

<b>Application Number:</b>	P/OUT/2022/00536		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land at Lower Blandford Road, Shaftesbury Dorset		
<b>Proposal:</b>	Erection of upto 7 dwellings with associated highway and drainage infrastructure and landscaping (outline application to determine access only)		
<b>Applicant name:</b>	Mr M Nublat and Mrs A M Andrew		
<b>Case Officer:</b>	Simon Sharp		
<b>Ward Member(s):</b>	Cllr Somper		
<b>Publicity expiry date:</b>	5 April 2023	<b>Officer site visit date:</b>	Various including 5 <sup>th</sup> January 2023 and 2 <sup>nd</sup> February 2023
<b>Decision due date:</b>	19 May 2023	<b>Ext(s) of time:</b>	19 May 2023

### **1.0 Reason for referral to members**

- 1.1 Both Shaftesbury Town Council and Melbury Abbas and Cann Parish Council are objecting to the application.

### **2.0 Summary of recommendation**

- 2.1 Grant permission subject to conditions.

### **3.0 Reason for the recommendation**

- 3.1 The application demonstrates through the indicative layout that 7 dwellings can be accommodated within the site with acceptable access, public open space and drainage arrangements whilst also responding to the existence of the Tree Preservation Order and public right of way. The retention of the majority of the trees on site means that there is an appropriate response to the Neighbourhood Plan designation and policy SFG11 of that Plan.
- 3.2 The weight afforded to the 2003 Local Plan Important Open or Wooded Area (IOWA) designation is significantly tempered by the fact that the policy is now 20 years old' and was adopted on the basis that a review would happen and never did. The resultant weight afforded to the policy is limited and the conflict with it is not determinative as a result.

- 3.3 Furthermore, the latest Housing Land Supply position statement (published April 2023) sets out that the supply has fallen to 4.87 years. The latest Housing Delivery Test for North Dorset, published January 2022, is 69%: In the absence of any footnote 7 (of the NPPF) reasons for refusing permission, the tilted balance is therefore engaged, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 3.4 With mitigation secured by conditions, none of the adverse impacts are considered singularly or cumulatively to be significant and demonstrable. The benefits afforded by the proposal during both the construction phase (temporary construction jobs) and the operational phase (homes supplied to meet North Dorset’s housing need) are modest but, nonetheless, outweigh the adverse impacts.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable.
Scale, design, impact on character and appearance	Layout, scale, appearance and landscaping are reserved for subsequent approval. However, the indicative plans demonstrate that up to 7 dwellings can be accommodated on the site with the necessary accessways, parking and manoeuvring areas, drainage, tree retention and new soft landscaping without significant and demonstrable adverse impacts.
Impact on amenity	The indicative layout plan demonstrate that 7 dwellings can be accommodated within the site with separation distances to prevent significant losses of residential amenity.
Economic benefits	There will be benefits derived from the construction phase as well as the supply of homes.
Access and parking	No determinative highway safety issues.
Environmental Impact Assessment (EIA) (if relevant)	The proposal is neither Schedule 1 nor Schedule 2 development for the purposes of the EIA Regulations 2020 ; No EIA is required.
Habitat Regulations	The site is within the River Stour catchment with no current issues in terms of nutrient

	levels. The site is not within the impact risk zones for this scale of development.
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## **5.0 Description of Site**

- 5.1 The site is on the eastern side of the A350 to the south of the Royal Chase (A roundabout (A30/A350 intersection)). The A350 is devoid of segregated footways on the site's frontage and is subject to a 40mph speed limit. There is no street lighting.
- 5.2 The site extends to 0.76ha in area and straddles the administrative boundary of Shaftesbury Town Council (the northern part of the site) and Melbury Abbas & Cann Parish Council (the southern part of the site). It is open rough grassland within the centre ringed by trees and bushes.
- 5.2 To the south is existing ribbon, residential development. To the east is a deep, steeply sided valley, Boynes Hollow, beyond which is suburban residential development. To the north is a small area of greenfield land beyond which is a housing site and the Royal Chase roundabout. To the west is the A350 and then residential areas of Shaftesbury.

## **6.0 Description of Development**

- 6.1 The application is in outline with only access to be considered at this stage. An indicative plan has been submitted, revised during the processing of the application, which now shows 7 dwellings within the site, all detached. The revised description of the development, now for determination, is for up to 7 dwellings.
- 6.2 There is a single vehicular access proposed. This is from the A350. The indicative layout shows the definitive line of the public footpath retained through the site, this footpath providing two additional pedestrian access points.

## **7.0 Relevant Planning History**

- 7.1 There is no relevant history for the site.

## **8.0 List of Constraints**

- 8.1 A Public Right of Way (Public Footpath N1/9) dissects the site from west to east.
- 8.2 The site is covered by an Area Tree Preservation Order (2022/0006). This covers all the broadleaf trees within the site.
- 8.2 The site is at low risk of fluvial (river), pluvial (surface) and groundwater flooding.
- 8.3 The site is within a Mineral Safeguarding Area.

## **9.0 Consultations**

### **DC Ward Members**

9.1 Councillor Cook (Shaftesbury Ward): -

- a) Can this please be brought to the Northern Area Planning Committee so that the town council's objections can be fully debated and tested.

9.2 Councillor Somper (Beacon Ward) objects for the following reasons: -

- a) Urban sprawl - this site sits in the rural Beacon Ward and this green space acts as a clear gap between the ward (Beacon Ward) and Shaftesbury Town providing a clear divide.
- b) Over Development - too many units for this small site.
- c) Removal of hedging to create an entrance and exit from the development.
- d) Dangerous entrance/exit on to a very busy A road. Question the data from the speed survey that was taken from 10.20-10.50am clearly missing the very busy school run and rush hour traffic.
- e) I'd also add that I cannot see from the amended drawings that the issues raised by Dorset Waste Partnership have been addressed.

### **Shaftesbury Town Council**

9.3 Object for the following reasons: -

- a) The Town Council objects to this development on the same grounds as for the previous submissions and refers to the objections provided in February 2022 and January 2023.
- b) North Dorset now successfully has a 5-year land supply (officer's note - the comment predates the April 2023 update), even prior to this Shaftesbury had reached its 20-year housing target and therefore there is no further housing need in Shaftesbury. Shaftesbury has two large housing developments coming to fruition, one that is halfway through being built and another yet to break ground.
- c) The Council doesn't consider that one can determine an outline planning application for access without also considering the appropriateness of the proposed development.

- d) Looking at the development, there is insufficient parking for the houses and visitors. The committee has concerns about dimension of the visibility splay which they believe should be 5mx70m in a 40mph zone.
- e) There would also need to be an Arboricultural Method Statement to show how the development could be realised whilst taking care of the trees on this site that have been given protected status by Dorset Council.
- f) The harm caused by loss of amenity and wildlife habitat far out ways any possible benefit to the town.

### **Melbury Abbas and Cann Parish Council**

9.4 Object for the following reasons: -

- a) It is quite a steep path up from the road so the housing, even with the reduced numbers, will dominate the landscape.
- b) The proposed footpath to Brinscombe Lane / Old Blandford Road from the proposed crossing place is unsafe for pedestrians. There is no pavement and resident's cars are parked down one side of the Old Blandford Road leaving no safe space for pedestrians – most of which will likely be children heading to and from school when the road is at its busiest.
- c) As this site is within easy walking distance of Shaftesbury via both Salisbury Street and Christies Lane, there is insufficient provision for pedestrian safety with two junctions in close proximity on a downhill stretch of road where traffic tends to accelerate having come off the Royal Chase Roundabout. Pedestrian safety has received little to no consideration.
- d) There are houses being built between the pub and this site. Overdevelopment of the area. Being on high ground there will be considerable additional water run off with the building of more properties. The land below this suffers enough from this problem.
- e) There are at least 1206 new or proposed properties in Shaftesbury – the Eastern development 850?, Redrow 143+ the additional houses this side of the roundabout, Persimmon 135 + 55, Enmore Green 23 - with a severe lack of amenities and local employment.

### **DC Highways**

9.5 No objection subject to conditions.

### **DC Rights of Way**

- 9.6 I have no objection to the proposed development, as shown in the plans accompanying the application. However, if the public are unlikely to be able to exercise their public rights on the above path, i.e. throughout the duration of the development the full width of the public footpath cannot remain open and available to the public with no materials or vehicles stored on the route, then a Temporary Path Closure Order must be obtained.
- 9.7 As the footpath crosses the development, it should be maintained as 2m in width, any stiles should be changed to gates to the current British Standard (BS5709:2018) where necessary and, consideration should be given to the surfacing and / or ongoing maintenance of the right of way through the site once complete.

### **DC Landscaping**

- 9.8 These comments were made in response to the original application for 13 units: -
- a) I would agree with paragraphs 8.30 of the submitted planning, design and access statement (Salmon Planning Company Ref: PL.4072 dated January 2022) that “...*the character of the application site and its immediate surroundings are heavily influenced by the broad width of the A350, including the grassy verges, the housing immediately to the south and west and the deep tree belt to the east*” and that “*these physical features provide a strong framework that visually enclose the application site which is perceived as a small, isolated pocket within and on the edge of the urban fabric of Shaftesbury. the application site is detached from the wider rural landscape by the adjacent physical features and has the sense of being part of the town, more so than being part of or within the countryside*”.
  - b) I would agree that as stated in paragraph 8.32 “...*the application site is not visible in views from within the area of the AONB which lays to the east and south east... because of the deep belt of tree planting in Boyne Hollow and the existing housing on the Higher Blandford Road*”.
  - c) I would agree that as stated in paragraph 8.33 that while the site is visible from Melbury Hill “...*the small size of the application site means that it is barely discernible with the naked eye... and once located, it is seen in the context of other houses, including the group of dwellings in the foreground to the south..*” and “...*when traveling north on the A350... the substantial group of houses to the south of the application site create an urban edge to the town well in advance of the application site itself*”.
  - d) While I would also agree with the summation in paragraph 8.39 “...*that the development proposed would change the character of the application site from an undeveloped field to having a more built up residential appearance. However this residential development would be seen immediately adjacent to,*

*and in the context of, other existing housing to the south and west. In this regard the development would not appear isolated or piecemeal, rather it would form a logical extension of the existing built form of the town. The site is not prominent or particularly in the landscape and its development would not materially harm the setting of Shaftesbury and the impart southern slopes on the approach to the town”, this is provided that the development would not have a detrimental impact on the existing trees and hedgerows on its boundaries.*

- e) So, while I have no in principle landscape objection to the development of the site, I consider that information on the trees and woodland on its boundaries and the potential impact of the proposed development on these trees needs to be submitted (information subsequently submitted).

### **DC Trees**

#### 9.9 Comments: -

- a) The site is protected by an area Tree Preservation Order reference TPO/2022/00536.
- b) The reduction in the number of units is of course an improvement as it provides greater separation from the dwellings to the numerous trees on site. I note that the proposal now retains T11 a good quality English Oak which has the potential for substantial longevity in the setting and this is, of course welcome.
- c) I also note that the site is very “light” on parking spaces, with approx. 2x spaces per unit. This does not allow for visitors or the fact that many family homes have 2 or more cars. The road is particularly busy and there is a footpath that bisects the site and there is a turning for Brinscombe Lane slightly further to the south on the other side of the road.
- d) Whilst I appreciate that this application is outline in nature and to determine access only, subject to planning consent full Arboricultural information will be required to support the final design of the development. This should include a Tree Survey, Arboricultural Impacts Assessment, Tree Protection Plan and Arboricultural Method Statement with detailed site supervision by the Consultant Arboriculturist.

### **North Dorset CPRE**

#### 9.10 Object: -

- a) North Dorset CPRE are becoming increasingly concerned about indiscriminate distribution of developments around local communities with little apparent attention to the associated requirements for supporting services of all kinds.

- b) At present in the parishes of Cann & Melbury Abbas and Shaftesbury there are nine active projects, with at least outline approval in place and several under construction, all located within a one mile radius of the town centre. These developments will place intolerable additional pressure on already overstretched local facilities including, for example, transport, employment opportunities, health services and education, together with utility services, water supplies and sewage disposal.
- c) Access from the A350 is awkward, particularly the proposed pedestrian crossing. Between sunrise and midmorning during the winter months, the low sun shines directly along the road toward the Royal Chase roundabout. Southbound drivers are faced with severe glare which would make the unprotected crossing and its users extremely difficult to see. This issue becomes even worse when the roads are wet.
- d) We understand that there is a main sewer which runs along the eastern edge of the property that is prone to overflow at various times.

### **Shaftesbury Tree Group**

9.11 Object - It appears perverse that tree planting details are now included in the application when a rigid building layout with extensive hard-surfaced parking is depicted, being described as 'illustrative', when the Application relates to access only. The tree planting appears as a token gesture when more fundamental, unaddressed, aspects of the Application apply.

### **DC Natural Environment Team (NET)**

9.12 A Biodiversity Plan has been approved. This was based on a previous iteration of the indicative layout for more development.

### **Natural England**

9.13 No objection.

### **DC Environmental Health**

9.14 Comment as follows: -

- a) Due to proximity of dwellings to the A350 road, a noise report should be submitted to the local planning authority assessing the background noise levels and its impact upon the proposed dwellings. Appropriate mitigation should be suggested to protect the dwellings.



- b) Due to the proximity of the site to existing dwellings, a Construction Environment Management Plan (CEMP) or equivalent method statement should be submitted to the local planning authority. This shall assess the impact of likely noise, vibration, dust and other pollution, and suggest mitigation and control strategies to protect nearby residents.

### **Dorset Waste Partnership**

- 9.15 Can see no way of collecting these bins safely as per our guidance for developers. There needs to be a suitable way of entering the site, collecting the bins with a suitable turning area and then able to exit the site safely.

### **Wessex Water**

- 9.16 In relation to surface water, the Flood Risk Assessment (incorporating Sustainable Drainage System) Document ref J-13378, submitted with the application, the applicant has advised that percolation tests undertaken on site showed good infiltration rates and therefore it is deemed suitable to utilise discreet soakaways to capture, store and discharge surface water runoff from the development. These soakaways are shown on the Conceptual Suds Layout Drawing, ref: J13378- NUK-SWD-XX-DR-D-3001-XX-P01 Rev P01 dated 15/10/20 included within this document. This will need the approval of the Lead Local Flood Authority.
- 9.17 For foul water drainage, Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest 'size for size' sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development.

### **DC Minerals and Waste**

- 9.18 The Mineral Planning Authority accepts that the safeguarded mineral comprises only a small part of the site. In this case, on the site identified for this proposal, the mineral safeguarding requirement is waived and no objection will be raised to this proposal on mineral safeguarding grounds.
- 9.19 The proposal site is also within the 250m consultation buffer of a sewage treatment facility, south of the proposal site on the other side of the Lower Blandford Road. This is not expected to impact on the proposal, or vice versa, but is mentioned for information.

### **DC Building Control**

- 9.20 Consideration to be given to compliance with ADB B5 access for fire rescue service vehicles especially on a single access road. Radon gas levels are raised in this area, i would recommend a radon report.

## Other Representations received

9.21

<b>Total – Objections (includes objections to superseded plans)</b>	<b>Total - No Objections</b>	<b>Total – Comments (includes comments for superseded plans)</b>
75	0	7

9.22 Objections on the grounds of: -

### **Lack of Need**

- a) No proven need for more houses in Shaftesbury.
- b) With nearly 200 houses already approved barely half a mile away from this site, there is no need or logical justification for these houses.
- c) To quote the recent made Shaftesbury Neighbourhood Plan: " Shaftesbury already had enough housing for the foreseeable future without releasing further greenfield sites". There is already a substantial local housing supply and strong local opposition for market priced housing over and above what is currently planned.

### **Landscape character**

- d) Rejected by North Dorset DC following their call for sites as it was considered "too sensitive from a landscape and visual point of view for any mitigation to be effective."
- e) The proposed development will impact the character of this environmentally sensitive area and merge the boundary between Shaftesbury and Cann.
- f) The land is part of Shaftesbury's characterful green belt, adjoining species rich woodland and Boynes Hollow.
- g) The continued over-development of Shaftesbury at this location and on the periphery of the town is creating irrevocable urban sprawl.
- h) The Site is elevated above the A350 and with two storey houses, 9 metres high, the skyline will inevitably become the roofs of those houses.
- i) Because the site will need to be lit, there is likely to be considerable light pollution in the future.
- j) Shaftesbury is known for its rolling green fields, but we are fast running out of them. In the last few years many estates have mushroomed up to the East and North.

## **Biodiversity, natural environment and climate change**

- k) The natural light would be destroyed by homes being built.
- l) The wildlife would be destroyed too; glow worms, dormice and deer as well as bats are often seen in this very field.
- m) This is the only wildlife corridor for deer in the area.
- n) The climate emergency should prevent any felling of mature trees or established hedges to be replaced by young plants which will take years to be of environmental use.
- o) The amount of hard areas will cause high volumes of water run-off.
- p) No housing application should ever be approved if solar panels on the rooves are missing from the plan. Solar panels fitted at build point are much better than retro fitting them.

## **Highway safety**

- q) The access point will increase the danger for those crossing the road.
- r) The main access/ egress is directly onto the A350, close to the main roundabout and virtually adjacent to another side road leaving Shaftesbury. The A350 is one of the main arterial routes to and from Shaftesbury, the only official large vehicle route north and south and when the C13 is closed due to landslides, the only route north and south making it a very busy road at times. Adding this exit with potentially 26 cars (average 2 per household) moving in and out increases the potential for a fatality.
- s) The application assumes over 20 cars will be parked on the site. There is a risk of residents being involved in a serious accident when leaving or entering the potentially dangerous entrance.
- t) The proposed houses will be cut off by the fast road so people, especially, children cannot safely access school or town.
- u) Constant traffic queues approaching the roundabout and the large lorry's that now come up from Blandford creates a Dangerous route. (Many cars use our road as a Cut through to miss the traffic at the roundabout)

## **Health and wellbeing**

- v) It is situated on the A350 which is the main arterial route from the south coast to the M4. This would impact on the lives of anyone living on the site from the emissions point of view.

- w) People deserve green spaces but more importantly so does the natural wildlife of this area, there will be none left if you continue to open up green spaces that are so valuable to people's mental health and animal's well being.

#### **Impact on infrastructure**

- x) Overloaded local infrastructure created by current development.
- y) The local infrastructure of employment opportunities, roads, schools, medical centres and recreational facilities is already creaking.
- z) The 1h30 minute queues are not unheard of at the chemist.

#### **Drainage and flooding**

- aa) The development will exacerbate sewerage blockages and flooding.

#### **Amendments do not address objections.**

- bb) The small reduction in number of houses merely gives the houses a slightly bigger garden and does not affect our reasons.

### **10.0 Development Plan policies**

#### **Saved Policies of the District Wide Local Plan (2003)**

- 10.1 The site is inside of the saved settlement boundary. It is designated as one of the Important Open or Wooded Areas (IOWA). The following saved policy is considered relevant: -

Policy 1.9 Important Open or Wooded Areas (IOWA)

- 10.2 The accompanying text to policy 1.9 in the Local Plan advises at paragraph 1.55 that the Inspector at the Public Inquiry recommended a review of these areas and deletion of those areas which do not need to be completely protected from development, or alternatively, could be placed into the countryside area beyond the Settlement Boundaries. Furthermore, he recommended that the policy be strengthened to completely rule out development on any part of IOWA. The policy was duly strengthened and, in the adopted version, states that designated Important Open or Wooded Areas will be protected from development. However, at paragraph 1.56 of the Plan, it advises that the review recommended by the Inspector did not happen prior to adoption. It explains that

“a review of all the IOWAs, (and there are over 350 of them) prior to modification, will take time and delay the process of plan adoption. To delete sites, which were not subject to original objection, may then give rise to the need to reopen the Inquiry, to hear individual objections from landowners and

Parish Councils. In view of this, there will be a review of IOWAs as soon as possible after adoption.”

10.3 The post adoption review never happened. Consequently, given the lack of review and that 20 years have elapsed since the adoption, the weight afforded to this policy cannot be anything more than limited.

10.4 Furthermore, in relation to the extent of the site within Shaftesbury, the identification as an Important Treed Area designation (see paragraph 10.7 below) can be taken that a different development plan designation is now applicable.

### **North Dorset Local Plan Part 1 (2016)**

10.5 The following policies are considered relevant;-

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

### **Shaftesbury Neighbourhood Plan (2021)**

10.6 This Plan is relevant for the northern part of the site (the southern part falling within Melbury Abbas and Cann parish.

10.7 The site is within the settlement boundary. Map SFGI1 also places it within a Important Treed Area designation. The Slopes Policy Map SFGI2, designates the site as being within a “generally level area on higher ground (plateau edge)” that is “very sensitive to development”. Map SFDHZ places the site within the Cann (Area 6) Character Zone.

10.8 The following policies are considered relevant: -

- SFHE2 – Principles for small to medium housing sites.
- SFGI1 – Green Infrastructure
- SFGI3 – Comprehensive landscaping proposals
- SFGI4 – To protect our Dark Skies
- SFDH1 – Respecting local character
- SFDH2 – High quality designs
- SFDH3 - The scale, positioning and orientation of buildings
- SFDH4 – Creating an attractive public realm
- SFDH5 - Accommodating vehicles

- SFDH6 – Building styles and detailing
- SFDH7 – Building materials

## **11.0 Other material considerations**

### **Dorset Council Local Plan**

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

### **Melbury Abbas and Cann Neighbourhood Plan**

11.2 It designates the part of the site within the Melbury Abbas and Cann parish as a buffer zone (to prevent coalescence of Shaftesbury and the villages of Melbury Abbas and Cann). It also designates it as a Local Green Space (LGS3).

11.3 The following policies are relevant: -

- Policy 1a – Infill development.
- Policy 1b – Encouraging a sustainable population.
- Policy 1c – Promoting a broad mix of housing
- Policy 2a – Design
- Policy 2b – Landscape (Vistas and Views)
- Policy 2c – Biodiversity, trees and ecosystems
- Policy 4a – Sustainable transport
- Policy 4d – Energy and lighting
- Policy 4e – Local Green Space

11.4 The local consultation (Regulation 14) to the Draft plan was completed in May 2022. The Plan has yet to be submitted for formal examination in advance of a referendum. It can therefore be afforded only very limited weight as a material consideration.

### **Appeal decision**

11.5 The development of 6 dwellings on land to the north of the site was allowed on appeal in 2019 (appeal reference APP/N1215/W/19/3227414). There is limited relevance of this development to the current application because the appeal site is not constrained by the TPO, the Local Plan and the Neighbourhood Plan designations.

11.6 As such the weight afforded to this appeal is very limited as a material consideration.

### **National Planning Policy Framework (2021)**

11.7 Noting the following sections :-

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

11.8 The NPPF is a material consideration and paragraph 11 d) is of specific relevance in this instance and has implications on the weight afforded to the development plan's policies which are most important for determining the application. This is of relevance in the context of the Housing Delivery Test position (see below).

### **Housing Delivery Test and Housing Supply**

11.9 The latest Housing Delivery Test (HDT) for North Dorset, published January 2022, is 69%. The current published housing land supply position is 4.87 years (published April 2023).

### **12.0 Human rights**

12.1 Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

### **13.0 Public Sector Equalities Duty**

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics,

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people,
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

13.3 Access to and from the site for children attending school and the elderly and disabled accessing the town centre and the medical surgery have specifically been considered, noting the need to cross the A350 at an uncontrolled crossing. The route is, as will be explained in the assessment, safe. It could be better in terms of lighting, segregation from vehicles and surfacing but, notwithstanding the duties to consider under the Public Sector Equalities Duty, it is not reasonable or necessary for it to be improved as a result of this development.

#### **14.0 Financial benefits**

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

#### **15.0 Climate Implications**

15.1 There will inevitably be trips to and from the site by vehicles with internal combustion engines. Although the proportion of the trips by internal combustion engine powered vehicles will diminish over time as the predicted use of battery electric vehicles (BEVs) increases, their use to access the site must still be considered as part of its carbon footprint. BEVs also have a carbon footprint of their own.

15.3 Tree replanting but will result in no net loss of trees assuming the indicative landscaping is followed at the reserved matters stage.

15.4 Third party representations have been received stating that the development should not be allowed unless solar panels (PV cells) are guaranteed to be installed. Appearance and layout are reserved matters but the proposed indicative orientation of the dwellings will allow opportunities for domestic photo-voltaic installations. The



dwellings could also be insulated to a standard above Building Regulations and use installations such as air source heat pumps. Nevertheless, it is assumed there will be a reliance on the grid for energy (the energy generation for which is still reliant, for now, on non-renewable sources).

15.5 There will be embedded energy costs derived from the construction phase (derived from the production and transport of the materials and the energy consumed during the build itself).

## **16.0 Planning Assessment**

### **Principle**

- 16.1 The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- 16.2 In this context, whilst the site falls inside the settlement boundary in both the 2003 Local Plan and the 2021 Neighbourhood Plan, there is a discordance with policy 1.9 of the former. To recall, this states that Designated Important Open or Wooded Areas will be protected from development. Developing 7 dwellings within the site would conflict with this policy as the designation applies to all of the site, not just where there are trees located. It also does not include any criteria as to how development may accord with the policy; it is inflexibly worded.
- 16.3 However, the weight afforded to this policy is significantly tempered by the fact that its adoption was predicated on a review of IOWA sites occurring following the Plan being adopted. Members are referred to paragraphs 10.2 to 10.4 of the report where it is explained that the Local Plan Inspector assumed that an early review would happen given that it was considered that there were too many such designations with insufficient filtering, assessment and responses to objections.
- 16.4 The 2016 Local Plan Part 1 expected the review to be part of Part 2 but the latter was not pursued as Local Government Reorganisation occurred instead. The weight afforded to the 2003 Local Plan designation must therefore be limited and not determinative.
- 16.5 Instead of the Local Plan's review, the development plan designation is now found within the Neighbourhood Plan, policy SFG11 being applicable. However, this policy does not prevent development in the way that policy 1.9 of the 2003 Local Plan would if the latter was afforded determinative weight. Instead, it provides criteria against which developments are assessed. As will be evidenced in this report, the revised proposal is considered to be an appropriate response to the policy that accords with the criteria.

16.6 Furthermore, there are clear consequences of the housing supply being just 4.87 years and the Government's 69% Housing Delivery Test Measurement for North Dorset. Under paragraph 11 of the NPPF, the basket of policies most relevant to the determination of the application are considered to be out of date. The consequences of this, are that the NPPF's tilted balance is engaged and planning permission should be granted unless:

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

16.7 Criterion (i) are the "footnote 7" reasons detailed in the NPPF. These are:-

- a) Habitats sites, including Special Areas of Conservation (SACs), Special Protection Areas (SPAs), proposed SACs and SPAs and existing and proposed Ramsar sites, as well as Sites of Special Scientific Interest (SSSI). In this instance, there are no such sites affected (the site falls outside of the drainage catchments for both the Somerset Levels (Ramsar) and Poole Harbour (SAC)).
- b) Green Belt and/or Local Green Space designations – The site is some distance from the green belt. It is also not designated as Local Green Space in either the adopted Local Plan or the made Neighbourhood Plan. There is a draft designation for the lower part of the site to be a Local Green Space within the Melbury Abbas and Cann Neighbourhood Plan but, as already advised, this is a Plan that carries limited weight at this time and, as such the designation is not a reason for refusal.
- c) Area of Outstanding Natural Beauty – The site is not within either the Dorset or Cranborne Chase and West Wiltshire Downs AONBs. A development of the modest scale proposed, in this location, will not affect the setting of the AONBs. As states in the DC Landscaping comments, the site is visible from Melbury Hill/Melcuyr Beacon but as a distant feature surrounded by development.
- d) National Park – None affected.
- e) Irreplaceable habitats – None affected.
- f) Designated heritage assets such as conservation areas or listed buildings (and other heritage assets of archaeological interest) – None affected.

g) Areas at risk of flooding or coastal change – The site is at low risk of flooding from any source. The site therefore passes the sequential test in terms of flood risk. Development could have the potential to increase the risk of flooding off-site especially as land in the valley to the east is at medium and high risk of pluvial (surface) water flooding. However, the indicative layout plan evidences that there is clearly scope for providing attenuation on site to ensure any surface water runoff from the site is no greater than existing (including an allowance for climate change). The juxtaposition to Boynes Hollow has been considered in this conclusion. This is therefore not a reason for refusal.

16.8 In the absence of footnote 7 (of the NPPF) reasons for refusing permission it is criterion (ii) of paragraph 11 (d) of the NPPF and not (i) that is applicable here. The tilted balance is engaged.

16.9 In terms of this balancing exercise one must identify and weight any benefits and adverse impacts.

### **Benefits**

16.10 The new dwellings would secure benefits in the form of a small contribution to future housing provision and a social benefit, given the housing shortfall; there would be an economic investment both from their construction and subsequent occupation. These benefits are modest but still meaningful in the application of the tilted balance.

### **Important Treed Area designation, landscape and visual amenity**

16.11 The Neighbourhood Plan advises that, within The Important Treed Area, the treed character should be retained. It also states that, where the loss of trees is unavoidable, replacement planting will be sought in order to maintain the treed character of the local area.

16.12 This treed character is evident from the A350 and from the public right of way that traverses the site. From the A350 the experience as one approaches the Royal Chae roundabout is of a sylvan corridor, the effect enhanced by the road cutting between low landscaped banks, these banks characterised by an understorey of brambles, nettles and other plants that complement the crowns of the trees above. Despite this cutting being a man-made intervention from the second half of the C20th when the A350 was diverted away from suburbia to reach the Royal Chase roundabout, it is clearly now a baseline of visual and biodiversity value.

16.13 The public right of way offers a series of experiences. From west to east, one starts at the A350 with the view northwards described in paragraph 16.12 above. The value

of the experience is diluted of course by the traffic on the A350, but one is still drawn to the greenery in both winter and summer.

- 16.14 The footpath then cuts through the frontage trees and undergrowth, up the slope and into the open area of the site. Immediately, the aural intrusiveness of the A350 diminishes and at each step one takes across the clearing, a 180<sup>o</sup> rotation reveals the enclosure provided by the trees to the east and west, the two banks getting closer and closer to the north until they intersect. This naturally draws the eye along each tree belt to the point where they merge. The trees are important to the character as recognised in the Neighbourhood Plan policy, as is the setting provided by the clearing.
- 16.15 To the south the experience is less pronounced as the view terminates at the southern boundary with the existing residential, ribbon development beyond. Nevertheless, the greenfield nature of the site is dominant, and the trees are an important part of the overall character.
- 16.16 The public right of way then disappears into the east side tree belt and immediately drops down the steep side of Boynes Hollow to its floor. The consequences of this steep gradient are that you lose the experiences of the site very quickly; there is no opportunity provided to look back into it from the land beyond its eastern boundary after the first 2m or so. Indeed, such is the steepness of the descent that the walker is immediately concentrating on their footing and the view down the slope through the trees.
- 16.17 When one eventually emerges back up to the higher ground on the other side of Boynes Hollow, the views back west to the site are screened by trees (during winter and summer).
- 16.18 In this context there is clearly scope for development according with policy SFG11 if the development retains the experience of the green corridor along the A350 and the setting of the trees when one is within the site. Given the steep, treed deep valley to the east, the development would have negligible experience from receptors to this side of the site.
- 16.19 The proposal's response to the A350's green corridor is to locate a single vehicular access where there is the least loss of the tree belt in terms of quantity and quality of trees. The plans were amended during the processing of the application to arrive at this point. They now propose the loss of a young English oak (T1) which is 5m in height and with a crown radius that extends to 2.5m. Also proposed to be felled is a young pair of trees (another English oak and a wild cherry (G15) currently 5.5m in height and with a crown radius of 2m. A third cluster of three common ash would be a further casualty of the access being formed; they extend to about 11m in height with a crown radius of 3m. They are all considered to be C1 category trees (as per

the BS3857 categorisation), albeit the ash are showing early signs of dieback. The Council's Tree Officer considers that the recording and assessment of these trees by the applicant's specialist is accurate.

- 16.20 Members are reminded that, as access is to be considered at this stage, this part of the layout is to be considered now and the consent for the trees to be felled will be confirmed if planning permission is granted.
- 16.21 It is considered that the loss of the trees, whilst unfortunate, does not materially impact on the green corridor's character and visual qualities. This is because of the proposed retention of all of the remaining frontage trees, albeit with a reduction in width of the crown spread of groups G8 and G9 further south along the frontage.
- 16.22 There will of course be a break in the line of trees along the frontage and, therefore, a break in this wildlife corridor; a crossing of the new access road will be necessary and this metalled, cleared width extends to 8m. This will sever the mycorrhizal network; the connections individual trees make via their roots to transfer water, carbon, nitrogen, and other nutrients and minerals. This is an undoubted negative impact of the proposal although members are reminded that there is an approved Biodiversity Plan accompanying this application which robustly evidences appropriate mitigation and net gain. Replacement tree planting is part of this plan to accord with the second criterion of policy SFGI1 of the Neighbourhood Plan.
- 16.23 The revised response to the treed setting of the site's clearing is to propose a low density of development. The change is much more marked; one cannot develop a undeveloped green space, enclosed on three sides by trees and traversed by a well trodden public footpath, without harm to the landscape and visual impact. Previous iterations of the proposal with a much higher quantum of development, developed space and a rather poor layout, failed to respond to the context with highly harmful impacts as a result.
- 16.24 The revised indicative plan now shows homes to be set in a single ribbon set behind the retained frontage with gaps between dwellings permitting views to the rear tree belt. The northern end of the site is also shown undeveloped with the shared access driveway permitting unobstructed views up to this treed view stop from anywhere along its alignment, including from where the public footpath crosses it. The public footpath is shown to be at the centre of a green sward across the site, this time affording views of some of the eastern and western tree belts.
- 16.25 The latest indicative layout plan is far from perfect, but members are reminded that layout is not for determination; the plan seeks to demonstrate and convince one that a layout and scale of development is possible with landscaping that will retain the treed character of the site and therefore accord with the first criterion of policy SFGI1 of the Neighbourhood Plan. The current plan does, in this context, evidence the

amount of undeveloped space that can be left with 7 dwellings proposed, the lack of direct impact on most of the protected trees and the views that can be afforded between the low density of buildings to retain the treed character.

16.26 Policy SFHE2 of the Plan advises that new developments should be integrated into an existing built-up area. This area on the fringe (and beyond) Shaftesbury includes pockets of undeveloped land (such as the site), areas of low density suburbia, and higher density residential development. Notably, there is development to the west of the site (immediately west of the A350), to the north of the site (the appeal site), to the south, and beyond the valley to the east. In this context, it is considered that the site's development would accord with policy SFHE2.

16.27 The Shaftesbury Neighbourhood Plan also advises that development on the plateau edge (as shown on map SFG12 and including the site) should not adversely affect the generally undeveloped character of the slopes and should respect the highly sensitive nature of the plateau edge. It should not negatively impact on views from higher and lower ground.

16.28 The site is visually contained by the tree belts on its western (A350) and eastern boundaries. Most of the trees are deciduous and views will be afforded through them from the A350 and the site's development will be apparent. However, even in winter, the proximity of the trees to each other and the fact that there are younger trees with lower crowns as well as higher specimens, means that there is a new constant mesh of branches that will filter and dilute the impact of the development. The density is also now proposed to be low.

16.29 Overall, as detailed in the DC Landscaping officer's review of the applicant's landscape visual impact assessment, the harm of the development is considered to be low and not determinative.

16.30 A number of early comments were received in relation to the lack of arboricultural information. This was submitted with the more recent iterations of the indicative layout plan and it evidences how a 7 dwelling scheme can retain the trees with no direct impact on them and no fears for future calls for felling i.e. the dwellings would be at sufficient distances from the trees to preclude calls from future occupiers for them to be removed.

16.31 There will inevitably be some light pollution arising from the development; the site is devoid of any lighting at the moment as is the A350 along its frontage. The case officer noted, during a visit after nightfall, that a torch was necessary to navigate around the site safely. Boynes Hollow to the east was also very dark.

16.32 However, there was sky glow evident above and the residential areas further east and to the west have street lighting. The Royal Chase roundabout to the north is also

lit. On balance, it is considered that lighting could be provided that is discreet and no more than necessary to safely light pedestrian routes through the site in public areas to minimise light pollution. It is expected that such details would accompany the layout and/or landscaping reserved matters.

16.33 The Cann character area's character and appearance will be preserved.

### **Sustainability of location**

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

16.35 Policy 6 of the Local Plan identifies Shaftesbury as one of the four main towns in the Plan area. The site is in the saved settlement boundary for the town, including the area in the Melbury Abbas and Cann parish. The majority of housing growth over the plan period is to be focused on the four main towns, they are the top of the hierarchy in the Council's housing strategy.

16.36 With regards to the site's specific location in relation to Shaftesbury's services and facilities, it is noted that the town centre is 0.6 miles away via Lower Blandford Road, the Abbey View Medical Centre 0.5 miles and Shaftesbury School 0.33 miles. For the route to be safe and accessible, a safe crossing of the A350 is required as well as a footway link to Lower Blandford Road to the south. These are both proposed and can be secured as a Grampian condition prior to first occupancy of any of the dwellings.

### **Scale of growth afforded by the development**

16.37 The number of dwellings in Shaftesbury recorded in the parish in 2011 was 3,493. It is acknowledged that there has been a significant supply of dwellings since 2011 but 7 dwellings represents less than 0.3% growth and is considered to be commensurate in scale to the size of the settlement and the services and facilities that it provides. There is no evidence to suggest that this development will cause unacceptable impacts to Shaftesbury's infrastructure.

### **Housing tenure and type mix**

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

16.39 The indicative layout plan shows only detached dwelling types. This would not be appropriate if layout was being considered at this stage; there is not an appropriate mix. The case officer did seek a plan showing a mix of dwelling types but this was not forthcoming, the applicant's agent pointing out that it was not necessary given that all matters except for access were reserved for subsequent approval. The case officer is satisfied that a mix of dwellings could be accommodated within the site. Indeed, a mix of detached, semi-detached and terraced dwellings is likely to occupy less space than the 7 detached dwellings shown on the indicative plan and still retain views through from tree belt to tree belt.

### **Highway safety**

16.40 Many of the representations received raise comments in relation to highway safety. These include: -

- a) the dangers of exiting and entering the site at the point of access proposed,
- b) the proposed use of an uncontrolled crossing of the busy A350.
- c) The lack of footway on the Lower Blandford Road (the old section)/Brinscombe Lane.

16.41 Considering these points in turn, the case officer notes that there is a wide verge to both the south and north of the proposed point of access. The A350 is also subject to a 40mph mandatory speed limit. Therefore, despite the fact that the proposed site access is on the inside of a curve, visibility splays for both directions can be provided to an acceptable standard. This has been evidenced in the submission, the Highways Authority raise no objection, and the provision of the splays prior to first use of the access and retention thereafter can be secured by condition.

16.42 The applicant is proposing dropped kerbs and a metalled footway from the site to the old section of Lower Blandford Road. There is no central refuge proposed or Zebra crossing or lights. However, the number of pedestrian trips associated with up to seven dwellings will be low and it would not be reasonable to require anything more than what is proposed to serve this minor development (the standard of crossing is commensurate in scale to the development). It is also noted that there is good visibility in both directions from the proposed pedestrian point (on its west and east sides). As an aside, this provision will improve the crossing point for the public right of way. The provision of the footway and dropped kerbs can be secured by condition.

16.43 It can be reasonably assumed that pedestrians will walk to the school, surgery and town centre via the old section of Lower Blandford Road rather than via the Royal Chase roundabout, especially following the provision of the footway. Once onto the old section of Lower Blandford Road, there is no footway until one gets north of the Hawkesdene Lane junction, outside of the school.



16.44 The case officer walked this stretch of highway on a number of occasions including after nightfall. There is street lighting but large stretches of the highway are in shadow due to the gaps between the lights and trees overhanging. Cars parked along the roadside also result in one walking into the middle of the road on a number of occasions. Consideration must also be given to the impact on children and the elderly. The access as described above, whilst not perfect, would provide sufficient access arrangements as the road is subject to relatively low number of vehicular trips and a footway provision is not necessary or reasonable for such few dwellings proposed.

16.45 In summary there are no determinative highway safety issues arising from the application.

### **Construction management considerations**

16.46 The construction phase will undoubtedly result in increases in noise and disturbances in comparison to the current greenfield use of the site. This will include from machinery being used on site as well as vehicles coming and going. The period will be temporary and for 7 dwellings and is therefore no likely to be more than a year in duration. As such this impact is not of the magnitude to withhold planning permission on residential amenity grounds in terms of noise and disturbance. There is also the context of the A350 next to the site. No construction management plan is therefore necessary for residential amenity purposes.

16.47 However, the ecological sensitivity of the site does mean that there needs to be responsible practices during the construction phrase. This is included to an extent in the approved Biodiversity Plan but it is considered both reasonable and necessary to secure an ecological construction management plan by condition.

### **Residential amenity**

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

16.49 The only dwelling that could be potentially affected by the development is Woodlands, the nearest of the existing ribbon of homes to the south of the site. This home has a secondary elevation facing the site; its principal façade faces west to the A350. Layout and scale are reserved for subsequent approval but the indicative plan demonstrates that a separation distance of over 13m can be achieved between plot 7 and this existing dwelling. Given that the site is to the north and Woodlands is already adjacent to the A350, it is considered that there will be no significant loss of residential amenity in terms of overshadowing, overlooking and/or noise and disturbance.

16.50 A detailed noise assessment considering the impact of noise from the A350 on future occupiers of the dwellings is not considered necessary or reasonable at this outline stage with layout, landscaping and appearance all reserved for subsequent approval. It is clear that the landscaping along the frontage and the glazing specification of windows on the west elevation of the dwellings can ensure an acceptable level of amenity.

### **Waste and recycling collections**

16.51 Members may note the concerns raised by the Dorset Waste Partnership. These concerns related to a superseded iteration of the submission but, comparing the geometry of the layouts, it would appear they would equally apply to the current drawing. However, members are advised that layout is a reserved matter and there is no evidence to suggest a suitable layout cannot be achieved at the detailed stage.

### **Procedural matters**

16.52 Some representations raise concerns that an outline application, with layout and landscaping reserved for subsequent approval, should not have been entertained by the Council. It is within the local planning authority's gift to require reserved matters to be determined at an outline stage. However, in this instance, officers considered there was sufficient information, including the provision of the indicative layout plan, to determine the application in outline form with all matters except for access reserved for subsequent approval.

## **17.0 Balance and conclusions**

17.1 The application demonstrates through the indicative layout that 7 dwellings can be accommodated within the site with acceptable access, public open space and drainage arrangements whilst also responding to the existence of the Tree Preservation Order and public right of way. The retention of the majority of the trees on site means that there is an appropriate response to the Neighbourhood Plan designation and policy SFG11 of that Plan.

17.2 The weight afforded to the 2003 Local Plan Important Open or Wooded Area (IOWA) designation is significantly tempered by the fact that the policy is now 20 years old' and was adopted on the basis that a review would happen and never did. The resultant weight afforded to the policy is limited and the conflict with it is not determinative as a result.

17.3 Furthermore, the latest Housing Land Supply position statement (sets out that the supply is 4.87 years and the Housing Delivery Test for North Dorset, published January 2022, is 69%: In the absence of any footnote 7 (of the NPPF) reasons for

refusing permission, the tilted balance is therefore still engaged, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

17.4 With conditions, none of the adverse impacts are considered singularly or cumulatively to be significant and demonstrable. The benefits afforded by the proposal during both the construction phase (temporary construction jobs) and the operational phase (homes supplied to meet North Dorset's housing need) are modest but, nonetheless, outweigh the adverse impacts.

## **18.0 Recommendation**

### **18.1 Grant permission subject to the following conditions.**

1. No part of the development hereby approved shall commence until details of all reserved matters (layout, scale, appearance and landscaping) have been submitted to and approved in writing by the Local Planning Authority.
  - a) The layout and landscaping reserved matters shall include full details of the proposed biodiversity mitigation measures which shall be in accordance with the measures set out in section F of the Biodiversity Plan dated 12<sup>th</sup> Jan 2022 prepared by Jonathan Crewe and approved by Dorset Council on 13<sup>th</sup> January 2022.
  - b) The layout and appearance reserved matters shall include the provision of cycle storage for each dwelling.
  - c) The appearance reserved matters shall include full details of the proposed biodiversity net gain measures which shall be in accordance with the measures set out in section H of the Biodiversity Plan dated 12<sup>th</sup> Jan 2022 prepared by Jonathan Crewe and approved by Dorset Council on 13<sup>th</sup> January 2022.
  - d) The landscaping and reserved matters shall include a timetable for the implementation of the measures detailed in a) and c) above.
  
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. No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out,
- a) Measures for the controlling of movements of plant and machinery within the site during the construction phase.
  - b) The setting out and protection of exclusion zones within 5m of watercourses within and abutting the site and root protection areas of retained trees.
  - c) The hours when mechanised plant and machinery will be used on site and the specification for any lighting to be used during the construction phase.
  - d) Pollution spillage avoidance measures.

The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: To secure the necessary biodiversity impact avoidance and mitigation measures.

5. Before any of the dwellings hereby approved are first occupied, the access including the visibility splay detailed on the approved plans 21156.05 K and 21156.01 K shall be completed. The said access and visibility splays shall be retained thereafter for the lifetime of the development with the visibility splays free of operational development and vegetation exceeding 0.6 metres above the relative level of the adjacent carriageway.

Reason: In the interests of highway safety.

6. Before any of the dwellings hereby approved are first occupied 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.

7. Before any of the dwellings hereby approved are first occupied an uncontrolled crossing point on the A350 and a new 2m wide footway on the western side of this road, as shown on Dwg No PL4072/4C shall have been completed.

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

## **Informatives**

1. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
2. The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the "guidance notes for residential developments" document (<https://www.dorsetcouncil.gov.uk/bins-recycling-and-litter/documents/guidance-for-developers-a4-booklet-may-2020.pdf>). Dorset Council Waste Services can be contacted by telephone at 01305 225474.
3. The highway improvements referred to in the recommended condition 7 above must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Local Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site.
4. In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.  
The council works with applicants/agents in a positive and proactive manner by:
  - offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.