

Application Number:	P/FUL/2021/01338
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land At Former ATS Euromaster New Road Shaftesbury Dorset
Proposal:	Erect 24 No. dwellings, form vehicular access, car parking and landscaping
Applicant name:	Westcoast (Bristol) Limited
Case Officer:	Rob McDonald
Ward Member(s):	Cllr D Beer; Cllr T Cook

1.0 The application is reported to the Northern Area Planning Committee for two reasons:

- a. A previous application for volumetrically similar development on the site (Reference: 2/2019/0680/FUL) was considered and refused by this Committee on 27 April 2021.

The Committee refused this previous application for the following reason:

The proposal, by reason of the design having an excessive scale, employing inappropriate materials of construction, and employing an unacceptable appearance, and its prominent location at the entrance to the old town, would be harmful to the character and appearance of the Conservation Area, and the setting of several listed buildings, bringing with it less than substantial harm which would not be outweighed by public benefit. Therefore, the proposal would be contrary to North Dorset Local Plan Part 1 (2011-2031) policies 1, 2, 5, 7 and 24, emerging Shaftesbury Neighbourhood Plan policies SFDH1, SFDH2, SFDH3, SFDH4, SFDH6 and SFDH7 and the National Planning Policy Framework.

The refusal was appealed and allowed by the Planning Inspectorate on 19 January 2022.

The current application proposes to reconfigure internal spaces within the building referred to as 'Block B' to accommodate an additional 6 units relative to the allowed scheme (totalling 24 units);

- b. The Town Council's representation that has been received contains a response that is contrary to the proposed decision by officers;

One of the Ward Members also requested the application be determined by committee, although no material planning reasons were given, only highlighting that the previous application was determined by committee. This representation was also received after the initial 21 day consultation period.

2.0 Summary of recommendation:

Recommendation A:

Grant permission, 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:

£24,000.00 for off-site destination play facilities and maintenance

and the following conditions (and their reasons) (see section 17 for full wording):

- Time Limit
- Plans
- Material specifications, including sample panels and detailing
- Soft and hard landscaping
- Archaeology
- Contamination
- Drainage
- Biodiversity Plan
- Vehicular access
- Highway crossing
- Turning and parking, including cycle parking
- Widened footway
- PD rights removal for means of enclosures

Recommendation B:

Refuse permission for failing to secure the financial obligations detailed above if the agreement is not completed by 24 July 2023 or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendations:

- 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%. The tilted balance is therefore engaged, meaning that permission should be granted unless the restrictive policies with the NPPF provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- The location is considered to be very sustainable and the proposal is acceptable in its design and general visual impact.
- No harm would arise to the significance and settings of designated heritage assets as a result of the development. The scheme has the ability to even enhance the character and appearance of the Conservation Area.

- Financial contributions can be secured by legal agreement and work is ongoing with drafting this at the time of writing this report.
- Other matters such as drainage, amenity impact, highway safety and biodiversity are also acceptable.
- There are no adverse effects that would significantly and demonstrably outweigh the benefits and warrant refusal of this application.
- 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 because all the of tests are not met i.e. there are no allocations within the SNP to meet housing requirements.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Very sustainable location within the settlement boundary of Shaftesbury. Previous permissions have already established acceptance of residential redevelopment of site. Tilted balance engaged by virtue of HDT.
Scale, design, impact on character and appearance	Overall design very similar to recently allowed scheme. Current application also acceptable in terms of design and would not be visually harmful within character of the area. Conditions can ensure material specifications and detailing is high quality and appropriate in local context.
Impact on designated heritage assets	No harm would arise to significance and setting of heritage assets. Development would conserve and even enhance. Thus, no clear footnote 7 reason to refuse application.
Impact on amenity	Previous concerns addressed during allowed scheme and as current development is so similar there are no outstanding concerns to address.
Economic benefits	£24,000 of financial contributions, secured by legal agreement, towards destination play facilities locally. Benefits also derived from construction phase. Additional population to spend locally. Council Tax receipts.
Access and Parking	Same arrangements as allowed scheme - remains acceptable.
Drainage	Same arrangements as allowed scheme - remains acceptable.
Biodiversity and ecology	Same arrangements as allowed scheme - remains acceptable.

5.0 Description of Site

The site was occupied by ATS Euromaster and functioned as a vehicle maintenance garage. As per the previous 2019 application, the site has been cleared of all buildings and remains a vacant, unkempt site in the town centre.

The land is relatively level towards the front but drops away by around 6 metres at the rear (north), down towards the residential properties in Yeatmans Close, Enmore Green, located at the base of the slope. There are mature trees located outside of the confines of the site and fencing lines the north western boundary. New Road runs along the eastern boundary of the site and Kings Hill, a no through road, along the south western boundary. The sheltered housing, Abbeyfield House and the accommodation named Pepperell House, are located to the south of the site. A dental surgery is north of it. The site is directly opposite a town centre car park.

The site is located centrally in Shaftesbury. The Conservation Area boundary skirts around the south-east and south-west parts of the site, with a small part of the site to the south falling just within the designated area. The treed area on the north-west side of the site is designated as an Important Open or Wooded Space (IOWA). The site does not encroach into this designation.

The site is located within the setting of a number of listed buildings. These include the grade II listed buildings La Fleur De Lys and the Grosvenor Hotel to the north and Abbeyfield House, Kings Arms, and Ship Inn to the south.

6.0 Description of Development

The proposed development for the current application is for the construction of 24 units, comprising a terrace row of 9 dwellings ('Block A') fronting on to New Road and 15 flats within 'Block B' towards the back of the site. There would be a parking area for 19 vehicles between the two respective building blocks, in addition to 16 spaces on the lower ground level of Block B.

In terms of positioning and ground area, the buildings would match that of the extant allowed scheme for 18 units on site. The applicants indicate that there would be a marginal lifting of the eaves; the difference between the extant scheme and current proposal appears to be negligible from the drawings submitted. Ultimately, Block B would remain 2.5 storey in scale and nature. As per the extant scheme, a new access to Kings Hill would replace the existing access in New Road.

The main alteration would be internal reconfigurations within Block B to accommodate 6 additional flats. All of the flats would remain 2 bedroomed as per the extant scheme and, although smaller in size, each would meet the national space standards (contrary to comment from the Urban Design Officer on this point).

There would also be some minor changes to some materials on Block A relative to the extant allowed scheme as a means of trying to address some Member concerns with external appearance. The northeast flank elevation is now proposed to be constructed of reconstituted stone, instead of painted brickwork. The only other

changes would be from “stone” to reconstituted stone on the principal elevations for three of the dwellings in the terrace row; and a change from buff brick to red brick on the rear elevation of the middle portion of the terrace.

7.0 Relevant Planning History

2/2016/0629/FUL - Decision: GRA - Decision Date: 10/03/2017

Demolish existing ATS garage, erect 28 No. sheltered apartments for the elderly including communal facilities, access, car parking and landscaping.

2/2016/0804/DOC - Decision: DET - Decision Date: 06/07/2016

Discharge of Condition No. 3 - Materials (Samples for approval); following grant of Listed Building Consent No. 2/2015/1698.

2/2016/0805/DOC - Decision: DET - Decision Date: 06/07/2016

Discharge of Condition No. 3 - Materials (Samples for approval); following grant of Planning Permission No. 2/2015/1697.

2/2017/0732/DOC - Decision: DET - Decision Date: 18/09/2017

Discharge of Condition Nos. 4 - Arboricultural Method Statement; 7 - Foul Drainage; 8 - Surface Water Management Scheme; 9 - Surface Water Drainage; & 10 - Contaminated Land; following grant of Planning Permission No. 2/2016/0629/FUL.

2/2017/0982/NMA - Decision: WIT - Decision Date: 03/08/2017

Non-material amendment to Planning Permission No. 2/2016/0629/FUL for a revised building footprint, internal layout, elevations (including additional windows), and landscaping.

2/2017/0969/DOC - Decision: DET - Decision Date: 16/10/2017

Discharge of Condition Nos. 5 - Landscaping; 6 - Landscape Management Plan; 11 - Large Scale Details; 12 - Windows & Doors; and 14 - Materials; following grant of Planning Permission No. 2/2016/0629/FUL.

2/2017/1326/VARIA - Decision: GRA - Decision Date: 26/09/2018

Demolish existing ATS garage, erect 28 No. sheltered apartments for the elderly including communal facilities, access, car parking and landscaping. (Variation of Condition Nos. 2, 5, 6, 7, 8, 9 & 10 of Planning Permission No. 2/2016/0629/FUL for a revised building footprint, internal layout, elevations (including additional windows), and landscaping).

2/2019/0680/FUL - Decision: REF but allowed at appeal - Decision Date: 27/04/2021

Erect 18 No. dwellings, form vehicular access, car parking and landscaping.

8.0 List of Constraints

- Within settlement boundary

- Adjoins Shaftesbury Conservation Area
- Settings of listed buildings
- Adjoins TPO (TPO-615-2019)
- Adjoins IOWA
- Groundwater Source Protection Area
- Type of Charge: UNILATERAL UNDERTAKING Description: Unilateral Undertaking relating to the demolition of existing ATS garage, erection of 28 sheltered apartments for the elderly including community facilities, access, car parking and landscaping to Land at New Road, Shaftesbury, Dorset, SP7 8QH.: 2/2016/0629/FUL P/A.

9.0 Consultations

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

Consultees

Shaftesbury Town Council

Objection and comments:

- Lack of affordable housing provision, contrary to Neighbourhood Plan policy SFHE2;
- No heads of terms for contributions provided;
- Strain on traffic management;
- No appropriate collection of refuse;
- No safe crossing point into town;
- Significant risk of flooding for lower land and retention of surface water;
- Limited garden provision;
- No LAP;
- Insufficient detail on materials;
- Need for archaeological survey;
- No provision for EV charging;

Highway Authority

No objection:

- With the quantum of development increased from that previously considered (2/2019/0680/FUL refers), the projected traffic generation in the AM and PM peaks has increased accordingly. That said, the predicted traffic impact upon the local highway network is negligible and certainly not a reason to object to the development proposal.

- The development itself is effectively the same as was previously accepted by the Highway Authority, in terms of on-site parking, layout and accessibility by Dorset Waste.
- Conditions recommended re. vehicular access construction, dropped kerb expunged, turning and parking, cycle parking, widened footway, construction method statement.

Lead Local Flood Authority

No objection, subject to conditions:

- Applicant has submitted an acceptable Ground Investigation report, complete with BRE 365 tests. This confirms that infiltration is indeed possible throughout the site, contrary to the submission made in the former planning application, but consistent with our understanding of the ground in Shaftesbury. We therefore accept these more recent findings.
- The inability to drain this site by gravity to an infiltration system, results from a poor layout (from a drainage perspective), which does not consider the need to achieve a gravity discharge and seeks, instead to overcome this issue, by use of a pump. This increases the risk of drainage failure (due to pump failure), subsequent unmanaged discharge downslope towards property at Yeatman's Close and increased energy use due to the pump. The applicant has provided some argument as to why the layout cannot be changed without impacting negatively on other material planning considerations. In our view, however, these revised proposals should have been worked around this key consideration, rather than introducing unsustainable drainage solutions – as per planning guidance relating to SuDS.
- The applicant has clarified that the designed levels include 500mm of cover above the crate soakaways.
- The applicant will use waterproof concrete to offer protection from any Ground Water (GW) migration towards the basement parking area.
- Any water entering the basement parking will be pumped out towards the crate soakaway in the centre of the site. In the result of failure, water will escape through an overflow pipe.
- The Drainage Strategy provided is feasible and deliverable.
- Conditions recommended re. surface water drainage management scheme.

DC – Senior Conservation Officer

Support subject to conditions.

- No harm to any of the designated heritage assets identified, including the setting of the Conservation Area.
- Conditions recommended re. windows and door details, materials and detailing, rainwater goods.

DC – Senior Urban Design Officer

Unable to support

- Relatively high density;
- Some units fall short of national space standards;
- Not clear if apartments would have communal spaces – landscaping plan recommended;
- Block A massive is larger than the surrounding buildings and more in keeping with the architecture found in the town centre than the edge of the town, where the scale of development tends to reduce down and building facades are simple;
- Dormer windows not in keeping, increases dominance within the street scene;
- Chimney inclusion crowns the roofscape;
- Block A out of context with the strong building line that is apparent in the character of the immediate surroundings;
- Very hard landscaping;
- Rear boundary treatment of Block A should be stone or brick;
- Combination of red brick and clay tile is not appropriate and not found locally – should be stone and render and slate roofs, particularly on the frontage.

DC – Senior Landscape Officer

- Support Urban Design comments;
- Overdevelopment of the site relative to its immediate context;
- The scale and mass of the proposed built form represents a dominating structure in the street scene that does not adequately or sensitively fit within the New Road street scene.
- There is inadequate information regarding the planting proposals or the hard works proposals for the scheme to be appropriately assessed.
- The extent of the proposed tree planting is limited and the species unidentified.
- The close proximity of the rear block to the existing boundary trees and the northern orientation of the building is such that the patios will be over shadowed the majority of the day and year.
- The parking layout has a visually hard appearance in contrast to the elevation shown on Site Sections/ Elevations dwg /307
- There are no SUDS proposals submitted yet the area of hard standing demonstrated is substantial and impermeable.

DC – Environmental Health

Recommend condition for Construction Environment Management Plan (CEMP) in light of proximity of site to nearby residents.

Housing Enabling Team

Seek the maximum provision of affordable housing – 30%.

County Archaeologist

Concerns raised about tunnels on the site - the applicant commissioned an archaeological evaluation of the site.

CIL and Planning Agreements team

With respect to possible planning obligations the 'DAS' para 7.12 - acknowledges a number of items for inclusion in any s106. This is welcomed. It should be noted that in addition NHS contributions will need to be included in accordance with the strategy implemented 3rd November 2020. It is recognised that the application is accompanied by a Viability Assessment. On the understanding that this is supported by an independent assessment it may be necessary to adapt these to compensate for any deficit.

DC – Dorset Waste Partnership

Cannot see where bins are to be put out for collection or if we can access the site with a 26t Refuse Collection vehicle, if access is required we will require a vehicle tracking plan and guidance where bins are going to be collected from, but if access is limited we will need to discuss and agree collection points as per our guidelines, please clarify.

OFFICER NOTE: The applicant has highlighted comments made on the previous, allowed application whereby the Waste team confirmed that the arrangements for collecting refuse from the plots that front New Road are satisfactory. Written permission had also been obtained from the owner of the private access road (Kings Hill) for the refuse vehicle to drive along it and access the rear part of the site. A swept path analysis plan, provided with the previous application, has been resubmitted and indicates that suitably sized refuse vehicles would be able to enter and exit the rear parking area in a forward gear.

District Valuer

- The proposed development is unable to support full planning policy required s106 contributions, including 30% affordable housing.
- Proposed scheme is able to support a reduced financial s106 contribution totalling £24,000.

Wessex Water

- No known WW assets within site;
- Developers fund cost to connect to nearest sewer;
- Not accept foul flows from below ground level developments – flows must be pumped up to ground level prior to connection to the public foul sewer;
- No surface water runoff or land drainage will be accepted into the foul sewer directly or indirectly;
- No details of how the applicants propose to capture, store and discharge surface water runoff from the proposed development provided. Surface water

runoff will need to be managed in accordance with the SUDs hierarchy and NPPF.

Dorset Fire Service

Development needs to be designed and built to meet Building Regulations.

Representations received

None received.

10.0 Relevant Policies

North Dorset Local Plan Part 1 (2011-2031):

Policy 1 – Presumption in favour of Sustainable Development.

Policy 2 - Core Spatial Strategy

Policy 3 – Climate Change

Policy 4 - The Natural Environment

Policy 5 – The Historic Environment

Policy 6 - Housing Distribution

Policy 7 - Delivering Homes

Policy 8 - Affordable Housing

Policy 11 - The Economy

Policy 13 – Grey Infrastructure

Policy 14 - Social Infrastructure

Policy 15 – Green Infrastructure

Policy 18 - Shaftesbury

Policy 23 - Parking

Policy 24 - Design

Policy 25 – Amenity

Shaftesbury Neighbourhood Plan (2019 – 2031)

Policy SFTC1 – Town Centre

Policy SFHE2 – New housing developments

Policy SFDH1 - Respecting Local Character

Policy SFDH2 - High Quality Designs

Policy SFDH3 - Scale, Positioning and Orientation of Buildings

Policy SFDH4 - Creating and attractive public realm

Policy SFDH5 - Accommodating Vehicles

Policy SFDH6 - Building Styles and Detailing

Policy SFDH7 - Building Materials

Material Considerations

National Planning Policy Framework (2021):

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

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

Despite changes in levels across the site, the scheme has been designed to ensure that the majority of the units would benefit from a step-free access. Block B includes the addition of a lift to provide access from the basement level up to the upper floors of the building.

The site is also located close to the town centre of Shaftesbury and would be connected via existing footways and dropped kerbs along Bleke Street, providing acceptable equal opportunities for all in terms of access to local services and facilities.

People with protected characteristics are not likely to be affected or disadvantaged by this development.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Employment during construction	Support construction sector
Spend in the local economy	Spend from future occupants of the development
S106 financial contribution	£24,000 towards off-site play facilities locally
Non Material Considerations	
Contributions to Council Tax	As per appropriate charging bands

14.0 Environmental Implications

In May 2019, Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning department will secure reductions in the carbon footprint of developments.

There is no mention of renewable energy installation or even electric vehicle charging within the submitted documents. A condition requiring details of a scheme to install infrastructure within the parking areas to facilitate charging for plug-in and other ultra-low emission vehicles can be imposed.

The application is in a very sustainable location in terms of proximity to the town centre and the various services and facilities within Shaftesbury, lessening the reliance on private motor vehicles. However, with a lack of good public transport connections for wider travel options, it is also appreciated that there would also be inevitable trips to and from the site by vehicles with internal combustion engines in all likelihood. 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.

Notwithstanding the fact that the orientation of the buildings proposed could allow opportunities for domestic photo-voltaic installations and that the buildings could also 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).

The buildings would need to comply with Building Regulations, specifically Part L. The applicants state that the marginal lifting of the eaves for the current proposal has a material effect in terms of improved energy efficiency.

15.0 Planning Assessment

The main considerations for this application are considered to relate to:

- Location and principle of development;
- Affordable housing and other contributions;
- Design and impact on the character of the area;

- Setting of heritage assets;
- Drainage;
- Impact on neighbouring amenity;
- Highway and transport safety;
- Biodiversity and ecology.

Principle and Location of Development

15.1 The site is located within the settlement boundary of Shaftesbury where the principle of residential development is generally acceptable. The former ATS building has been demolished and the site cleared for at least four years. The site is clearly in a very sustainable location, with the southern boundary of the site abutting the Neighbourhood Plan defined 'town centre' and, as the crow flies, the site lies less than 100m from the 'primary shopping area' and 'main shopping frontages' NP designations.

15.2 Prior to the clearance, the site was previously in an employment use. Policy 11 of the Local Plan seeks to retain such uses and to protect them from other forms of development. With this in mind, the development of this site for residential purposes would ordinarily conflict with Policy 11 as it would lead to a loss of an employment use. It is, however, a requirement to consider whether there are any material considerations that indicate that planning permission should be granted, despite the identified policy conflict.

15.3 In this sense, the site adjoins the Conservation Area and is also in close proximity to a number of listed buildings. Policy SFHE2 of the Shaftesbury Neighbourhood Plan indicates that, with regard to any future housing sites, sites should be small to medium in size (i.e. up to 1ha in size), delivered in a timely manner and integrated into an existing built up area. The 0.25ha B2 industrial garage site was not highly compatible with the surrounding uses in terms of its visual appearance and, thus, redevelopment of the site provides an appropriate opportunity to integrate new housing development into the existing built-up area and enhance the character of the area, including the settings of heritage assets.

15.4 In addition, there are already two extant permissions to redevelop the site for housing: one for a C3 use as sheltered housing (reference: 2/2016/0629/FUL); and another more recently allowed appeal for a very similar scheme to the current application but for 18 open market units (reference: 2/2019/0680/FUL). Both of these permissions have established the principle of residential redevelopment of this brownfield site and both are material fallback positions.

15.5 The principle of the development is therefore maintained as being acceptable.

15.6 The Council's current housing land supply and housing delivery test is also material in terms of the positive contribution the scheme would make towards these.

15.7 At the time of the committee refusal for the subsequently allowed appeal scheme for 18 units, the Council could only demonstrate a housing land supply of 3.3 years. This situation has improved significantly in the intervening period, to an extent that the Council's published supply figure for this area is a supply of 5.17

years. However, with a Housing Delivery Test figure of just 69%, paragraph 11 of the NPPF indicates that the policies which are the most important for determining the application should be considered out of date. Those policies are considered to be Policies 2, 6 and 18 of the Local Plan.

15.8 The consequence of this is that the 'tilted balance' in favour of sustainable development, held within paragraph 11 of the NPPF, is engaged and planning permission should be granted unless:

- (i) the application of Footnote 7 policies i.e. those that protect areas of assets of particular importance provides a clear reason for refusing the development; 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.

15.9 The relevant 'Footnote 7' policies in this case are those that are related to designated heritage assets. However, as discussed later on in this report, officers do not consider that there is a clear reason under paragraph 11d(i) and Footnote 7 to refuse the development and, thus, it is the balancing exercise under (ii) that is applicable in this instance and is considered in more detail in the 'Planning Balance' subsection of this report.

15.10 Reverting back to the principle of the development and, in particular, the benefits of the scheme in this regard, the proposed development of 24 units would provide a modest contribution towards maintaining the Council's five-year housing land supply and, in terms of homes, a more appealing contribution than the extant scheme for 18 units. Permission and implementation of the scheme would also support the recovery of the Council's disappointing Housing Delivery Test figure. The fact that the Council needs to boost delivery at a North Dorset level must be afforded substantial weight.

15.11 The site is in a very sustainable, central location within Shaftesbury. Shaftesbury is one of the four main towns which, in accordance with the core spatial strategy, are the main focus for housing growth. Although out of date by virtue of the Housing Delivery Test figure, the sustainability of development is still informed by the Council's spatial strategy as set out in Policy 2 of the Local Plan. 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.

15.12 Thus, as also considered with the allowed scheme for 18 units, redevelopment of the site would fully accord with the spatial aims of the development plan in terms of the location of development.

15.13 The Shaftesbury Neighbourhood Plan (SNP), made on 22 June 2021, forms part of the development plan. However, in the context of paragraph 14 of the NPPF, the SNP does not contain any housing allocations to meet its identified housing requirement. Therefore, despite the SNP being made less than two years ago, 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.

Affordable housing and other contributions

15.14 Policy 8 of the Local Plan sets out the Council's approach to the provision of affordable housing and seeks 30% affordable housing within the settlement boundary of Shaftesbury. A number of contributions would also normally be expected toward the provision of health and education, in accordance with Policies 13, 14 and 15 of the Local Plan.

15.15 Paragraph 58 of the NPPF states that: "Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."

15.16 The NPPG also advises that "In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission."

15.17 The applicant has completed and submitted a viability assessment. In response to this, the Valuation Office Agency (VOA) has been instructed to look at the viability of the scheme and to produce an independent assessment of the scheme's viability. The VOA has undertaken their own extensive research into sales values and development costs, including their own appraisal, based on their opinion of current values and costs.

15.18 As with the extant permission for 18 units, the conclusion for the new application is that the scheme cannot viably support any affordable housing contribution and with other required section 106 contributions, the proposed scheme would still indicate a deficit. In order to achieve a financial balance with no deficit or surplus, the other section 106 contributions would have to fall to total sum of £24,000.

15.19 Although similarly lacking affordable housing contributions, the allowed scheme for 18 units was at a time when a higher aggregate contribution sum of £125,206.70 could be acquired without affecting the viability of the scheme and this sum would have been portioned out towards the provision of play facilities (and their maintenance), informal outdoor space and education.

15.20 However, no legal agreement was submitted or completed during the course of the application, nor during the course of the subsequent appeal, with the appellants opining there to be no necessity to do so as the lack of legal agreement did not form a final reason for refusal on the decision notice. The Inspector, in allowing the appeal, did not require any such contribution and did not consider that the need for the contributions could be clearly demonstrated in this case.

15.21 With the current application, there have been ongoing negotiations between the applicant's viability consultant and the VOA, acting on behalf of the Council. The main disagreement between the two consultants related to Existing Use Value and Benchmark Land Value. Continuously rising build costs and values have also affected viability, even during the course of the application. The viability assessments and appraisals have now drawn to a close and the applicants have agreed to a final financial contribution sum of £24,000.

15.22 With only a modest amount available as a financial contribution it is unlikely that portioning this sum out for a number of obligations would be particularly beneficial to the local community. Instead, it would be more appropriate to contribute the sum towards a local project where it would be more useful as a whole figure.

15.23 In this regard, the Town Council have recently commissioned a Play Masterplan to address the inadequate play facilities in and around the town. Furthermore, the Town Council's Strategic Plan is due for review; it is expected that play park refurbishment, including new equipment, would be one of the key priorities within this Plan. On this basis, it would be appropriate to secure a legal agreement that would allocate the £24,000 financial contribution to be allocated towards destination play facilities and maintenance within Shaftesbury. Work has already commenced on the drafting of the legal agreement and it is realistic that it could be completed within 6 months from committee date.

15.24 Although the financial contribution that would be secured through the current application via legal agreement would be modest, it would support the local community and would be preferable in terms of public benefits relative to the extant scheme (which would have fewer homes provided and no financial contributions).

Design and impact on the character of the area

15.25 The positioning of buildings, their footprint and the general design of the scheme would essentially replicate the design of the extant permission for 18 units (Ref: 2/2019/0680/FUL). The recent date of this allowed scheme, which is a material consideration as a fallback position, establishes it as a benchmark against which to measure the acceptability of the current application. This is in addition to the other fallback position of the far bulkier sheltered housing scheme, which remains extant by virtue of the demolition of the former garage building on site.

15.26 Although not clarified within the reason for refusal, the Member comments during Planning Committee meeting where the scheme for 18 units was refused seemed entirely focused on the design concerns with Block A of the development i.e. the terrace row at the front of the site, with no discussion on Block B.

15.27 The single reason for refusal, was stated as such:

The proposal, by reason of the design having an excessive scale, employing inappropriate materials of construction, and employing an unacceptable appearance, and its prominent location at the entrance to the old town, would be harmful to the character and appearance of the Conservation Area, and the setting of several listed buildings, bringing with it less than substantial harm which would not be outweighed by public benefit. Therefore, the proposal would be contrary to North Dorset Local Plan Part 1 (2011-2031) policies 1, 2, 5, 7 and 24, emerging Shaftesbury Neighbourhood Plan policies SFDH1, SFDH2, SFDH3, SFDH4, SFDH6 and SFDH7 and the National Planning Policy Framework.

15.28 The reason for refusal included components of 'design' which could be appraised individually, but also, holistically, formed an overall visual impact resulting from the proposed development. In this instance, the relevant components were identified as: scale; construction materials; and appearance.

15.29 At time of recommendation for the allowed scheme, officers did not object to the design of the development, considering the design would have brought enhancement to the character and appearance of the area in replacing the former garage site and creating a built frontage.

15.30 The scale and layout was also considered by officers to be appropriate to the location in bringing development close to the road and creating variety in the form with carrying roof heights, design detailing and form. External building materials were also revised to be considered acceptable and this included, as the plans labelled, some elements of 'stone'. However, Members of the Planning Committee ultimately did not agree that the design of Block A was of high enough quality in the context of its surroundings to be acceptable.

15.31 In allowing the appeal for 18 units, the Inspector recognised that "The frontage design would prioritise use of locally occurring materials and details" and "The frontage would be set reasonably close to the pavement, thus providing a good level of enclosure to the street, and some sense of continuity with the pattern towards the south. A direct and meaningful relationship would therefore exist between the design, the proposed accommodation and the context." The Inspector considered the scheme for 18 units would be more successful than the sheltered housing permission.

15.32 The Inspector also considered that "the site lies sufficiently close to the historic centre of the settlement, and the composition of the streetscene between is sufficiently varied that, given my findings above, Block A would be absorbed without adverse effect".

15.33 The Inspector recognised that crown roofs and dormer windows were not unknown features within the town, nor absent from the approved sheltered housing permission. Regarding materials and finishes, the Inspector was satisfied that, notwithstanding the details and labelling on the plans submitted, the specifications of these could be refined by condition. Overall, the Inspector considered that the extant appeal scheme would comply with policies 5, 7 and 24 of the Local Plan, as well as

policies SFDH1, SFDH3, SFDH6 and SFDH7 of the Shaftesbury Neighbourhood Plan.

15.34 With the current application, the elevation drawings submitted would suggest further minor changes to some materials on Block A relative to the extant permission for 18 units. The NE flank elevation, which would be most visible upon approach along New Road, would be constructed of 'stone', instead of painted brickwork. The only other changes would be a change from buff brick to red brick on the rear elevation of the middle portion of the terrace.

15.35 With regards to the use of 'stone', officers do have concerns with the ambiguity of this and whether it may result in a departure from the locally distinctive Greensand characterising much of the town. As such, notwithstanding the material labels given on the plans submitted, officers do consider it necessary to require more detailed material specifications for external construction materials by condition to ensure these would be locally appropriate and of sufficient high quality. As mentioned, the Inspector, in allowing the scheme for 18 units, also considered a similar condition be imposed to ensure the materials were appropriate and giving the LPA control over what type of 'stone', for example, could be used in the construction of Block A.

15.36 Taking into account officers' considerations and comments from both the previous applications and the current application, in addition to the appeal decision for the 18 unit scheme, it is considered that the current application is not objectionable in design terms. Some of the amendments to the palette of materials proposed are more acceptable but, as accepted with appeal decision, the whole selection of materials and finishes can be suitably refined by way of condition to ensure these are of appropriate quality and finish.

15.37 As per the interpretation of the allowed appeal for 18 units, the overall design of Block B remains acceptable.

15.38 As was the case with the scheme for 18 units, it is important to note that the extant permission for the sheltered housing scheme, in the form of one large block of flats, was substantially bigger than the allowed appeal and current application. Thus, precedence has already been set for a building or buildings of a similar height and site coverage. The amount of development now proposed would be the same as the scheme for 18 units, but less in terms of building volume than the sheltered housing permission. Although further increasing the number of units on the site by 6 (to total 24), the proposal remains neither too dense nor overdevelopment by comparison with that already approved and the surroundings (where the old town densities are generally higher than the suburbs and outskirts of the town).

15.39 As such, the proposed development would have an acceptable visual appearance and not harm to character of the area and its townscape surroundings. Accordingly, officers are satisfied that the current scheme complies with policies 5, 7 and 24 of the Local Plan and policies SFDH1, SFDH3, SFDH6 and SFDH7 of the Shaftesbury Neighbourhood Plan.

Setting of heritage assets

15.40 In addition to the site's prominent location at the entrance of the old town, the reason for refusal on the previous application also identified effect upon the setting of the Conservation Area and the setting of several listed buildings. The reason stopped short of identifying which listed buildings in particular would have been negatively affected, but it could be surmised from the Senior Conservation Officer's comments as being those within the immediately vicinity: Avishays (Grade II) and The King's Arms Public House (Grade II).

15.41 Despite no objections raised from the Senior Conservation Officer or the case officer at the time of the previous application for 18 units, Members determined that the design of the development would have brought less than substantial harm to the character and appearance of the Conservation Area and less than substantial harm to the setting of the listed buildings.

15.42 However, in allowing the appeal for application 2/2019/0680/FUL, the Inspector did not agree that less than substantial harm would be caused to the character or appearance of the Conservation Area as a result of the development. Instead, the Inspector considered that "the character and appearance of the Conservation Area would be preserved if not enhanced, and that the setting of the Conservation Area would additionally be conserved."

15.43 Once again, the Senior Conservation Officer supports the current application and has identified no harm arising to either the setting of the Conservation Area, nor the settings of listed buildings in the vicinity.

15.44 At present, the vacant site is not a contributory element to the setting of the Conservation Area. The introduction of a terrace row comparable in scale to those on the northwest side of Bleke Street and in a comparable palette of materials would not be an alien introduction to the borders of the Conservation Area. However, as also considered by the Inspector in allowing the scheme for 18 units on site, careful consideration would be required for the material specification, including fenestrations, to ensure a high quality of design and complementary visual aesthetic and avoidance of homogeneity. The positioning of the car park between the Blocks would prevent parked cars from intruding into the streetscape.

15.45 The grade II listed Kings Arms public house forms part of a historic streetscape on the east side of Bleke Street, with the visual experience of the public house in this context contributing to its significance. Though slightly greater in scale than the 2-storey public house, the falling topography, along with the rounded corner, hipped roof and stepped rooflines, would assist in reducing the visual impact of Block A when viewed from Bleke Street. The view of the Kings Arms would change as a result of the proposal, but the introduction of buildings opposite the public house would not be considered detrimental to identified elements of its setting; there is no special connection between the current openness of the site and the understanding/appreciation of the asset.

15.46 The grade II listed Ashvays similar forms part of the historic Bleke Street streetscape. The Inspector for allowed scheme of 18 units recognised that

differences between Ashvays and Kings Arms “underline broader variations in the character of the streetscene between the site and the historic centre of the settlement.” The scale of Block A is comparable to the scale of this listed building in terms of ridge height and generally reflects the tendency for larger buildings on the north west side of Bleke Street. As with the Kings Arms, the current openness of the site is not a contributory factor to the appreciation and understanding of Avishays. The new block would read as a continuation of the streetscape established by Avishays.

15.47 The application site therefore makes no obvious contribution to the significance of either listed building. Instead, it detracts from the visual and spatial quality of their settings. As such, the development would preserve the settings of both listed buildings.

15.48 For the reasons above, officers consider that, with the imposition of conditions to control the material specifications, the proposed development would preserve and even enhance the character and appearance of the Conservation Area, as well as conserve the settings of the Conservation Area and aforementioned listed buildings.

15.49 In their covering letter for the current application, the applicants claim that an archaeological assessment was not required as part of the sheltered housing application or the allowed appeal scheme. However, the applicants did indeed provide an archaeological evaluation (dated June 2020). The findings considered the site’s proximity to the Saxon core of Shaftesbury, consisting of the Burgh and the Abbey, both established in the late 9th century. The possibility of further features elsewhere on site is considered to be high, as well as anecdotal evidence of a tunnel.

15.50 The applicants also assert that there are no conditions attached to the extant approval in respect of archaeological assessments and therefore no justification for such an assessment as part of the current application. However, in allowing the appeal, the Inspector agreed with the Council’s recommended imposition of such a condition (which had also been recommended at the time of the committee report), stating that “preliminary investigation of the site indicated the high possibility of further features of archaeological interest elsewhere on the site.” Nonetheless, no archaeological information has been provided as part of the current application.

15.51 With no further clarity on this matter, officers consider it necessary to impose the same condition required by the extant allowed appeal scheme to ensure that any archaeological interest on and around the application site can be safeguarded and recorded.

Drainage

15.52 Relative to the extant scheme for 18 units no changes are proposed to the drainage scheme on site under the current application.

15.53 The previous application recognised that the latest drainage design represented an improvement from the sheltered housing scheme, insofar as it would not seek to discharge into the foul sewer. However, the newer drainage design does

not have enough space in the lower half of the site for a crate soakaway, due to basement parking and so has been met with the same disappointment from the Lead Local Flood Authority (LLFA).

15.54 As with the extant scheme of 18 units, rainwater harvesting could be used, which may offset some of the energy use required by the pump, by reducing potable water requirements. Equally, the drainage scheme proposed offers no multifunctional benefit contrary to sustainable planning policy. Rain gardens could be used to provide some additional amenity and biodiversity benefit, but none have been offered.

15.55 Notwithstanding the comments raised by the LLFA, the drainage strategy presented remains feasible and deliverable and not objectionable.

Impact on neighbouring amenity

15.56 As noted, aside from some of the materials, the scheme is almost identical to the extant scheme for 18 units in terms of overall design. Amendments were made to the design of the development during the course of this previous application to overcome concerns raised with regard to overlooking, overshadowing and overbearingness. Whilst there would be a greater occupancy than the extant scheme for fewer units, officers remain of the view that the proposed development would not give rise to any significantly adverse impacts on neighbouring amenity.

Highway and transport safety

15.57 The access into the site and parking arrangements on site would be the same as that already allowed as part of the scheme for 18 units. The main vehicular site access would continue to be from a new access point in Kings Hill. There would continue to be a total of 36 parking spaces comprising 19 surface parking spaces and 16 spaces in the basement of Block B.

15.58 It is material that the occupancy on site would be greater and the effect of this on the highway network and parking provision should be considered.

15.59 With the quantum of development increased from the allowed scheme, the projected traffic generation in the AM and PM peaks would increase accordingly. However, the Highway Authority consider that the predicted traffic impact upon the local highway network would be negligible and certainly not a reason to object to the development proposal.

15.60 Bearing in mind the sustainable, town centre location of the site, the number of units to parking spaces ratio is remains acceptable. The layout is otherwise the same and accessibility for Dorset Waste Partnership collecting refuse has previously been shown to be acceptable and there is nothing to indicate a deviation from this stance.

15.61 Highway related conditions have been recommended once again and can be imposed accordingly.

Biodiversity and ecology

15.62 The applicants have provided the same ecology assessment and Biodiversity Plan (BP) (with valid Certificate of Approval) as submitted for the allowed appeal scheme, claiming that no further mitigation or enhancement would be required as the scheme is almost identical.

15.63 However, whilst the development is volumetrically similar, the number of units has materially increased and, as such, the amount of enhancement would need to be slightly increased accordingly. However, as the degree of enhancements is likely to be minor, officers are satisfied that, on this occasion, the submission of an updated BP can be secured by way of condition.

Other matters still relevant

15.64 As with the extant open market housing scheme, there would be visual benefits brought to residents and the wider locality by the inclusion of street trees along the road frontage to the south west. The proposed tree planting in this scheme looks to be placed in areas laid predominately to hard standing; which will fail to thrive if not planted appropriately i.e. engineered planting pits with irrigation. Many are unlikely to provide a wider contribution to public amenity, due to their positioning within the site behind terraced housing. Tree species choice will need to pay attention to overall shape and spread, particularly, if being placed near to car parking spaces and access points. A detailed landscaping scheme should be conditioned.

15.65 Contamination is likely given historic land use. A condition would be needed to address any found contamination.

15.66 A degree of disturbance during construction and disruption to services is likely with a site in an urban location although access would be available from New Road during the duration and normally large schemes are well managed to avoid disruption to neighbours.

15.67 There would be sufficient local infrastructure to service the proposed development including sewerage, water, electricity and refuse collection.

Planning balance

15.68 At the time of this application the Council's published five-year housing land supply is 5.17 years. Subsequently, there have been two appeals where inspectors have found the supply to be less than 5 years. The appeal decisions are a snapshot in time, but this does highlight the need to ensure that the progress that has been made to the supply situation is sustained. The Housing Delivery Test is just 69% and the delivery of housing has been substantially below the housing requirement over the previous three years. Accordingly, paragraph 11 and footnote 8 of the NPPF indicates that the relevant housing policies of the development plan should be considered out of date in this situation. For this case, those policies are considered to be Policies 2, 6 and 18 of the Local Plan.

15.69 Both Policy 1 of the Local Plan and paragraph 11(d) of the NPPF state that where the relevant policies are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

15.70 The relevant 'Footnote 7' policies in this case are those that are related to designated heritage assets. However, as discussed in this report, officers do not consider harm would arise to designated heritage assets as a result of the proposed development and, therefore, there is no clear reason under paragraph 11d(i) and Footnote 7 to refuse the development. As such, it is the requirement to consider if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits that is applicable in this instance.

15.71 The scheme would not provide any affordable housing. However, this is also the case for the extant scheme for 18 units. The applicants have provided a viability assessment, which has been scrutinised by the DOA, which indicates that the development would similarly not be viable if affordable housing was provided.

15.72 There would be a policy conflict arising from the loss of a former employment site, which are protected from other forms of development under Policy 11 of the Local Plan. However, it is also recognised that the location of the site for industrial uses was not compatible in the context of its surroundings, being largely residential in nature. The site also abuts the Conservation Area and sits within the settings of listed buildings; the former garage use of the site or any future industrial use on site would not preserve or enhance the significance of these designated heritage assets. Redevelopment of the site therefore provides an opportunity to integrate new housing development into the existing built-up area and enhance the character of the area and officers consider that the proposed development would achieve this.

15.73 There are many benefits and relevant material considerations that weigh in favour of supporting the current application. The site is located within a very sustainable, town centre location within the settlement boundary of Shaftesbury, lessening any reliance on unsustainable patterns of wider travel. The development would be aligned with the district core spatial strategy.

15.74 The proposed development of 24 units would provide a worthwhile contribution towards maintaining the Council's five-year housing land supply, with implementation of an approved scheme also supporting the recovery of the Council's low Housing Delivery Test figure. The fact that the Council needs to boost delivery at a North Dorset level must be afforded substantial weight in the planning balance.

15.75 It is also material that there are already two extant fallback permissions to redevelop the site for housing, either of which could be implemented at this stage. Both permissions have established the principle of residential redevelopment of the site. In terms of number of homes to be provided, the current application provides a more appealing contribution than the most recent extant scheme for 18 units and would therefore provide a greater benefit in this regard.

15.76 The permission for 18 units could not justify financial contributions, whereas the current application would secure £24,000 towards destination play facilities within Shaftesbury, providing meaningful social and health benefits.

15.77 Subject to necessary conditions, the proposed development would have an acceptable visual appearance and not harm to character of the area and its townscape surroundings.

15.78 With an acceptable design, the proposed development would also result in no harm to the settings of the Conservation Area and nearby listed buildings. As such, the significance of these designated heritage assets would be preserved. The proposed development even has the additional potential benefit, subject to suitable material specifications, of enhancing the character and appearance of the Conservation Area.

15.79 Additional benefits include a feasible and deliverable drainage strategy, an acceptable impact on neighbouring amenity, acceptable impact upon the highway network and the security of biodiversity mitigation and enhancements can be secured by condition.

15.80 With the above points in mind, officers consider that the adverse impact of a lack of affordable housing provision and the loss of a former employment site would not significantly and demonstrably outweigh the substantial benefits of the proposed development. Substantial weight is also given to the fact that there are two extant fallback positions that could also be implemented on site and both of these, in their own right, would be less beneficial and desirable than the current scheme subject to this application.

15.81 In the context of paragraph 14 of the NPPF, the SNP does not contain any housing allocations to meet its identified housing requirement. Therefore, despite the SNP being made less than two years ago, 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.

16.0 Conclusion

16.1 Officers consider that there are no substantial, clear or compelling reasons to refuse the application. By virtue of the most important development plan policies for determining the application being out-of-date, the tilted balance under paragraph 11 of the NPPF is engaged. There are no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole in this instance. The proposal would represent sustainable development in accordance with Policy 1 of the Local Plan and the NPPF as a whole.

16.2 The application complies with Policies 1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 15, 18, 23, 24 and 25 of the adopted North Dorset Local Plan 2016 and policies SFTC1,

SFHE2, SFDH1, SFDH2, SFDH3, SFDH4, SFDH5, SFDH6, SFDH7 and is therefore recommended for approval.

17.0 Recommendation

Recommendation A:

Grant permission, 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:

£24,000.00 for off-site destination play facilities and maintenance

and the following conditions (and their reasons):

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

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

2. The development hereby permitted shall be carried out strictly and only in accordance with the approved drawings and details forming the approved application:

P9117/300B Location Plan & Site Plan
P9117/301 Block A Floor Plan
P9117/302A Block A Elevations
P9117/303 Block B Floor Plans 1 of 2
P9117/304 Block B Floor Plans 2 of 2
P9117/305B Block B Roof Plan
P9117/306A Block B Elevations
P9117/307A Site Sections/Elevations
19009-BT1 Tree Protection Plan
5237 202 Swept Path Analysis

Reason: For the avoidance of doubt and to clarify the permission.

3. Notwithstanding the material details shown on the approved plans, construction of Blocks A and B as hereby permitted shall not take place above damp proof course level until:

in relation to Blocks A and B:

(a) details of all materials and finishes to be used externally, including sample panels measuring 1 metre x 2 metres; and

in relation to Block A only:

- (b) design and construction details including drawings at a scale of not less than 1:5, of doors, windows, canopies, eaves, verges, dormers, chimneys, plinths, sills, arches and lintels; and
- (c) details of the location of all flues, vents and meter boxes;

have been submitted to/constructed and approved in writing by the Local Planning Authority. Construction of Blocks A and B shall then be carried out in accordance with the approved details, as applicable, and the sample panels shall remain on site for the duration of construction works.

Reason: To ensure details are of a high quality and to preserve and enhance the significance and setting of designated heritage assets.

4. Construction of Blocks A and B as hereby permitted shall not take place above damp proof course level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (a) all planting (including positions and/or density, species and planting size);
- (b) all hard surfacing materials;
- (c) all boundary treatments; and
- (d) a timetable for implementation.

The approved scheme shall then be implemented in accordance with the approved timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the provision of appropriate landscape design.

5. Prior to any form of excavation of the site or commencement of any development hereby approved, a written scheme that details a programme of investigative archaeological work shall be submitted to, and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard and/or record the archaeological interest on and around the site.

6. In the event that any contamination not previously identified is found at any time whilst implementing the development hereby approved it must be immediately reported in writing to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall then be carried out before the development, or the relevant part of it, is resumed or continued.

Reason: To safeguard the living conditions of future and neighbouring occupiers and to protect the water environment and other sensitive receptors.

7. The development hereby permitted shall be implemented and thereafter managed in accordance with the Drainage Strategy Rev B for Former ATS Euromaster New Road Shaftesbury, with all drainage works completed prior to the first occupation of the approved dwellings.

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

8. Prior to commencement of the development hereby approved an updated Biodiversity Plan must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Biodiversity Plan must be implemented in full in accordance with the specified timescales in the Plan.

Reason: To mitigate and enhance biodiversity and ecology, including protected species.

9. Prior to the first occupation of the dwellings hereby permitted 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. The development shall be carried in accordance with the approved details.

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.

10. Prior to the first occupation of the dwellings hereby permitted the existing highway vehicular crossing along New Road shall be expunged and reinstated to provide a 2.00m wide footway, to a specification which must be submitted to and approved in writing by the Planning Authority. The development shall be carried in accordance with the approved details.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.

11. Prior to the first occupation of the dwellings hereby permitted the parking and turning space, including cycle parking facilities shown on the approved plans shall be provided and made available for parking and turning. They shall thereafter be retained and kept available for these purposes at all times.

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

12. Prior to the first occupation of the dwellings hereby permitted, the widened footway along the northern side of Kings Hill shown on the approved plans shall be

constructed in accordance with a specification that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

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

Reason: To enable the Local Planning Authority to retain control over the development of the site.

INFORMATIVE NOTE: Dorset Highways 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.

INFORMATIVE: Crime prevention

It is recommended that the security of the development meets the standards laid out in the Secured By Design Homes 2019 guide which can be found at www.securedbydesign.com This is the Police guidance on crime prevention in new developments and will assist with the sustainability of the development.

It is recommended that all rear access gates that lead to dwellings i.e. plots 1-9 are key lockable from both sides. Burglaries most commonly occur at the rear of the premises where access is not restricted i.e. unlocked gates.

It is recommended that criminal opportunity for the underground car park is minimised and that day to day access and emergency exit do not undermine the security of the residential flats above.

INFORMATIVE: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to a contribution to destination play facilities.

INFORMATIVE: National Planning Policy Framework Statement

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.

Recommendation B:

Refuse permission for failing to secure the financial obligations detailed above if the agreement is not completed by 24 July 2023 or such extended time as agreed by the Head of Planning.