

Application Number:	P/OUT/2023/06654		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land at Sandways Farm New Road Bourton		
Proposal:	Demolition of barns & erection of up to 30no. dwellings & provision of site for village hall with parking area, wildlife area, attenuation pond & public open space (outline application to determine access only)		
Applicant name:	T & A Land Ltd		
Case Officer:	Robert Lennis		
Ward Member(s):	Cllr Potheary, Cllr Woode, Cllr Rideout		
Publicity expiry date:	23 February 2024	Officer site visit date:	06 February 2024
Decision due date:	25 April 2024	Ext(s) of time:	08 November 2024

1.0 Reason for Committee Decision:

The application is reported to Committee as the Parish Council has a contrary view to that of your Officers.

2.0 Summary of recommendation: Grant

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to:

- A) Grant outline planning permission subject to the following conditions, and the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager.
- B) Refuse permission for the reasons set out below if the S106 legal agreement is not completed by 05/05/2025 or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation:

As set out in section 16:

- The development would provide the public benefits sought by Bourton's Neighbourhood Plan, Policy 5 – New Village Hall. In particular, land to be

transferred to the Parish Council: approximately 0.3ha of land for a village hall and parking, 1.4ha amenity space, landscaping to augment the ecological value on the site including the creation of a small area for nature.

- The provision of six affordable housing units should be given significant weight.
- The development would provide ecological benefits as set out in the Biodiversity Plan and improve and extend the rights of way network as sought by BNP Policy 11: Footpaths and Bridleways.
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- Whilst the proposal would result in less than substantial harm to the setting of heritage assets, the public benefits of the scheme would outweigh the identified harm.
- The development could be designed to avoid any significant harm to neighbouring residential amenity.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development in the countryside is contrary to the Council's spatial strategy. However, Bourton Neighbourhood Plan Policy 5 is permissive of some development in this location to enable the delivery of land for a village hall and amenity space which are substantial benefits of this scheme.
Open market and affordable housing	Whilst the Council is able to demonstrate a five-year housing land supply, we are still obliged to support the Government objective of significantly boosting the supply of homes. There is still a high need of affordable housing across the Council; as such the 6no. affordable houses this development would deliver are seen as a significant benefit of this scheme.
Indicative layout	The proposed indicative layout of the proposal is supported by Officer. The applicant had engaged with Officers through pre-application discussion and addressed the concerns with regard to heritage assets and passive surveillance of the amenity space.
Impact on residential amenity	The illustrative layout shows that the proposed development could be designed in such a way to avoid any neighbour amenity issues.

Highway safety	A new vehicular and pedestrian access is proposed from New Road (C173) to serve the development site. The exact details of the highway, parking, etc, would be agreed at the reserved matters stage should outline permission be granted. The Highway Authority has raised no objections.
Heritage	The proposed scheme closely reflects Officer's advice sought at the pre-application state. Predicated on the suggested mitigating measures the public benefits would justify the less than substantial harm to the setting of the neighbouring grade II listed buildings, Sandways, and Sandways Farm
Landscape	The development of this site would be both visually and physically connected to the existing settlement and would not dominate or significantly influence landscape and visual character, nor be out of keeping with its surroundings or dominate key views having due regard to the setting of Cranbourne Chase National Landscape.
Flooding and drainage	The indicative layout shows how buildings could be arranged on site to avoid flood risk.
Biodiversity	The site does not support any irreplaceable habitats. The biodiversity plan indicated the proposal would bring a net benefit to the ecological value of the site.

5.0 Description of Site

The application site is located centrally within Bourton and is accessed off the New Road. The site is approximately 3.10 hectares in size and comprises two fields connected with a stream running between them. There is a disused agricultural barn with pig sties in the north-eastern section of the site adjacent to the main road, and a former hay barn in the lower field.

The application site is located outside of, but adjacent to, the settlement boundary of Bourton. The site is allocated for development in conjunction with a village hall as set out in Policy 5: New Village Hall of the Bourton Neighbourhood Plan (BNP).

There are two listed buildings located immediately northeast of the site, Sandways Farm (Grade II) and Sandways, 1-5 Main Road (Grade II).

The surrounding area is characterised by dwellings in a more linear pattern of development addressing the main road, with a largely undeveloped, agricultural character of open fields behind these dwellings.

6.0 Description of proposed development

Demolition of barns & erection of up to 30no. dwellings & provision of site for village hall with parking area, wildlife area, attenuation pond & public open space (outline application to determine access only).

7.0 Relevant Planning History

P/FUL/2021/04282 – Refused –

Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.

Refused for the following reasons:

- 1. The proposed development would have an adverse impact resulting in less than substantial harm to the setting of Sandways Farmhouse which is not outweighed by public benefits contrary to Bourton Neighbourhood Plan Policy 5, and Policy 5 of the adopted North Dorset Local Plan Part 1 (2016), and section 16 of the National Planning Policy Framework.*
- 2. The proposed development site is located in the countryside adjacent to settlement boundary designated for Bourton in the adopted Local Plan and would greatly exceed the area needed to deliver the aims of the Bourton Neighbourhood Plan Policy 5. As such, the proposed development would create a relatively isolated development which would introduce an unnecessary suburbanising effect into this countryside location and would not be addressing local needs contrary to Policies 2 and 5 of the Bourton Neighbourhood Plan, Policies 2, 6 and 20 of the adopted North Dorset Local Plan Part 1 (2016), and paragraphs 79 and 105 of the National Planning Policy Framework 2021.*
- 3. The proposed layout, appearance, and scale of the development fails to accord with the aims of Policies 5 and 8 of the Bourton Neighbourhood Plan, and is contrary to Policies 3, 7, 15 and 24 of the adopted North Dorset Local Plan Part 1 (2016), and paragraph 125 of the National Planning Policy Framework 2021.*
- 4. In the absence of completed and signed Section 106 legal agreement to secure affordable housing, and community benefits (relating to education, affordable housing, ownership of village hall, parking land, and public amenity area, construction and completion of village hall, libraries, public rights of way, and health care) the proposal would be contrary to Policies 4, 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 (January 2016), and paragraph 55 National Planning Policy Framework (2021).*

2/2017/1357/OUT – No decision issued -

Demolish agricultural buildings, carry out improvements to existing access points, provision of new access road and modification of existing access track. Develop land

for residential purposes and a new Village Hall with associated parking (outline application to determine access).

Reason for no decision issued:

- 1. The resolution to grant at by the Planning Committee was predicated on the completion of a Section 106 legal agreement. That S106 agreement was never completed.*

8.0 List of Constraints

SSSI impact risk zone;

- NE - SSSI (5km buffer): Dead Maid Quarry ;
- NE - SSSI (5km buffer): Heath Hill Farm ;
- NE - SSSI (5km buffer): Whitesheet Hill ;

Setting of Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).

Setting of the National Landscape - Name: Cranborne Chase & West Wiltshire Downs (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000).

9.0 Consultations

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

Consultees comments:

Bourton Parish Council – Object:

1. Overview

a. The history of the Land at Sandways Farm site should be noted, especially since a proposed largescale development was refused permission in the late-1990s, as it was outside Bourton's settlement boundary. The outline planning consent granted in 2019 was for the site for a new village hall and a small housing development (maximum 10 dwellings). Subsequently, upon acquiring the Sandways site in 2020/21, T&A Land applied for a larger development which included 30 dwellings and a fully constructed new Village Hall funded by the developer, on the site of the existing redundant barn. T&A Land's previous application was supported by Bourton Parish Council and Village Hall trustees, since the new Hall and adjacent carpark were to be sited in a location which was strongly favoured by the village community via the Bourton NP validation vote in 2018 and an informal referendum held in 2019, and construction of the new Village Hall by the developer was effectively a 'once in a lifetime opportunity' for the village community.

b. T&A Land's current application includes the site for a new Village Hall in a far less acceptable location. The site is poorly placed down the hill, not along the roadside. Access would be much more challenging for Hall users who are old or disabled. Within the application's outline scheme, parking spaces adjacent to the Hall are limited. The car park spaces located away from the Hall are likely to be utilised by residents and those using the amenity space, making access to the Hall potentially difficult for individuals with mobility issues.

c. The offer contained within the current application is only for a plot for a new Hall, thereby presenting the community with the immense challenge of funding its construction, as well as the cost of maintaining the amenity space, wildlife area and an unrequested orchard. This could mean that the plot for the Hall will eventually be used, by default, for additional housing. The preferred site for the hall is on the site of the existing barn, where it will have much more appeal and therefore greater financial viability, and will be far more accessible to all members of the community. Having an adjacent carpark (roadside) will make its designation, for use by Hall users only, far simpler than for the current application, in which there is significant separation between the main carpark and the Hall site.

2. Bourton Parish Council's Assessment

*Bourton Parish Council has considered the latest Land at Sandways Farm planning application reference P/OUT/20232/06654 and **objects** to it, based on the planning grounds detailed below.*

3. Principle of Proposed Development

a. The application site is located in countryside outside Bourton's defined Settlement Boundary and would greatly exceed the area needed to deliver the aims of Policy 5 of Bourton's Neighbourhood Plan (NP). The latter allocated this site for a maximum of 10 dwellings and the site for a Village Hall. Development on the scale proposed within P/OUT/2023/06654 would constitute serious harm to the setting of the village. This would not be outweighed by the provision of the 'site for village hall', unlike the developer's previous application for the Sandways site which specified the full construction of a complete Village Hall at the developer's expense and in a location that met the needs of Village Hall Trustees and the village community.

b. The proposed development would be contrary to the DC Local Plan as follows:

i. LP Policy 2: Core Spatial Strategy. LP Policy 2 requires development to be focused on the four main towns in ND. The policy stresses that 'At Stalbridge and all the District's villages, the focus will be on meeting local (rather than strategic) needs'. On this basis, the current application fails to comply with Policy 2 as there is no local need for 30 dwellings on the Sandways site.

ii. LP Policy 6: Housing Distribution. The applicant fails to establish that there is an '...identified

local and essential rural need', as stipulated within Policy 6. The 2021 Annual Monitoring Report records that in the first 10 years of the 20-year Local Plan, there were 539 housing completions in Stalbridge & the villages, including 36 in Bourton. The latter figure has increased significantly, as housing completions on the Bourton Mill site have continued to progress and will increase further as a result of consent having been granted for 8 dwellings on the Voscombe Farm site.

iii. LP Policy 8: 'Affordable Housing'. LP Policy 8 states that for applications such as

P/OUT/20232/06654, the development should include 40% Affordable Houses (AH), which in this case should be 12 out of the proposed 30 dwellings; whereas, within this application only five of the dwellings are due to be AH, in spite of the Application document claiming that there would be 12 of them.

iv. Policy 20: The Countryside. Policy 20 reiterates that, 'Development in the countryside outside defined settlement boundaries will only be permitted if: (a) it is of a type appropriate in the countryside....; or (b) for any other type of development, it can be demonstrated that there is an 'overriding need' for it to be located in the countryside. There is no 'need' for housing on the application site, especially since it is outside Bourton's Settlement Boundary. Additionally, the 9 or 10 dwellings located immediately road-side within the proposed development would be in direct contravention of Policy 20, as they would be totally inappropriate in such a setting.

v. Policy 23: Parking. The parking for the Village Hall does not meet the requirements set out in LP Appendix C. This is compounded by the Hall being located within a suburban-type housing estate with minimal parking for the neighbouring dwellings hence the risk of the parking area being dominated by residents, their visitors and commercial vehicles.

c. Paragraph 8 of the NPPF (2023) sets out the three dimensions to sustainable development identified in the NPPF: economic, social and environmental objections. Taking each of these in turn:

i. Economic. Whilst there might be some short-term economic benefits arising from the proposal in the form of providing work for contractors and suppliers involved within the construction phase, the longer-term economic benefits of these additional dwellings would be negligible and would not compensate for the visual harm caused to the landscape and the rural setting of the village. If approved, this application would risk creating a dormitory village as there is no investment in infrastructure, nor employment opportunities.

ii. Social. Within the proposed 30 dwellings there would only be five which are affordable and/or constitute social housing. This element of NPPF also encourages 'fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being'. This application does nothing to promote such values. The creation of an orchard is as unnecessary as the attenuation pond and the amenity land has a significant gradient which will restrict its use as a playing field.

iii. Environmental. The proposed development would result in excessive harm to the character and beauty of the countryside, which would outweigh any perceived benefits. Given the absence of any public transport for Bourton's residents, there is also the threat that the 40-60 vehicles owned by future residents of the Sandways site would dramatically increase the village's carbon footprint.

4. Landscape and Heritage

a. The proposed development would result in harm to the setting of the adjacent Sandways Farmhouse. The proposal for 30 dwellings within the setting of this grade II listed property is not outweighed by public benefits, contrary to Bourton Neighbourhood Plan Policy 5, and Policy 5 of the adopted North Dorset Local Plan Part 1 (2016).

b. The siting of 10 dwellings roadside, including a terrace of six next to Sandways Farmhouse, would exacerbate the harm to this listed property and its agricultural setting, and create a seriously urban

impact, contrary to Bourton NP, Policy 1.a.: ‘All new development adjoining or close to the rural edges of the village shall be planned and designed to create a sensitive transition between village and countryside. Development shall take place within the existing Settlement Boundary or on allocated sites’.

c. The proposed 9 or 10 roadside dwellings would also seriously harm the relevant ‘important view of the countryside’, contrary to Bourton NP, Policy 1.b.:

‘Development shall not have a significantly adverse effect on important views of the countryside from the village or those towards the village, especially those identified on Map 2.’ T&A Land’s previous application for the Sandways site did not degrade the relevant countryside view since the Village Hall would have been positioned where the old barn is located with the Hall carpark adjacent to it, such that views to the South from the roadside would have been preserved.

d. NP Policy 2.b requires that, ‘All new development shall have regard to the spatial characteristics of the locality and shall secure adequate space and planting. Visually important open space between buildings and groups of buildings will be required to maintain an open aspect’. The proposal to front New Road to the west of Sandways Farmhouse with new housing situated immediately road-side fails to respect this policy and would give rise to a very urban aspect to this part of Bourton village.

e. The proposed site for the Village Hall does not flow into the open space making any public events taking place on the amenity space disjointed from the former.

5. Biodiversity. *Approval of this development would be in contravention of Bourton NP Policy 6: which, states that ‘Development proposals must ensure that local biodiversity will not be harmed either directly or indirectly’. The proposed development would have an adverse impact on local wildlife and biodiversity due to the wetland nature of the site’s lower field. Whilst a wildlife area was originally included in T&A Land’s original application, this has now been replaced with an orchard and attenuation pond, neither of which are appropriate since the former will require extensive management and the latter will pose risks to the safety of children.*

6. Community Engagement. *Contrary to NPPF (2023) paragraph 16, there has been a complete absence of engagement between DC planning officers, who have urged T&A Land to adopt the current site layout, and the local community, local organisations and/ or Bourton Parish Council as a statutory consultee.*

7. Conclusion. *The current application reverts to the proposal contained within Policy 5 of Bourton’s NP, whereby Bourton is gifted the site for a Village Hall. However, instead of the site being in exchange for permission to build up to 10 dwellings, the current application is proposing 30 houses in exchange for merely the site for a new Village Hall. The chances of Bourton Village Hall trustees ever being able to raise sufficient funds (probably in excess of £900K) to enable construction of a completed new Hall are non-existent, particularly since National Lottery funds are no longer granted for replacement village halls and Dorset Council is unlikely to have spare funds necessary to make a sizeable grant donation. Without a viable prospect for a new Village Hall being affordable, NP Policy 5 is no longer relevant and the application would therefore fail to comply with LP Policy 20 (‘Countryside’).*

8. Summary. *Bourton PC opposes this application on the grounds that the site lies outside Bourton's defined settlement boundary. Development of this site on the scale envisaged would be in contravention of Bourton's Adopted Neighbourhood Plan Policies 1, 2, 5 & 6 and Dorset Local Plan Policies 2, 5, 6, 8, 20 & 23. Unlike T&A Land's previous application which included a fully constructed new Village Hall as part of the proposed development, this latest application merely provides the site for a new Hall, and in a far less visible and therefore marketable location than was previously the case, hence the community benefit associated with this application is effectively non-existent.*

Silton PC – no response.

Somerset Council – no comments to make.

Wiltshire Council – no response.

Zeals PC – has raised object to the proposal and consider it to be overdevelopment in a small village, lacking infrastructure, and located in a flood plain.

Dorset Council (DC) - Education Officer – no response.

DC - Rights of Way Officer – no response.

DC - Highways – no objections subject to conditions.

DC – Public Transport – no objections subject to contributions towards improved bus stop infrastructure.

DC - Dorset Waste Team – no response.

DC - Conservation Officers – no objection in principle.

DC – Trees Officer – no objection subject to conditions.

DC - Housing Enabling Team – no objection subject to consideration of the affordable housing mix.

DC - Planning Policy– no response.

DC - Economic Development and Tourism – no response.

DC - Flood Risk Management – no objection subject to conditions.

DC - Env. Services – Protection – additional information is required about noise, and contaminated land Phase 2. No objection subject to conditions.

DC - Building Control North Team – no response.

DC - Section 106 – no objection subject to contributions being secured.

DC – Libraries – no response.

DC - Public Health Dorset – no response.

DC - Public Transport – no objections subject financial contributions being secured towards bus service such as stops and real time bus departure board.

DC - Highways Asset Manager – no response.

Dorset Police Architectural Liaison Officer – no response.

Dorset Fire & Rescue Service – no objection in principle subject to building regulations being adequately addressed and consideration of national guidance.

Historic England – no comment.

Wessex Water – no response.

Representations received

Ramblers Association – support the proposal and would recommend the proposed pedestrian access to Clay Lane (existing bridleway N57/21) is made a public right of way.

Dorset Wildlife Trust – no response.

This application has attracted 107 representations; 1 support, and 106 object.

Summary of support comments:

- *housing in Bourton is unaffordable for first time buyers.*
- *affordable housing is needed to bring youth into the village.*

Summary of opposing comments:

- overdevelopment
- traffic and highway safety
- not enough infrastructure (school/GP surgery/bus service)
- outside the village/settlement boundary
- contrary to the Bourton NP
- detrimental to the setting of heritage assets
- detrimental to the character of the village
- flooding unsuitable for housing

- not enough benefits to allow this much housing
- the village hall will not be built do to lack of funding
- ecological harm/loss of habitat
- loss of views
- lack of housing need
- lack of school spaces

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 'Conserving and Enhancing the Historic Environment' includes a general duty to have '*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*'

11.0 Relevant Policies

North Dorset Local Plan Part 1 (LPP1) adopted January 2016:

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Core Spatial Strategy
- Policy 3: Climate Change
- Policy 4: The Natural Environment
- Policy 5: The Historic Environment
- Policy 6: Housing Distribution
- Policy 7: Delivering Homes
- Policy 8: Affordable Housing
- Policy 9: Rural Exception Affordable Housing
- Policy 11: The Economy
- Policy 13: Grey Infrastructure
- Policy 14: Social Infrastructure
- Policy 15: Green Infrastructure
- Policy 23: Parking
- Policy 24: Design
- Policy 25: Amenity

North Dorset District Wide Local Plan (1st Revision) Adopted 2003:

Policy 1.7- Development within Settlement Boundaries

Bourton Neighbourhood Plan (2016-2031)

The Bourton Neighbourhood Plan was 'made' on 26 January 2018, and forms part of the Development Plan. Relevant policies applicable to this outline application are:

Policy 1: Landscape setting

Policy 2: Settlement Pattern and Character

Policy 3: Building Design and Form

Policy 4: Traffic and Parking

Policy 5: New Village Hall

- a) Either of the two sites indicated on the proposals map is deemed to be suitable for the development of a village hall and the provision of associated amenity space. A small housing development may also be provided on the site in order to make the release of the land viable for the use of a village hall and associated amenity space.
- b) The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:
 - approximately 0.3 ha to the village hall and a parking and manoeuvring area, and;
 - approximately 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
 - approximately 0.3 ha to the housing development.
- c) The land for the village hall and amenity space, as specified in criterion b) above if not already transferred to the ownership of the Parish Council shall prior to any grant of planning permission on any part of the site for any aspect of the proposed development be transferred to the ownership of the parish Council as part of a S106 agreement or similar legal instrument. This process will be subject to an open table discussion between the LPA, the Parish Council and the applicant.
- d) The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.
- e) Development proposals for this site are required to include:
 - screening, using native species planting to lessen visual impact and to limit the impact of noise on neighbouring households;
 - the augmentation of ecological value on the site as discussed in the relevant Ecological Impact Assessment; housing consisting mainly of small family homes;
 - measures that protect heritage assets and their setting.

- f) The decision-making process on Planning Applications for the proposed site options will be carried out by the Local Planning Authority in accordance with this policy as part of the plan-led process and having taken into account any other material considerations, including the identified planning considerations of the residents as expressed through the Parish Council

Policy 8 – Mitigating and adapting to Climate Change

Other material considerations

Bourton Village Design Statement (BVDS)

- The BVDS was adopted by North Dorset DC as a Supplementary Planning Document on 30 September 2011.

National Planning Policy Framework (NPPF):

1. Introduction
2. Achieving sustainable development
 - Paragraph 11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
4. Decision-making
 - Paragraph 57 - Planning obligations must only be sought where they meet all of the following tests:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Officer guidance note on the Five-Year Housing Land Supply and the Council's Annual Position Statement 2024

Members will be aware that on the 26 September 2024, the Planning Inspectorate (PINS) confirmed that Dorset Council can demonstrate a Housing Land Supply

(HLS) of 5.02 years. This covers the entire Dorset Council area and replaces all previous calculations for the former districts.

The Inspector's Report and the finalised Annual Position Statement (incorporating PINS recommendations) are published online at [Annual Position Statement - Five Year Housing Land Supply - Dorset Council](#).

The Inspector's Report states that we are entitled to rely on this position until 31 October 2025. This is in accordance with Para 78 of the NPPF (December 2023) and Paras 012 and 018 of the PPG (Housing Supply and Delivery).

The Council can therefore demonstrate a 5-year housing land supply. In addition, no areas in Dorset Council have a Housing Delivery Test result of less than 75% delivery, meaning that the two minimum criteria of footnote 8 of the NPPF are met. This means that in most cases¹, the presumption in favour of sustainable development does not apply. Full weight can therefore be given to relevant policies in the adopted Local Plans and Neighbourhood Plans.

As the confirmed housing land supply position is close to the required minimum of 5 years, this is a material consideration in planning decisions. Another material consideration is the Written Ministerial Statement issued by the Secretary of State on 30 July 2024, which makes clear that the government wish for the planning system to address the housing crisis and deliver significantly more homes. When making decisions, case officers should consider the benefits of an increase to the housing supply alongside other benefits of the scheme, against the impacts associated with the development.

National Design Guidance

Paragraphs 86, 100, 104, 107, 116, 129

Dorset Council Interim Guidance and Position Statement Appendix B:

Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

¹ Note that there may still be circumstances where the 'presumption' does apply, such as where there are no relevant development plan policies, or that the policies can be considered to be out of date for other reasons.

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

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

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

The Council has considered matters such as disabled parking for the proposed hall, level access to be achieved on all the proposed new buildings, public transport links to services, footpath and pavement, and highway adoptable standards.

14.0 Financial benefits

The applicant has indicated that it would be willing to enter into a S106 agreement to secure these planning obligations

In order to make development acceptable in planning terms, applications for major housing development are expected to maintain and enhance the level of grey, green & social infrastructure as set out in Policies 13, 14 and 15 of the LPP1. If members were minded to grant permission, a s106 obligation would be required to secure the following:

Affordable Housing	6no. affordable houses including a viability review clause in the legal agreement.
Allotments	£308.16 per dwelling
NHS Infrastructure Contribution	£722 per dwelling to support infrastructure for Primary, Secondary and Community care within the NHS system
Education (Primary & Secondary)	£6,094.34 per dwelling
Pre-School Provision Contribution	£190.50 per dwelling

Community, Leisure and Sports Facilities Contribution	Provision of serviced plot for new village hall. Land to be transferred to Bourton Parish Council
Informal Open Space	On site provision
Informal Open Space Maintenance Contribution	£1,278.80 per dwelling (if open space is transferred to Bourton Parish Council)
Formal Outdoor Sports Facilities Contribution	£1,241.52 per dwelling towards outdoor sports provision (£1318,80 contribution less £77.28 land acquisition cost)

These contributions were taken into consideration in the viability assessment report undertaken by the District Valuer. In summary, the DV concluded,

“It is my considered and independent opinion that the above scheme assessed with regards to full planning policy requirement, comprising 40% on-site affordable housing (12 units) and total S.106 financial contributions of £341,709 is not financially viable. However, through gradual reduction of policy contributions is my considered and independent opinion that a partially planning compliant scheme, reflecting 20% on site affordable housing (6 units) and total s.106 financial contributions of £341,709 is considered to be marginally viable.”

15.0 Environmental Implications

The applicant has submitted a supporting document titled "Sustainability Statement". This document is intended to demonstrate how the proposed development response positively to national and local sustainable policy requirements. This includes measures to mitigate and adapt to the effects of climate change.

The SS sets out key sustainable design measures incorporated at this stage and to be considered during the future detailed design of homes. This document doesn't propose any measures above or beyond current Policy and Regulation requirements other than with regard to ecology and biodiversity. Officer's would advise that this should not be seen to be out of the ordinary as this is an outline application with all matters reserved for future consideration. Achieving current Regs and best practice would create a quality development and would accord with BNP Policy 8 and LPP1 Policy 3 but should not attract additional weight in the decision-making process.

16.0 Planning Assessment

This is an outline application to agree the principle of development and the details of access. Matters relating to details of layout, scale, appearance, and landscape are not for consideration at this time. An indicative layout plan has been submitted which shows how twenty-nine residential dwellings, a village hall, parking and amenity space could be provided on site.

The information provided to the District Valuer for their viability assessment was based on delivering a mix of 29no. dwellings: one five-bed, twelve four-bed, and sixteen three-bed. The total site area is 3.10ha, with approximately 0.30ha to be provided as a site for a village hall and 1.4ha of amenity land/public open space.

The main issues are considered to relate to:

- Principle of development
- Open market and affordable housing
- Highway safety
- Impact on heritage assets
- Impact on landscape
- Flood risk
- Ecology

Principle of development

The proposed development site is located adjacent of the settlement boundary of Bourton. In policy terms the site is within the 'countryside' as set out in LPP1 Policies 2 and 20. Any development in the countryside would normally be strictly controlled unless it is required to enable essential rural needs to be met. Policy 5 – New Village Hall of the BNP represents an essential rural need and would allow for a small housing development to enable the transfer of land for a new village hall and amenity space.

Of relevance to this application is the outline application 2/2017/1357/OUT which proposed a residential development of 9no. dwellings and made provision for a village hall and amenity space. The Planning Committee in May 2019 gave a resolution to grant subject to the completion of a section 106 legal agreement. However, the legal agreement was never completed.

The proposal before us today has regard to that outline application in terms of the indicative layout and is submitted in light of Policy 5 of the Bourton Neighbourhood Plan (listed above). This Policy sets out six tests by which proposals for a new village hall are to be assessed.

It is considered that the current proposal broadly achieves the aims of the BNP and Policy 5. Applying the tests of this Policy it is considered:

- i. Criteria a); is considered to be met. It should be acknowledge that proposed development of over 10 dwellings is considered to be major development. However, the aim of the policy is to "... make the release of land viable..."

The proposed scheme has been assessed as "marginally viable" by the District Valuer. If the aims and objectives of this Policy are to be met then a

scheme of ten dwellings may not be realistic to meeting the goal of delivering a site for a village hall and public open space.

- ii. Criteria b); is considered to be met. This criteria states the permitted site shall provide an area of 'at least' 2.1ha to be apportioned as follows: approximately 0.3ha, 1.5ha, and 0.3ha of land for the village hall, amenity space and housing, respectively.

The proposal would deliver approximately 0.3ha of the site for the village hall, parking and manoeuvring, and 1.4ha for amenity space, and an area of approximately 1.4ha for the proposed housing. As stated above, the proposed development has been assessed to be "marginally viable". The additional area for housing is considered to be necessary to make the scheme viable.

The Policy's wording is not specific and provides some flexibility to the amount of land needed to deliver the community benefits being sought by using the words 'at least'.

- iii. Criteria c); seeks only a transfer of land for the new village hall and amenity space to the Parish Council. Subject to the completion of a S106 legal agreement prior to issuing any planning permission this would be met.
- iv. Criteria d); the applicant intends to transfer the land in a cleared state with services and access road provided and this will be written into the S106 legal agreement.
- v. Criteria e); requires housing consisting of mainly small family homes, however only 6 of the 30 dwellings proposed are considered to be small. This criteria also requires measures that protect heritage assets and their setting. Whilst the proposed illustrative layout and landscaping would adequately protect the setting of Sandways Farm, the housing sizes cannot be said to be 'mainly small family homes'. As set out in the viability report only 12no. of the 30 homes would be less than 101sqm. However six of the homes would be affordable dwellings and sixteen of total number of homes would be 3-bedroom dwellings.

It is considered that the provision of open market housing is a neutral factor in the weighting of benefits of this scheme. However, the provision of affordable housing should be given significant weight.

- vi. Criteria f); aims to have a plan-led process taking account of other material considerations. The viability of the proposed development is material to the delivery of the land for a village hall. Additionally, all the benefits proposed including: amenity/public open space, ecology, and affordable housing are

also material considerations. The application seeks to deliver the aims of Policy and thereby following a plan-led approach.

The applicant has not submitted a local needs assessment for the quantum of housing being proposed. As such, the housing element of this application is considered to also be addressing a wider housing need and the location of the site in the countryside is contrary to LPP1 Policies 2, 6, and 20. Be that what it may, in order to achieve the benefits of BNP Policy 5 the viability report confirms that the margins will be tight but achievable. In this light, it is considered that this amount of housing maybe unavoidable.

BNP Policy 3: Building Design and Form is particularly concerned with the details of the built form of any new development in Bourton and aims to ensure that the existing local character and attractiveness is reinforced. As this is an outline application to agree the principle of development and the detailed access arrangement, this Policy will be of more relevance to any subsequent reserved matters applications.

The indicative layout plan submitted with the application shows how future development of the sight could be achieved. To minimise the impact of the village hall, which is likely to be a substantial building, the site for this building should be excavated into the slope but this is a detailed matter for future consideration. Officers have considered the indicative layout and are broadly supportive of this approach.

Open market and affordable housing

We are obliged to support the Government's objective of significantly boosting the supply of homes with an overall aim to meet our Council's identified housing needs.

As stated above, the Council has a confirmed five year housing land supply. This is very positive and allows us a stronger hand in achieving good design for the right homes in the right places. As this is an allocated site for housing development in the Bourton NP there is no denying this is the right place for some development.

Officers questioned the need for 29no. dwellings as proposed, and the applicant agreed to have their scheme assessed by the District Valuer. The viability report complete by the DV is an independent and professional view and concluded the scheme would be viable while delivering land for a village hall and land for amenity/public open space to Bourton PC. Additionally, the scheme is able to deliver 6no. affordable houses which should attract significant weight as there is an identified need for AH across the Council.

In light of the viability report, it is considered that the aims and objectives of BNP Policy 5 are not likely to be delivered with a low number of dwellings. This scheme present significant public benefits in terms of land to be provided, and affordable housing to be delivered. The indicative layout shows how the development could, subject to design detail, be arranged to be in keeping with the character area. The DV has suggested that a viability review clause is included in the legal agreement.

This would ensure that if the schemes viability or the type of the affordable housing was to change, there would be an opportunity for this to be reviewed.

Highway safety

The proposed development would form a new vehicular and pedestrian access from New Road (C173) to serve this site. This broadly aligns with the existing field access to the site.

The Transport Development Manager has raised no objections to this proposal subject to conditions which are set out below nor has he raised any concerns with regard to traffic and highway safety.

Impact on heritage assets

Policy 5 of the Local Plan has regard to the desirability of sustaining and enhancing the significance of heritage assets and securing a viable use for it that is most consistent with its conservation. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. Clear and convincing justification for any development that would cause harm to the significance of a designated heritage asset will be required however slight and whether through direct physical impact or by change to its setting. Policy 5 is consistent with the tests in the NPPF which are set out below. In both instances, great weight must be given to the asset's conservation.

Paragraph 205 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

There are no heritage assets within the proposed development site. Any impact in terms of heritage assets relate to the setting of Sandways Farm immediately adjacent to the site (to the east) and a little further east Sandways; both are grade II listed buildings.

It is considered that the proposed development would result in less than substantial harm to the setting of Sandways Farm through development within the agrarian setting of the asset. The degree of harm would depend largely on the reserved matters (appearance, layout, scale, and landscaping), but it is considered that design to reflect the local vernacular and materials could be achieved.

Similarly, the proposal would result in less than substantial harm to the setting of Sandways but to a lesser extent due to distance and fact a dwelling has been built to the rear of the property in the recent past. The degree of harm would also depend on the execution of the reserved matters.

The scheme has been assessed based on the submitted indicative plan in relation to impacts on architectural/ historical significance. Any subsequent reserved matters applications could, and should, address the following:

- Mitigation should be sought through the provision of a robust planting scheme to the NE boundary.
- The Village Hall should be set low into the bank as mentioned in the Planning Statement.
- The terrace of housing, adjacent to New Road, presents a genuine opportunity to explore an appropriate design intervention that both compliments and celebrates a rural design idiom. Housing should reflect an appropriate material palette that conforms to local vernacular form/design and be sited closer to the proximity of New Road.
- The pair of semi-detached housing, adjacent to New Road, should be set behind the existing hedge frontage. Further improvement, regarding the quality of screening/ coverage, might require consideration to realise an appropriate planting scheme in this location.

Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 206 of the NPPF states that "...any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification."

In this case, the public benefits are considered to be the provision of amenity space, serviced land for a village hall, ecological benefits, affordable housing, and private housing, as set out in the report.

It is considered that the public benefits of this proposal would outweigh the identified less than substantial harm that would result to the setting of the adjacent designated heritage assets. The proposal would comply with Policy 5 of the Local Plan and the NPPF.

Impact on landscape

As with the previous application for this site, the key impacts and effects of the proposed development are the perception of the proposed development from the main road, neighbouring residential properties, and the glimpses from the recognised rising ground broadly to the north.

The proposed site consists of well-contained fields which share a boundary with the existing settlement of Bourton. The indicative layout, and supporting landscape design plan, shows how there could be an increase in landscape elements throughout the development particularly on the boundary with Sandways Farm and

around the amenity/public open space. This would offer improvements to landscape elements and character, including providing a sense of place and overall screening and enclosure as should be done with any development on the boundary of a settlement.

It is considered that the proposed changes to the indicative layout could bring a positive change at the detailed design stage for landscaping. As such, the conclusions as set out within the LVIA are accepted and the proposal would comply with Policy 4 of the Local Plan.

Flood risk

An ordinary watercourse traverses the site and flows from west to east. The Environment Agency's Risk of Flooding from Surface Water flood mapping indicates that parts of the site may be affected by surface water flooding. The indicative layout shows how the site could be arranged to avoid the risk of flooding.

The applicant has adequately addressed the concerns raised by our Flood Risk Management Team (FRM). Subject to conditions the FRM Team has no objections to the proposal in principle.

Ecology

The application was supported by a Biodiversity Plan and this was issued a Certificate of Approve by our Natural Environment Team. Subject to the development being carried out in accordance with the BP no objection would be raised with regard to ecology of the site.

17.0 Conclusion

This is an outline application to agree the principle of development and details of site access. The aims and objectives of BNP Policy 5 are considered to be met by this application. As such the principle of development is considered to be acceptable, and no objection were raised by the Council's Transportation Development Manager with regard to the proposed access arrangement.

The quantum of development was questioned by Officers and the applicant agreed to having the viability of their proposal reviewed by the District Valuer. The viability report produced by the DV is a material consideration which demonstrates that the proposed development would be marginally viable. As such, the delivery of land for a village hall plus the other public benefits of the proposed development (amenity/public open space, ecological enhancement, and affordable housing) are likely to come to fruition.

The proposed development would result in less than substantial harm to the adjacent heritage assets. However, it is considered that the public benefits of the scheme would outweigh the harm to the setting of Sandways, and Sandways Farm.

The other matters raised in the representation have been considered on-site and in light of the development plan and other material considerations. There are no other matters at this time that would alter the Officer's recommendation to grant permission subject to conditions and the signing of a S106 legal agreement.

18.0 Recommendation

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to:

- C) Grant outline planning permission subject to the following conditions, and the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager.
- D) Refuse permission for the reasons set out below if the S106 legal agreement is not completed by 05/05/2025 or such extended time as agreed by the Head of Planning.

Grant, subject to the following conditions:

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

20083-12A Location plan
20083-24 Access Plan
20083-22C Parameter Plan (biodiversity)

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

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.

3. 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.

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).

5. Prior to commencement of any works on-site (other than those required by this condition) the first 15.00m of the proposed access road, including the junction with the existing public highway, shall be completed to at least binder course level.

Reason: in the interest of highway safety 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

5. Development must be completed in accordance with the Biodiversity Plan signed and dated by the applicant 29/02/2024.

Reason: it is within the public interest to protect and enhance the ecology associated with this site in accordance with LPP1 Policy 4 and the NPPF.

7. 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 site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment.
 - 2) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
 - 3) a detailed phasing scheme for the development and remedial works (including a time scale).
 - 4) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the development written confirmation 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.

8. 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. 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.

9. Prior to commencement of development, a construction method statement shall be submitted to and agreed in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the agreed statement. This statement should include as a minimum:

- agreement to no bonfires,
- details of protection of nearby receptors from dust arising from construction,
- vehicle movements and parking on-site,
- storage of waste materials prior to removal from site,
- operating times of construction,
- mitigation measures to reduce noise during the build.

Reason: in the interest of health and safety.

10. Prior to first occupation of the development hereby permitted details of the access, geometric highway layout, turning and parking areas shall be submitted to and agreed in writing by the local planning authority. The development shall be completed in accordance with the agreed details and thereafter these areas shall be maintained for the lifetime of the development, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety.

11. Before the development hereby approved is first occupied or utilised the visibility splay areas as shown on the approved plans (or Drawing Number 20083-20 Rev M) must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any Order revoking or re-enacting that Order, the visibility splay areas shall thereafter be maintained and kept free from all obstruction above this height.

Reason: In the interest of highway safety.

12. 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 details shall be 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.

13. Prior to the commencement of development a detailed 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 of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the approved details including the timetable for implementation.

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

14. Prior to the commencement of development details of maintenance and management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

15. An up to date noise assessment for the proposed development, with particular regard to the village hall, shall be submitted with the first set of reserved matters.

Reason: noise from the proposed village hall could have a seriously detrimental impact on neighbouring residential dwellings and will need to be adequately addressed in the reserved matters of this scheme.

16. A tree survey which covers the entire development site (edged in red on the submitted location plan) shall be submitted with the subsequent reserved matters application relate to landscaping.

Reason: to identify those trees which provide a public amenity.

17. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Council. Thereafter, all works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- c) a schedule of tree work conforming to BS3998;
- d) details of the area for storage of materials, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- f) details of any no-dig specification for all works within the root protection area for retained trees;
- g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

18. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the first planting season (November - March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of public and visual amenity.

19. Prior to the commencement of any development hereby approved, above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and completed as approved. These details shall include:

- (i) proposed finished levels or contours;
- (ii) means of enclosure;
- (iii) car parking layouts;
- (iv) other vehicle and pedestrian access and circulation areas;
- (v) hard surfacing materials;
- (vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting, etc);
- (vii) proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines, etc indicating lines, manholes, supports, etc);
- (viii) retained historic landscape features and proposals for restoration.

If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

Informative Notes:

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

The application for planning permission was made before 12 February 2024.

2. The Dorset and Wiltshire Fire and Rescue Service would recommend that you look to provide at least a 32mm minimum diameter water main which would enable the installation of sprinkler systems within the approved dwelling(s).

The Council considers this to be a key element in reducing the impact of fires. The Council believes there is compelling evidence that sprinklers systems are a cost effective way of not only reducing the number of fire deaths and injuries, but also reducing the economic, social and environmental impact of fires.

3. Any work carried out to comply with conditions relating to land contamination must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

4. 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 customerservices@dorsetcouncil.gov.uk, or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.

5. Privately managed estate roads

- If the new road layout is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

5. Electric vehicle charging points

The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

7. Advance Payments Code

- The applicant should be advised that the Advance Payments Code under Sections 219-225 of the Highways Act 1980 may apply in this instance. The Code secures payment towards the future making-up of a private street prior to the commencement of any building works associated with residential, commercial and industrial development. The intention of the Code is to reduce the liability of potential road charges on any future purchasers which may arise if the private street is not made-up to a suitable standard and adopted as publicly maintained highway. Further information is available from Dorset Council's Highways Development team. They can be reached by email highwaysdevelopment@dorsetcouncil.gov.uk, or in writing at Highways Development team, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.

8. An ordinary watercourse crosses your site. If you intend to obstruct the flow in the watercourse (permanently or temporarily and including culverting) you will require prior Land Drainage Consent from Dorset Council as the Lead Local Flood Authority. You are advised to contact the Flood Risk Management team by email at: floodriskmanagement@dorsetcouncil.gov.uk to discuss requirements.

9. The junction works referred to in the recommended condition above must be carried out to the specification and satisfaction of the Highway Authority in consultation with the 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. The applicant should contact Dorset Council's Highways Development team. They can be reached by email at highwaysdevelopment@dorsetcouncil.gov.uk, or in writing at Highways Development team, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.