

<b>Application Number:</b>	P/VOC/2022/01598		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Wimborne Market Station Terrace Wimborne Minster		
<b>Proposal:</b>	<p>Vary condition 2, 3, 4, 6, 9 and 19 of PA 3/21/1556/FUL (Redevelopment of Wimborne Market to continuing care community comprising of 67 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, one wellness centre, 9 open market houses, parking , highway improvements and pedestrian link (description amended 24.09.2021 as agreed to include dwelling numbers)) to allow for:</p> <ul style="list-style-type: none"> <li>- amend incorrect plans</li> <li>- include phasing plan</li> <li>- rewording of pre-occupation conditions to refer to phasing</li> </ul>		
<b>Applicant name:</b>	Mr S Paul		
<b>Case Officer:</b>	Naomi Shinkins		
<b>Ward Member(s):</b>	Cllr Bartlett and Cllr Morgan		
<b>Publicity expiry date:</b>	27 May 2022	<b>Officer site visit date:</b>	22 April 2022
<b>Decision due date:</b>	30 June 2022	<b>Ext(s) of time:</b>	12 October 2022

### **5 OCTOBER 2022 COMMITTEE UPDATE**

***This application was presented at committee on 20 July 2022 and was deferred for the reasons listed below.***

#### ***1. Implications of the proposed phasing plan***

#### ***2. Lack of construction management plan details***

***Additional information submitted since the application was deferred in July 2022 includes:***

- Updated Construction Traffic Management Plan and Construction Method Statement for the discharge of condition 5 of PA 3/21/1556/FUL.***
- Legal opinion related to whether construction traffic routes can be refused.***

***Following receipt of that additional information, the officer report has been updated in relation to these items where relevant as identified in paragraph titles. For ease of reference updated text is highlighted in BOLD ITALICS font.***

**1.0** The application is to be determined by committee under paragraph 153 of the Dorset Council constitution, where the original permission was expressly granted by the Planning Committee.

**2.0 Summary of recommendation:**

***(update not required – no change)***

GRANT subject to conditions for the following reason:

- Proposed changes to conditions only allow construction and occupation in phases and do not materially change the nature of the conditions to be amended.

**3.0 Reason for the recommendation:**

***(update not required – no change)***

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- Proposed changes to conditions only allow construction and occupation in phases and do not materially change the nature of the conditions to be amended.
- There are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

***(update not required – no change)***

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable – established under PA 3/21/1556/FUL
Scale, design, impact on character and appearance	Acceptable – no changes proposed to the approved design
Impact on amenity	Acceptable – no changes proposed to the approved design
Impact on landscape or heritage assets	Acceptable – no changes proposed to the approved design

Economic benefits	Acceptable – no changes proposed to the approved design
Access and Parking	Acceptable – no changes proposed to the approved design
EIA	N/A

## 5.0 Description of Site

*(update not required – no change)*

- 5.1 The application site, which is generally flat and extends to approximately 2 ha, is situated approximately 1km to the ESE of the centre of Wimborne Minster. The site is currently in occasional use as a market and contains a number of late 20th century market buildings and a 1994 multi-storey car park. The remainder of the site is generally hardstanding (tarmac) and used for surface car parking.
- 5.2 It is noted the application site is within the Urban Area of Wimborne and Colehill and some 400m from the Town Centre boundary. It is also within the vicinity (within 5 km and beyond 400m) of Ferndown Common SSSI which is a Site of Special Scientific Interest (SSSIs) and forms part of the ‘Dorset Heathlands’, recognised for their national and international importance for nature conservation.
- 5.3 As noted, the site is predominantly hard standing and has little or no vegetation within the site. There is some existing vegetation adjacent to the western boundary, but no trees of significance are located on the site.
- 5.4 The site is surrounded by residential areas to the north (Grenville Road, Richmond Road, Leigh Gardens), east (Charles Keightly Court, Days Court) and west (Station Terrace), and Riverside Park Industrial Estate to the south.
- 5.5 The area is typified by Victorian tree lined streets made up of predominately larger semi-detached and detached villas. There are more modern infills at Grenville Road and also smaller Victorian terraced cottages along Station Terrace. To the south of the site is the Riverside Industrial Estate. While not within a Conservation Area, the site does sit within the context of the Rowlands Hill/ St Johns Hill Conservation Area and a non-designated heritage asset, the Old Granary 1 Station Terrace. The site has good connections to Wimborne town centre and also to the River Stour.
- 5.6 The main access to the existing market is via the Industrial Estate with access points also located on Station Terrace to the west and Grenville Road to the north.

## 6.0 Description of Development

*(update provided in bold italics)*

6.1 The approved development under PA 3/21/1556/FUL allowed for the redevelopment of the market site to provide 67 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, 9 open market houses, wellness centre, open space, allotments, parking, associated highway improvements and a pedestrian link. Age restrictions would be 70 years of age for the apartments and 65 for the bungalows/chalet bungalows.

6.3 ***A non-material application, P/NMA/2022/02053, was approved in August 2022:***

*Non material amendment to Approved P/A App Number 3/21/1556/FUL (Redevelopment of Wimborne Market to continuing care community comprising of 67 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, one wellness centre, 9 open market houses, parking , highway improvements and pedestrian link (description amended 24.09.2021 as agreed to include dwelling numbers)) for the substitution and correction of plans listed in Condition 2 to increase floor areas and variation of the description of development to amend number of bungalows and chalet bungalows.*

6.3 A summary of the approved development is as follows:

<b>Accommodation type</b>	<b>Number of units</b>	<b>Number of storeys &amp; height (approx.)</b>	<b>Parking provision</b>	<b>Access</b>
Age restricted Apartment Block (age restriction 70)	67	3 storeys Ridge – 11.5m Eaves – 9m	100 spaces for all 99 age restricted units	Grenville Road
Age restricted bungalows (age restriction 65)	<b>22 (previously 26 but amended to 22 under the NMA application)</b>	1 storey Ridge – 4.3m Eaves – 2.5m	As above	Grenville Road – 7  Station Terrace - 19
Age restricted chalet bungalows (age restriction 65)	<b>10 (previously 6 but amended to 10 under</b>	1.5 storeys Ridge – 6-7m Eaves – 3.5m	As above	Station Terrace

	<i>the NMA application)</i>			
Open market houses	9	2 storeys Ridge – 7.5m Eaves – 5m	18 allocated and 2 visitor spaces	Grenville Road
Wellness Centre	1	1 storey Ridge – 4.3m Eaves – 2.5m	Provision included as part of age restricted provision	Grenville Road

6.4 This Section 73 application seeks to vary conditions 2, 3, 4, 6, 9 and 19 of PA 3/21/1556/FUL to allow for the following:

- amend incorrect plans
- include phasing plan
- rewording of pre-commencement conditions to refer to phasing

6.5 Conditions to be varied are as follows:

	<b>Approved Condition</b>	<b>Proposed Condition</b>
2	The development hereby permitted shall be carried out in accordance with the following approved plans: <i>(see decision notice 3/21/1556/FUL for full list of plans)</i>	The development hereby permitted shall be carried out in accordance with the following approved plans: <i>(plan list amended as set out in condition 2 of this report)</i>
3	Before the development is occupied or utilised the first 10.00 metres of each vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.	<i>Before each phase of the development as set out in Drawing SO-2621-04-AC-0122__Site Sequencing</i> is occupied or utilised the first 10.00 metres of each vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.
4	Before the development is occupied or utilised the access, geometric highway	<i>Before each phase of the development as set out in Drawing SO-2621-04-AC-0122__Site</i>

	<p>layout, turning and parking areas shown on Drawing Number 0120 P09 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.</p>	<p><i>Sequencing</i> is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 0120 P09 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.</p>
<p>6</p>	<p>The development hereby approved shall not be occupied unless and until the protected species mitigation measures as detailed in the approved mitigation plan dated 9th December 2020 have been completed in full unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence or the results of subsequent bat surveys have first been submitted to and agreed in writing by the Local Planning Authority.</p> <p>Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.</p>	<p><i>Each phase of the development as set out in Drawing SO-2621-04-AC-0122__Site</i></p> <p><i>Sequencing</i> hereby approved shall not be occupied unless and until the protected species mitigation measures as detailed in the approved mitigation plan dated 9<sup>th</sup> December 2020 have been completed in full.</p> <p>Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details.</p>
<p>9</p>	<p>All hard and soft landscape shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.</p>	<p><i>In each phase of the development as set out in Drawing SO-2621-04-AC-0122__Site</i></p> <p><i>Sequencing</i> all hard and soft landscape shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development. Any planting found damaged, dead or dying in the first</p>

		five years following their planting are to be duly replaced with appropriate species.
19	Prior to the first occupation of the dwellings hereby approved, the acoustic fence to be located along the site's southern boundary, as detailed in the submitted document "Proposed Residential Development Wimborne Market, Noise Impact Assessment Technical Report : R00808-2 Rev 0, Date: 16th April 2021" paragraph 5.3 (1.8m high, surface density 12 kg/m <sup>2</sup> , no holes or gaps), shall be fully constructed, and shall thereafter be retained and maintained in perpetuity.	Prior to the first occupation of the dwellings hereby approved, <i>in each phase of the development as set out in Drawing SO-2621-04-AC-0122__Site Sequencing</i> , the acoustic fence to be located along the site's southern boundary, as detailed in the submitted document "Proposed Residential Development Wimborne Market, Noise Impact Assessment Technical Report : R00808-2 Rev 0, Date: 16th April 2021" paragraph 5.3 (1.8m high, surface density 12 kg/m <sup>2</sup> , no holes or gaps), shall be fully constructed, and shall thereafter be retained and maintained in perpetuity.

## 7.0 Relevant Planning History

*(update provided in bold italics)*

App No	Proposal	Decision	Date
3/20/2172/FUL	Redevelopment of Wimborne Market to continuing care community comprising of 66 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, one wellness centre, 9 open market houses, parking , highway improvements and pedestrian link	Refuse	05/07/2021
Reasons for refusal:			
<ul style="list-style-type: none"> <li>- A financial viability assessment has been submitted, however sufficient time has not been allowed to conclude if the proposed financial contribution is in line with Policy LN6. On this basis it is considered the proposal does not make provision</li> </ul>			

for a policy compliant level of affordable housing contribution, contrary to Policy LN3 and LN6 of the Local Plan Part 1 (2014).

- The site lies within 5km of Sites of Special Scientific Interest (SSSIs) which are also designated European wildlife sites, namely Dorset Heathlands Special Protection Area, Dorset Heaths Special Area of Conservation and Dorset Heathlands Ramsar. The proximity of these European sites means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017, in particular Regulation 63. The proposal fails to secure the avoidance measures identified as necessary to mitigate the impact of the development, in combination with other plans and projects, on the integrity of the designated site as set out in the Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025 and there are no imperative reasons of overriding public interest in support of the proposal. The development is therefore contrary to policy ME2 of the Christchurch and East Dorset Local Plan, Part 1 - Core Strategy adopted April 2014, the provisions of the National Planning Policy Framework, particularly paragraphs 175-177 and the Conservation of Habitats and Species Regulations 2017.
- The submitted Flood Risk Assessment and Drainage Strategy 'Wimborne Market, Wimborne – WFBA – Rev 02 (13/05/2021) – Ref No: SO-2620/2621-02-DE-0001' fails to demonstrate that flood risk will not increase as a result of the proposed development contrary to Policy ME6 of the Christchurch and East Dorset Local Plan: Part 1 (2014).

App No	Proposal	Decision	Date
3/21/1556/FUL	Redevelopment of Wimborne Market to continuing care community comprising of 67 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, one wellness centre, 9 open market houses, parking , highway improvements and pedestrian link (description amended 24.09.2021 as agreed to include dwelling numbers)	Granted	01/02/2022
P/NMA/2022/0205	Non material amendment to Approved P/A App Number 3/21/1556/FUL (Redevelopment of Wimborne Market to continuing care community comprising of 67 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, one wellness centre, 9 open market houses, parking , highway improvements and pedestrian link (description amended 24.09.2021 as	<b>Granted</b>	<b>18/08/2022</b>



	agreed to include dwelling numbers)) for the substitution and correction of plans listed in Condition 2 to increase floor areas and variation of the description of development to amend number of bungalows and chalet bungalows.		
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## 8.0 List of Constraints

*(update not required – no change)*

- Conservation Area
- Neighbouring LPA 1000m Buffer
- SSSI Impact Risk Zone
- Heathland 5km Consultation Area
- Airport Safeguarding
- Main Urban Area
- Contaminated Land - Medium Risk

## 9.0 Consultations

*(update provided in bold italics)*

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

### Consultees

#### 1. P - Wimborne Minster TC

**Objection** - Given that previously there was a requirement for conditions to be met prior to occupation unless there are now significant controlling conditions imposed by DC to permit this to be changed it makes a nonsense of the original requirement - irrespective of the clear interest of the developer to allow for the sale of properties as early as they wish. DC planning Officers are best placed to judge this but I believe my comment to still be valid.

#### 2. DC - Conservation Officers

**No Objection** - The application relates to proposed variations to conditions of planning approval 3/21/1556/FUL and are outlined in a covering letter from The Planning Bureau (dated 14 February 2022). The variations broadly relate to changes to plans arising from some proposed layout and internal floor plan changes, changes to the housing mix and revisions to the conditions relating to the sequence of the works. Taking these proposed variations into account, it is not considered that they have the potential to affect the significance of heritage assets in a way that differs from our consultation response (dated 3 September 2021) submitted for application 3/21/1556/FUL

### 3. DC - Natural Environment Team

**No Objection** – Suggested amended wording is acceptable.

### 4. DC - Highways

*July 2022 - No Objection*

*September 2022 – The Highways have been consulted on additional construction information submitted to discharge condition 5 of the original application. No objection to additional information provided.*

### 5. DC - Env. Services - Protection

**No Objection** - Environmental Protection have no objection to the variation of condition 19, however the acoustic fence to be located along the site's southern boundary should be in place in its entirety before the occupation of properties in the proposed phase 1 and phase 2 stages. I would suggest the wording of the proposed varied condition 19 is amended to this affect.

### Representations received

The application was advertised by site notice on 22 April 2022 with site notices displayed on Grenville Road, Station Road and at the entrance adjacent to the industrial estate. Additional notices were also erected on Leigh Gardens and Days Court on 6 May 2022.

No representations were received.

## 10.0 Relevant Policies

*(update not required – no change)*

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan (2002).

10.2 The following policies of the Christchurch and East Dorset Core Strategy Part 1 (2014) are of particular relevance in this case:

- KS1 Presumption in favour of sustainable development
- KS2 Settlement Hierarchy
- KS4 Housing Provision in Christchurch and East Dorset
- KS11 Transport and Development

- KS12 Parking Provision
- ME1 Safeguarding biodiversity and geodiversity
- ME2 Protection of the Dorset Heathlands
- ME3 Sustainable development standards for new development
- ME4 Renewable energy provision for residential and non-residential developments
- ME6 Flood Management, Mitigation and Defence
- HE1 Valuing and Conserving our Historic Environment
- HE2 Design of new development
- HE3 Landscape Quality
- HE4 Open Space Provision
- LN1 The Size and Type of New Dwellings
- LN2 Design, Layout and Density of New Housing Development
- LN3 Provision of Affordable Housing
- LN6 Housing for Vulnerable People
- LN7 Community Facilities and Services

### 10.3 The East Dorset Local Plan (2002) ("the Local Plan")

- DES2 Criteria for development to avoid unacceptable impacts from types of pollution.
- LTDEV1 Criteria for external lighting on developments.

### Other

- 10.4 Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025
- 10.5 The guidance contained in the National Planning Policy Framework 2019 (NPPF), and the National Planning Practice Guidance are also a material consideration.

## 11.0 Human rights

***(update not required – no change)***

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

***(update not required – no change)***

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

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

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

The proposed is a retirement living development designed with the aging population in mind. The proposed provides for the needs of older and disabled people and dwellings and other facilities will provide for residents with physical impairments and health care issues.

### 13.0 Financial benefits

*(update not required – no change)*

What	Amount / value
Material Considerations	
Affordable housing contribution	This application - £0
	3/21/1556/FUL - £1,066,219
	P/NMA/2022/0205 - £51,800
Heathland Mitigation	This application - £0
	3/21/1556/FUL - £111,164
Non Material Considerations	
CIL	No CIL due to reduced floor area

### 14.0 Climate Implications

*(update not required – no change)*

The proposed development is located in a sustainable urban location with access to the town centre and local facilities. A number of facilities are also provided on site, which is likely to reduce car journeys by residents.

A significant amount of landscaping will be added to what is currently a hard standing site.

The provision of renewable energy sources and water efficiency has been conditioned.

## 15.0 Planning Assessment

*(update provided in bold italics)*

- 15.1 The application site lies within the urban area of Wimborne and Colehill and is an existing brownfield site proposing residential accommodation for mainly (99 no.) age restricted accommodation and some (9 no.) open market units. The principle of development was established under the approval of PA 3/21/1556/FUL.
- 15.2 The proposed is to vary conditions 2 (approved plans plans), 3 (access construction), 4 (turning and parking), 6 (biodiversity mitigation), 9 (landscaping), 19 (acoustic fence) only. Therefore the following material considerations are assessed below:
- Highways
  - Biodiversity
  - Landscaping
  - Impact on neighbouring amenity
  - Other

***Additional information submitted since the application was deferred in July 2022 includes:***

***- Updated Construction Traffic Management Plan and Construction Method Statement for the discharge of condition 5 of PA 3/21/1556/FUL.***

***- Legal opinion related to whether construction traffic routes can be refused.***

***The additional information and legal responses received are set out in more detail within the officer report in paragraphs 15.8-15.11.***

### HIGHWAYS

- 15.3 Approved access is from both Grenville Road (serving 70% of the development) and Station Terrace (serving the remaining 30% of the development). The main parking area is located fronting Station Terrace and with the remainder dispersed throughout the development. Pedestrian routes are provided throughout the site and roads are sufficiently wide enough to accommodate both vehicles and pedestrians.

- 15.4 Policy KS11 stipulates a number of general requirements in relation to new development, including that it be designed to provide safe access onto the highway network. Policy KS12 states that adequate vehicle and bicycle parking should be provided to serve new development.
- 15.5 This application seeks to vary condition 2 to amend incorrect plans and include an additional phasing plan. Amendments to incorrect plans is considered acceptable and changes as a result of phasing are considered below.
- 15.6 This application seeks to vary conditions 3 and 4 as follows and parking and access arrangements remain as previously approved:

	<b>Approved Condition</b>	<b>Proposed Condition</b>
<b>3</b>	Before the development is occupied or utilised the first 10.00 metres of each vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.	<i>Before each phase of the development as set out in Drawing SO-2621-04-AC-0122__Site Sequencing</i> is occupied or utilised the first 10.00 metres of each vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.
<b>4</b>	Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 0120 P09 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.	<i>Before each phase of the development as set out in Drawing SO-2621-04-AC-0122__Site Sequencing</i> is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 0120 P09 must be constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

- 15.7 Changes to the condition only allow for the development to be built and occupied in phases and does not materially change the approved layout and design. Dorset Council Highways have been consulted and raise no objection to the proposed.

A third party concern was raised via the Town Council that the proposed phasing would impact negatively on surrounding areas. This was discussed with the

Highways team who advised a construction management plan condition is required. The construction management plan condition from the previously approved application has been carried across to this application and specifically requests *'the use and routing of heavy plant and vehicles'*. The discharge of this condition will require approval from the DC Highways Team.

**15.8 Since the deferral at the July 2022 committee, the construction management plan and additional information has been submitted. As noted at the beginning of this report the application was deferred at the July 2022 committee for the following reasons:**

**1. Implications of proposed phasing plan**

**2. Lack of construction management plan details**

**15.9 The updated construction traffic management plan highlights that the proposed phasing is as previously presented in July 2022. However construction traffic routes and accesses will be as follows:**

**Phases 1 – 3 (1<sup>st</sup> floor of apartment block) – Access from Riverside Industrial Estate via Leigh Road, Avenue Road, New Borough Road, Riverside Industrial Estate.**

**Phase 3 – 5 - Access from Grenville Road via Leigh Road.**

**Additional information has also been provided in relation to construction traffic and vehicle movements as follows:**

- **'Just in time' allocated delivery slots to reduce impact on surrounding road network**
- **Indicative table of construction traffic delivery schedule**
- **Vehicle turning provided within the site**
- **Restricting working hours as conditioned**
- **Wheel washing facilities on site**
- **Use of banksmen for movements**
- **Regular inspections of safety hoarding, scaffolding and signs**
- **Consultation with local residents.**

**The Dorset Council Highways Team has reviewed the CTMP and have raised no objection.**

**15.10 The legal opinion submitted advises that it would be unreasonable for the Council not to agree to the routing proposed in the CTMP. The legal opinion notes:**

**'7. The condition was imposed in order to minimise the impact of construction traffic on the local road network and there is no basis on which the Council could properly conclude that the routing would have**

***any materially adverse impact on the highways network, let alone one that would justify refusal of the application. In this context, it is important to note that paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.***

***8. Given that the Highways Authority has no objection to the proposed routing, and given there is no evidence before the Council on which a contrary view could properly be reached it would be unreasonable in my view for the Council to refuse the application. The Site has to be accessed via some residential roads, whichever route is used and in my view there is no basis on which the Council could legitimately refuse to allow access from Grenville Road. If McCarthys had to go to appeal on this issue in my view there would be a strong basis for a costs award against the Council.'***

***The Dorset Council Legal Team have reviewed the legal opinion submitted and advised they agree where the access points have already been established via the original permission and though this section 73 application will act as a new permission, there has been no change in the proposals or the highway authorities stance which would justify a refusal.***

- 15.11 While this application is to vary pre-occupation conditions set out in this report only and not to agree the proposed construction traffic management, concerns raised in relation to the impact of the proposed phasing at committee in July 2022 are acknowledged. As advised at the July Committee construction management is governed under the 'The Construction (Design and Management) Regulations 2015', which includes traffic routes and highways safety. Based on the additional information submitted, the continued lack of objection from the Highways Team and legal advice received, the proposed is considered acceptable. Therefore the conclusion and recommendation remain unchanged from the July 2022 report.***

Based on this, the proposed changes to conditions 3 and 4 are considered acceptable and comply with Policy KS12.

## BIODIVERSITY

- 15.12** Policy ME1 of the Core Strategy states that the Core Strategy aims to protect, maintain, and enhance the condition of nature conservation sites, habitats and species. The approved application included a Biodiversity Mitigation Plan (BMP) dated 03/12/2020 and was endorsed by the Dorset Natural Environment Team (NET) on 9/12/2020.
- 15.13** This application seeks to vary condition 6 as follows:



<b>6</b>	<p>The development hereby approved shall not be occupied unless and until the protected species mitigation measures as detailed in the approved mitigation plan dated 9th December 2020 have been completed in full unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence or the results of subsequent bat surveys have first been submitted to and agreed in writing by the Local Planning Authority.</p> <p>Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.</p>	<p><i>Each phase of the development as set out in Drawing SO-2621-04-AC-0122__Site</i></p> <p><i>Sequencing</i> hereby approved shall not be occupied unless and until the protected species mitigation measures as detailed in the approved mitigation plan dated 9<sup>th</sup> December 2020 have been completed in full.</p> <p>Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details.</p>
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- 15.14 Changes to the condition only allow for the development to be built and occupied in phases and does not materially change the approved biodiversity plan. The Dorset Natural Environment Team have been consulted and raise no objection to the proposed. The proposed change to condition 6 is considered acceptable and complies with Policy ME1.

**LANDSCAPING**

- 15.15 Approved hard landscape materials include gravel, paving, resin bound gravel, poured rubber and asphalt. Approved boundary treatments include hedging to the south, east, west and the northern boundary backing on to Leigh Gardens. Wildflower grass will be provided adjacent to boundary hedging where possible. The existing closed board fence to Grenville Road properties to the north is retained. Approved landscaping was considered to be generally acceptable and complies with Policy HE2 subject to a condition regarding hard and soft landscaping.

- 15.16 This application seeks to vary condition 9 as follows:

<b>9</b>	<p>All hard and soft landscape shall be carried out prior to the occupation of</p>	<p><i>In each phase of the development as set out in Drawing SO-2621-04-AC-</i></p>
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	<p>any part of the development and the planting carried out in the first planting season following completion of the development. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.</p>	<p><i>0122_ _Site Sequencing</i> all hard and soft landscaping shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.</p>
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- 15.17 Changes to the condition only allow for the development to be built and occupied in phases and does not materially change the approved landscape design. The proposed change to condition 9 is considered acceptable and complies with Policy HE2.

AMENITY

- 15.18 Policy HE2 of the Core Strategy states that new development should be compatible with or improve its surroundings in relation to nearby properties and general disturbance to amenity. Policy DES2 of the Local Plan states that developments will not be permitted which will either impose or suffer unacceptable impacts on or from existing or likely future development or land uses in terms of noise, smell, safety, health, lighting, disturbance, traffic or other pollution.
- 15.19 Third party concerns were raised in the previously approved application that the proposed will impact negatively on neighbouring amenity in terms of loss of light, loss of privacy, noise and pollution.
- 15.20 This application seeks to vary condition 19 as follows:

<p><b>19</b></p>	<p>Prior to the first occupation of the dwellings hereby approved, the acoustic fence to be located along the site's southern boundary, as detailed in the submitted document "Proposed Residential Development Wimborne Market, Noise Impact Assessment Technical Report : R00808-2 Rev 0, Date: 16th April 2021" paragraph 5.3</p>	<p>Prior to the first occupation of the dwellings hereby approved, <i>in each phase of the development as set out in Drawing SO-2621-04-AC-0122_ _Site Sequencing</i>, the acoustic fence to be located along the site's southern boundary, as detailed in the submitted document "Proposed Residential Development Wimborne</p>
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	(1.8m high, surface density 12 kg/m <sup>2</sup> , no holes or gaps), shall be fully constructed, and shall thereafter be retained and maintained in perpetuity.	Market, Noise Impact Assessment Technical Report : R00808-2 Rev 0, Date: 16th April 2021" paragraph 5.3 (1.8m high, surface density 12 kg/m <sup>2</sup> , no holes or gaps), shall be fully constructed, and shall thereafter be retained and maintained in perpetuity.
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- 15.21 Changes to the condition only allow for the development to be built and occupied in phases and does not materially change the provision of the acoustic fence to mitigate noise. The Dorset Council Environmental Health Officer has been consulted and raised no objection to the proposed subject to an appropriate condition that ensures the acoustic fence is installed prior to the occupation of phase 1 and phase 2. The condition imposed is amended as such:

Prior to the first occupation of the dwellings hereby approved in phase 1 and phase 2 of the development as set out in Drawing SO-2621-04-AC-0122\_ Site Sequencing, the acoustic fence to be located along the site's southern boundary, as detailed in the submitted document "Proposed Residential Development Wimborne Market, Noise Impact Assessment Technical Report : R00808-2 Rev 0, Date: 16th April 2021" paragraph 5.3 (1.8m high, surface density 12 kg/m<sup>2</sup>, no holes or gaps), shall be fully constructed in its entirety, and shall thereafter be retained and maintained in perpetuity.

With the above condition the proposed change to condition 19 is considered acceptable and complies with Policy ME1.

OTHER

- 15.22 Other matters considered under the approved application 3/21/1556/FUL are not affected by the proposed as follows:

Flood Risk	Acceptable – no changes to the approved design and layout
Housing mix	Acceptable – no changes to the approved housing mix
Affordable Housing	Acceptable – no changes to the approved affordable housing contributions

Impact on character of the area	Acceptable – no changes to the approved design and layout
Impact on heritage assets	Acceptable – no changes to the approved design and layout
Open Space	Acceptable – no changes to the approved design and layout
Trees	Acceptable – no changes to the approved design and layout
Servicing	Acceptable – no changes to the approved design and layout
Dorset Heathlands	Acceptable – no changes to the secured mitigation
Contaminated Land	Acceptable – no changes to the required conditions
Renewable Energy	Acceptable – no changes to the required conditions

## 16.0 Conclusion

*(update in bold italics)*

This assessment exercise has involved considering the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other materials considerations. All of the foregoing factors have also been considered in relation to the social, economic, and environmental benefits to be provided by the proposal.

***It is considered that the proposal as amended to include a phasing plan and modified conditions is acceptable in relation to material planning considerations.***

## 17.0 Recommendation

*(update not required – no change)*

**A) Grant, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:**

- Provision for the inclusion of PA P/VOC/2022/01598 in the original 106 agreement.

And the following conditions:

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

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

SO-2620-03-AC-0101\_P08 Block Plan  
SO-2620-03-AC-0120\_P09 Site Plan  
SO-2620-03-AC-0261-03-LA-MCS655-Drg 01\_P12 Landscape Proposals-CF  
SO-2620-03-AC-0310\_REV P04 Proposed Site Elevations and Sections  
SO-2621-03-AC-0311\_P01\_Proposed Site Sections  
SO-2620-2621-03-DE-0600\_P03 Levels Layout North Site  
SO-2620-2621-03-DE-0601\_P03 Levels Layout South Site  
SO-2620-03-AC-0200\_REV P02 RLP BLOCK Ground Floor  
SO-2620-03-AC-0201\_REV P02 RLP BLOCK First Floor  
SO-2620-03-AC-0202\_REV P03 RLP BLOCK Second Floor  
SO-2620-03-AC-0203\_REV P02 RLP BLOCK Roof Plan  
SO-2620-03-AC-0300\_REV P05 RLP BLOCK South and West Elevations  
SO-2620-03-AC-0301\_P05\_North and East Elevations  
SO-2620-03-AC-0260\_REV P01 RLP Bungalow B01-a  
SO-2620-03-AC-0261\_REV P01 RLP Bungalow B01-b  
SO-2620-03-AC-0262\_REV P01 RLP Bungalow B01-c  
SO-2620-03-AC-0263\_REV P01 RLP Bungalow B01-d  
SO-2620-03-AC-0264\_REV P01 RLP Bungalow B01-e  
SO-2620-03-AC-0265\_REV P01 RLP Bungalow B01-f  
SO-2620-03-AC-0266\_REV P01 RLP Bungalow B01-g  
SO-2620-03-AC-0267\_REV P01 RLP Bungalow B02-a  
SO-2620-03-AC-0268\_REV P01 RLP Bungalow B02-b  
SO-2620-03-AC-0269\_REV P01 RLP Bungalow B02-c  
SO-2620-03-AC-0270\_REV P01 RLP Bungalow B02-d  
SO-2620-03-AC-0271\_REV P01 RLP Bungalow B03-a  
SO-2620-03-AC-0272\_REV P01 RLP Bungalow B03-b  
**SO-2620-03-AC-0273\_REV P01 RLP Chalet C0-1a**  
SO-2620-03-AC-0274\_REV P01 RLP Bungalow C01-b  
**SO-2620-03-AC-0275\_REV P01 RLP Chalet C01-c**  
**SO-2620-03-AC-0276\_REV P01 RLP Chalet C01-d**  
SO-2620-03-AC-0277\_REV P03 H01  
SO-2620-03-AC-0279\_REV P03 H02-a  
SO-2620-03-AC-0280\_REV P03 H02-b  
SO-2602-03-AC-0151\_REV P03 Garden shed & garden store  
SO-2620-03-AC-0252\_REV P02 Wellness Centre  
ELECTRIC SUBSTATION BUILDING Brick Construction Details-DWG-020  
1156-KC-XX-YTREE-TPP01 REV B Tree Protection Plan  
SO-2620 2621-03-DE-0500 REV P03 Drainage Layout North Site  
SO-2620 2621-03-DE-0501 REV P03 Drainage Layout South Site

SO-2620 2621-02-DE-0001 Wimborne Market Flood Risk Assessment P02 Part 1-3.pdf MAY 2021

50329 Wimborne\_Air Quality Note\_Draft

NOISE ASSESSMENT R8808-2 Rev 0 Wimborne Market - Noise Assessment APRIL 2021

**SO-2621-04-AC-0122\_\_Site Sequencing**

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

3. **Before each phase of the development as set out in Drawing SO-2621-04-AC-0122\_\_Site Sequencing** is occupied or utilised the first 10.00 metres of each vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

4. **Before each phase of the development as set out in Drawing SO-2621-04-AC-0122\_\_Site Sequencing** is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 0120 P09 must be constructed,. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

5. Before the development hereby approved commences a Construction Method Statement (CMS) Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Planning Authority. The CMS & CEMP must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours
- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water - oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The approved CMS & CMP shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

6. **Each phase of the development as set out in Drawing SO-2621-04-AC-0122\_ \_Site Sequencing** hereby approved shall not be occupied unless and until the protected species mitigation measures as detailed in the approved mitigation plan dated 9<sup>th</sup> December 2020 have been completed in full.

Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: This information is required prior to the commencement of development to ensure that bat/barn owl species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Conservation of Habitats and Species Regulations 2010 and policy ME1 of the Christchurch and East Dorset Core Strategy.

7. No development above damp proof course (DPC) shall take place until details and samples of all external facing and roofing materials have been provided on site and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved.

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

8. Notwithstanding landscaping details submitted in drawing 'SO-26202621-03-LA-MCS655-Drg 01\_P12 Landscape Proposals-CF', no development above damp proof course (DPC) shall take place until full updated details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority (LPA). These details shall include full details of structural tree pits (tree Bunker or Silvacell or similar); details of boundary planting; and schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate). All works shall be undertaken strictly in accordance with the details as approved and maintained as such.

Reason: This information is required prior to above ground work commencing as the long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality and biodiversity. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

9. **In each phase of the development as set out in Drawing SO-2621-04-AC-0122\_ \_Site Sequencing** all hard and soft landscape shall be carried out prior

to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: To ensure the long term establishment, maintenance and landscaping of the site to preserve the amenity of the locality and biodiversity. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

10. No construction work in relation to the development, including preparation prior to operations, shall take place other than between the hours of 08.00 hours to 18.00 hours Monday to Friday and 09.00 hours to 13.00 hours on Saturdays and at no time on Sundays or Public or Bank Holidays.

Reason: To safeguard the amenity of existing residents having regard to Local Plan Policy HE2.

11. Notwithstanding drainage information submitted , SO-2620/2621-03-DE-0500 P03 and SO-2620/2621-03-DE-0501 P03, no development shall take place until 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, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

12. 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.

13. All works relating to site levels and finished floor levels shall be undertaken strictly in accordance with the details as set out in drawings SO-2620-2621-03-DE-0601 P03 and SO-2620-2621-03-DE-0600 P03.



Reason: To ensure details of the proposal having regard to the existing site levels, flood risk mitigation and those adjacent hereto.

14. No development above damp proof course (DPC) shall take place until details have been submitted to and approved in writing by the Local Planning Authority that cover the following matters:

- how the development shall achieve at least 10% of the total regulated energy (used for space heating, hot water provision, fixed lighting and ventilation) used in the dwellings in each phase from renewable sources,;
- that options for district heating, and/or power facilities to serve the development have been investigated;
- where it is possible to do so the development should be connected to a district heating and/or power facility in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

The scheme shall be implemented in accordance with the agreed details.

Reason: To help meet the UK's carbon emissions targets and comply with Policy ME4 of the Christchurch and East Dorset Core Strategy.

15. No development above damp proof course (DPC) shall take place until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

Reason: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments also enables more growth with the same water resources.

16. Notwithstanding the Preliminary Risk Assessment report submitted, 5007900-RDG-XX-ST-DOC-C-00GCA01 (Nov 2020), prior to the commencement of development a scheme shall be submitted to the Local Planning Authority (LPA) to deal with potential contamination of the site. Such scheme shall include the following actions and reports, which must provide and disclose all relevant information and be carried out by appropriately qualified consultant(s):

- (a) A Field Investigation (site investigations) report which must characterise and identify the extent of contamination, identify hazard sources, pathways and receptors and develop a conceptual model of the site for purposes of risk assessment. A Detailed Quantitative Risk Assessment based on the information contained in the Preliminary Risk Assessment, will be required where the Preliminary Risk Assessment or Field Investigation report set out that contamination may be present in, on or near the proposed development area.

(b) No works shall commence on site until the Local Planning Authority has

- i. confirmed in writing whether or not intrusive site investigation work is required and
- ii. if it is required the sampling strategy for the intrusive site investigation work to the Local Planning Authority for approval in writing and
- iii. the intrusive site investigation work must be carried out before any works commence on site.

(c) Where contamination is found which the Local Planning Authority has confirmed in writing requires remediation, a detailed Remediation Strategy, including effective measures to avoid risk to future and neighbouring occupiers, the water environment and any other sensitive receptors when the site is developed, shall be submitted to the Local Planning Authority. Any measures or works recommended in the Remediation Strategy, shall require approval to be obtained in writing from the Local Planning Authority.

(d) No development shall occur until the measures and/or works approved in the Remediation Strategy have been implemented in accordance with the Remediation Strategy to the satisfaction of the Local Planning Authority prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority.

(e) If, during works on site, contamination is encountered which has not previously been identified, no further works shall take place until the additional contamination has been fully assessed and a Further Remediation Strategy which contains the same detail as for the Remediation Strategy at paragraph (d) has been submitted to and approved by the Local Planning Authority in writing.

(f) On completion of all the works detailed in the agreed Remediation Strategy and/or the Further Remediation Strategy, a Remediation Verification Report must then be completed and submitted to the LPA by the persons who carried out the remediation work confirming that they have supervised all the agreed remediation actions and confirming that all works as specified and agreed have been carried out to the point of completion. No development shall commence until the LPA is in receipt of said Remediation Verification Report and has confirmed in writing that it is satisfied with the contents of the statement and the standard of work completed.

Reason: This information is required prior to commencement to safeguard the amenity of the locality and future residents in accordance with of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

17. Prior to the commencement of installation of externally mounted plant, details of any externally mounted plant (electrical substation and commercial kitchen extraction system) shall be submitted to the Local Planning Authority (LPA) along with a noise assessment such as that conducted in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial

sound) and/or its subsequent amendments. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use, and maintained and operated in that condition thereafter.

Reason: In the interests of amenity and in accordance with Policy DES2 of the East Dorset Local Plan.

18. Prior to the commencement of installation of the commercial kitchen extraction system, a scheme containing full details of the arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority (LPA) along with an appropriate odour assessment. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out.

Reason: In the interests of amenity and in accordance with Policy DES2 of the East Dorset Local Plan.

19. Prior to the first occupation of the dwellings hereby approved, **in phase 1 and phase 2 of the development as set out in Drawing SO-2621-04-AC-0122\_ Site Sequencing**, the acoustic fence to be located along the site's southern boundary, as detailed in the submitted document "Proposed Residential Development Wimborne Market, Noise Impact Assessment Technical Report : R00808-2 Rev 0, Date: 16th April 2021" paragraph 5.3 (1.8m high, surface density 12 kg/m<sup>2</sup>, no holes or gaps), shall be fully constructed in its entirety, and shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of amenity and in accordance with Policy HE2 and DES2 of the East Dorset Local Plan.

20. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars set out in 1156-KC-XX-YTREE-TPP01 Rev B before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In order to prevent damage during construction to trees that are shown to be retained on the site

21. The bungalows/chalets and apartments to be erected as part of the Development hereby permitted shall be occupied only by:

(i) person(s) aged 65 or over in the case of approved bungalows/chalets; or

(ii) person(s) aged 70 or over in the case of approved apartments; or

(iii) person(s) qualifying for personal care due to age, illness or disability; or

(iv) a person living as part of a single household with a person falling within category (i), (ii) or (iii); or

(v) a person who was living as part of a single household with a person falling within category (i), (ii) or (iii) who has since died.

Occupants of the approved dwellings shall be able to access at least 1 hour of non-regulated care per week.

Reason: To ensure the approved development is occupied by and maintained with the proposed restriction given the need for specialist accommodation for vulnerable people and where approved parking is specific to age restricted development in accordance with Policies LN6 and KS12 of the Christchurch and East Dorset Core Strategy.

#### **Informatives:**

1. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway
2. As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
3. The Environment Agency Advise that developers should:
  - Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
  - Refer to EA Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health

- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

4. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:
- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
  - treated materials can be transferred between sites as part of a hub and cluster project
  - some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

5. Non-regulated care requirements set out in condition 21 are related to this permission only. This requirement is not the Council's definition of minimum care required for extra care development.
6. This permission is subject to an agreement dated 31.01.2022, made pursuant to Section 106 of the Town and Country Planning Act 1990 between (1) JOHN JAMES GEORGE, ESTELLE VALERIE GEORGE AND JAMES BRENDON GEORGE (2) JAMES BRENDON GEORGE (3) MCCARTHY & STONE RETIREMENT LIFESTYLES LIMITED (4) LLOYDS BANK PLC AND (5) DORSET COUNCIL

**B) Refuse permission for the reasons set out below if the agreement is not completed by 20 January 2023 or such extended time as agreed by the Head of Planning.**

### **Background Documents:**

Case Officer: Naomi Shinkins

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.