

Application Number:	P/OUT/2021/05444		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land North of Old Pound Court Bourton Dorset		
Proposal:	Erection of 3 dwellings, new vehicular and pedestrian access & associated parking (outline application to determine access, layout & scale only)		
Applicant name:	Hall & Woodhouse Ltd		
Case Officer:	Simon Sharp		
Ward Member(s):	Cllr Pothecary, Cllr Ridout, Cllr Walsh		
Publicity expiry date:	13 September 2022	Officer site visit date:	Various, most recently Tuesday 27 th September 2022
Decision due date:	23 September 2022	Ext(s) of time:	23 September 2022

1.0 Reason application is going to committee

1.1 At the request of ward members.

2.0 Summary of recommendation:

2.1 Grant permission subject to conditions.

3.0 Reason for the recommendation:

- 3.1 The latest Housing Land Supply position statement (March 2022 version of the April 2021 position) sets out that the supply has risen to 5.17 years. However, the latest Housing Delivery Test for North Dorset, published January 2022, is 69% against the NPPF threshold of 75%. In the absence of reasons for refusing permission in the protective policies of the NPPF (footnote 7 to NPPF paragraph 11), the tilted balance is therefore still engaged, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 3.2 The Neighbourhood Plan became part of the development plan more than 2 years ago and, therefore, this Policy must be, in the context of the above, regarded as out of date.

3.3 There is landscape harm arising from this proposal. However, there are no significant and demonstrable adverse impacts that outweigh the, albeit modest benefits arising from the supply of the 3 dwellings proposed.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable when applying the tilted balance.
Scale, design, impact on character and appearance	The layout plan satisfactorily demonstrates that 3 dwellings can be accommodated on the site with the required access, parking, soft landscaping and room for sustainable drainage, reflecting the prevailing character and resulting in change but limited harm to the landscape.
Impact on amenity	The layout and scale details demonstrate that reserved matters of appearance could be submitted demonstrating no significant residential amenity impacts.
Impact on landscape or heritage assets	No harm. The setting of the Church and other listed buildings will be preserved.
Economic benefits	There will be benefits derived from the construction phase as well as the supply of homes and Council Tax receipts.
Access and Parking	No highway safety issues arising,
EIA (if relevant)	The proposal is neither Schedule 1 nor Schedule 2 development; it is not EIA development.
Habitat Regulations	The site is within the River Stour catchment with no current issues in terms of nutrient levels. The site is not within the impact risk zones for this scale of development.

5.0 Description of Site

- 5.1 The site sits beyond but abuts the northern edge of the main built-up area of Bourton. It is accessed off the stub end of Old Pound Court (an adopted highway). It is currently used as two parcels of pasture separated by a field species hedge.
- 5.3 The northern boundary is not marked as the fields continue rising up the hillside towards the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The eastern boundary is, alongside the first part of the access, marked by a hedge to an existing dwelling's garden. This then becomes a field boundary hedge. Beyond the access, the site narrows slightly and the eastern boundary then follows an existing post and wire fence. The southern boundary is

shared with the gardens of existing dwellings on New Road, Red Lion Yard and Old Pound Court.

6.0 Description of Development

- 6.1 Members will note that this an outline application but layout, scale and access are not reserved for subsequent approval.
- 6.2 The proposed layout plan shows three detached dwellings all with detached double garages, with front elevations facing north over the proposed access (the latter adjoining the northern boundary of the site). Each dwelling's private rear garden would fill the gap between the buildings and the southern boundary. Soft landscaping is proposed within the site.
- 6.3 The scale of the development is three dwellings, all two storeys in height.
- 6.4 There is a single pedestrian and vehicular access proposed which is in the same location as the exiting field access off Old Pound Court. The access then curves around to the west so that it is effectively parallel with New Road. No segregated footways are proposed, so pedestrians would share the carriageway with vehicles.

7.0 Relevant Planning History

- 7.1 Application 2/2020/00197/OUT - Develop land by the erection of 9 No. dwellings and form vehicular and pedestrian access and parking spaces. (Outline application to determine access, layout and scale) was refused on 5th March 2021 for the following reasons: -

“The location of the proposed development would extend beyond the existing built form into the undeveloped landscape, impacting important views across the existing undeveloped paddocks and towards the Grade II listed Church tower to the detriment of the landscape quality of the area, the setting of the Cranborne Chase and West Wiltshire AONB and the setting of the listed Church. Accordingly, the proposal is considered to be contrary to sections 12, 15 and 16 of the National Planning Policy Framework, policies 4, 5 and 24 of the North Dorset Local Plan and policies 1, 2, 3 and 10 of the Bourton Neighbourhood Plan.”

- 7.2 This site included all of the current application site but extended further northwards.
- 7.3 The current application was amended during its processing. It was originally for 7 dwellings and extended further north than area now under consideration, albeit it was smaller than that proposed by the refused application, 2/2020/00197/OUT.

8.0 List of Constraints

- 8.1 Part of the site is identified as being within the Environment Agency's 1 in 1000 year Risk of Surface Water Flooding area. It is in flood zone 1 with regards to fluvial flooding (lowest probability) and the zone of less than 25% risk of groundwater flooding (lowest category). Notwithstanding these records, the case officer did note that the ground appeared to remain sodden in places within the site, throughout the year and has considered the proposal in this context.

- 8.2 The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) extends to within approximately 1km of the site.
- 8.3 The site is within the setting of St. George's Church tower. The Church is grade II listed and the tower, along with the site, are seen in the panoramas viewed from receptors along the public rights of way to the northeast and northwest. Some elevated visual receptors along public rights of way in the parish also afford view of the site and other listed buildings in the same panorama. This will be explored further in the Assessment section of this report.

9.0 Consultations

9.1 Bourton Parish Council

Object to the principle of the proposed development

- a) The application site is outside Bourton's defined settlement boundary. Bourton's Adopted Neighbourhood Plan established the framework for change in the village until 2031; it did not allocate this site for development since it is situated within rising open countryside above the settlement. Any development on this site would constitute serious harm to the setting of the village which would outweigh any benefit to Dorset's Housing Land Supply.
- b) Since Bourton's Neighbourhood Plan was independently examined in 2017, the number of additional dwellings in Bourton which are under construction, or have been built since then amounts to at least 60, representing an increase of 17% to Bourton's previous number of dwellings. The application for development at the Sandways Site (P/FUL/2021/04282) which is currently awaiting determination by Dorset Council, would increase this number further as this scheme is for thirty dwellings. The Sandways application is supported by Bourton Parish Council since it includes a purpose-built village hall, constructed as part of the overall scheme, together with other community benefits such as 10% of the dwellings to be designated Affordable Housing. The developer will also provide the community with a sizeable recreation ground, an adjacent wildlife area and will make a significant contribution to the provision of education. Taken together, these elements will make a most positive contribution to community well-being, a contribution entirely lacking within the Land North of Old Pound Court application.
- c) Paragraph 8 of the NPPF 2021 sets out the three dimensions to sustainable development identified in the NPPF: economic, social and environmental objections. Taking each of these in turn, in relation to the Land North of Old Pound Court application:
- i. Economic. The long-term economic benefits of this development would be negligible and would not compensate for the visual harm caused to the landscape.
 - ii. Social. The proposed development would not make any contribution to the sustainability of the village; it is simply reiterating the unsustainable, unplanned nature of the previous development applications for this site. The applicant has failed to provide any evidence to demonstrate any

notable benefits that the development might deliver in terms of meeting local needs or improving local services and facilities. Furthermore, the site is not proposing any affordable homes for local people and, in view of the size of the three proposed executive dwellings, would fail to meet local needs for housing.

- iii. Environmental. The proposed development would result in significant harm to the intrinsic character and beauty of the countryside. This level of harm would greatly outweigh any perceived benefits.

9.2 DC - Highways

No objection subject to conditions.

9.3 DC - Conservation Officers

The proposals will result in no harm to the significance of designated heritage assets and so neither paragraph 201 nor 202 are considered to be engaged.

9.4 DC Trees

Comments: -

- a) The majority of trees identified within the report are off site with only 5 trees present within the application area (T9 Elder, T15 Field Maple, T16 Ash and T17 Ash).
- b) In principle, the layout has been designed to minimise direct and indirect impact on the existing tree features, providing adequate protective measures are implemented in accordance with the submitted Tree Protection Plan.
- c) The Arboricultural Method Statement is heads of terms only and therefore a detailed Methodology should be sought by way of a pre-commencement condition. This should detail sufficient site monitoring and Arboricultural supervision to ensure measures are carried out in accordance with the approved statement and protection plan.
- d) I did note however that the root protection area for T7 appears to incur into the driveway of Unit 1 within the June 2022 proposed block / site plan whereas within the Arboricultural documentation it does not, and I would seek clarity on this. (This can be addressed within a full and final Arboricultural Method Statement). New Tree and Hedge planting is indicated on the proposed site plan.
- e) Full details of this along with its initial aftercare should also be secured by way of condition (unless the Landscape Architects determine this information should be attained up front). I also have no objections to the minimal removal of hedging shown within the block / site plan

9.4 DC Landscaping

No objections. The revised scheme includes amendments previously suggested to make the scheme acceptable.

9.5 DC Lead Local Flood Authority (LLFA)

No objection subject to an acceptable surface water drainage scheme to be secured by condition.

9.6 Cranborne Chase and West Wiltshire Downs AONB

Object: -

- a) The amended application does not seem to overcome some fundamental issues.
 - i. The proposal is outside the settlement boundary.
 - ii. The acknowledged need for housing in and around this AONB is for affordable dwellings, not the large houses being proposed.
 - iii. The community has committed a huge amount of effort in preparing a Neighbourhood Plan, and this AONB Partnership is strongly of the view that such community plans should be respected where they clearly relate, as this proposal does, to local issues of a local scale.
- b) The AONB Partnership recommends that the planning authority gives full weight to the Parish Response. They know and understand the area.
- c) I take this opportunity to remind you that any development in this edge of AONB situation should comply with International Dark Sky Reserve criteria. That means any external lighting should comply with Environmental Zone 1 of the lighting zones established by the Institute of Lighting Professionals in 2011 and updated in 2021. This AONB's Dark Sky Advisor is happy to review proposals. It is, of course, important that any installed lighting does comply with the approved specification.

9.7 North Dorset CPRE

Object: -

- a) Contrary to Neighbourhood Plan - The application site lies outside Bourton's settlement boundary. Bourton's Neighbourhood Plan was 'made' by NDDC in 2018. This site was not allocated for development on the basis that it is to the north of the settlement, on the slope up to the high ground wherein lies the boundary of the Cranborne Chase and West Wiltshire AONB.

- b) Precedent - If this application was to be approved, it would encourage developers to apply for further housing developments along the escarpment and towards the AONB. It is only by adhering to the settlement boundary to the north of the village that this can be resisted.
- c) AONB harm - The views to and from the AONB are extremely important. There can be no justification for the immense harm that would be caused to the scenic beauty of this landscape, should this application be approved by Dorset Council.
- d) Setting - The site is part of the rural landscape and is valued for its tranquility and wide views. This development would seriously degrade important views from the numerous well-used public rights-of-way towards the grade II listed St George's Church and listed cottages at Woolcotts Lane.
- e) Local needs already met - This application does not reflect local needs since it is for three large detached market houses and does not, therefore meet the test for being considered an "exception site." There is no shortage of newly-built market housing in Bourton, hence claims that this application is meeting local needs are unsustainable.
- f) Planned growth - Growth is not being obstructed by the local community, hence 60 dwellings have either been built, are in the process of being constructed, or have recently received planning consent - all occurring within the last 5 years. This growth to Bourton's housing stock is taking place inside the settlement boundary, hence there can be no justification for accepting the principle of development outside the SB on the grounds of 'maintaining the vitality of Bourton as a rural community'.
- g) Wildlife & Habitats - The escarpment slope to the north of Bourton and adjacent AONB support many protected species. Any development of this site will cause harm that cannot be mitigated.

9.8 DC - Dorset Waste Partnership

Need to see a detailed tracking plan to ensure refuse collection vehicle access is acceptable and any turning heads are suitable and sufficient.

9.9 Other Representations received

Total - Objections	Total - No Objections	Total - Comments
46 addresses in relation to the amended proposal (3 dwellings). 83 objections in total.	0	0

Objections on the grounds of: -

Principle

- a) The revised proposals for a development of three large houses would not meet any identified local need.
- b) It is outside of the Neighbourhood Plan's settlement limits. Similar applications that have had proposals for development outside of the village boundary have been refused on the grounds that they are outside the settlement boundary. There is no cause for exception for this proposed development.
- c) Accept that Dorset is under pressure to respond to the nation's housing shortage, but other consented sites in Bourton, Gillingham etc. already do this. The number of additional homes in Bourton, both completed and now under construction, since 2011 has already been well documented and represents a growth of approximately 19%. The 2021 census, however, tells us that Dorset's population size has increased by 4.0% over the same period. Bourton, it seems, has continued to more than meet the challenge of providing additional homes in North Dorset without resorting to development in the Countryside.
- d) The economic long term reasons are negligible
- e) There is no contribution to the sustainability of the village. Bourton's school, Doctors etc will not be able to cope with ongoing development we are a beautiful small village.
- f) It is important for the local community to have confidence in the planning process. This amended application is the third attempt by this landowner to leverage development value from the fields they own by way of an incursion into the Countryside.

Landscaping and Visual Impact

- g) The scale, mass and siting of the proposed houses would result in the appearance of a near solid wall of housing completely out of sympathy to its edge of settlement location.
- h) No vehicular accesses extend beyond current settlement limit and this land is one of tranquillity and peacefulness.
- i) Adversely impact upon the character of the area and that of the AONB.
- j) The proposed houses are totally out of character in comparison to the other houses in the area. The proposal for three large (152m²) detached two storey dwellings, each with parking for four vehicles, retains the same negative impacts as the proposals previously submitted and refused.
- k) The amended proposal does not respond to Dorset Council's Landscape Officer's advice which was to move properties 3-4 metres forward towards the settlement boundary; plots 1 & 2 are now approximately 5m further away than they were originally with one increasing in size from 122m² over 1½ stories to a 2-storey dwelling that is now 152m². All three houses in this proposal are 152m² 2 storey properties.

Public rights of way

- l) There is a heavily used public footpath which goes north/south between the main road adjacent to The Hollies on the Main Road and the top of the escarpment; this development will dominate the beautiful views towards the west.
- m) The walk down from the ridge along N57/9&10 has fabulous views across the vale and into the village. The proposed development will stick out like a sore thumb.
- n) The photos commissioned by the applicant, which were taken in summer, when trees and hedgerows were in full leaf, artificially covering the detrimental impact the development would have for the rest of the year on the views from the footpaths.

Setting of heritage assets

- o) The revised landscape proposals may partially mitigate the adverse visual impact but will also impede important views towards St. George's Church and beyond.
- p) In addition, the visual impact south towards the Church (a listed building), the cottages on Woolcotts Lane and the Old Red Lion (another listed building) from the public footpath which runs along to top of the escarpment will be considerable.
- q) The increased traffic during and post construction would put increased pressure on infrastructure in the area and may cause damage to other listed buildings in the area including the Old Red Lion at the entrance to Old Pound Court.

Residential amenity

- r) The attempt to squeeze three large dwellings into a small space next to existing dwellings and their gardens will result in a significant loss of privacy.
- s) The proposed houses will be overbearing to the existing adjacent properties. For example: the close proximity of the proposed 2 storey unit 02 to the existing 1½ Page 5 of 7 storey property 3 Red Lion Yard at about 18m makes the relative heights critical. Using the applicant's own data (including 36A Site Section), the finished floor level of unit 02 is 130m. Unit 02 has a ridge height 11m above FFL. The ridge height of 3 Red Lion Yard is 136.05m, some 5m lower than that of unit 02.

Loss of productive agricultural land

- t) The land has been used for grazing sheep. We must object to the loss of productive agricultural land needed for the nation's sustainable food supply. Brownfield land within the settlement limits should be used.

Biodiversity

- u) The area to the north of Main Road and OPC supports a wide variety of wildlife including protected species, badger, dormouse, bats and wild birds such as the Tawny Owl which is on the Amber list. Rabbits (population falling dramatically) are a keystone species – they act as landscape managers and

many other species rely on them. The applicant's Biodiversity Plan surprisingly makes no mention of badgers or other species which are active in the area and zone of influence, many of which are only active from dusk until dawn.

- v) The loss of habitat and removal of trees and hedgerows and its effect on conservation. The existing 30m of hedgerow planned for removal is not "poached" but is in good condition (see Appendix photo 8). The applicant's assessment and Biodiversity plan fails to provide sufficient information regarding the environmental impact consequences of development.
- w) Note some token gesture in the BAP for the development this is not enough to fully compensate for the damage that will be done to the area initially. There is nothing to state that future owners of the property must keep the bird boxes/new trees and hedges/hedgehog provision and as such there will be a negative impact on biodiversity.
- x) Open areas of grassland and paddocks surrounded by woodland as such surrounds this plot, are therefore vital to sustain the co-existence of species within the food chain.
- y) Grassland and grazed areas support a crucial array of insect species – it is noted a large area of the paddock contains clovers; these are essential not only for the health of the soil, but also help to support a wide variety of bee species, including short-tongued varieties which may struggle to find suitable feeding material. The red clover also acts as soil stabilisation.

Drainage and flooding

- z) There are a number of water springs in the site which is the subject of this proposed development. Not only will this proposed development impinge of the water flows but the inevitable additional hardstanding that will result of this development will cause an increased risk from flooding lower down the valley.
- aa) A recent development within the village of 6 dwellings has increased waterflow resulting in floods both within the development and surrounding properties. The builders encountered huge problems in dealing with disturbed water levels in the fields. This must be considered as the water has to go somewhere.
- bb) There is only one existing ditch that is relevant to the site and it is the one that marks the settlement boundary. Except where it runs under the applicants' access road, the ditch flows through private properties. For about 45m to the east of the site the watercourse goes through a 300mm diameter culvert and at times of heavy rainfall this is almost fully charged. Increasing the surface water input to the ditch is likely to cause back up and local flooding.
- cc) The applicant's drainage strategy is incoherent. On the one hand, the proposal shows the northern half of the field will remain "paddock"; on the other hand, elsewhere it is said this area "may be sculpted to provide a seasonal swale and collection pond for surface water run-off, with controlled release into the existing watercourse" and "The development will also form some ditches / swales bounding the plot to convey/attenuate excess flows, if required."

Climate change

dd) The building of new properties is carbon intensive and as such there will be a negative impact to the environment by building these properties which may further compound issues such as biodiversity and drainage in the area in the future.

Highway safety

ee) The development will result in more vehicles using the access and junction with New Road increasing the probability of accidents, especially given the proximity of the primary school.

ff) If the development proceeds, the construction work will cause traffic and disruption to New Road which is not a wide road and any large vehicles accessing the site will inevitably cause traffic problems and will be dangerous especially as the school and bus stop are nearby.

Overall balance

gg) The applicant has seemingly attempted to overcome the basis for the original and comprehensive round of objections by reducing the number of houses to 3, yet vastly increasing the size of each dwelling. The re-plan addresses none of the original concerns.

hh) The demonstrable impacts considerably outweigh any benefits derived from the three dwellings and the application is contrary to North Dorset Local Plan Part 1 (2011-2031) policies 1, 2, 7, 20 and 24, Bourton Neighbourhood Plan policies 1, 2 and 3 and the provisions of the National Planning Policy Framework.

Administrative matters

ii) The scale and nature of the changes are such the LPA, acting in the public interest, should have insisted that a new application should have been submitted, as a result many residents of Bourton are simply unaware of the nature and extent of the variations currently being considered.

Application inaccuracies

jj) This amended application is muddled and in part, factually incorrect. Inaccurate content contained in the original application was rectified by several local residents who previously submitted objections. It is a concern that no action has been taken by the applicant to revise their documents for this scheme.

kk) It could now be argued that the applicant is deliberately misleading the Case Officer to justify their proposal for building in a valued landscape by suggesting that the landscape has already been developed with "detracting elements" resulting from their false assertions regarding incorporation of fields with ornamental hedges into rear gardens of Old Pound Court.

Other

- ll) Is this application a 'developer's trick' - with the objective of getting planning approved and then applying for amendments to add in more dwellings later?

10.0 Heritage duties

10.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 Development Plan policies

Saved Policies of the District Wide Local Plan (2003)

11.1 The site is outside of the saved settlement limits,

North Dorset Local Plan Part 1 2011-2031

11.2 In the context of the site's location outside of the saved settlement limits, the following policies are considered relevant:-

- 1 – Presumption in Favour of Sustainable Development
- 2 – Core Spatial Strategy
- 4 – The Natural Environment
- 5 – The Historic Environment
- 6 – Housing Distribution
- 7 – Delivering Homes
- 20 – The Countryside
- 23 – Parking
- 24 – Design Policy
- 25 – Amenity

Bourton Dorset Neighbourhood Plan 2016-2031 (made 2018)

11.3 The site is outside of the settlement limit (as depicted in Map 3 of the Plan).

11.4 It is also affected by two "important views", or rather a series of views from public footpath N57/8 which are depicted on Map 2 and a view up the slope from Old Pound Court. These are derived from the Village Design Statement (VDS) which is a material consideration (see below).

11.5 The following Neighbourhood Plan policies are considered relevant:-

- 1: Landscape Setting
- 2: Settlement Pattern and Character.

- 3: Building Design and Form.
- 4: Traffic and Parking
- 6: Biodiversity
- 8: Mitigating and Adapting to Climate Change.

12.0 Other material considerations

Dorset Council Local Plan

12.1 The Dorset Council Local Plan Options Consultation took place between 18 January and 15 March 2021. The Plan remains at a very early stage in the process towards adoption. Negligible weight is afforded to it as a material consideration at this time.

National Planning Policy Framework (2021)

12.2 Noting the following sections :-

- 1. Introduction
- 2. Achieving sustainable development
- 3. Plan-making
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting Sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the built environment.

Housing Delivery Test and Housing Supply

12.3 The latest Housing Delivery Test (HDT) for North Dorset, published January 2022, is 69%. The current housing land supply position is 5.17 years (version 2 of April 2021 position published March 2022).

Bourton Village Design Statement

12.4 The Bourton Village Design Statement was adopted by North Dorset District Council as a Supplementary Planning Document on 30 September 2011.

12.5 The Statement notes that:-

- a) “with the contrasting topography of steep slopes and flat Vale, it is not surprising that the parish enjoys varied and far-reaching views which are particularly treasured by the local community. These key views give the village its rural character” (para. 3.2);

- b) “The village is very proud of the views which it affords both outwards, from the limestone ridge (Chaffey Moor to Kites Nest) across the Blackmoor Vale and inwards, looking north across the A303 and at the entry to the village at both ends of the main road. There is a strong feeling in the village that such views should be protected and/or enhanced.” (para. 3.13).

12.6 Photograph 13 of the VDS shows part of the site looking northwards.

Strategic Landscape and Heritage Study for North Dorset Area

12.7 Assessment of land surrounding the larger villages, prepared by LUC for Dorset Council in October 2019.

13.0 Human rights

13.1 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.

14.0 Public Sector Equalities Duty

14.1 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.

14.2 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.

14.3 Having had regard to the requirements of the Public Sector Equalities Duty, it is considered that the proposed layout provides opportunities for those members of the

community with protected characteristics, specifically those with mobility difficulties (disabled) to not be disadvantaged. Of note is the layout and footprints will permit the ability for dwellings to be developed with accessible floorplans and gardens.

15.0 Financial benefits

What	Amount / value
Material Considerations	
Employment during construction	Support construction sector.
Spend in the local economy	Spend from future residents of the development
Non Material Considerations	
Contributions to Council Tax	As per appropriate charging bands

16.0 Climate Implications

- 16.1 There will inevitably be trips to and from the site by vehicles with internal combustion engines. Although the proportion of the trips by internal combustion engine powered vehicles will diminish over time, their use to access the site must still be considered as part of its carbon footprint.
- 16.2 Notwithstanding the fact that the orientation of the dwellings proposed will allow opportunities for domestic photo-voltaic installations and that they could be insulated to a standard above Building Regulations and use installations such as air source heat pumps, it is assumed there will be a reliance on the grid for energy (the energy generation for which is still reliant, for now, on non-renewable sources).
- 16.3 There will be embedded energy costs derived from the construction phase (derived from the production and transport of the materials and the energy consumed during the build itself).
- 16.4 There will be a loss of greenfield land arising from the development.

17.0 Planning Assessment

Principle

- 17.1 The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise. The provisions of the NPPF do not override the development plan's primacy and are material considerations.
- 17.2 In this context it is clear that the proposal conflicts in part with the Local Plan Part 1 insofar as the site falls outside of the saved settlement limits and is not development

that is supported by policy 20. It also conflicts with the Neighbourhood Plan, again because the site is outside of the saved settlement limits and the Plan seeks to restrict new build housing to within these limits.

17.3 However, notwithstanding that the housing supply position is now 5.17 years, there are clear consequences of the Government's 69% Housing Delivery Test Measurement for North Dorset. Under paragraph 11 of the NPPF, the basket of policies most relevant to the determination of the application (2, 6 and 20) are considered to be out of date. The consequences of this, are that the NPPF's tilted balance is engaged and planning permission should be granted unless:

- (i) specific policies in the framework indicate that development should be refused; or
- (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

17.4 Criterion (i) are the "footnote 7" reasons detailed in the NPPF and include, for example, less than substantial harm to the significance of heritage which is not outweighed by public benefits. In this none of those specified NPPF policies indicate that permission should be refused (as will be detailed later in this assessment in paragraphs 17.18, 17.32 and 17.33) so it is criterion (ii) and not (i) that is applicable here.

17.5 When assessing against criterion (ii), the sustainability of development is still informed by the Council's spatial strategy as set out in Local Plan Policy 2. It is considered consistent with the NPPF insofar as it seeks to direct development to sustainable locations to minimise the need to travel, create sustainable communities rather than commuter towns/villages and address the causes and effects of climate change.

17.6 Policy 6 of the Local Plan identifies Bourton as one of 18 larger villages in the Plan area. Whilst the majority of housing growth over the plan period is focused on the four main towns, it does envisage at least 825 dwellings within these larger villages and Stalbridge. The focus is on the meeting "local housing needs" (as explained in supporting paragraph 5.9) and the scale will "reflect cumulative local and essential rural needs and local viability considerations" (paragraph 5.11).

17.7 There are key points to note from this policy and its supporting text. Firstly, it does not provide a ceiling for the number of dwellings that should be accommodated in the 18 larger villages. It also does not place a quantum of development that will be appropriate for each settlement, or indeed, each development; the judgement is on a case by case basis. Therefore, in response to a number of the third party

representations received, there is no ceiling for Bourton's growth, the judgement is whether the scale of growth is commensurate to the village's offer of services and facilities and its size.

17.8 The third and, perhaps most fundamental point, is that the policy explicitly recognises that these settlements provide the level of sustainability to accommodate, growth. The Local Plan may have envisaged that this need would be identified at the "local level" (paragraph 5.27) via, for example, the neighbourhood planning process, local surveys and assessments to establish the functional need for occupational dwellings. However, the list of sources of evidence is not exhaustive and the fact that the Council needs to boost delivery at a North Dorset level must be afforded substantial weight with regards to this point. It demonstrates the need for the housing and, applying policy 6's distribution, Bourton is an appropriate location to meet some of this need.

17.9 Indeed, the site is considered to be in a sustainable location within an acceptable walking distance of the village's services and facilities, including the school and C of E Church. These services and facilities are accessible along segregated footways.

17.10 It is acknowledged that the development plan includes a made Neighbourhood Plan. However, in the context of paragraph 14 of the NPPF, it is noted that the Neighbourhood Plan was made more than two years ago'. Therefore, despite it containing housing policies and allocations, the North Dorset area having over 3 years housing supply (currently 5.17) and the housing delivery being at least 45% for the past 3 years, the presumption in paragraph 14 that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, is not engaged.

Scale of growth afforded by the development

17.11 The number of households recorded in 2011 was 362. It is acknowledged that there has been a supply of dwellings since 2011 (a matter already addressed in the report). 3 dwellings represents approximately 1% growth and is considered to be commensurate in scale to the size of the settlement and the services and facilities that it provides.

Housing tenure and type mix

17.12 The lack of affordable (as defined by the NPPF) dwellings is not a determinative issue; the quantum of development proposed falls below the Local Plan and NPPF thresholds.

17.13 The layout plan shows three dwelling types with large footprints to serve, it is assumed, large floorplans. Third party representations describe these as "executive

homes” that do not respond to local need. The Dorset need is not confined to small dwellings and the large dwellings proposed would provide accommodation for multigenerational families and/or those with a number of children. These types of dwellings are needed in the overall North Dorset mix. Furthermore, the surrounding area is not wholly characterised by such large dwellings, there is an existing mix and the new dwellings will contribute to the prevailing balanced and mixed community.

Landscape, visual impact and public right of ways

17.14 The case officer assessed the proposed development’s impact from a number of receptors. These included the following public rights of way:-

- a) N57/7 100m west of the site rising up the slope from Woolcott Lane. Views are afforded eastwards to the site before the path cuts through a hedge via a gate. It then strikes further northwards up the slope, the elevation enabling views back south-westwards over the hedge towards the site. This view is across one of the Neighbourhood Plan’s “Green Fingers”, albeit it is noted that the site does not fall within this designation.
- b) N57/8 160m north-west of the site. The first section of this path heads northwards from its intersection with N57/5 with views back to the site, before disappearing into woodland in a gully. No views are visible back to the site from this point onwards.
- c) N57/6 – This path strikes north-westwards away from an intersection with N57/7, near to the latter’s point where it crosses the hedge and meets N57/8. Views are afforded from N57/6 back to the site.
- d) N57/5 north-west of the site and on the higher ground affording long views back over the Vale.
- e) N57/9 175m east of the site. This strikes northwards from New Road and starts to rise up the slope before bearing eastwards. At this point it ceases to become a series of receptors affording a view of the site. However, N57/10 continues to strike northwards up the slope offering clear views south-westwards back towards the site and the Church’s tower.

17.15 It is noted that there is an additional, well used, path that avoids N57/7’s gate and continues southwards from the intersection of N57/6 and N57/7. It is assumed, from the case officer’s experience, that this alignment is used to connect to Woolcott Lane and avoid a boggy section at the foot of N57/7’s alignment. Receptors from this informal path were also considered but it was concluded that N57/7’s definitive alignment actually provides more intervisibility with the site and its environs.

17.16 The case officer also assessed the impact on the Important Views identified in the Neighbourhood Plan (those on top of the hill being from public right of way). Although assessed separately in the next sub-section below, the assessment also considered the experience of heritage assets within this landscape and the views

from these assets. Access to the roof of the Church Tower was not possible but, as it is recognised as a receptor from which people occasionally enjoy views of the landscape, photographs submitted from third parties were used for this particular part of the assessment.

17.17 A number of the representations also raise concerns about the impact of the proposal on the Cranborne Chase and West Wiltshire AONB. Such land is protected to conserve and enhance its natural beauty. Effects of development outside, but affecting its setting, need to be carefully considered. National policy guidance gives great weight to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty.

17.18 It is noted from a desktop assessment and walks along public rights of way and adopted highways at the top of the hill that the boundary of the Area of Outstanding Natural Beauty is set back from the escarpment. Indeed, it is concluded that views of the site and its immediate environs cannot be experienced from the AONB. Similarly, the views from the foot of the hill, including from the site, do not afford sight into the AONB. Furthermore, due to intervening hedges and landform, there is no ability when between the site and the AONB to gain a panorama that includes both. As such, the proposal will have a neutral impact and preserve the setting of the AONB.

17.19 Notwithstanding this conclusion, it is clear that the land including in and around the site is a landscape of particular quality that is valued by many, albeit not one that would fall within the definition of a “valued landscape” (para 174 of the NPPF). It falls across the boundary between the Limestone Hills and Clay Vale character types at a county level, the former covering the lower ground to the southeast of the site including the existing built development. The Limestone Hills area covers the slopes rising away northwards from the site. Management priorities considered relevant to the proposed development include the maintenance and enhancement of boundaries and planting of new hedgerows.

17.20 Both the Bourton Village Design Statement and the Strategic Landscape and Heritage Study for North Dorset Area drill down further and are more specific to the site’s locality. The linearity of development along the former A303 (New Road etc.) is noted as is the undeveloped higher land, the affordance of long distance views southwards from this higher land, the prominence of the village in these views and, notably, the Church’s tower. The priorities of the Strategic Landscape and Heritage Study include: -

- a) Conservation of the distinctive linear settlement pattern of the village.
- b) Protection of views of key skyline features such as the Church’s tower.
- c) Protection of the wooded skyline character.
- d) Prohibiting adverse effect to ‘important views’ identified in the Bourton Neighbourhood Plan6

e) The importance of the open gaps in and around the village.

17.21 The documents and the priorities therein are material considerations afforded weight in the overall balance, but they also serve to inform the assessment against development plan policies, notably 1, Landscape Setting, 2: Settlement Pattern and Character and 3: Building Design and Form, of the Neighbourhood Plan, all of which are consistent with the NPPF.

17.22 The undeveloped nature of the slopes to the north of the village, their proximity to the village's residents, the network of public right of ways affording short and long views (including of designated heritage assets), results in this landscape having a medium to high sensitivity to change.

17.23 Development of the site will inevitably result in harmful change to this landscape and the magnitude of this change is influenced by the medium/high sensitivity to change, especially when experienced from the receptors along the public rights of way to the northwest and northeast of the site. These rights of way are heavily used and the case officer encountered walkers on all occasions that they were traversed, in the morning and afternoon, on weekdays and weekends and in inclement winter weather and on a clear day in mid-summer. This harm will result from both the construction and operational (occupied dwellings) phases of the development.

17.24 There is some dispute between the applicant's submission and the representations received from third parties about the status of small, enclosed parcels of land that lie to the north of the existing dwellings to the southeast of the site. The case officer considers that, in all but one instance, these are not garden extensions as inferred in the applicant's submission but are, in fact, small areas of land beyond their gardens. Their land use is not considered to be a determinative matter in terms of the landscape and visual impact of the development. However, what they do serve to achieve is a degree of screening of the site from receptors to the east on public footpath N57/9, near to the village on the lower slopes. Furthermore, as stated above, in one instance one of these parcels of land clearly has a visual appearance and apparent use as private domestic garden space.

17.25 It is also noted that the dwellings and their gardens to the east and east-northeast of the site project further northwards than the application site.

17.26 This context provides, in principle, an ability for the development to be visually contained (to a degree) within the pocket of land that projects southwards towards New Road. It is this pocket within which the revised proposal is largely accommodated, avoiding any meaningful intrusion onto to the higher ground which was of such concern with the refused proposal for 9 dwellings and the earlier, 7 dwellings, iteration of this application. The containment also preserves the prevailing linearity of the village form.

- 17.27 Third parties have also made about the scale and layout proposed, specifically in relation to the siting, extent of the footprint and height of the dwellings. It is contended by those third parties that the revised proposal has not responded to the Council's landscaping officer's original concerns insofar as two storey buildings are proposed at a contour level and latitude that results in them being more prominent and harmful within the landscape than the corresponding elements of the superseded scheme.
- 17.28 In response to those concerns, it is acknowledged that the dwellings will be two storeys in height, albeit the visuals included within the Design & Access Statement suggest designs that will include the first floor accommodated largely within the roof space. This will reduce the massing and prominence of the dwellings within the landscape. With a maximum height of 11m to the ridge, with the specified finished floor levels annotated on the proposed layout, the new dwellings will be no higher than 2m above the existing dwellings to the south and east.
- 17.29 "Appearance" is a reserved matter and this detail can be controlled at that stage. However, it is considered that the layout proposed provides the ability to achieve this acceptable visual impact.
- 17.30 The visual impact and landscape harm is also tempered by the following factors: -
- a) The existence of non-vernacular dwellings on Old Pound Court and New Road already prominent within panoramas viewed from receptors along the aforementioned public footpaths. The end dwelling next to the proposed vehicular access is particularly prominent in this regard.
 - b) The reduced extent of the site on the lowest contours of the fields with the backdrop of the dwellings cited in a) above.
 - c) The layout that will screen the proposed rear gardens (with their associated domestic paraphernalia) from view from the sensitive receptors. The front elevations will face these receptors set behind the soft landscaping, room for which is afforded by the layout between these dwellings and the northern boundary.
- 17.31 The construction phase will not have the benefit of this careful layout planning and construction plant and machinery, scaffolding etc. will all be prominent within the landscape for this time. The harm arising from this phase of the development is moderated by the temporary nature. Once complete and occupied the harm will remain, in the officer's opinion as moderate, as the development will be starkly new and the soft landscaping barely planted. However, in time (10-15 years or so) this landscaping will reduce the level of harm markedly.

Heritage assets

17.32 The elevated nature of the series of receptors along the public footpaths results in the site being within the wider setting of a number of listed buildings. These are: -

- a) The Church of St. George. This Gothic Revival building of the C19th remains a place of worship. Its use contributes greatly to its significance as does the Gothic architecture and setting on New Road within the built-up area. The tower is prominent within many panoramas and this setting is also important to the significance, particularly from the elevated ground to the north. The site is included within many of the views of the tower but, as the Council's Senior Conservation Officer observes, there is always the presence of the modern housing developments. The proposal will always be seen in this context, nestled against these modern dwellings. Similarly, the experience from the roof of the tower not only includes the hill side and older cottages but many newer dwellings. The addition of three further dwellings nestled against those existing will not materially change this experience. As such the setting of the Church will be preserved (no harm).
- b) The cluster of listed buildings on Woolcotts Lane. These are all grade II and their significance is derived from their vernacular architecture and local materials used, specifically the stone. Their setting so close to each other in this cluster along the lane with no planned layout (the experience walking along Woolcotts Lane is very much organic and historic) is also of significance as is their prominence in the views from receptors along the public footpaths to the northeast, north and northwest. However, as with the Church, this setting has materially changed over the past 30 years and, with sensitive detailing, at the "Appearance" and "Landscaping" reserved matters stages, the development will not harm the significance of these assets; their setting will be preserved.
- c) The former Red Lion Public House located immediately west of the junction of Old Pound Court and New Road. This building is, within the official listing, described as dating from c1830. Its significance is derived from its history (as a public house on what was once a main route to the west) and its architecture. Although now in residential use, its original use is still legible from its external elevations. The setting has changed markedly over the years, the village first being bypassed and then Old Pound Court and Red Lion Yard being developed. A reminder of the building's historical proximity to the countryside to the rear is provided by the view northwards up Old Pound Court to the undeveloped hillside. This is part of the setting that contributes to the building's significance. This land remains undeveloped (except for the access surface). From receptors along public footpaths N57/6 and N57/7 the roof of the Red Lion is visible but this view, with the newer dwellings in the foreground, contributes little to the significance of the asset. The setting of the Red Lion will be preserved (no harm).

Flooding and drainage

- 17.33 It is national planning policy to locate development in areas at lowest probability of flooding (the sequential test). The site is within flood zone 1 (lowest probability of fluvial flooding), low risk for surface water flooding and low risk of groundwater flooding as recorded by the Environment Agency. The proposal therefore passes the NPPF's sequential test.
- 17.34 It is also development plan and national policy to ensure that developments do not increase the risk of flooding off and on site (allowing for increases in rainfall events in the coming years as a result of climate change). Many representations raise this matter as one of concern and the case officer noted that many areas of the site remained sodden even during the summer (albeit prior to the prolonged dry period in July and August 2022).
- 17.35 The existence of this water is not surprising given the steepness of the ground further northwards and north-westwards and the fact that the field drain that follows the northern edge of the village appears to have been culverted in many places. The overland flow of water across part of the site is documented on the Environment Agency's maps.
- 17.36 The application form states that surface water will be drained via a sustainable drainage system, an existing watercourse and/or a pond. The submitted drainage strategy was prepared for when 9 dwellings were proposed and there are significant differences between its drainage strategy and the layout and extent of development now proposed. A pond is clearly not possible to accommodate within the site now.
- 17.37 Infiltration has been evidenced as being possible and this is at the top of the surface water drainage hierarchy along with water re-use (which is also possible on site). Such a solution could only work if integrated with a system for managing the overland flows, perhaps through a swale along the site's northern boundary. This is possible within the proposed layout and, given the low risk identified, it is considered reasonable that this is a matter that can be dealt with by condition rather than pre-determination. The principle of this approach has been agreed by the Council's Lead Local Flood Authority officer.

Biodiversity and tree protection

- 17.38 A number of representations have been received raising concerns that the site's biodiversity value will be irrevocably lost as a result of the development. A wide range of flora and fauna are cited within the representations.

17.39 The site is predominantly improved grassland but is dissected by a hedge of native field species. There are also hedges on three of the four boundaries interspersed with trees. A high level tree protection strategy has been submitted but, as the Council's Tree Officer advises, more detail will be required via a Arboricultural Method Statement. This can be secured by condition.

17.40 The site, its hedges and overhanging trees are undoubtedly a habitat for wildlife. There are ash, oak, field maple, elder and hawthorn species and even those with decay offer refuge for wildlife as was evident during the applicant's arboriculturist's inspections.

17.41 A Biodiversity Plan was approved by the Council's Natural Environment team, albeit for the larger scheme originally proposed. An approved Plan does not exist for the revised scheme for three dwellings but it is considered reasonable and appropriate that this can be submitted with the "Landscaping" reserved matter.

Residential amenity

17.42 The construction phase will undoubtedly result in increases in noise and disturbances in comparison to the current agricultural use of the site. This will include from machinery being used on site as well vehicles coming and going. The period will be temporary and for three dwellings and is therefore no likely to be more than a year in duration. As such this impact is not of the magnitude to withhold planning permission. Nevertheless, given the residential uses adjoining the site, it is reasonable to restrict the hours of construction and associated deliveries by condition. Indeed, it would be reasonable to require a detailed Construction Environmental Management Plan to be secured by condition.

17.43 The operational phase of the development is also likely to yield changes to the residential amenity experienced by those neighbouring the site.

17.44 The proposal will introduce dwellings which, at the closest point (plot 1), will be within 14m of the gable end of the nearest existing dwelling, Pound House, on Old Pound Court. As this is a secondary elevation, the separation distance is considered acceptable especially as the new dwelling will be to the north. There will be no overshadowing as a result of this specific relationship.

17.45 There is calculated to be some overshadowing of Pound House's rear garden, west facing rooms and conservatory, as plots 2 and 3 are proposed to the west-northwest and will rise up to 13m above the existing house's garden level. However, the minimum separation distance of 20m between plot 2's gable end and the rear elevation of Pound House and the fact that the outlook westwards from this existing

dwelling's garden will remain unobstructed by the development, will ensure that the impact is not significant.

17.46 Next to Pound House is No. 3, Red Lion Yard. This dwelling has most of its main private garden to its south (on the other side of the house to the site) but it does wrap around to the west and north. There are also windows at ground and first floor level directly facing the site. They serve habitable rooms. The distance between these windows and the boundary of the site is 6m. The depth of the proposed rear garden for plot 2 is 12m. This gives a total separation distance of 18m. Given plot 2 is to the north of No. 3 Red Lion Yard, this distance is considered acceptable with no significant overshadowing, even given a ridge height proposed of up to 11m. Overlooking between the two dwellings is clearly possible at this distance and the existing hedge and tree do not obstruct the line of sight to either ground or first floor windows. On balance, however, the separation distance will ensure no significant overlooking.

17.47 No. 3's Red Lion Yard's first floor window will overlook plot 2's rear garden too and the latter, given it is not overlooked by the road and faces south, is likely to be used regularly in summer months and warm winter days for private recreation. If this was an existing dwelling's garden affected, this could have been an issue afforded weight but, as it is for a proposed house, the weight afforded to this consideration is significantly reduced and not determinative.

17.48 To the west of No. 3, Red Lion Yard is Flowerpatch, a two storey house that fronts onto New Road. Its rear elevation faces the site and contains a number of ground and first floor windows serving habitable rooms. There is also a sun room projecting from the rear elevation.

17.49 As with No. 3, Red Lion Yard, the fact that the site is to the north of Flowerpatch's house and garden will ensure no overshadowing. Its rear garden lies between the house and the site. The depth of the rear garden from the sunroom to the boundary with the site is measured at 13m. The depth of plot 3's rear garden (plot 3 is behind Flowerpatch) is 17m. This distance is considered to ensure no significant loss of residential amenity to the occupiers of Flowerpatch.

17.50 Forge House on New Road will also share a boundary with plot 3. However, this will be short in length and the loss of residential amenity will be negligible at most.

17.51 No. 1 Old Pound Court lies directly to the east of the site, across the access road. It is orientated at an angle, its rear elevation facing northwest. At this angle the rear facing habitable rooms and garden will currently enjoy later afternoon and evening sun. The windows are also afforded a view up the hillside towards the AONB. The proposed siting of plot 1's garage and the main house will affect the light levels into

No. 1 Old Pound Court but, due to the angle and distance, not significantly so. There will be no direct overlooking.

Highway safety

17.52 Some third party representations raise concerns in relation to highway safety. There are undoubtedly going to be residual trips by vehicles to and from the new homes, despite the site's sustainable location. However, the trips are unlikely to represent a material increase above the existing trips, even on Old Pound Court. It is also noted that the junction onto New Road affords acceptable levels of visibility meeting the Highway Authority's standards.

17.53 The Highways Officer raises no objection subject to the implementation of the access, manoeuvring and parking arrangements shown on the proposed site layout plan.

Other matters

17.54 The granting of this development will not set a precedent for future developments. Each application is considered on its own merits against the development plan policies and material considerations that prevail at the time of determination. It is the officer's opinion that the land to the north of the site, within the applicant's current ownership, does not afford the same possibilities of development being assimilated into the landscape. This is because the land rises and is further away from the existing built-up envelope of the village; it would constitute an intrusive projection into the countryside whereas the proposal does not.

17.55 One of the third party representations states that a new application should have been submitted following the amendments i.e. these amendments should not have been entertained within the same application process as that for the seven dwellings originally proposed. There is nothing to stop the application being amended in this way during its course and the amendments were fully publicised by way of a new round of consultations and site notice display.

18.0 Planning Balance

18.1 The site is on the edge of Bourton and connected by footway to the settlement's services and facilities. It is within an acceptable walking distance of these and considered to be in a sustainable location. The development plan policies most important to the determination of the application must be considered out of date given the Housing Delivery Test position and the date that the Neighbourhood Plan was made. Their primacy is not affected but the weight afforded to them is reduced significantly. In contrast, the NPPF is afforded substantial weight as a material consideration.

- 18.2 The tilted balance is therefore still engaged, meaning that permission should be granted unless there is a clear reason for refusal from one of the protective policies of the NPPF (footnote 7 to NPPF paragraph 11) or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits assessed against the NPPF policies as a whole. None of the NPPF's specified protective policies give a clear reason for refusal. The benefits of the scheme would be 3 market dwellings contributing to the housing supply, in a location on the edge of the defined settlement boundary. Related economic benefits would be from employment created during construction phase (supporting local jobs in the construction sector) and would bring about added value in the local area through associated spending and economic activity from the residents of the dwellings – this would support the local economy and long-term economic growth in the area, with new residents spending on goods and services. The benefits, albeit modest in scale, are afforded significant weight due to the North Dorset housing delivery position.
- 18.3 The application is made in outline but the submission particulars, including the layout plan, demonstrate that 3 dwellings can be accommodated on site without significant adverse impacts. In this regard, whilst there will be demonstrable moderate landscape harm and a degree of adverse residential amenity impacts arising from the development, these adverse impacts are neither individually or cumulatively, significant. They do not outweigh the benefits.

19.0 Conclusions

- 19.1 The benefits of the development are not considered to significantly or demonstrably be outweighed by adverse impacts.

20.0 Recommendation

- 20.1 Grant permission subject to conditions.

1. No part of the development hereby approved shall commence until details of all reserved matters (appearance and landscaping) have been submitted to and approved in writing by the Local Planning Authority.

The application for the landscaping reserved matters shall incorporate measures identified in an Arboricultural Method Statement and Biodiversity Plan both of which shall accompany the application.

Reason: To ensure the satisfactory development of the site by providing an appropriate balance between the natural and built environment within the development and biodiversity net gain.

2. An application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

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

- 17117.22 A Location Plan
- 17117 36 A Site Section and Sketch View
- 17117 32A Site/Block Plan

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

5. Prior to commencement of development hereby approved a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include

- a) Delivery hours.
- b) Hours of construction (which shall exclude weekends and public/bank holidays and anytime between 18.00 and 07.00).
- c) Contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities).

The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of the residential amenity of adjoining occupiers.

6. No development shall commence until details have been submitted to and approved in writing by the local planning authority of a scheme for surface water drainage for the development. The scheme shall include a timetable for its implementation relative to the development's construction. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure that the risk of flooding within and off the site does not increase as a result of the development, factoring in increases in rainwater events as a result of climate change.

7. Before any of the dwellings hereby approved are first occupied, the access, geometric highway layout, turning and parking areas shown on Drawing Number 17117.32A must be completed and surfaced with materials the details of which shall have been previously submitted to and approved in writing by the local planning authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety.

8. Before any of the dwellings hereby approved are first occupied the first 10.00 metres of the vehicle 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 Local 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.

Informatives

1. 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.
2. 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, 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.
3. The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the "guidance notes for residential developments" document (<https://www.dorsetcouncil.gov.uk/bins-recycling-and-litter/documents/guidance-for-developers-a4-booklet-may-2020.pdf>). Dorset Council Waste Services can be contacted by telephone at 01305 225474.
4. 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.In this case:
 - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.