

<b>Application Number:</b>	P/OUT/2021/05309
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Land Adjacent Broadmead Broadmayne
<b>Proposal:</b>	Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only)
<b>Applicant name:</b>	Southern Strategic Land LLP
<b>Case Officer:</b>	Matthew Pochin-Hawkes
<b>Ward Member(s):</b>	Cllr. Roland Tarr

**1.0** This application has been brought to committee in accordance with member's minded to resolution at the 20 July 2023 Western and Southern Area Planning Committee, to consider planning conditions and S106 legal agreement requirements.

**2.0 Summary of recommendation:**

**Recommendation A:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of S106 Legal Agreements to secure the following:

1. 36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to be intermediate affordable housing.
2. Local Area for Play (LAP) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management in perpetuity.
3. Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:
  - i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;
  - ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;
  - iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;

- iv. Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road; and
  - v. Access only signage to Bramble Drove, which is a private road.
4. Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution.
  5. Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with the submitted Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings.

And the conditions detailed at Section 9 of this Report.

**Recommendation B:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out at Section 9 of this Report if the S106 Legal Agreement is not completed by 7 March 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

### 3.0 Reason for the recommendation:

Further to the resolution of the 20 July Western and Southern Area Planning Committee, the planning obligations and conditions detailed within this report are considered necessary to make the development acceptable in planning terms.

### 4.0 Key planning issues / Section 106 Heads of Terms

Section 106 Heads of Terms	Conclusion
Affordable housing	Provision of 45% affordable housing accords with resolution of 20 July Committee and exceeds the 35% policy requirement of Policy HOUS1. Provision to be secured via a Section 106 Agreement.
Play space	On site provision of a Local Area for Play is necessary to make the development acceptable in planning terms.
Access, highways and highway safety	No unacceptable impacts on highway safety and the residual impacts on the road network would not be severe subject to planning conditions and securing off-site works.
SANG	Provision of a SANG is required to mitigate adverse impacts on Dorset Heathlands.
Nutrient Neutrality	Off-site mitigation required to be secured via the S106 legal agreement.

### 5.0 Background

5.1 At the 20 July 2023 Western and Southern Area Planning Committee Member's considered the application provided a positive contribution to much needed housing in the area and the 45% on-site provision of affordable housing would benefit the local housing market. Members resolved that the application be deferred to a subsequent committee meeting for Members to consider the wording of planning conditions given that the committee were minded to approve the application subject to the completion of a legal agreement and suitably worded planning conditions.

5.2 This report outlines the Section 106 Heads of Terms and planning conditions considered necessary to make the development acceptable in planning terms having regard to the resolution of the 20 July 2023 Western and Southern Area Planning Committee.

5.3 Please refer to the Officer Report to the 20 July 2023 Western and Southern Planning Committee (Appendix 1) for: a description of the site; overview of the proposed development; summary of planning history; list of constraints; summary of consultations; schedule of relevant planning policies and material considerations; consideration of human rights, Public Sector Equalities Duty and climate implications; and assessment of the proposed development (including commentary on planning conditions).

5.4 In accordance with the Council's Protocol for Councillors and Officers dealing with Planning Matters, correspondence from the Applicant issued to some Members ahead of the 20 July committee has been shared with Officers and added to the Council's online Planning Register. The correspondence comprised two documents providing a Committee Briefing Document and an affordable housing note. The documents note the applicant's intention to provide a 100% affordable housing development as reiterated in their verbal update to committee and considered in the Officer Report.

## 6.0 Financial benefits

What	Amount / value
<b>Material Considerations</b>	
Total housing	Up to 80 dwellings.
Affordable housing	Minimum 45% (36 dwellings based on maximum of 80 dwellings).
Market housing	Maximum of 55% (52 dwellings based on maximum of 80 dwellings).
Quantum of open space and play space, based on indicative proposals and associated SANG application.	- SANG: 8.9ha - Public open space within residential parcel: 12,985sq.m (including play space) - 100sq.m Local Area for Play (LAP) in accordance with Fields In Trust Guidance
Implementation of Landscape Environment Management Plan	A wide range of biodiversity and landscape enhancements which would deliver biodiversity net gains.
<b>Non-Material Considerations</b>	
Council Tax	According to value of each property.

New Homes Bonus	A proportion of provisional 2023/24 allocation of £1,824,767.
Community Infrastructure Levy (CIL)	According to CIL Regulations and in line with West Dorset CIL Charging Schedule.

## 7.0 Planning Assessment

7.1 This assessment is structured around the proposed Section 106 Heads of Terms. The proposed Heads of Terms relate to:

1. Affordable housing provision
2. Play space provision
3. Off-site highway improvements
4. Provision of a Suitable Alternative Natural Greenspace (SANG)
5. Nutrient neutrality

7.2 Each is considered in turn.

### Affordable Housing Provision:

7.3 As reported in the 20 July Committee Report (Para. 15.25) the proposal is for 45% affordable housing which is the maximum that can be secured by way of a planning obligation. The applicant advises this is due to funding restrictions whereby if additional affordable housing is secured via a Section 106 legal agreement further funding to provide 100% affordable housing would not be available.

7.4 As this is an outline application the precise housing provision has not yet been agreed. A Section 106 agreement would ensure 45% of the eventual number would be for affordable housing at an appropriate mix comprising a minimum of 70% social / affordable rent for 35% of the provision, with the remainder being shared ownership.

7.5 As reported in the 20 July Committee Report (Para. 15.25) enhanced affordable housing provision beyond the policy requirement of 35% can be secured given Members considered the additional +10% provision necessary to make the development acceptable due to the benefits of the proposal (including enhanced affordable housing provision) outweighing the disbenefits.

7.6 The recommended affordable housing related planning obligation would secure:

*“36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to be intermediate affordable housing.”*

7.7 The detailed Section 106 Agreement would require all affordable housing units to be occupied by Local Needs Persons defined as persons in housing need who are registered on the Council’s Housing Register. Preference would be given to persons who have a local connection to the area.

### Play space provision:

7.8 The 20 July Committee Report reported (Para. 15.46) that the Urban Design Officer requested a Locally Equipped Area for Play (LEAP) be incorporated into the proposals and identified provision of a 400sq.m LEAP as a benefit (Section 13). The report also noted the applicant advises play space can be provided in accordance with the Fields in Trust Guidance for Outdoor Sport and Play (November 2020). Whilst this is not shown on the illustrative proposal, there appears to be suitable space to accommodate play space within either the central or southern open spaces. Suitable play provision and compliance with guidance could be secured via planning obligation and planning condition.

7.9 The proposed provision of play space has been considered further, since the July committee meeting. Field in Trust Guidance recommends Local Areas for Play (LAPs) are provided within 100m walk of developments of up to 200 dwellings and Locally Equipped Areas for Play (LEAPs) are provided within 400m of development of up to 200 dwellings.

7.10 Within Broadmayne a children's play area is located to the south of Chalky Road. It provides a variety of equipment for children aged 2-12 years and includes toddler and junior swings, a tunnel, roundabout and a larger piece of multi-play equipment featuring a climbing board, rope bridge and a slide.

7.11 Given the proximity of the play area within 400m of the application site, on site provision of a LEAP is not considered necessary to make the development acceptable in planning terms. This is due to children having suitable access to nearby play facilities. Notably access to the existing facilities would be improved through the off-site highway improvements which would provide footways on route to the play area. Nevertheless, any Community Infrastructure Levy (CIL) contributions could support enhanced provision of existing facilities.

7.12 A LAP would be required to make the development acceptable in accordance with Fields in Trust Guidance. Such provision is proposed to be secured via the Section 106 and would be expected to provide a minimum activity zone of 100sq.m and accord with the minimum separation distances with nearby dwellings.

7.13 The recommended play space related planning obligation would secure:

*“Local Area for Play (LAPs) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management in perpetuity.”*

7.14 The detailed wording of the Section 106 would provide flexibility for the play space to be managed by the applicant, a third party or adopted by Dorset Council.

#### Off-site highway improvements:

7.15 The 20 July Committee Report reported noted the Highways Authority had no objection to the proposed development subject to planning conditions and securing the off-site highway works and Traffic Regulation Order.

7.16 Accordingly, the following are proposed to be secured via planning obligation:

*“Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:*

- i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;*
- ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;*
- iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;*
- iv. Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road; and*
- v. Access only signage to Bramble Drove, which is a private road.”*

7.17 The detailed wording of the Section 106 would include timescales for delivery before any dwellings are occupied.

Provision of a Suitable Alternative Natural Greenspace (SANG):

7.18 As set out within the 20 July Committee Report, the provision of a SANG is necessary to mitigate the impacts of development on Dorset Heathland as required by the Dorset Heathlands Planning Framework 2020- 2025 SPD.

7.19 The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development a SANG on adjoining land to the north would be provided as a HIP. The SANG is proposed in detail as part of the related planning application P/FUL/2021/05255 and is subject to a separate officer report. Within West Dorset, SAMM would be secured through CIL.

7.20 The provision of a SANG is considered to provide appropriate mitigation in accordance with the Dorset Heathlands Planning Framework 2020- 2025 SPD. The SANG related planning obligation would secure:

*“Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution.”*

7.21 The detailed wording of the Section 106 would secure the implementation, maintenance and management of the proposed SANG area and a payment of a SANG Step In Contribution (to safeguard the Council against deficiencies in the owner’s management). Wording would be worked up in collaboration with the council’s Natural Environment Team.

Nutrient neutrality:

7.22 The 20 July Planning Committee Report identified (Para. 15.79) that an offsite mitigation solution is proposed to deliver nutrient neutrality. This is necessary to ensure compliance with Policy ENV2 of the Local Plan, Paragraphs 179-80 of the NPPF and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

7.23 The offsite mitigation is required to be delivered prior to occupation of the development. The proposed planning obligation to be secured via separate Section 106 Agreements would secure:

*“Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings.”*

7.24 Given the obligation would relate to two off-site sites, it is proposed that separate Section 106 Agreements be agreed. Parties to each agreement would comprise the landowners, developer and Dorset Council.

7.25 On 29 August 2023 the Government announced it would amend the Levelling Up and Regeneration Bill to allow for the delivery of homes held up by nutrient neutrality requirements. To allow flexibility to respond to changing requirements, the Section 106 Agreements would include clauses for revised mitigation should current requirements to achieve nutrient neutrality be amended.

## **8.0 Conclusion**

8.1 At the 20 July 2023 Western and Southern Area Planning Committee Members considered the application provided a positive contribution to much needed housing in the area and the 45% on-site provision of affordable housing would benefit the local housing market. Members resolved that the application be deferred to a subsequent meeting for Members to consider the wording of planning conditions given that the committee were minded to approve the application subject to the completion of a legal agreement and suitably worded planning conditions.

8.2 The Section 106 Heads of Terms identified above are considered to meet the Regulation 122(2) tests of the Community Infrastructure Regulations (2010), being: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

8.3 Planning conditions discussed in the 20 July Committee Report (Appendix 1) are also proposed.

## **9.0 Recommendation**

9.1 Further to the resolution of the 20 July Western and Southern Area Planning Committee, the planning obligations and conditions detailed within this report are considered necessary to make the development acceptable in planning terms.

**Recommendation A:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of S106 Legal Agreements to secure the following:

1. 36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to intermediate affordable housing.
2. Local Area for Play (LAPs) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management in perpetuity.
3. Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:
  - i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;
  - ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;
  - iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;
  - iv. Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road; and
  - v. Access only signage to Bramble Drove, which is a private road.
4. Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan
5. Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings.

And subject to the planning conditions below:

**Approved Plans**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location Plan P0001



- Proposed Broadmead Site Access General Arrangement 23054-04-6 Rev B
- Proposed Broadmead Site Access Rectory Road Junction Alterations and Footway Works 23054-04-7 Rev B

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

### **Approval of Reserved Matters**

2. 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.

Reason: To ensure the satisfactory development of the site.

### **Timescales – Reserved Matters**

3. Application(s) for approval of all reserved matters 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.

### **Timescales – Commencement of Development**

4. 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).

### **Access, Highway Layout, Turning and Parking Areas**

5. 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 Planning Authority.

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

### **Visibility Splays**

6. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the approved plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

### **Construction Traffic Management Plan**

7. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:
  - a) construction vehicle details (number, size, type and frequency of movement)
  - b) a programme of construction works and anticipated deliveries
  - c) timings of deliveries so as to avoid, where possible, peak traffic periods
  - d) a framework for managing abnormal loads
  - e) contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
  - f) wheel cleaning facilities
  - g) vehicle cleaning facilities
  - h) 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
  - i) a scheme of appropriate signing of vehicle route to the site
  - j) a route plan for all contractors and suppliers to be advised on
  - k) temporary traffic management measures where necessary

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

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

### **Construction Environmental Management Plan**

8. Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The CEMP must include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs
- The development shall take place strictly in accordance with the approved CEMP.

Reason: To protect biodiversity during the construction phase.

### **Landscape and Ecological Management Plan**

9. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Landscape and Ecological Management Plan (LEMP) dated 8 February 2022 and certified by the Dorset Council Natural Environment Team on 16 March 2022 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

- a) the mitigation, compensation and enhancement/net gain measures detailed in the approved LEMP have been completed in full, unless any modifications to the approved LEMP as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority; and
- b) evidence of compliance has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

### **Samples of Materials**

10. Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

### **Surface Water Management Scheme**

11. No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and

hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for implementation, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the approved details and timetable.

Reason: To prevent the increased risk of flooding and to protect water quality.

### **Surface Water Maintenance and Management**

12. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. These shall 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. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

### **Land Contamination**

13. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for any necessary remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) where necessary, a detailed phasing scheme for the development and remedial works (including a time scale). 5) where necessary, 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 remediation works written confirmation 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.

14. Prior to the first occupation of the development a verification report to confirm that the development is fit for purpose following any remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with the latest

Environment Agency guidance, currently Land Contamination Risk Management: Stage 3 Remediation and Verification (19 April 2021).

Reason: To ensure potential land contamination is addressed.

15. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be carried out within the approved timescale. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

#### **Archaeology**

16. No works shall take place until the applicant has carried out a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted by the applicant to, and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

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

#### **Arboricultural Method Statement**

17. Prior to the commencement of any development hereby approved a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter accord with the approved Statement.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

#### **Minerals Safeguarding**

18. Prior to commencement of development a Feasibility and Method Statement for the re-use of aggregate material raised during site preparation/construction works shall be submitted to and approved in writing by the Local Planning Authority. The Feasibility and Method Statement shall provide:

- a. A field evaluation to establish the presence, extent and nature/quality of any underlying sand and gravel deposits;
- b. An appraisal to determine the practicality of recovering and re-using on site, a quantity of usable material;
- c. A Construction Management Plan detailing how the prior extraction of materials would take place, including the anticipated quantum of minerals that could be reused.

The development shall thereafter accord with the approved Feasibility and Method Statement. Within three months of the substantial completion of groundworks a report setting out the quantum of material re-used on site shall be submitted to the Local Planning Authority.

Reason: To comply with national and local policy on mineral safeguarding and to ensure that any suitable materials raised during construction are put to their highest and best use, while minimising the need to import aggregate materials from beyond the site, in the interests of sustainability.

### **Lighting Strategy**

19. Prior to commencement of work 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)

### **Cycle Parking**

20. Prior to use or occupation of development hereby approved, a scheme showing details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved facilities shall be installed and maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

### **Water Usage**

21. Details of measures to limit the water use of the dwelling(s) in accordance with the optional requirement in regulation 36(2)(b) and the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved in writing by the Local Planning Authority before the dwellings are occupied. The submitted details shall include a water consumption calculation for each dwelling in accordance with the Approved Documents referred to above. The approved measures shall be

implemented prior to occupation and maintained in accordance with the approved details thereafter.

Reason: To ensure nutrient neutrality in Poole Harbour catchment in the interests of protected habitats.

**Informatives:**

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/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.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

2. Informative: This permission is subject to a agreements made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to affordable housing, play space, off-site highway improvement works, SANG provision and off-site nutrient neutrality mitigation.

3. Informative: The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.

4. Informative: The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website [www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering](http://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering)

5. Informative: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by

email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.

6. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

**Recommendation B:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 7 March 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

- 1 In the absence of a completed Section 106 legal agreement to secure affordable housing the proposal would be contrary to Policy HOUS1 of the West Dorset, Weymouth & Portland Local Plan (2015).
- 2 In the absence of a completed Section 106 legal agreement to secure provision of a Suitable Alternative Natural Greenspace (SANG) the associated likely significant effects on Dorset Heathlands are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; Dorset Heathlands Planning Framework 2020-2025 SPD (2006); National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
- 3 In the absence of mitigation to ensure nutrient neutrality the associated likely significant effects on Poole Harbour SSSI, SPA and Ramsar through increased nitrogen and phosphate loads are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
- 4 In the absence of a completed Section 106 legal agreement to secure a Local Area for Play (LAP) the proposal would be contrary to Policy COM1 of the West Dorset, Weymouth & Portland Local Plan (2015).
- 5 In the absence of a completed Section 106 legal agreement to secure off-site highway improvement works the proposal would be contrary to Policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015).



