

Reference No: P/OUT/2022/04243
Proposal: Demolish existing industrial buildings and erect 47 dwellings (outline application to determine access only)
Address: Wessex Park Homes Shillingstone Lane Okeford Fitzpaine Blandford Forum DT11 0RB
Recommendation:
Case Officer: Jim Bennett
Ward Members: Cllr Batstone
CIL Liable: N

Fee Paid:	£0.00		
Publicity expiry date:	17 October 2022	Officer site visit date:	06/10/2022
Decision due date:	21 October 2022	Ext(s) of time:	27 January 2023

1.0 The application is referred to Committee under the Scheme of Delegation procedure as Okeford Fitzpaine Parish Council object to it for the reasons outlined at the foot of Section 9 below.

2.0 Summary of recommendation:

GRANT, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Affordable housing provided in line with Council policy (40% - 18.8 dwellings to be affordable. 18 units provided on site and a financial contribution of 0.8.dwellings)
- Open space including provision of LEAP
- Informal Open Space and LEAP Maintenance contributions
- Education contribution - Primary & Secondary,
- Pre-School Provision
- Community Leisure & Indoor Sport,
- Formal outdoor sport
- Destination Play
- Library
- Health
- Allotments
- Public Rights of Way contributions for link path, stiles, compacted stone surfacing and 3 no. footbridges

3.0 Reason for the recommendation:

- The site benefits from prior approval consents to convert existing buildings on the site to 47 no. dwellings and the principle of development is therefore accepted
- The Council at present have a published 5 year housing land supply at 5.17 years but there have been subsequent appeals where the inspector has found the supply to be below 5 years and this is a material consideration. Furthermore, the Housing Delivery Test in this area is not met as supply is at 69 percent and the presumption applies.
- There is not considered to be any significant harm to the appearance of the area, highway safety, ecology, flood risk, neighbouring residential amenity or from on site contamination.
- The proposal would provide the full quota of affordable housing and other contributions.
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise;
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is considered to be acceptable and there are no material considerations which would warrant refusal of this application.
Impact on the character of the area and landscape	The proposal is acceptable in terms of layout, design and scale. Subject to receipt of appropriate reserved matters it could provide an appropriate design, layout, landscaping, relationships between dwellings, parking and links to public footpaths. The impact of the development upon the AONB would be neutral, given the existing development on-site.
Highway safety	The Highway Authority raise no objections on highway safety, policy or capacity grounds, subject to conditions
Residential amenity	The proposal would not lead to adverse impacts on the residential amenity of surrounding neighbours or future occupiers, with adequate space between proposed and existing properties.
Affordable Housing and other contributions	The development would provide a policy compliant affordable housing offer of 40%, which weighs in its favour and a section 106 Agreement will be completed to secure it along with contributions to improve rights of way, for education, community facilities and primary care.
Ecology	Surveys have been undertaken and impact upon protected species can be mitigated to avoid adverse effects. Significant

	areas of ecological enhancement are proposed and will be secured via S106 agreement. A Biodiversity Plan has been submitted and agreed, as required by the Dorset Biodiversity Appraisal Protocol (DBAP).
Housing Delivery	The development will provide 47 dwellings making a valuable contribution to the housing land supply.
Drainage and the water environment	Flooding and drainage details can be adequately secured by condition.
Economic benefits	While an employment site would be lost, albeit one that has been vacant for some years, benefits would be derived from provision of jobs during construction, future residential expenditure and income from Council Tax.
Land contamination	A desktop land contamination study is provided and a condition is imposed requiring further submissions at the reserved matters stage.

5.0 Description of Site

The 2.9 hectare site comprises a vacant previously-developed site located along the southern side of Shillingstone Lane, within the countryside. The application site lies 450m east of the Okeford Fitzpaine village settlement boundary and 800m from the village centre. The settlement boundary of Shillingstone village is located approximately 850m to the east (and approx. 1.1km to its nearest facilities).

The site is part of a former brickworks and subsequently, until several years ago, as a manufacturing site for mobile homes and mobile offices. The site has a long history of employment use, although is currently vacant and has been for a number of years. Indeed it is the employment use which has facilitated the availability of permitted development rights to convert to residential use. There are two existing vehicular accesses to the site off Shillingstone Lane - one at its north western corner and the other within a more central position. The land is relatively level and separated from the road by a mature hedge.

Buildings on the site comprise 18 separate units of varying size, age and condition, erected over time as part of progressive expansion which took place on the site whilst in operation. An area of hardstanding runs throughout the site which was used for car parking by the staff and visitors of the former business. There is mature vegetation along part of the site's boundaries. There is an Area Tree Preservation Order which falls within part of the western and southern site boundary.

Four detached dwellings are located nearby to the west: laid out in an adhoc fashion, behind mature shrubbery fronting Shillingstone Lane. There is some development further west towards Okeford Fitzpaine, but with some significant intervening gaps of open land. To the north of the site, on the opposite side of Shillingstone Lane, lies agricultural land, with the land to the east of the site also agricultural, with sporadic residential and a haulage company site beyond, towards Shillingstone

A public footpath (N48/10) and unclassified single-track road (Pound Lane) run close to the southern edge of the site. The footpath leads east-west from Shillingstone along fields and then links to Pound Lane south of the application site, which then runs westwards towards Okeford Fitzpaine.

At its southeast corner, the site runs close to the boundary of the Dorset Area of Outstanding Natural Beauty. The AONB boundary runs along N/48/10, then diagonally across the field south of the application red line (which is also in the applicant's blue line ownership) and then follows the line of Pound Lane to Okeford Fitzpaine. Ground levels vary across the application site - from 60m AOD on its northern boundary to 70m AOD on its southern boundary. Within the AONB land further south, ground levels then rise sharply to the chalk escarpment and ridge (Okeford Hill 230m AOD).

6.0 Description of Development

Outline planning permission is sought for demolition of existing industrial buildings and to develop land by the erection of up to 47 no. dwellings. Only access is considered at this stage with matters of layout, scale, external appearance and landscaping reserved for later consideration.

The scheme proposes to utilise a single point of access off Shillingstone Lane, which is within the applicant's ownership and the existing primary entrance to the Wessex Park Homes site.

The dwellings would likely range from 1 storey to 2 storeys in height, although scale and appearance are reserved matters. Forty seven dwellings would give a density of 16 units per hectare and an indicative site plan shows the development could provide a good mix of house types, including some terraces, semi-detached and detached dwellings, interspersed with landscaping and open space to assist with integrating the development into its sensitive environment. Adequate parking for each unit is also indicated, with a combination of garage, car barns, tandem, frontage and communal arrangements. A variety of character areas are proposed, including courtyards, private drives, residential streets and public green spaces.

7.0 Relevant Planning History

The site was historically used as a brickworks and subsequently for mobile home construction and display, and has a planning history from 1987 for various industrial, office and yard extensions associated with those commercial uses. The complex planning history considered material to consideration of the current application, includes use for the display of mobile homes, a replacement factory and for housing development, as set out below.

2/2005/0052 - Decision: GRA - Decision Date: 27/01/2006 - Develop land by the erection of replacement factory with ancillary offices, storage, parking and external storage on part existing site and land adjoining the existing operation (Outline application determining, siting and access position)

2/2009/0672/PLNG - Decision: GRA - Decision Date: 23/11/2009 - Erect 1 No replacement factory with ancillary offices, storage and parking (Reserved Matters application for access, appearance, landscaping, layout and scale following Outline Planning Permission No 2/2005/0052).

2/2011/1336/PLNG - Decision: GRA - Decision Date: 26/09/2012 - Extension of time for implementation of Planning Permission 2/2009/0672 to erect 1 No. replacement factory with ancillary offices, storage and parking.

2/2011/0958/PLNG - Decision: DET - Decision Date: 08/08/2012 - Discharge Condition Nos. 4 - Contaminated Land, 5 - Foul & Surface Water Drainage, 6 - Access Crossing Construction, 8 - Close Existing Access - Scheme and 12 - Surface Water Drainage - approval prior to development following Outline Permission No. 2/2005/0052.

2/2011/0959/PLNG - Decision: DET - Decision Date: 28/09/2011 - Discharge of Condition Nos. 1, 2 - Materials (samples for approval) and 5 - External Lighting following Reserved Matters No. 2/2009/0672.

2/2012/0442/PLNG - Decision: NOE - Decision Date: 11/05/2012 - Request for EIA Screening Opinion under EIA Regulations 2011 for an extension of time for implementation of Planning Permission 2/2009/0672 to erect 1 No. replacement factory with ancillary offices, storage and parking.

2/2014/0932/CPE - Decision: GRA - Decision Date: 29/09/2014 - Application for a Certificate of Lawfulness for Existing Use to continue setting out the access works, build up the access way construction, connection to, install kerb laying hardcore and tarmac to base level and new surface water drainage.

2/2015/0994/DOC - Decision: DET - Decision Date: 11/08/2015 - Discharge of condition No. 1 - commencement from planning permission 2/2011/1336.

2/2017/1583/CPL - Decision: GRA - Decision Date: 12/12/2017 - Application for a Certificate of Lawfulness to confirm that alterations proposed to the existing buildings at the Former Wessex Park Homes Site, Shillingstone Lane, are permitted development as granted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and can thus be carried out at any time.

2/2018/0207/LITRPA - Decision: PDR - Decision Date: 03/04/2018 - Change of use of Class B1(c) industrial building (**Building 14**) to 4 No. dwellings. (No external alterations to be made under this application purely to establish the principle). *Officer comment: Following the council's decision that planning permission would be required, an appeal was subsequently lodged. The inspector considered the buildings within the site were Class B1(c) Light Industrial use and met the prior approval requirements set out the General Permitted Development Order 2015 at that time and therefore, allowed the appeal which approved the change of use.*

2/2018/0545/FUL Decision: Refused (appeal allowed: 12/06/2019) - Change of use and conversion of industrial building (**Building 14**) into 2 No. dwellings with associated parking and landscaping. *Officer comment: Following the refusal of*

planning permission, an appeal was subsequently lodged. The appeal was allowed and planning permission was granted for the change of use.

2/2019/0994/LITRPA Decision: PLANNING PERMISSION REQUIRED Decision Date: 12/09/2019 - Prior Notification of Proposed Change of Use of an Existing Class B1(c) Industrial Building to 3 Residential Dwellinghouses under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) - **Building 3**

Reason for Refusal: The definition of a building for the purposes of Class PA relates to the whole of a building as contained within Article 2 of the General Permitted Development Order 2015 (as amended). As the proposed change of use relates to only part of a building, the development does not constitute 'permitted development' under Schedule 2, Part 3, Class PA of the General Permitted Development Order 2015 (as amended). Therefore, the proposed change of use requires planning permission.

2/2019/0995/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed Change of Use (CoU) of an Existing Class B1(c) Industrial Building to 4 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 1**

2/2019/0996/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed CoU of an Existing Class B1(c) Industrial Building to 4 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 2**

2/2019/1000/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed CoUse of an Existing Class B1(c) Industrial Building to 3 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 6**

2/2019/0997/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed CoU of an Existing Class B1(c) Industrial Building to 3 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 5**

2/2019/1009/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed CoU of an Existing Class B1(c) Industrial Building to 3 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 11**

2/2019/1003/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed CoU of an Existing Class B1(c) Industrial Building to 3 Residential Dwellings under Part 3 Class PA of the Town and Country Planning

(General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 7**

2/2019/1010/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed CoU of an Existing Class B1(c) Industrial Building to 2 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 12**

2/2019/1016/LITRPA - Decision: PAG - Decision Date: 16/09/2019 - Prior Notification of Proposed CoU of an Existing Class B1(c) Industrial Building to 1 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 17**

2/2019/1012/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed CoU of an Existing Class B1(c) Industrial Building to 1 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 13**

2/2019/1007/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed CoU of an Existing Class B1(c) Industrial Building to 3 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 9**

2/2019/0994/LITRPA - Decision: PDR - Decision Date: 12/09/2019 - Prior Notification of Proposed Change of Use of an Existing Class B1(c) Industrial Building to 3 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 3**

2/2019/1006/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed Change of Use of an Existing Class B1(c) Industrial Building to 2 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 8**

2/2019/1008/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed Change of Use of an Existing Class B1(c) Industrial Building to 2 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 10**

2/2019/1015/LITRPA - Decision: PAG - Decision Date: 16/09/2019 - Prior Notification of Proposed Change of Use of an Existing Class B1(c) Industrial Building to 1 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 16**

2/2019/1025/LITRPA - Decision: PAG - Decision Date: 19/09/2019 - Prior Notification of Proposed Change of Use of an Existing Class B1(c) Industrial Building to 3 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 4**

2/2019/1017/LITRPA - Decision: PAG - Decision Date: 13/09/2019 - Prior Notification of Proposed Change of Use of an Existing Class B1(c) Industrial Building to 1 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 18**

2/2019/1013/LITRPA - Decision: PAG - Decision Date: 12/09/2019 - Prior Notification of Proposed Change of Use of an Existing Class B1(c) Industrial Building to 4 Residential Dwellings under Part 3 Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Former Wessex Park Homes Site - **Building 15**

2/2020/0309/FUL - Decision: GRA - Decision Date: 17/12/2020 - Demolish existing industrial building and erect 4 No. detached dwelling houses

P/OUT/2021/01720 - Decision: REF - Decision Date: 01/04/2022 - Demolish existing industrial buildings and develop land by the erection of up to 70 No. dwellings. (Outline application to determine access). *Refused as erection of 70 no. dwellings in the countryside would result in an unsustainable form of development, its unacceptably suburban appearance, flood risk concerns, uncertain impact on protected species and lack of contributions to affordable housing and local infrastructure.*

P/PAP/2021/00192 - Decision: RES - Decision Date: 18/02/2022 - Demolish existing Industrial buildings to be replaced by residential development up to 70 dwellings

P/PACD/2022/02798 - Decision: PRF - Decision Date: 29/07/2022 - Change of use from Light Industrial (Class E) to 10 No. dwellings (Class C3).

P/PACD/2022/02799 - Decision: PRF - Decision Date: 29/07/2022 - Change of use from Light Industrial (Class E) to 8 No. dwellings (Class C3).

P/PACD/2022/02800 - Decision: PRF - Decision Date: 29/07/2022 - Change of use from Light Industrial (Class E) to 12 No. dwellings (Class C3).

P/PACD/2022/02801 - Decision: PRF - Decision Date: 29/07/2022 - Change of use from Light Industrial (Class E) to 8 No. dwellings (Class C3).

P/PACD/2022/02802 - Decision: PRF - Decision Date: 29/07/2022 - Change of use from Light Industrial (Class E) to 8 No. dwellings (Class C3).

P/PACD/2022/02803 - Decision: PRF - Decision Date: 29/07/2022 - Change of use from Light Industrial (Class E) to 6 No. dwellings (Class C3).

P/PACD/2022/02804 - Decision: PRF - Decision Date: 29/07/2022 - Change of use from Light Industrial (Class E) to 4 No. dwellings (Class C3).

P/PACD/2022/02805 - Decision: PAG - Decision Date: 03/08/2022 - Change of use from Light Industrial (Class E) to 3 No. dwellings (Class C3).

The upshot of the recent planning history is that the applicant has a fall-back position to implement 47 dwellings on the site under Class MA of the Prior Approval procedure. Class MA allows the change of use of commercial and business buildings to dwellinghouses, without a requirement for planning permission, provided the proposal passes the tests applied by Class MA. This would be by way of conversion of the multitude of existing buildings on the site and the pre-application enquiry under ref. P/PAP/2021/00192 has agreed that it would be preferable to comprehensively redevelop the site to provide the same number of dwellings in a more cohesive and sensitive manner, which has formed the basis for the current submission.

8.0 List of Constraints

Outside settlement boundary (countryside)

Area Tree Preservation Order - NDDC/TPO-42/2/66

SSSI impact risk zone: Hod and Hambledon Hills; Shillingstone Quarry; Piddles Wood

Within setting of Area of Outstanding Natural Beauty

Right of Way: Footpath N48/10; - Distance: 3.26

Risk of Surface Water Flooding Extent 1 in 30, 1 in 100 and 1 in 1000

Contaminated Land - Distance: 0

9.0 Consultations

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

Wessex Water – No objections, but give informatives

Dorset Ramblers – The site is just to the north of FP N48/10, which should be linked to the development to give safe access to Okeford Fitzpaine and Shillingstone. Section 106 monies should be used to improve the path and links. New green space is welcomed.

DC Senior Ranger – The proposal is in the vicinity of Footpath N48/10. No objection, subject to S106 contributions to ensure that public rights of way in the parish are improved to sustain the projected increased use the development will bring. Also give informatives.

Dorset and Wiltshire Fire and Rescue Service – No objection, but give informatives.

Dorset Council (DC) Flood Risk Management Team – Reviewing the existing ground levels (LiDAR data) of the area of proposed units 4, 5, 6, & 7, it would be prudent to add a condition as a precautionary measure to safeguard those four properties that are close to the unnamed and unmodelled watercourse. No objection, subject to surface water management, surface water maintenance and floor level conditions and informatives.

DC Housing Enabling Team – It is intended to provide a policy compliant amount of affordable housing. This would require 40% of the homes to be affordable. Assuming 47 homes are developed this would lead to a requirement of 18.8 homes. It would be acceptable for the 0.8 of a home to be provided by the way of a financial contribution. The 18 homes should be a mix of rented and shared ownership homes. To comply with planning policy a minimum of 13 homes should be for rent. The affordable housing should be proportionate to the scale and mix of market housing, be well-integrated and designed to the same high quality, resulting in a balanced community of housing that is ‘tenure neutral’ where no tenure is disadvantaged. The affordable homes should be secured through a S106 agreement.

DC Highway Authority – The Transport Assessment (TA) is the same as previously provided for the outline application for 70 dwellings. The findings of the TA are accepted, in that the residential use of the site for 47 dwellings (the agreed “fallback” position) would likely result in a net reduction in terms of both the total of people and vehicular movements. Anticipate that residents are likely to be reliant on private car journeys to access many day-to-day services and facilities, but the residual cumulative impact of the development cannot be thought to be severe. No objection subject to conditions and informatives to address vehicular access construction, estate road construction, cycle parking, vehicle charging points, gates, construction traffic management plan and a voluntary travel strategy.

DC Planning Policy – The scheme is for up to 47 dwellings on a brownfield site. However, the site is relatively remote, not being within or adjacent to an existing settlement boundary. Appeals in North Dorset have given great weight to the sustainable location of sites, and in most cases where sustainable transport options cannot be achieved, then they have been dismissed. The key difference in this case is that the site already has consent for 44 dwellings, recognised as a legitimate fallback position from which a better outcome may be achievable. Given the present state of the site it is highly likely that a better outcome can be achieved. It is unclear what the exact fallback position is, as the agent states that it is 47. The fallback position should be set at the actual number of units with consent at the time of taking the decision. While loss of an employment site would be contrary to policy, evidence supporting retention of this site is weak. Other matters, such as affordable housing and flood risk need to be resolved before this scheme can be considered acceptable.

DC Trees Team Leader – No objection to creation of access and demolition, but give informatives on the details required at reserved matters stage.

Environmental Health Section – No objection subject to construction management condition.

Contaminated Land – The conditional approach is a reasonable approach to development control and risk management due to contamination in this instance. The matter of current reporting and what aspects can be deemed as met will require further consideration. In essence there is a requirement to target the gaining of information on site character that will be of specific relevance to a detailed proposal.

DC Urban Design – The sustainability of the location is queried, but the indicative layout is much improved from the previous scheme for 70 dwellings, being more considered with a core of development and courtyards branching off, with areas of landscaping which will assist in breaking up built form from wider views. Street tree planting and landscaping will require some tweaking of the layout, which should be explored now to strengthen the rural character of the scheme and further reduce the impact of built form in wider views. The scale and massing of housing and materials used should be appropriate to the very rural character of the area and the site's landscape setting. Whilst the occasional terracotta roof is acceptable, they should very much be in the minority. Subject to appropriate landscaping and details, the layout of the proposals fulfils the requirements of well-designed places.

DC Senior Landscape Architect – No objections, but query the extant factory planning permission and lack of accurate visual representations of the proposed development within the Landscape Assessment. While acknowledging landscape proposals and drainage strategies are indicative, suggest the layout of proposed trees, built form, lighting, drainage and service corridors still need to be coordinated and that conflicts need to be resolved.

AONB Team - Conservation and enhancement of existing landscape features, including boundaries and the augmentation of these with a robust landscaping scheme is important. The request for further LVIA work, to ensure the changes to the baseline are fully considered is supported.

NET – A Biodiversity Plan has been prepared and Certificate of Approval issued. The BP needs to be conditioned, as well as a lighting strategy and LEMP.

Dorset Police Crime Prevention Design Advisor – The security of the development meets the standards laid out in the SBD Homes 2019 guide, although car barns should be in view of active rooms in dwellings, wooden “dragon’s teeth” should be placed around the village green to stop vehicles parking on it and paths linking with the footpath in Pound Lane need to be looked at in terms of the width, alignment, lighting, maintenance and passive surveillance.

Okeford Fitzpaine Parish Council – Object for the following reasons:

- The site should remain as an employment site
- Unacceptable and unneeded development in the Countryside, due to extant permissions within or adjacent to Okeford Fitzpaine Settlement Boundary for over 120 additional dwellings on top of 37 dwellings recently completed at the Old Dairy.
- The design of the proposed application does not improve the character of the area contrary to Policy 24.

- The proposal does not address the redundant Class B industrial buildings to return this site closer to its original countryside form. The original location of this employment site in a relatively isolated countryside location must now be seen as a mistake which will be difficult to rectify on economic grounds.
- The site has been considered for allocation within the OFNP (currently suspended) but has not been allocated.
- The site is almost mid-way between the settlements of Okeford Fitzpaine and Shillingstone and does not have suitable pedestrian access to either. At about 800 metres from the centre of the OF village, it is an unsustainable location. It is not clear how residents from this north-west corner of the site would make use of pedestrian access to the village along Pound Lane as they would have to access PRWs across the remainder of the WPH site. Reference is made to the reliance on private cars which is accepted for a location which has a low sustainability score.
- Additional traffic generated by the development will cause detriment to highway safety and degrade the quality of village life due to traffic noise and vibration. Surrounding roads are unsuitable for increased traffic, particularly the centre of Okeford Fitzpaine where the free passage of traffic is difficult due to existing levels of on street parking.
- The proposal will blur the distinction between Okeford Fitzpaine and Shillingstone, which will merge into a suburban blot on the landscape
- Lack of facilities such as bus services

Representations received

No representations have been received to the proposal.

10. Relevant Policies

Adopted North Dorset Local Plan Part 1 (January 2016 – LPP1)

1. Presumption in favour of sustainable development
2. Core Spatial Strategy
3. Climate Change
4. The Natural Environment
5. The Historic Environment
6. Housing Distribution
7. Delivering Homes
8. Affordable Housing
9. Rural Exception Affordable Housing
11. The Economy
13. Grey Infrastructure
14. Social Infrastructure
15. Green Infrastructure
20. The Countryside
23. Parking
24. Design
25. Amenity

Saved Policies of the North Dorset District Wide Local Plan (2003)

1.7 Settlement Boundaries
1.20 Contaminated Land

National Planning Policy Framework (2021)

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
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

Other material considerations

National Character Areas (NCA) Profile: 133 Blackmore Vale and Vale of Wardour
Dorset Landscape Character Type: Rolling Vales
North Dorset Strategic Landscape and Heritage Study (October 2019)
Dorset Council – Exploring Developer Contributions for NHS Infrastructure (Nov 2020)

Emerging Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The Okeford Fitzpaine Neighbourhood Plan is still in preparation and as such, it can only be afforded limited weight at this stage.

Supplementary Planning Document/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

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.

The proposed change in land use will not result in any disadvantage to people due to their protected characteristics. While there is no specific provision for lifetime homes or accommodation specifically for those with protected characteristics, the form of development proposed will provide housing, additional open space and enhancements to the local rights of way network, to ensure the needs of people with disabilities or mobility impairments or pushing buggies are met. This will be through accommodation of appropriate off road footpath links, improvements to existing links and by ensuring that the access arrangements to the new housing and open space are subject to the requisite standards applied by the Building Regulations and Highway Authority.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable housing	To be provided in line with Council policy (40% - 18.8 dwellings to be affordable. 18 units provided on site and a residual contribution of 0.8 dwellings) and secured by s.106

Quantum of greenspace/SANG	Open space including provision of LEAP, secured by s.106
Contributions	Education - Primary & Secondary, Pre-School Provision, Community Leisure & Indoor Sport, Formal outdoor sport , Destination Play, Library , Health, Allotments, Public Rights of Way – Contributions for: link path, stiles, compacted stone surfacing and 3 no. footbridges. Informal Open Space and LEAP Maintenance, all secured by s.106
Employment created during construction phase	The proposal will support jobs in construction and will bring about 'added value' in the local area through associated spending and economic activity.
Spending in local economy by residents of proposed dwellings	The proposed housing will support the local economy and growth in the area with new residents spending on goods and services as they move in.
Non-Material Considerations	
Contributions to Council Tax Revenue	According to the appropriate charging bands

14.0 Climate 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. The Climate Change Statement addresses the Council's current planning policy requirements.

Objective 1 of the Local Plan states that one of the ways to address climate change is ensuring the wise use of natural resources, "particularly previously developed land". Paragraph 120(c) of NPPF states that decisions should give "substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate spoiled, degraded, derelict, contaminated or unstable land."

The climate change benefits of the development will become much clearer at the reserved matters stage, but the Climate Change Statement advises that electrical vehicle charging points will be provided. A planning condition is proposed to ensure they are located in appropriate locations and to an appropriate standard. The development will secure enhanced footpaths within and around the site to assist with providing links by other modes other than the private car and the development will be required to be built to the requisite Building Standards in respect of sustainability performance.

15.0 Planning Assessment

The main issues of this proposal are considered to be:

- Principle of proposed development
- Access and highway safety, including access to services and facilities
- Affordable housing and infrastructure contributions
- Impact on AONB setting
- Impact on rural character, trees and landscaping
- Residential amenity
- Flood risk and drainage
- Impact on ecology
- Housing Land Supply
- Contaminated Land
- Other Matters

Principle of proposed development

Policy 11 describes alternative uses that may be permitted on employment sites and essentially seeks to protect employment sites from inappropriate forms of development. The policy does not consider housing to be an appropriate form of development on rural employment sites. The Council's Policy Team note that while loss of an employment site is contrary to policy, the evidence supporting retention of this site is weak, as the recent appeal at Shaftesbury allowed for the loss of a strategic employment site to mixed use development demonstrated. It is unlikely that the Council can put forward compelling evidence to demonstrate that this long-term vacant site should be protected for employment purposes. The applicant's case is further strengthened by relatively recent changes to the GPDO, where Class MA allows the change of use of commercial and business uses to dwellinghouses under the prior approval procedure, without a requirement for planning permission. The applicant has taken advantage of Class MA (see planning history) and now benefits from a fall-back position whereby existing buildings on the site could be converted to 47 no. dwellings, which is a significant material planning consideration. On this basis loss of the employment site to housing is established and acceptable in principle.

Policy 20 of LPP1 states that Stalbridge and the eighteen larger villages will form the focus for growth outside of the four main towns. Development in the countryside outside defined settlement boundaries will only be permitted if it is of a type appropriate in the countryside; or for any other type of development, it can be demonstrated that there is an 'overriding need' for it to be located in the countryside. Types of housing development that may be permitted in the countryside include: rural exception schemes; occupational dwellings, re-use of heritage assets, re-use of redundant or disused buildings and Sites for Gypsies, Travellers and Travelling Showpeople. The type of housing proposed here is not considered to be appropriate.

The site was submitted to the Council's Strategic Housing Land Availability Assessment (SHLAA) site in 2019. The SHLAA concluded that the site was developable with a capacity for 44 dwellings (on the basis of what was already granted by prior approval consents).

The 2020 Annual Monitoring Report (AMR) records that at 1st April 2020 the site benefited from consent for 44 dwellings, granted through 17 separate light industrial to residential prior approval consents. Prior Approval for conversion of Building 3 was not included in the AMR, having been refused on a technicality. However, a technically acceptable proposal for Building 3 to provide three dwellings would likely be acceptable in prior approval terms, taking the developable capacity from 44 dwellings up to 47 dwellings.

There has been an undersupply of new homes delivered in North Dorset over the first 10 years of the Local Plan period 2011 to 2031. The Council has been unable to demonstrate a 5-year housing land supply for North Dorset since 2017. Whilst the current published supply is 5.17 years, the latest Housing Delivery Test measurement is 69%. Applications that provide new housing should be given great weight in the planning balance in order to support the Government's objective of significantly boosting the supply of homes (NPPF para 60).

The site is brownfield or previously developed land. Objective 1 of the Local Plan states that one of the ways to address climate change is ensuring the wise use of natural resources, "particularly previously developed land". Paragraph 120(c) of NPPF states that decisions should give "substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land." While this statement may offer some support to this proposal, the site is not within a settlement. There is support for re-using brownfield sites, but this has to be balanced against other sustainability considerations, such as how accessible the site is to everyday shops and services. Planning inspectors have on the whole given great weight to the relative accessibility of new residential proposals and appeals on the edge of smaller villages and in the countryside in North Dorset have often been dismissed because the alternatives to using a private vehicle were poor. However, a key consideration is the fall-back position and it was agreed by the Council during a previous appeal that the site is not physically isolated in the sense of NPPF paragraph 80, which tells us to avoid the development of isolated homes in the countryside.

NPPF paragraph 122(b) states that where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area. Paragraph 123 states: Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.

The site has been unused since 2014 and has been marketed on an ongoing basis by Symonds & Sampson for employment use, demonstrating that there has been no interest in the site for employment purposes. Furthermore, the Council's Employment

Land Availability Study and paragraph 6.20 of the North Dorset Local Plan demonstrate that there is sufficient supply of employment land to meet current and future needs. Against this is a well documented critical shortage of housing land in Dorset. The NPPF requires Councils to meet their housing needs but also where there is lack of demand or over supply for one land use, such as employment land, then that land should be used for residential development, particularly if the site is previously developed land. Consequently, it is difficult to support the argument that the site should be retained for employment use.

With regard to LPP1 Policy 20, development in the countryside outside defined settlement boundaries, development will only be permitted if it is a type appropriate for the countryside, or if there is an overriding need, as set out above. In this regard, it is considered that whilst the proposal would not comply with Policy 20, having regard to the current fallback position, lack of housing delivery, vacant and brownfield nature of the site and the material planning considerations set out in the following sections, which all weigh in favour of the proposal, the benefits would significantly and demonstrably outweigh the identified policy conflict.

Access and highway safety, including access to services and facilities

The proposal would utilise the existing main access point to the site off Shillingstone Lane. Shillingstone Lane is subject to a 30mph speed restriction and as such, commensurate visibility will be provided in each direction. The layout of the site will be agreed as part of any reserved matters submission, at which point swept path assessments will be undertaken to demonstrate accessibility by both refuse vehicle and fire tender. As matters of access are to be agreed at outline stage, a vehicle swept path assessment has only been included on the proposed site access arrangement. Parking will be provided on site in line with local parking standards and the indicative plan suggests the commensurate level of parking and turning within the site can be provided. However, as this is an outline application, the internal highway arrangements will be detailed and agreed at the reserved matters stage.

The Council's Highway Authority raises no objection to the proposal, subject to conditions. They note that the TA is the same as previously provided for the outline application for 70 dwellings. The findings of that report were accepted, in that the residential use of the site would be likely to result in a net reduction in terms of both the total of people and vehicular movements. This opinion still holds, with the current application proposing 47 dwellings. That said, the rural nature and location of the site does need to be taken into account, as it is anticipated that the proposal will likely generate an increase in pedestrian movements to and from the site and that residents are likely to be reliant on private car journeys to access many day-to-day services and facilities. The change in vehicle type using the site, from those associated with a commercial use to those generated by a residential development, is a material consideration. Bearing these points in mind, the Highway Authority concludes that the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraphs 110 and 111 of the NPPF.

Notwithstanding the fact that an acceptable scheme can be forthcoming in terms of highway vehicular access, turning and parking, the sustainability of the site in terms

of access to amenities and services by modes other than the private motor car must be brought into question. The application site is located between the villages of Okeford Fitzpaine and Shillingstone, with less accessibility than areas within or close to village settlement boundaries. The majority of local facilities in these villages are in excess of ten minutes walk from the proposal site. Future residents would need to travel sections of a relatively narrow lane, negotiating blind bends with no footway provision to either village. Access to village facilities is not conducive to frequent pedestrian trips, especially in the dark or in inclement weather. The same applies to cycling, where narrow unlit roads may be a deterrent to some. Alternative public rights of way have, in the main, insufficient surfacing for all users and would not be lit. In terms of public transport, the closest bus stops are in Okeford Fitzpaine (900m from site) and Shillingstone (1.2km from site). These bus stops provide connections to Blandford, Sherborne and Yeovil and are served every two hours or so. No footway improvements or cycle infrastructure along Shillingstone Lane are proposed as part of the proposal and future occupiers are likely to rely on the private car to meet their day-to-day needs.

Paragraph 85 of the NPPF recognises that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The submitted Transport Statement (TS) considers the impact that the development would have on the highway network in the vicinity of the site. It also considers matters of accessibility and other modes of transport. It contends that a good range of services and amenities are accessible by sustainable means, with both Okeford Fitzpaine and Shillingstone located within walking and cycling distance. It states that whilst pedestrian facilities are not available on Shillingstone Lane, it is not uncommon for residents of rural communities to adopt more efficient travel practices. While the TS recognises that there may be a greater reliance on the private car than urban locations, it argues that rural residents plan their trips better, linking commuting with retail, school and other trips or sharing trips for commuting or other regular trip purposes. The TS also argues that rural residents seek more flexible working practices, often working from home and also make use of home delivery for the weekly food shop or convenience or comparison goods, reducing travel demands.

Formal pedestrian facilities exist in Okeford Fitzpaine, adjacent to the southern side of Shillingstone Lane, approximately 750m from site. A secondary footway then runs adjacent to the northern side of Shillingstone Lane, where the post office and primary school are located (approximately 900m from site). The Shillingstone Poultry Farm site, between the proposal site and Okeford Fitzpaine has reserved matters approval for 45 dwellings and is currently being developed. This includes some footway provision along Shillingstone Lane and a pedestrian link at the northwest site

boundary to Public Footpath N48/4, which then runs southwest to the primary school grounds and could also provide a link to the Recreation Ground to the north.

Footpath N48/10 lies within land controlled by the applicant, to the southeast of the application red line site. The Planning Statement advises that whilst requiring improvement to provide better access eastwards to Shillingstone, it does provide an existing walking route in to Okeford Fitzpaine, as it runs south from the application site, then links to Pound Lane which runs westwards to the village, approximately 1km from the site boundary. Pound Lane is a byway open to all traffic and is tarmacked from its junction within Okeford Fitzpaine. To the east, towards the proposal site the surfacing changes to compressed gravel and the surface quality deteriorates further east. This route will never be suitable for all users, but does offer scope for many future occupiers of the development to access existing village services on foot, being 1km from The Cross and being relatively flat and sound surface. No specific public footpath links or improvement works are formally proposed, however contributions towards the upkeep and enhancement of the local footpath network, including footbridges are requested by the Senior Ranger and Dorset Ramblers. Such contributions would assist with making walking from the site to village services, particularly to Footpath N48/10, a more attractive proposition for future occupiers of the development. The applicant has committed to maintenance and enhancement of the local footpath network namely; a dedicated 2m wide path from the development to N48/10, funding for 12 stile gates, 880m of compacted stone surfacing to footpath specification and three footbridges.

Accessing Shillingstone to the east by anything other than a car is less attractive being a greater distance, along a narrow road, with blind bends and inclines and limited pedestrian refuges. The line of Footpath N48/10 to Shillingstone is in poor condition, uphill, crosses livestock fields, is in excess of 1km from the village centre and is less likely to attract walkers to access village services, than its route to Okeford Fitzpaine.

The approach in LPP1 mirrors paragraph 105 of the NPPF, which states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, paragraph 105 also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision-making.

Future occupiers of the proposal are highly likely to be car dependant to meet most of their needs, the proposed development having insufficient accessibility by sustainable modes to be considered a sustainable location. However, the benefits of the proposal need to be weighed against the poor locational sustainability of the proposal site. The number of dwellings proposed is far below the 70 proposed by the previous outline application, the applicant has a fall-back position to implement 47 dwellings on the site, there is no objection from the Highway Authority and there are modest opportunities to improve walking links to amenities and services in Okeford Fitzpaine in particular. Further sustainable transport measures could be secured through a Voluntary Travel Strategy, to be secured by condition and the necessary enhancements to the local footpath network will be secured by contribution under the

section 106 agreement, in accordance with Policy 13 to provide and enhance walking facilities in rural areas.

Affordable housing and infrastructure contributions

A planning application has an advantage over the prior approval applications (fall-back) as a Section 106 agreement can be sought in order to secure necessary infrastructure improvements.

There is a large and growing list of households requiring affordable housing in the North Dorset area. Policy 8 requires 40% of new residential developments in this part of the District to be 'affordable', which the applicant has indicated they will provide. If 47 homes are developed this would lead to a requirement of 18.8 homes. The Housing Enabling Team raise no objections and indicate that it would be acceptable for the 0.8 of a home to be provided by the way of a financial contribution. The 18 homes should be a mix of rented and shared ownership homes, with a minimum of 13 homes for rent. The affordable housing should be proportionate to the scale and mix of market housing, be well-integrated and designed to the same high quality, resulting in a balanced community of housing that is 'tenure neutral' where no tenure is disadvantaged and secured through a S106 agreement.

Policy 14 requires development to support the maintenance and enhancement of existing social infrastructure, through provision on site or contributions to provision off site. This includes educational and health facilities and the nature of the proposal would generate a need for additional school places and increased demand for local health services. Financial contributions are therefore necessary to cater for this increased demand. Where CIL is not currently in operation and/or where development is zero-rated from paying CIL, a planning obligation to support the provision of NHS infrastructure will need to be secured.

Policy 15 requires development to enhance existing and provide new green infrastructure to improve the quality of life of residents and deliver environmental benefits; and to deliver or contribute towards the delivery of a range of measures including open space, enhancement to the functionality, quality and connectivity of green infrastructure and area specific packages that achieve multiple benefits. The application indicates provision of open space on site, the mechanism to secure its future maintenance and management will be addressed by the associated legal agreement.

The applicant is willing to provide affordable housing and other contributions in line with policy requirements and summarised in Section 13 above. The Council's Legal Section have been instructed to prepare a Section 106 Agreement to secure the required infrastructure and affordable housing.

Impact on AONB setting

The site sits on the southern side of Shillingstone Lane between the villages of Okeford Fitzpaine and Shillingstone. Sporadic development consisting of individual houses and agricultural uses are present along the road with the former Wessex

Park Homes site occupying the largest parcel of developed land. The site itself is relatively flat but land rises to the south with views towards the Blackmore Vale and Okeford Hill in the North Dorset escarpment of the AONB. To the south of the site a band of trees acts as a natural boundary between proposed built form and open countryside.

NPPF paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

A Landscape and Visual Impact Assessment (LVIA) has been provided, as the development would be seen within wider rural surrounding countryside, especially when viewed from higher ground within the AONB along the south. It is accepted that the existing site forms part of a wider industrial site with large industrial buildings and large areas of hardstanding.

While the outline application is for access only with matters of appearance, landscaping, layout and scale reserved, the quantum of development is stipulated and a revised indicative site plan and illustrative landscape layout have been submitted. The Council's Landscape Architect queries the extant factory planning permission, lack of accurate visual representations of the proposed development within the LVIA and while acknowledging landscape proposals and drainage strategies are indicative, suggest the layout of proposed trees, built form, lighting, drainage and service corridors still need coordination.

In respect of the extant factory permission, it is accepted that the 2/2009/0672/PLNG planning permission for the factory legally remains live, as a Lawful Development Certificate (2/2014/0932/CPE) was granted to confirm that the access constructed for the factory was built in accordance with the approved plans and details. However, in relation to the question of the extant factory permission being implemented in tandem with the planning permission for residential development, it is the view of officers that this would not be possible. The most recent relevant case would be *Hillside Parks Limited vs Snowdonia National Park Authority* [2020] EWCA Civ1440 (16 April 2021). The essence of this judgement is that in order to be lawful a planning permission is required to be capable of being completed fully in accordance with the approved plans. Where there are multiple permissions in place the question is simply if one was to be completed would the other also be capable of completion. In this case it would not be possible to complete both, as the factory building footprint is across two of the proposed house plots and a car barn at the north east extent of the site and the remainder of the proposed housing is across the parking and open storage provision for the factory permission. Essentially any implementation and completion of the housing approval would nullify the ability of the extant factory permission to come forward in an acceptable manner. Nevertheless, until such time that the housing development is commenced, the large scale factory building remains extant and does provide a fall back for assessing impact.

With regard to the production of accurate visual representations, they need to be based on accurate drawings, which are not available at outline stage. However, the matter could be addressed by a parameters condition related to the scale and height

of dwellings to be submitted at the reserved matters stage. The applicant explains that they are looking predominantly at two storey traditional styles, but is advised that some single storey properties would be attractive to the market and have agreed to the wording of the parameters condition set out below. Similarly, as the application is in outline and the layout plan being indicative, the applicant has agreed to the wording of a condition to ensure the potential conflict between services and landscaping arrangements are fully addressed by the reserved matters submission.

In light of the above, it is accepted that the impact of the proposed development upon the AONB would be neutral, given the existing form of development on site and the likely enhancement forthcoming from an appropriately designed and landscaped residential development. It is therefore considered that the proposal complies with the requirements of the Dorset AONB Landscape Character Assessment, Policies 4 and 24 of the Local Plan and paragraphs 127 and 170 of the NPPF which seek to protect the setting of the AONB.

Impact on rural character, trees and landscaping

A key goal for this proposal will be to achieve a better planning outcome, essentially by replacing larger, unattractive industrial buildings with smaller, purpose-built dwellings and landscaping that have a reduced visual impact. A better arrangement of the site can be achieved through comprehensive and cohesive redevelopment, rather than adhoc nature posed by the prior approval fall-back or the denser qualities of the previously refused outline proposal.

The indicative layout shows 47 no. detached, semi-detached and terraced dwellings, with ancillary space, open space, courtyards and landscaping accommodated on the site. The overall development area has been reduced with the existing band of trees at the southern section of the site marking the limit of built form. There are three access points into the site, one vehicular and two pedestrian entrances in the north west corner that leads past the SUDs pond and one to the south west linking with Pound Lane and on to Okeford Fitzpaine.

The proposed site density is approx. 16 dwellings per hectare (dph) compared to 24 dph, for the previous application, which significantly increases the amount of land made available for public open space and landscaping, assisting with integrating the development into its setting. The looser layout centres housing around three areas of open space (one of which incorporates a pond) and tree landscaped courtyards. A small street marks the entrance into the site where housing is shown having a small set back with a consistent building line. Indicative parking is provided in courtyards, car barns and in-curtilage arrangements and in most cases it is well related to the dwellings it serves.

In light of the comments of the Landscape Officer an updated LVIA was provided and while it didn't include visual representations of what is proposed, it did include landscaping plans demonstrating how visual impact can be mitigated. The initial comments of the Urban Design Officer were noted and reflected in the revised layout plan.

The indicative layout is well considered with a main core of development and 3 separate courtyards branching off this. Each of these have areas of landscaping that together with the village green and pond area will (subject to satisfactory landscaping detail) assist in breaking up the mass of built form from wider views. There is less in the way of street tree planting; the incorporation of verges to allow for this would require some tweaking of the layout at the reserved matters stage to help strengthen the rural character of the scheme, as well as further reducing the impact of built form on wider views. The footpath running through the 'village green POS' allows for further tree planting along its edge and giving a more informal feel to the space.

The scale and massing of housing and the materials used should be appropriate to the very rural character of the area and the landscape setting in which the site sits. The applicant indicates that dwellings will be one and two storeys in height. The indicative layout suggests a significant amount of red coloured roofs. The impact that this has on wider views is clearly seen in the newer developments in Okeford Fitzpaine. Whilst the occasional terracotta roof is acceptable, they should very much be in the minority, which should be reflected in the reserved matters submission.

In respect of the merging/blurring of the villages of Oakford Fitzpaine and Shillingstone, the respective villages will remain well separated by countryside and any other proposals for development within that countryside would be considered on its own merits. The principle of residential development has previously been considered to be acceptable under the prior approval procedure on this site, which is previously developed and a preferred location for development over greenfield sites.

Although layout and landscaping are reserved matters, the consultation responses of Urban Design and Landscape suggest the proposed development could be acceptable in terms of its impact on rural character, trees and landscaping. The proposal represents an opportunity to enhance the visual appearance of the site over a situation where the existing buildings could be converted to residential use. Any reserved matters submission will need to provide accurate visual representations of the proposed development within the Landscape Assessment and clearly demonstrate how landscape proposals and service corridors will be coordinated. Conditions are proposed to this effect.

It is concluded that the proposal complies with the requirements of Policies 4 and 24 of the LP and paragraphs 127 and 170 of the NPPF which seek, amongst other things, to protect the character and appearance of the local landscape, in accordance with Policies 4 and 24 of the North Dorset Local Plan and Chapters 12 and 15 of the NPPF.

Residential amenity

The distances indicated between the proposed buildings and existing residential neighbours would be sufficient to avoid any adverse harm to residential amenity in terms of privacy, light loss, overbearing impact, loss of outlook, noise and disturbance. The indicative layout suggests that an acceptable level of amenity for future occupiers of the site would be possible, to be formally considered with a layout submitted at Reserved Matters stage.

Flood risk and drainage

Policy 13 requires development to maintain, enhance and provide grey infrastructure, as appropriate to the particular development. The supporting text advises that grey infrastructure includes footpaths, Sustainable Drainage Systems (SuDS) and flood prevention measures.

A Flood Risk Assessment (FRA) and Foul and Surface Water Drainage Strategy have been provided, which include mitigation and sustainable drainage measures. The Council's Flood Risk Management Team raise no objection to the proposal, subject to surface water management, surface water maintenance and floor level conditions. Having reviewed the existing ground levels (LiDAR data) of the area of proposed units 4, 5, 6, & 7, they consider it would be prudent to add a condition as a precautionary measure to safeguard those four properties that are reasonably close to the unnamed and unmodelled watercourse.

Impact on ecology

Policy 2 of the Local Plan advises that developments that offer gains in biodiversity, whether through the restoration of habitats or the creation of linkages between existing sites, will be looked upon favourably in the decision-making process. A preliminary ecological appraisal has been submitted and a Biodiversity Plan has been prepared and Certificate of Approval issued. The Biodiversity Plan will be secured by a condition applied to any outline permission along with conditions to secure a lighting strategy and Landscape and Ecological Management Plan. Subject to these conditions the Natural Environment Team raise no concerns with the form of development proposed.

The proposal has demonstrated that the development would not harm protected species and result in a measurable net gain in biodiversity, in accordance with LPP1 Policy 4 and Chapter 15 of the NPPF.

Contaminated Land

The site has historically been used for potentially contaminating purposes, including as a brickworks and latterly a mobile home construction facility. Use of the site for residential purposes will clearly need to address potential contamination and a suite of documents has been submitted by the applicant to address contamination. While these documents do not fully address concerns over contamination, the Council's contamination consultant (WPA) consider that the conditional approach is a reasonable approach to take with this outline planning application to manage contamination in this instance. The matter of current reporting and what aspects can be deemed as met will require further consideration at the reserved matters stage. Consequently, a condition is suggested to address the potential for on site contamination.

Housing Land Supply

NPPF paragraph 74 tells us that "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum

of 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. North Dorset District Council first announced that it could not demonstrate a 5-year supply in 2017. While the Council's published land supply was a 5.17 year supply on 1st April 2021, two appeal decisions at; Station Road, Stalbridge in June 2022 determined that the 'deliverable' supply in North Dorset was 4.35 years; and at Crown Road, Marnhull in July 2022 which determined that deliverable supply was 4.58 years. The appeals, whilst only a snapshot in time, are material considerations and underline that further work is still required to ensure a robust housing land supply position.

There has been an undersupply of new homes delivered in North Dorset over the first 10 years of the Local Plan period 2011 to 2031. Furthermore, the latest Housing Delivery Test measurement is 69%. Applications that provide new housing should be given great weight in the planning balance in order to support the Government's objective of significantly boosting the supply of homes (NPPF para 60). This weighs in favour of the proposed development.

Other Matters

With regard to the Parish Council's comment that other sites are being delivered for residential purposes in the village, the delivery of other housing sites in the locality does not resolve the critical housing land supply issues within the north Dorset area which the proposed development will go some way to addressing.

Comments that the proposal does nothing to address redundant industrial buildings and should be returned to its original countryside form are unfounded. The proposal itself will address the unsightly form of industrial structures, when detailed and acceptable designs for the proposed housing and landscaping are submitted with the reserved matters. The site has not been countryside for some considerable time, previously a brick and tile works and in industrial use for well over a century and there is no precedent for returning the site to countryside. The proposals will provide a residential development within a landscaped setting which is much more rural in appearance and scale to the existing industrial use.

Dorset Police advise that car barns should be in view of dwellings, wooden "dragon's teeth" should be placed around the village green to stop vehicles parking on it and paths linking with the footpath in Pound Lane need to be looked at in terms of the width, alignment, lighting, maintenance and passive surveillance. These matters can be appropriately addressed at the reserved matters stage, although an informative is applied advising the applicant of these issues.

16.0 Planning balance

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Economic benefits would be derived from the proposal in the form financial contributions towards education, community facilities, open space, libraries, healthcare, allotments, affordable housing and rights of way. There would be some economic benefit during construction and later with residents contributing to local businesses, services, facilities and Council Tax. However, the proposal would also result in the loss of an existing, albeit vacant employment site, so moderate weight is given to the overall economic benefits of the proposal.

A social benefit of the proposed development would be delivery of affordable and market housing. While the site cannot be considered to be sustainably located, open space and dedicated footpaths will be provided to the south of the site, which will link with the existing rights of way network and enhance walking opportunities to local villages. As such, weight can be attached to the overall social benefits of the proposal.

The quantum of development would be appropriate in this location and would not conflict with local and national policies in terms of environmental impacts. The character and density are generally acceptable, subject to submission of appropriate reserved matters. It has been demonstrated that the proposed development would not increase flood risk within and around the site, or harm protected species, with measurable net gains for biodiversity. The indicative site plan provided shows that there could be adequate living conditions for existing and future residents. The submitted Transport Statement also indicates that the resultant traffic levels would be within the capacity of the highway network, which is not disputed. It is considered that the proposal has demonstrated overarching environmental benefits.

While the site is not sustainably located and development will result in the loss of an employment site, the applicant's fall-back position is material. When weighed against the adverse impacts and policy contraventions of the proposal, the benefits significantly and demonstrably outweigh the disbenefits. Accordingly, the proposal benefits from the presumption in favour of sustainable development in the NPPF or in Local Plan Policy 1, material considerations indicating that planning permission should be granted for the development.

17.0 Conclusion

The principle of 47 dwellings on this site has been established by the applicant's fall-back position. The applicant has amended the details of the original submission to take account of concerns and comments raised by consultees. As the Council is still not providing a sufficient supply of housing in the North Dorset area, the public benefits of delivering 47 dwellings, 40% of which would be affordable, in this location remain significant and weighs heavily in favour of the proposed development. The details of precise layout, scale, appearance and landscape are reserved for consideration at the reserved matters stage, along with those matters to be addressed by the conditions

outlined below. It is considered that the revised proposal accords with the aims of the Development Plan and the NPPF, having due regard to the context of this site.

18.0 Recommendation

GRANT, subject to the conditions at the end of this report and to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Affordable housing provided in line with Council policy (40% - 18.8 dwellings to be affordable. 18 units provided on site and a financial contribution in lieu of 0.8 dwellings)
- Open space including provision of LEAP
- Informal Open Space and LEAP Maintenance contributions
- Education contribution - Primary & Secondary,
- Pre-School Provision
- Community Leisure & Indoor Sport,
- Formal outdoor sport
- Destination Play
- Library
- Health
- Allotments
- Public Rights of Way contributions for link path, stiles, compacted stone surfacing and 3 no. footbridges

Conditions:

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

Reason: To ensure the satisfactory development of the site.

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:

- 102 Design strategy site plan
- P201 A Location & existing block plan
- 101 C Amended Proposed Site Plan
- ACLA/BHN 01 Site Context
- ACLA/BHN 02 Planning context & landscape character
- ACLA/BHN 03 Visual Analysis
- ACLA/BHN 04 C Illustrative layout - landscape mitigation and enhancement

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

5. No dwelling on any part of the development hereby permitted shall exceed 2 storeys (9m) in height, unless it has been demonstrated through submission at the reserved matters stage of appropriately designed dwellings, site layout, landscaping arrangements and a Landscape and Visual Impact Assessment with accurate visual representations of the proposed development in its entirety, to clearly show that the development would not cause harm to the appearance of the local landscape or setting of the AONB.

Reason: To protect the character and appearance of the local landscape and setting of the AONB, in accordance with the Dorset AONB Landscape Character Assessment, Policies 4 and 24 of the North Dorset Local Plan and Chapters 12 and 15 of the NPPF.

6. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Biodiversity Mitigation Plan dated 02/03/2023 shall be completed in full, unless amendments are first agreed in writing by the Local Planning Authority

Reason: To minimise impacts on and to enhance biodiversity.

7. At the reserved matters stage, details of appropriate landscaping and servicing arrangements must be submitted, which clearly indicate that the layout of built form, hardstandings, lighting, drainage and service corridors will not interfere with the healthy establishment of proposed trees and other soft landscaping.

Reason: To ensure that servicing arrangements can be implemented without affecting the healthy establishment of the proposed soft landscaping, to protect the character and appearance of the local landscape and setting of the AONB, in accordance with the Dorset AONB Landscape Character Assessment, Policies 4 and 24 of the North Dorset Local Plan and Chapters 12 and 15 of the NPPF.

8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP must be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

9. Prior to commencement of work above slab level on the site, a lighting strategy which reflects the need to avoid harm to protected species and to minimise light spill, shall be submitted to and approved in writing by the Local Planning Authority. There shall be no lighting of the site other than in accordance with the approved strategy.

Reason: In the interests of biodiversity (and the character of the area)

10. Before the development is occupied or utilised the first 15.00 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.

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

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

12. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

13. Prior to the construction of any part of the development above damp-proof course level a scheme showing full details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development (along with a timetable for their provision), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and timetable.

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

14. There must be no gates hung so as to form obstruction to the vehicular accesses serving the site.

Reason: To ensure the free and easy movement of vehicles through the accesses and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

15. Before the development hereby approved commences a Construction Environment and Traffic Management Plan (CETMP) must be submitted to and approved in writing by the Local Planning Authority. The CETMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

- a demolition and construction method statement to demonstrate how adverse local environmental effects would be limited, to include; no bonfires, protection of nearby receptors from dust arising from construction and vehicle movements, how waste materials will be stored prior to removal from site, the operating times of construction and other mitigation measures to reduce noise.

The development must be carried out strictly in accordance with the approved Construction Environment and Traffic Management Plan.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network, to prevent the possible deposit of loose material on the adjoining highway and to protect the local environment from the adverse impacts of construction.

16. Before the development hereby approved is occupied or utilised, details of a Travel Strategy must be submitted to and approved in writing by the Local Planning Authority. The strategy will show measures to reduce the need to travel to and from the site by private transport and the timing of such measures. The strategy must be implemented in accordance with the details as approved.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

17. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

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

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

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

19. Plans and particulars showing the finished floor levels, related to ordnance datum or fixed point within the site, of the ground floor of the proposed dwellings, (and as appropriate the closest adjacent building beyond the site)

shall be submitted to, and approved in writing by the Local Planning Authority and development shall not be commenced until these details have been approved, unless otherwise agreed in writing. All works shall be undertaken strictly in accordance with the details as approved.

Reason: This information is required prior to commencement of development in the interests of landscape and countryside protection, to ensure finished floor levels are measured from an appropriate and acceptable datum level.

20. The habitable floor level of units 4, 5, 6 & 7 shall be a minimum of 300mm above the finished ground level.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

21. At the reserved matters stage the following information shall be submitted to and agreed in writing by the Local Planning Authority:

- 1) a 'desk study' report documenting the full site history.
- 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment.
- 3) if the site investigation report establishes potentially unacceptable risks, then a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed shall be submitted.
- 4) a detailed phasing scheme for the development and remedial works (including a time scale).
- 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the development written confirmation, including a verification report, that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

Written agreement to the pre-commencement conditions was received from the applicant on 8th March 2023.