverse impact on the Grade 2 Listed Sandways Farmhouse
- Lack of affordable housing
- Non-compliant viability report
- Impact on amenity land
- Drainage impacts of development
- Access issues
- Development outside development boundary
- Scale of development would negatively impact the visual character of the area
- Construction impacts on neighbouring amenity
- Impact on public footpaths
- Damaging impacts on greenfield site
- No justification for increase in housing from 9 to 30 dwellings
- Impact on wildlife and biodiversity
- Local services and facilities cannot cope with quantum of development
- Poor design of dwellings
- Limited amenity space outside the proposed hall

3 Letters of support received for the following reasons:

- New village hall is needed
- Application would provide new recreational space and wildlife areas
- Community does not have funds to build new village hall
- Parking for over 30 cars would ease congestion in the village
- Good mix of houses
- 3 affordable houses are a benefit
- Low density development appropriate to context
- Existing village hall is not fit for purpose

### **10.0 Relevant Development Plan Policies**

*North Dorset Local Plan Part 1 (LPP1) adopted January 2016:*

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Core Spatial Strategy
- Policy 3: Climate Change
- Policy 4: The Natural Environment

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Policy 5: The Historic Environment  
Policy 6: Housing Distribution  
Policy 7: Delivering Homes  
Policy 8: Affordable Housing  
Policy 9: Rural Exception Affordable Housing  
Policy 11: The Economy  
Policy 13: Grey Infrastructure  
Policy 14: Social Infrastructure  
Policy 15: Green Infrastructure  
Policy 23: Parking  
Policy 24: Design  
Policy 25: Amenity

*North Dorset District Wide Local Plan (1<sup>st</sup> Revision) Adopted 2003:*

Policy 1.7- Development within Settlement Boundaries

*Bourton Neighbourhood Plan*

The Bourton Neighbourhood Plan was 'made' on 26 January 2018, and forms part of the Development Plan. Relevant policies applicable to this outline applications are:

Policy 1: Landscape setting  
Policy 2: Settlement Pattern and Character  
Policy 3: Building Design and Form  
Policy 4: Traffic and Parking.  
Policy 5: New Village Hall

- a) Either of the two sites indicated on the proposals map is deemed to be suitable for the development of a village hall and the provision of associated amenity space. A small housing development may also be provided on the site in order to make the release of the land viable for the use of a village hall and associated amenity space.
- b) The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:
  - approximately 0.3 ha to the village hall and a parking and manoeuvring area, and;
  - approximately 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
  - approximately 0.3 ha to the housing development.
- c) The land for the village hall and amenity space, as specified in criterion b) above if not already transferred to the ownership of the Parish Council shall prior to any grant of planning permission on any part of the site for any aspect of the proposed development be transferred to the ownership of the parish Council as part of a S106 agreement or similar legal instrument. This process will be subject to an open table discussion between the LPA, the Parish Council and the applicant.

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- d) The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.
- e) Development proposals for this site are required to include:
- screening, using native species planting to lessen visual impact and to limit the impact of noise on neighbouring households;
  - the augmentation of ecological value on the site as discussed in the relevant Ecological Impact Assessment;
  - housing consisting mainly of small family homes;
  - measures that protect heritage assets and their setting.
- f) The decision-making process on Planning Applications for the proposed site options will be carried out by the Local Planning Authority in accordance with this policy as part of the plan-led process and having taken into account any other material considerations, including the identified planning considerations of the residents as expressed through the Parish Council.

### Policy 8 – Mitigating and adapting to Climate Change

#### **Other material considerations**

##### *National Planning Policy Framework (NPPF):*

1. Introduction
2. Achieving sustainable development  
Paragraph 11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8), 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 (footnote 7); or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
4. Decision-making  
Paragraph 57 - Planning obligations must only be sought where they meet all of the following tests<sup>1</sup>:
  - a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
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

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<sup>1</sup> Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

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### 16. Conserving and enhancing the historic environment

*Officers note on the Council's current housing land supply:*

Whilst the Council is able to demonstrate 5.17 years of housing land supply, our housing delivery rates is below the housing requirement over the previous three years (less than 75% of)<sup>2</sup>. Therefore, the presumption in favour of sustainable development applies as set out at paragraph 11d i) and ii) of the Framework. It states that where the (local) development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused.

In carrying out the decision-making process for this application, members will first need to consider whether the adverse impact on the adjacent heritage assets would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused. Then, if need, as a second balancing exercise, apply the 'presumption' and weigh up benefits and adverse impacts of the scheme.

*National Design Guidance*

Paragraphs 86, 100, 104, 107, 116, 129

*Community Infrastructure Levy Regulations 2010*

Regulation 122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

### **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**

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<sup>2</sup> Housing Delivery Test: Measures net homes delivered in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.

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

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

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

### **13.0 Financial benefits**

The applicant’s proposal to redirect the funding of 9no. affordable houses in order to construct a new village hall is highly unusual because there is nothing in Policy either locally or nationally that would suggest it is acceptable to make such a trade-off. This is considered in more detail in Section 15 of this report.

The benefits of any scheme would have to be secured by a planning obligation (legal agreement). The CIL Regulation 122 test is also set out at paragraph 57 of the NPPF. In particular,

- c) fairly and reasonably related in scale and kind to the development.

It is difficult apply this test of fair and reasonable in scale and kind to a scheme of 30no. dwellings. The applicant was invited to send in a viability assessment undertaken by a qualified profession for the Council to test. However, what was submitted was insufficient.

The applicant has submitted an opinion on this matter from their solicitors. This has been passed to your legal department for them to comment. This will be presented orally at the Committee meeting.

No other financial contributions have been secured at this stage as the officer recommendation is to refuse the application. However, the applicant has indicated that they would be willing to enter into a S106 agreement to secure planning obligations towards: education, affordable housing, ownership of village hall, parking land, and public amenity area, construction and completion of village hall. The Council would also seek contributions towards libraries, public rights of way, and health care.

### **14.0 Climate Implications**

No sustainability measures or appraisal have been submitted with the application.

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### 15.0 Planning Assessment

#### *Principle*

The proposed development site is located adjacent of the settlement boundary of Bourton. In policy terms the site is within the 'countryside' and any development would normally be strictly controlled, unless it is required to enable essential rural needs to be met. Policy 5 – New Village Hall of the BNP would allow for a small housing development to enable the transfer of land for a new village hall and amenity space.

Of relevance to this application is previous application 2/2017/1357/OUT which proposed a residential development of 9no. dwellings and made provision for a village hall (amenity space was shown on the proposed site layout but was not included in the description of development). The Planning Committee in May 2019 gave a resolution to grant subject to the completion of a section 106 legal agreement. However, the legal agreement was never completed.

This application is submitted in light of Policy 5 of the Bourton Neighbourhood Plan (listed above). This Policy sets out six tests by which proposals for a new village hall are to be assessed. It is considered that there is little about this scheme which is compliant with this policy. Applying the tests of this Policy it is considered:

- Criteria a); is not met as this is not a small housing development. Anything over 10 dwellings is considered to be major development.
- Criteria b); is not met as the proposed amenity space of 0.7ha is below the required at least 1.5ha, and the small housing development of approximately 0.3ha envisaged by the BNP is now proposed to be 1.7ha.
- Criteria c); seeks only a transfer of land for the new village hall and amenity space. No case has been made as to why the village hall cannot be delivered in this way.
- Criteria d); a legal agreement could not secure the delivery of the hall (see above: 13.0 Financial benefits).
- Criteria e); requires housing consisting of mainly small family homes, however only 6 of the 30 dwellings proposed are considered to be small. This criteria also requires measures that protect heritage assets and their setting. The proposed layout does not do that.
- Criteria f) aims to have a plan-led process taking account of other material considerations, but if this proposal cannot demonstrate compliance with this Policy then this criteria would not be met. There have been no material planning considerations advanced by the Parish Council which absolve the applicant from having to comply with all the criteria of Policy 5 and, or, avoid the CIL Regulation test.

The applicant has not submitted a local needs assessment for the quantum of housing being proposed. As such, the housing element of this application is considered to be addressing a district wide need. Also, because the number of houses proposed greatly exceeds what was envisaged by Policy 5 of the BNP and would require more of the countryside to be lost, LPP1 Policies 2, 6, and 20 should be considered. Policy 2 (Core Spatial Strategy) and Policy 6 (Housing Distribution) of the LPP1 require

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development to be located in accordance with the spatial strategy which directs development to the four main towns or to meet the local needs of our larger villages (Bourton is identified as one). While Policy 20 (The Countryside) aims to strictly control development outside of the defined boundaries of these towns and villages unless it is required to enable essential rural needs to be met.

At present the Housing Delivery Test for North Dorset DC (as was) is below the Government's requirement, therefore LPP1 Policies are considered to be out-of-date and the presumption in favour of sustainable development applies (paragraph 11d) of the NPPF). However, that does not mean that Policies are absent or silent and the weight to be given to them in decision-making is a matter for the decision-maker to decide. Officers consider these Policies should be given less than full weight but more than moderate in light of: the Council's Action Plan ([Decision - Dorset Council Housing Delivery Test Action Plan - Dorset Council](#)) to address our housing delivery, recent appeal decisions, and our published housing land supply. Further, para 11d of the NPPF is not engaged if NPPF policies protecting certain areas or assets give a clear reason for refusal.

The Bourton Neighbourhood Plan was made in 2018 and forms part of adopted development plan. As this is over two years old and in light of the Council's lack of housing delivery no extra protection is afforded the BNP through paragraph 14 of the NPPF.

The BNP did not specify any housing allocation sites as extant permissions and limited infill development met any future specific housing need for Bourton at the time. The BNP has not yet been formally reviewed or updated since it was made. Nonetheless, it is still a material consideration and Policy 5 should not be seen as limiting housing development as it aims to deliver a new village hall by allowing some housing development and can therefore be afforded weight in the planning balance along with other BNP policies.

### *Affordable Housing*

This application proposes 30no. dwellings comprised of the following: 18 x 3 bed open market houses, 3x 2 bed open market houses, 6 x 4 bed open market houses and 3 x 2 bed first homes. LPP1 Policy 8 Affordable Housing states that outside the four main towns, developments will be expected to provide 40% affordable houses on site; and the LPP1 object of meeting the District's housing needs is clear. However, the application only proposes 3 first homes which would equate to 10% affordable housing provision and would fall well below the required affordable housing requirement of 40% (12no.) being provided on site.

The Planning Statement accompanying the application states that the quantum of affordable homes has been reduced to units (equivalent to 10% AH) due to the cost of building the village hall, which will be gifted to the parish council. However, there is no policy requirement for a village hall to be built and gifted to the parish council. The only requirement is for a serviced plot of land to be transferred to the parish council.

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Further, the application does not set out a justification for delivering a built village hall instead of serviced plot. The Planning Statement refers to a public consultation exercise and states that the 'vast majority of those attending were strongly in favour' of the proposal and the Parish Council has been involved in pre-application discussions mainly about the proposed village hall. However, the application contains no justification or evidence to show that the village hall could not be delivered in any other way. As a result, officers consider that whilst delivery of a village hall is a material consideration it not sufficient to outweigh the conflict with the BNP, LP Policies, and NPPF.

The applicant provided a viability statement (VS) with their submission. However, this was not robust and did not provide a satisfactory level of detail. Hence, the applicant was invited to submit a revised viability assessment by a qualified professional; an open-book approach to resolving differences. The revised assessment was sent to the District Valuer (an expert independent of the Council) in order to help find an agreement.

The DV has written back stating "... after reviewing the information... that the applicant and/or their advisors have not provided a full viability report, with the necessary appraisal summaries that we would usually expect when reviewing a development viability assessment. In order for us to complete a review, we would need as a minimum:

- A schedule of accommodation which accords with the planning application.
- A plan showing the respective boundaries and the site area
- An appraisal compliant with the policy requirements of the Local Plan.
- A report with text and evidence in support of the:
  - Gross Development Value adopted
  - Benchmark Land Value, with reference to EUV and premium.
  - Gross Development Costs including any Abnormal Costs
  - Profit assumptions.
  - Finance assumptions.
  - Cash flow assumptions."

This is not surprising as the applicant's VS at paragraph 1.4 states:

*'It should be made clear that this is not put forward to demonstrate that the development is not viable without a reduction in the normal level of contributions or quantum of affordable housing (for example as could be the case if there were high abnormal infrastructure costs). Rather, it sets out to show that this is a viable form of development but that a significant proportion of the value that would normally be attributed to affordable housing will be channelled towards paying for the construction of the Village Hall.'*

Therefore, as highlighted by the applicant, a policy compliant development would be viable and there is no need to go to the District Valuer to test their VS but the applicant was given an opportunity for the benefit of doubt. At present, it is considered that 40% affordable housing should be sought as there is no policy justification for reducing the requirement.

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The Council's Housing Enabling Team, who oversee the development of affordable housing, do not support the proposed development as it stands. There have also been numerous objections received from local residents regarding the lack of affordable housing on the site.

The proposal fails to accord with Policy 8 of the Local Plan and paragraph 63 of the NPPF. However, the provision of 3 no. affordable houses should be given some weight in the planning balance.

### *Housing Delivery*

Notwithstanding the lack of affordable housing proposed, the proposed development would deliver 30 no. open market homes and would contribute towards the housing needs of North Dorset. This should be given more than moderate weight in light of the Council's Housing Delivery Test and Housing Land Supply as it would make a valuable contribution towards boosting housing and to a lesser extent affordable housing supply. However, the weighting should be tempered as the proposed size and mix of housing (see below) is contrary to the aim of BNP Policy 5 that seeks to deliver a small family housing scheme.

### *Layout, Design, and Scale*

Your Urban Design Officer is unable to support the proposed development. The question she set out in her comments was *"Do proposals demonstrate that the quantum, layout and design of development is appropriate to the context of the area and accords with the provisions of well-designed places as set out in the National Design Guide and the North Dorset Local Plan, as well as relevant policies in the adopted Bourton Neighbourhood Plan?"*

Policy 5 (Bourton Neighbourhood Plan) states that a small housing development of 0.3ha will be acceptable to facilitate a new village hall. However, proposals include an area of approx. 1.7ha for housing. This is considerably larger than the space allocated within the BNP with 30 houses proposed. It is a major development and would have a considerable impact on the rural character of the area and the overall quantum of development should be reduced to be more appropriate to its setting and in line with the provisions of the Neighbourhood Plan.

Additionally, Policy 5 states that the 1.5ha of amenity space should be 'a reasonably level gradient and quality immediately adjacent to the village hall building'. However, the proposed amenity space is approximately 0.7Ha, just under half the required size. It would be remote from the hall located to the south-eastern edge of the site. It also feels: removed from the community and hall it is meant to serve, difficult to access, and isolated with no causal surveillance from surrounding properties. These aspects will affect the use and attractiveness of the space in the future and do not meet the aims of LPP1 Policy 15 Green Infrastructure. The contour of the site is

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noted however a better arrangement was presented in the previous outline application ref: 2/2017/1357/OUT.

Principles for creating a well-designed amenity space can be found in LPP1, and National Design Guide

- para 100 'Well-designed places include well-located public spaces that support a wide variety of activities and encourage social interaction, to promote health, well-being, social and civic inclusion' and para 104 'Well-designed public and shared amenity spaces feel safe for people who occupy the buildings around them, and also for visitors and passers-by. They help to overcome crime and the fear of crime'.
- para 107 'A well-designed public space that encourages social interaction is sited so that it is open and accessible to all local communities. It is connected into the movement network, preferably so that people naturally pass through it as they move around.'

While Figure 10.1 of North Dorset Local Plan states 'Where development creates a new, or affects, an existing public space, it should be safe, attractive, uncluttered and well related to the surrounding buildings.

Another important element of any housing layout which affects the character of the area is the building line. Policy 3 of the BNP states that 'All new development shall reflect or reinforce the existing road frontage where a clear historic building line has been established.' To the north of the site the historic buildings of Sandways sit tight against the pavement. This pattern is continued to a slightly lesser degree with the 3 detached properties to the south. While it is recognised that the footprint of the proposed village hall replicates the existing barn, there is the opportunity to reinforce the historic building line.

With regard to the size and mix of housing proposed, Policy 5 of the BNP requires "... housing consisting mainly of small family homes." However, of the proposals only 6 units can be considered 'small' with the remaining 24 dwellings consisting of good-sized semi-detached, and large detached housing. Of these 6 are particularly generous with master bedroom suites containing dressing room and ensuite, and large double garages with space above to create a fifth bedroom/annexe/study. While some variation of housing sizes is considered acceptable as it helps provide a balanced community, this proposal is tilted very much towards providing larger, more expensive housing which is not in accordance with the aims of the BNP.

In addition to this there is an area between the village hall and unit 7 which is seemingly an additional building plot that has been left undeveloped – some clarification of this space is necessary.

Minor amendments that have been submitted include moving parking spaces for units 1-6 (which presumably include the affordable housing provision) from the rear of a parking court to abutting the rear garden boundaries of the dwellings. They are still poorly related to the units they serve and are not overlooked.

Parking space is a major component of any major residential development and the National Design Guide recognises that at:

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- para 86 'Well-designed parking is attractive, well-landscaped and sensitively integrated into the built form....its arrangement and positioning relative to buildings limit its impacts, whilst ensuring its is secure and overlooked' and
- para 116 'Where different tenures are provided, they are well integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged.'

The layout here should be reconsidered to in light of this guidance to include well designed and overlooked parking spaces.

In May 2019 Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning department will secure reductions in the carbon footprint of developments. Policy 8 of the BNP puts this into practice by stating "All new development within Bourton shall seek to achieve high standards of sustainability and, in particular, demonstrate in proposals how design, construction and operation has sought to:

- c) Adopt and facilitate the flexible development of low and zero carbon energy through a range of technologies;
- d) Adopt best practice in sustainable urban drainage.

No information has been included within the proposals that address this policy. It is suggested that if members were minded to approve this application that a comprehensive energy hierarchy that includes details on sustainable construction methods (including embodied energy and carbon) is submitted for further consideration, and how details of how designs will maximise the contributions of natural resources, including passive measures for light, ventilation and heating as well as maximising opportunities to integrate micro SUDS into the landscaping scheme.

With regard to appearance, the proposed architecture is fairly simple and uninspiring. However, while the materials proposed appear to reflect the local vernacular the use of double roman tiles on house type A, B and E is not considered acceptable in the context which includes a listed building, as the prevailing roofing material is plain tile and slate. This could be addressed by way of a bespoke condition.

The window detailing on the units is poor. The front elevations of plots, 15-16 and 27- 30, have an asymmetrical fenestration pattern which is at odds with the traditional architectural approach of the dwellings. These units also contain a large barn style window on their front elevation, which introduces a strong vertical emphasis and disrupts the overall proportions of the building.

The general appearance of the units is not considered to be acceptable. For example, Units 7-10 which are closest to Sandways Farm (Grade II listed building) have relatively blank side elevations with little architectural interest and are not considered to relate well to the listed building; this could also be said of units 17-22. Soldier courses over windows would not be acceptable in the setting of a listed building or in terms of good design.

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No unit sizes have been provided so it is not clear as to whether smaller units meet nationally prescribed space standards. In addition, no information has been provided as to where adequate space for cycle parking, storage for bins and recyclables will be accommodated as required by Policy 24 North Dorset Local Plan.

The village hall would be single storey in height and provides a large main hall that can be used for a range of activities or large community meetings. There are kitchen and storage areas and toilets including disabled cubicles. There is car parking provision for up to 30 cars next to the village hall. The proposed community hall is considered to be of a scale and design that would be appropriate to its function and site-specific context.

### *Impact on Residential Amenity*

The proposed built form, increased vehicular movement, increased domestic noise and activity would all have an impact upon the neighbouring dwellings and the level tranquillity currently enjoyed. However, this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application.

Objections have been received in relation to the noise impacts of the development, particularly noise arising from the village hall. The applicant has submitted an acoustic report, which concludes that the proposals would not be detrimental to the amenity of nearby occupants and the site is suitable for the proposed development. Dorset Council Environmental Protection Team have reviewed the submitted acoustic information and find this to be acceptable subject to condition.

Overall, it is considered that the amenity of adjacent residents can be sufficiently protected.

### *Highways*

Dorset Council Highways Engineers have reviewed the subsequent highways plan submitted by the applicant, however the majority of the original highways concerns with the application remain. The intention is for the estate road to be subject to a 30mph speed limit as the designer has not provided any speed-reducing measures. Forward visibility around the southern bends has been shown but this would appear to cross the front curtilages of plots and contain landscaping.

The identified visibility areas need to remain clear of all obstruction greater than 0.6m in height above the adjacent carriageway level and cannot form part of a private residential curtilage to ensure that they will be available in perpetuity. There are also potential safety issues relating to the lack of forward visibility around bends. However, following discussions with DC Highways Engineer there are not considered to be sufficient grounds to warrant a reason for refusal on highways grounds as appropriate visibility could be conditioned.

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### *Heritage*

The Council has a duty set out in planning law to have special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest. These aims and objectives are also embodied in LPP1 and the NPPF.

Policy 5 (Historic Environment) notes that it is important that heritage assets are protected. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. Any harm to designated and significant undesignated heritage assets will need to be fully justified.

NPPF para. 199 requires that 'great weight' be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require 'clear and convincing justification'.

#### *Sandways Farm House – Grade II Listed Building*

The proposals would result in a considerable amount of development on agricultural land which contributes to the setting of the asset insofar as it was historically (until recent years) associated; it illustrates its historic purpose and use; and it demarcates the asset's hamlet edge location between Sandway and Bourton.

The development would result in the loss of the latter. In addition, by virtue of its being undeveloped and in agricultural use, the current setting closely resembles the historic setting and use around the asset, certainly as was in evidence by the mid-19th century, since which time boundary changes have been minimal.

This would therefore result in permanent and irreversible changes to the asset's setting. The scheme is considerably larger than the previous scheme mentioned above and extends new development across the field to the south of the small stream and therefore 'behind' the Sandway plots.

There would also be some changes to the visual experience of the asset through the removal of the complementary (though without architectural and historical interest) barn on the application site. However, there can be no objection to the removal of the farm building in principle and it is felt that the design of the proposed village hall is sufficiently subservient and agricultural in character to permit this loss to be mitigated.

Taking the above into account, it is considered that the proposals will result in less than substantial harm to this asset's significance.

#### *Sandways, 1-5 Main Road – Grade II Listed Building*

The contributory elements of setting of the asset primarily relate to the spatial relationship with Sandways Farmhouse and the associated visual experience from the road. In this context the surrounding agricultural setting is less relevant as a

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contributory element of their significance. With that in mind, it is not considered that the development will result in a detrimental impact on these identified elements of setting.

For the above reason, it is considered that the proposals will result in no harm to the assets' significance.

In summary, the proposals would result in less than substantial harm to the significance of a designated heritage asset, meaning that para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal (including, where appropriate, securing optimum viable use), though taking into account the need to give 'great weight' to the asset(s) conservation. The public benefits of the scheme are the provision of 27 no open market houses, 3 no affordable houses, and a village hall. However, as set out above the scheme is contrary to the development plan and does not deliver policy compliant affordable housing.

Taking these considerations and the nature and extent of harm set out above, it is not considered that the harm would be outweighed by the public benefits of the scheme. Further regard is given to this in the 'planning balance' section at the end of this report.

### *Landscape*

Your Landscape Officer has no objection to the proposal subject to conditions. A summary of his comments are as follows: The proposed development site consists of a group of three small pastoral fields to the south of New Road and the settlement of Bourton and the north of the A303. Ground levels rise to the north of the site towards the Cranborne Chase and West Wiltshire Downs AONB.

The majority of the site's boundaries are well treed, however framed and filtered views of the site are possible from adjacent roads, footpaths and bridleways. Middle distant views are also possible from footpaths on the rising slopes to the north of the site. Distant views from footpaths within the AONB are screened by intervening vegetation or diminished by distance.

In marked contrast to the originally submitted Visual Impact Assessment, the amended Landscape and Visual Appraisal complies with current best practice for Landscape and Visual Assessment and the visual representation of development proposals.

He have reviewed this document in detail and would agree with its conclusions that the proposed development would be both visually and physically connected to the existing settlement and would not, as a consequence, dominate or significantly influence landscape and visual character, be out of keeping with its surroundings or dominate key views.

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However, he would defer to the Dorset Council Senior Conservation Officer's views that, the proposed development would result in less than substantial harm to the setting of the grade II listed Sandways Farmhouse (LENo.1110352) and as such it would not be sympathetic to local character and history.

He was not convinced that the proposed development would improve the character and quality of the area in which it is located. First because the existing farmland fields do not need 'improvement' per se and second because any associated landscape and visual benefits that would result from the tree, hedgerow and other planting proposed would come at the 'expense' of significant built development and could, in theory be achieved without it.

I would agree that the submitted Landscape Proposals do not include sufficient additional landscape planting to integrate the development into its surroundings or mitigate the proposed developments landscape and visual impact. As such any permission should be conditioned to supply details of hard and soft landscaping prior to commencement in order to meet the aspirations of national and local policy.

### *Flooding/Drainage*

The application site falls within flood zone 1 and is at a low risk of fluvial flooding. However, there is a theoretical flood risk from surface water given the watercourse which is aligned west-east through the centre of the site. The applicant has submitted a combined Flood Risk Assessment & Drainage Strategy (FRA/DS) which has been reviewed by Dorset Council LLFA. The surface water strategy is considered both viable and deliverable, which demonstrates that the proposed development and any adjoining property or infrastructure are not to be placed at increased risk, or worsening.

On the basis of the supporting Flood Risk Assessment & Drainage Strategy (FRA/DS), the LLFA have no in-principle objection to the proposed scheme on flood or surface water management grounds, subject to the attachment of pre-commencement planning conditions in respect of detailed design and maintenance requirements, and informative.

### *Biodiversity*

The application is within the scope of the Dorset Biodiversity Appraisal Protocol (DBAP) criteria which includes all development sites of 0.1 ha and over or where there are known protected species or important habitats/habitat features.

All Local Authorities have a duty to consider the conservation of biodiversity when determining a planning application. This is in accordance with policies within the local plans and national policy guidance, as well as the duty placed on local authorities under Section 40 of the Natural Environment and Rural Communities Act (2006) to have regard for biodiversity.

Dorset Council Natural Environment Team have assessed the application and have

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issued a Biodiversity Certificate of Approval. The proposed development would therefore avoid, mitigate and compensate impacts on biodiversity and will provide enhancements and a biodiversity net gain on the site. The proposal is in accordance with Policy ENV2 of The Local Plan, Paragraph 180 of the NPPF and a condition would be needed if permission is granted.

### *Planning Balance*

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.

With regard to heritage asset, we have set out above that the proposed development would result in less than substantial harm to the significance of Sandways Farmhouse therefore para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal. The benefits of this scheme are limited to open market housing and a few affordable houses and village hall. However, no justification for the provision of a village hall instead of 9no. affordable houses has been provided and officers consider that the public benefit of the proposed village hall is more than negated by the loss of affordable housing.

Taking into account the need to give 'great weight' to heritage assets conservation (NPPF para 199). It is considered that the harm would not be outweighed by the public benefits of the scheme. That provides a clear reason for refusing the application under paragraph 11 of the NPPF such that the tilted balance is not engaged.

If members were to come to a different conclusion on the harm to heritage assets or to the level of public benefit, then it would be necessary to engage the 'presumption in favour' and weigh up the benefits and adverse impacts of the proposed development in light of other policy considerations.

LPP1 Policies 2, 6 and 20 are consistent with the aims of the NPPF. In recent appeal decisions the strategy was deemed to be "broadly consistent with the Framework and still of significance". However, in light of the Housing Delivery Test these should be given less than full weight. Other relevant policies that do not restrict the delivery of housing can be given full weight.

The proposal conflicts with the Council's spatial strategy particularly with regard to the quantum of proposed housing in countryside without a local need. As set out above the proposal conflicts with all the criteria of BNP Policy 5. The proposed provision of 3no. affordable houses rather than the policy compliant 40% (12no. affordable houses) is contrary to LPP1 Policy 8. The proposed layout, design, and scale would be contrary to BNP Policy 5 and LPP1 Policy 24. These conflicts are considered to greatly outweigh the benefits of the scheme in its current form.

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### 16.0 Conclusion

There are numerous elements of this scheme which weigh against it. The proposal is not policy compliant particularly when considering: the site is in the countryside, there is a lack of affordable housing being provided, no justification is provided to 'replace' affordable housing with a village hall, and the proposed layout and design is considered to be poor. Further, the proposed layout and design would also result in harm to the setting of a heritage asset. While the absence of a signed legal agreement to secure affordable housing and community benefits (as set out above) is a reason in itself for refusal. As a result, the application is far from complying with the development plan as a whole and the delivery of a village hall would not outweigh the significant conflict with the Development Plan.

### 17.0 Recommendation

**Refuse planning permission** for the following reasons:

1. The proposed development would have an adverse impact resulting in less than substantial harm to the setting of Sandways Farmhouse which is not outweighed by public benefits contrary to Policy 5 of the adopted North Dorset Local Plan Part 1 (2016), and section 16 of the National Planning Policy Framework.

2. The proposed development site is located in the countryside adjacent to settlement boundary designated for Bourton in the adopted Local Plan and would greatly exceed the area needed to deliver the aims of the Bourton Neighbourhood Plan Policy 5. As such, the proposed development would create a relatively isolated development which would introduce an unnecessary suburbanising effect into this countryside location and would not be addressing local needs contrary to Policy 5 of the Bourton Neighbourhood Plan, Policies 2, 6 and 20 of the adopted North Dorset Local Plan Part 1 (2016), and paragraphs 79 and 105 of the National Planning Policy Framework 2021.

3. The proposed layout, design, and scale of the development fails to accord with the aims of Policies 5 and 8 of the Bourton Neighbourhood Plan and is contrary to Policies 3, 15 and 24 of the North Dorset Local Plan Part 1 (2016).

4. The proposed development as submitted does not robustly demonstrate that the site is unsuitable to provide a minimum of 40% affordable dwellings on the site. The proposed development is therefore contrary to Policy 8 of the North Dorset Local Plan.

5. In the absence of completed and signed Section 106 legal agreement to secure affordable housing, and community benefits (relating to education, affordable housing, ownership of village hall, parking land, and public amenity area, construction and completion of village hall, libraries, public rights of way, and health care) the proposal would be contrary to Policies 4, 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 (January 2016), and paragraph 55 National Planning Policy Framework (2021).

### Informatives

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### National Planning Policy Framework

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

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

<b>Case Officer Signature:</b>		<b>Authorising Officer Signature:</b>	
<b>Date:</b>		<b>Date:</b>	