

<b>Reference No:</b> P/FUL/2024/00246			
<b>Proposal:</b> Erect 6 no. dwellings, form vehicular access (demolish existing outbuilding)			
<b>Address:</b> Fordington Farm Alington Avenue Dorchester Dorset DT1 2AB			
<b>Recommendation:</b> <b>Grant, subject to conditions</b>			
<b>Case Officer:</b> Jim Bennett			
<b>Ward Members:</b> Cllr Jones and Cllr Rennie			
<b>CIL Liable:</b> Y			
<b>Fee Paid:</b>	£3468.00		
<b>Publicity expiry date:</b>	23 February 2024	<b>Officer site visit date:</b>	30/01/2024

1.0 Referred to committee in view of the objection from the Town Council.

**2.0 Summary of recommendation:**

Grant, subject to conditions

**3.0 Reason for the recommendation:**

- The principle of residential development on this site is acceptable.
- 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.
- The proposal is acceptable in its design, scale, layout and landscaping.
- There is not considered to be any significant harm to residential amenity.
- There are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Policy SUS2 of the Local Plan supports development, including those for new housing, within defined development boundaries.
Impact on the character of the area	The proposal would be appropriately designed so as to have an acceptable impact on the character and appearance of the area.
Tree Impacts	The submitted tree information addresses the tree constraints of the site, and no objection is raised subject to pre-commencement site meeting, submission of details of cellular confinement and planting conditions.

Amenity Impacts	The development has been designed to respect all other amenities of neighbouring properties including overbearing impact, loss of outlook, unreasonable loss of light, noise, disturbance or other pollution.
Flooding and Drainage	Infiltration testing has been undertaken to demonstrate that the proposed drainage strategy is viable in relation to the groundwater situation. The Council's Flood Team have confirmed that the proposed drainage arrangements are acceptable, subject to a condition to ensure the proposed Surface Water Drainage Strategy is implemented and adhered to.
Highways and Parking	No objection is raised on highway safety grounds, subject to a turning, manoeuvring and parking construction condition and informative.  Each dwelling would be provided with at least 2 no. parking spaces, with an additional 2 no. visitor parking spaces provided, which are considered to be acceptable.
Land contamination	Acceptable subject to conditions.
Protected species survey and mitigation	The proposal has demonstrated that it will not result in harm to protected species and will make provision for new wildlife opportunities through completion of a Biodiversity Plan.
Water quality and nutrient neutrality	The Appropriate Assessment concluded that the proposed development will not result in an adverse effect upon the integrity of a European Site and the planning application may therefore proceed towards determination. This is on the basis of the purchase of sufficient credits from Lyscombe Farm to ensure that the effect from the additional nitrogen loading from the proposed development is addressed. A pre-commencement condition is applied to ensure that the correct number of credits are purchased prior to the works starting.

## **5.0 Description of Site**

The site is within defined development boundary of Dorchester, with residential development bounding the site on all sides, being the Fordington Farmhouse, Armada Way, Balmoral Crescent and Sandringham Court.

## **6.0 Description of Development**

Erect 6 no. dwellings, form vehicular access (demolish existing outbuilding).

## **7.0 Relevant Planning History**

WD/D/20/002876 - Decision: GRA - Decision Date: 09/03/2021 - Demolition and reconstruction of lounge extension, construction of new double attached garage.

1/E/86/000633 - Decision: GRA - Decision Date: 19/11/1986 - Develop land for residential development

1/E/88/000066 - Decision: GRA - Decision Date: 27/04/1988 - Erect 27 houses and construct estate road

1/E/88/000804 - Decision: GRA - Decision Date: 29/11/1988 - Erect extension

1/E/89/000740 - Decision: GRA - Decision Date: 22/12/1989 - Erect indoor rifle and pistol range with club room

1/D/09/001818 - Decision: GRA - Decision Date: 11/01/2010 - Extend time limit for implementation of 1/E/05/001040 to erect 3 dwellings

P/TRT/2023/02940 - Decision: TC - Decision Date: 14/06/2023 - G1 Mixed, Elder, Beech, Elm, Western Red Cedar & Ivy - Cut back to achieve a 2.5m clearance in height from the ground & cut back sides by up to 1m up to the boundary

P/PAP/2023/00345 - Decision: RES - Decision Date: 03/08/2023 - 7 new dwellings and associated access on land at the rear of Fordington Farm.

P/PAP/2023/00346 - Decision: WIT - Decision Date: 29/06/2023 - 7 new dwellings and associated access on land at the rear of Fordington Farm

## **8.0 List of Constraints**

LB - Grade: II Listed Building: WAREHAM BRIDGE List Entry: 1324409.0; - Distance: 14.37

TPO - TPO (TPO/2023/0016) - NULL: NULL - Distance: 0

LP - SUS2; Defined Development Boundary; Dorchester - Distance: 0

LP - ENV 2; Poole Harbour Nutrient Catchment Area; Poole Harbour - Distance: 0

PROW - Rights of Way: Footpath S2/26; - Distance: 25.31, Footpath S2/29; - Distance: 0 and Bridleway S2/30; - Distance: 0.65

EA - Groundwater - Susceptibility to flooding; NULL; NULL; - Distance: 0

DESI - Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

EA - Groundwater Source Protection Zone - Distance: 0

## **9.0 Consultations**

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

**Dorchester Town Council- Object**, as the amended plans do not address the previous comments, which are still applicable:

The proposal represents overdevelopment

The proposed vehicle access from Armada Way will adversely affect the existing properties either side of the entrance.

There is concern about the placing of waste and recycling bins from the new properties on the roadside on Armada Way.

Adjacent to proposed unit 6 there was, until recently, a large hedge along the west side of the footpath. Some of this hedgerow was removed last summer. If there were to be development on this site, would wish to see planting to replace this section of removed hedgerow to ensure the footpath remains a green corridor.

Consider that the proposal is contrary to Local Plan Policies ENV10, ENV12 and COM7.

**DC Highways- No Objection-** The proposal must comply with minimum refuse collection requirements for pinch points, which will be for the gate to be widened by 300mm so the opening is 3.7m wide to allow for a refuse lorry to gain access which shows on drawing 02. No objection, subject to a turning, manoeuvring and parking construction condition and informative.

**DC Tree Officer- No Objection-** Concerns have been expressed over the potential pre-emptive felling of trees and removal of hedges. This happened prior to the service the TPO 23/0016, which was served 31.03.2023 as an Area Order. Since then, a tree works application was submitted to undertake crown lifting works and some minor side canopy reduction, which was granted 14.06.2023.

As part of the submitted planning scheme it is proposed to remove 2 further trees, an Ash marked within the submitted NB as T529 and an Elder T536A both due to their poor condition. As well as a small group of what appear self sown broadleaf trees, all of which are acceptable due to condition and or lack of public amenity.

Overall, the submitted tree input addresses the tree constraints of the site and no objection is raised subject to pre-commencement site meeting, submission of details of cellular confinement and planting conditions.

**DC Rights of Way Team- No Objection-** During development the full width of the public bridleway must remain open and available to the public, with no materials or vehicles stored on the route.

**DC Archaeologist- No Objection-** Terrain Archaeology's report on the archaeological evaluation has been undertaken to an appropriate professional standard. Although archaeological remains of significance were not identified, there is still a strong likelihood that such remains would be affected by the proposed development. To secure the archaeological recording recommended, it is advised that a suitably-worded condition should be attached to any grant of planning consent.

**DC Environmental Protection-** In view of the previous use of this site, the LPA will have to satisfy itself that it is able to fully discharge its liabilities in respect of contaminated land. It is recommended that, should consent be granted, a suitable condition is applied which requires the applicant, in the event that ground contamination is encountered during construction, to cease operations and seek specialist advice; operations should not recommence without the written consent of the LPA.

**DC Building Control- No Objection-** Compliance with Requirement B4 should be checked for plots 3 and 4. Compliance with Requirement B5 and H6 for Plot 6; and Table 13.1 ADBV1 for all plots. Where the proposals may adversely affect the existing B5 access to controllable buildings, a further Building Regulation application would be required to approve any change.

**DC Waste Policy Manager- No Objection-** Refuse collections are currently conducted in Armada Way and Balmoral Crescent to service existing properties. As long as residents present bins in a sensible manner, no concerns are raised. There will be a high number of containers presented in a small area of Balmoral Crescent on recycling week (4 x wheeled bins, 4 x food waste containers and 4 x glass boxes), you could specify a hard standing on which to present bins/containers on collection days, but this is not strictly necessary.

**DC Environmental Assessment- No Objection-** Prepared an Appropriate Assessment concluding that the proposed development will not result in an adverse effect upon the integrity of a European Site and the planning application may therefore proceed towards determination.

**Natural England- No Objection-** It is proposed to mitigate the additional nitrogen load generated by the proposal by the purchase of credits from the approved scheme at Lyscombe Farm. We note that it is the intention of your Authority to use a Grampian styled planning condition to ensure sufficient credits are secured prior to commencement. Provided your Authority is satisfied that sufficient credits are available then, Natural England has no objection to this approach. Any permission should ensure the 110L per person water use requirement is met for Poole Harbour.

**The Ramblers- No Objection-** A public right of way (S2/29) runs immediately to the east of the site proposed for development. The applicant should be reminded of the need to keep the path open and available for public use, both during the works and subsequently. As it is a public footpath, it should not be used for motor vehicular access unless lawful authority exists.

**Dorset & Wilts Fire Service- No Objection**

## 10.0 Representations received

10 Third Parties objections and 1 comment have been received on the following summarised grounds:

- The proposal constitutes overdevelopment

- Inadequate bin storage facilities
- Bins will obstruct pedestrian routes
- Chimneys are proposed, without fireplaces
- The proposed access from Armada Way is privately owned
- Will contributions be made to maintain the Armada Way access
- Access to units 1-5 from Armada Way is restricted in terms of width.
- Disruption caused by traffic accessing the development
- Disruption caused by construction activity
- Detriment to highway safety
- The site has the potential for contamination
- Notification procedure is criticised
- Detriment to trees
- Loss of income from tenanted properties

**Molly Rennie (former Cllr)- Objects** due to overdevelopment of an infill site. Protected trees were removed from site previously despite Cllr Jones reporting this work being undertaken. Pollution of Poole Harbour Phosphates and Nitrates issues unresolved.

## **11.0 Relevant Policies**

### **Development Plan Policies**

#### **Adopted West Dorset and Weymouth & Portland Local Plan:**

The following policies are considered to be relevant to this proposal:

INT1	-	Presumption in favour of Sustainable Development
ENV2	-	Wildlife and habitats
ENV5	-	Flood risk
ENV9	-	Pollution and contaminated land
ENV10	-	The landscape and townscape setting
ENV 12	-	The design and positioning of buildings
ENV13	-	Achieving High Levels of Environmental Performance
ENV15	-	Efficient and Appropriate Use of Land
ENV 16	-	Amenity
SUS2	-	Distribution of development
COM7	-	Creating a safe & efficient transport network
COM9	-	Parking provision

### **Other Material Considerations**

#### **Emerging Dorset Council Local Plan:**

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

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

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

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

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 PINs 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 the presumption in favour of sustainable development (the tilted balance) does not apply. Full weight can therefore be given to relevant policies in the adopted Local Plans and Neighbourhood Plans. As the confirmed HLS 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 Planning Policy Framework:**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-83 reflecting the requirement for development in rural areas.

- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

### **Supplementary Planning Document/Guidance**

#### All of Dorset:

Nitrogen Reduction in Poole Harbour SPD Adopted

Consultation Report - Nitrogen Reduction in Poole Harbour SPD

Consultation Statement - Nitrogen Reduction in Poole Harbour SPD

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.

### **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.



## **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**

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.
- Officers are not aware of any specific impacts on persons with protected characteristics.

## **14.0 Financial benefits**

The proposed development will bring about modest financial benefits for Dorset Council and the local community in the form of construction jobs generated by the proposal and locally expenditure by the developer. Occupiers of the development will also contribute to Council Tax, which will benefit the public purse.

## **15.0 Environmental Considerations**

The Council is moving forward with a Climate and Ecological Emergency Action Plan and the proposal demonstrates sustainable design and construction techniques. The fabric of the buildings will be designed to be thermally efficient, using air source heat pumps and incorporating PV slates where possible. The buildings have been designed to make the most of the south facing light and solar gain, with good ventilation to ensure the buildings are not susceptible to overheating.

Use of sustainable materials and methods will be used wherever possible, for example; working with a responsible local contractor and reusing demolition materials as hardcore for the proposal. Construction waste will be minimised wherever possible and the proposal will include dedicated space for convenient waste recycling storage.

Water consumption will be minimised in line with UK building regulations. It will be possible to include rainwater harvesting to further aid water conservation and recycling. A sustainable surface water drainage scheme has been submitted with the application, showing the incorporation of soakaways.

The proposal will include a number of new trees and hedges and retention of existing trees.

## **16.0 Planning Assessment**

### **The Site and Proposal**

The site is within defined development boundary of Dorchester, with residential development bounding the site on all sides, being the Fordington Farmhouse, Armada Way, Balmoral Crescent and Sandringham Court.

The proposal is for 2 no. detached dwellings and 4 no. semi-detached dwellings over the footprint of a former agricultural building (to be demolished), hardstanding and part of the garden area of Fordington Farmhouse. The proposal totals 6 no. dwellings, five of which would be accessed from Armada Way and one from an existing access off the B3144 to the north east. The proposal includes 14 no. off-street parking spaces for future occupiers and visitors to the development. Landscaping arrangements including new planting and retained trees are incorporated into the proposal, together with pedestrian access arrangements to Balmoral Crescent and the footpath adjoining the site to the east.



While suggestions have been made by notified parties that the proposal constitutes overdevelopment, officers do not consider this to be the case. The number of units proposed was reduced from seven to six as a result of the pre-application enquiry. The grain of existing development in the locality on Armada Way and Sandringham Crescent is a much more intensive and tighter form of development than that proposed. With the exception of Plot 4, the proposal by comparison is well spaced and with more generous garden curtilage arrangements, commensurate with the size of dwellings proposed. Furthermore, the proposal has in-curtilage parking and an acceptable level of retained and proposed landscaping. The layout of development is therefore considered to be acceptable and certainly not overdeveloped.

Overall it is considered that the proposed layout has an appropriate level of space and landscaping about it. The poor quality Lleylandii hedge around the existing farmhouse curtilage will be removed, being of limited visual or biodiversity benefit and replaced with a pleached Limes and walling, which would lend a more verdant backdrop to the proposed development, as well as privacy to the existing dwelling. A hedge with six new heavy standard tree specimens and retention of the attractive metal railing along the boundary between the footpath to the east and Plots 5 and 6 is welcomed. A hedge in this location, rather than a close boarded fence will be important in maintaining and enhancing the character of the area and to assist with creating a good sense of place.

The design, materials and scale of the proposed dwellings take reference from local character, and a materials pallet chosen to respect the setting of the adjacent developments. Comment has been made that chimneys are proposed, without fireplaces, but these are architectural features to give more articulation of roof form and visual interest to the dwellings. The intention to re-use brick from the demolished dairy building in some boundary treatments is welcomed. The proposal suggests use of red brick, slate and reconstituted stone in the development, though a condition requiring submission of details at a later date prior to their use in the build is suggested.

The proposal would not adversely affect the setting of any listed buildings. Wareham Bridge is listed and within 13m of the proposed access to Plot 6, but no newly built form will be within the setting of the bridge.

### Tree Impacts

The site is constrained by protected trees to the north east and south of the site, which is acknowledged by the submitted arboricultural information. Retention of existing trees around the site is important and the application includes a plan with details of all existing landscaping features within the site and on its boundaries, as well as new landscaping, including several new trees on the eastern boundary.

It is proposed to remove two further trees, an Ash marked within the submitted note as T529 and an Elder T536A, both due to their poor condition, as well as a small group of self-sewn broadleaf trees, all of which are acceptable due to condition and or lack of public amenity.

The arboricultural method statement and impact assessment have been evaluated by the Council's Tree Team, who conclude that it is acceptable and raise no objection, subject to conditions.

The Tree Officer acknowledges concerns expressed over the felling of trees and removal of hedges on the eastern boundary of the site. This happened prior to the service of the TPO 23/0016, which was served 31.03.2023 as an Area Order. Since then, a tree works application was submitted to undertake crown lifting works and some minor side canopy reduction, which was granted 14.06.2023.

Overall, the submitted tree input addresses the tree constraints of the site and no objection is raised subject to pre-commencement site meeting, submission of details of cellular confinement and planting conditions.

#### Impact on neighbouring and future residential amenity

Plot 6 is close to the boundary of the existing farmhouse and a flank wall in this location could be overbearing. The scale and form of Plot 6 is therefore reduced, to provide relief from its western boundary.

Plots 5 and 6 provide active frontages to the footpath to the east, in the interests of passive surveillance, although only ground floors are fenestrated to avoid overlooking between first floor levels with dwellings to the east.

It is contended that the proposed vehicle access from Armada Way will adversely affect the existing properties either side of the entrance. However, the access already serves 11 dwellings on Armada Way, as well as an alternative access to the former farmyard, which is a fall-back for the applicant. Considering the level of current use as well as the fall-back use of the access, access to a further 5 dwellings does not constitute a significant level of additional vehicular use and no objection is raised by the Highway Authority.

The proposal been designed to prevent overlooking or loss of privacy that would be demonstrably harmful to any of the neighbouring properties and their gardens, subject to conditions to prevent insertion of additional first floor windows. It has been designed to respect all other amenities of neighbouring properties including overbearing impact, loss of outlook, unreasonable loss of light, noise, disturbance or other pollution. The dwellings are reasonably spaced from boundaries and appropriately orientated. The proposal has also been designed to provide appropriate levels of amenity for future occupants, with adequate outdoor amenity space for the proposed dwellings.

#### Flood Risk and Drainage

The site is within Flood Zone 1, outside of any flood warning area, and not in an area at risk for surface water flooding. However, it is in an area of Groundwater Susceptibility to flooding where there is a risk of flooding to subsurface assets. A Drainage Strategy and Flood Risk Assessment has been submitted, outlining an appropriate method of dealing with surface water to prevent flooding of the site and adjacent land. Infiltration testing has also been undertaken to demonstrate that the

proposed drainage strategy is viable in relation to the groundwater situation. The Council's Flood Team have confirmed that the proposed drainage arrangements are acceptable, subject to a condition to ensure the proposed Surface Water Drainage Strategy is implemented and adhered to.

#### Highway safety and access

Dorset Council Highways advise that the proposal must comply with minimum refuse collection requirements for pinch points, which will be for the gate to be widened by 300mm so the opening is 3.7m wide to allow for a refuse lorry to gain access, which shows on drawing 02. Revised drawing number 02 Rev B has been submitted showing the opening widened to 3.7m. Consequently no objection is raised on highway safety grounds, subject to a turning, manoeuvring and parking construction condition and informative.

Each dwelling would be provided with at least 2 no. parking spaces, with an additional 2 no. visitor parking spaces provided, which are considered to be acceptable.

#### Archaeology Impacts

The submitted archaeology report has been undertaken to an appropriate professional standard. Although archaeological remains of significance were not identified, there is still a strong likelihood that such remains would be affected by the proposed development. To secure the archaeological recording recommended, the Council's Archaeologist advises that a condition be attached.

#### Land contamination

The site may be affected by historic contamination, being previously used for agricultural purposes. The Environmental Health Section advise that the LPA will have to satisfy itself that it is able to fully discharge its liabilities in respect of contaminated land. It is recommended that, should consent be granted, a suitable condition is applied which requires the applicant, in the event that ground contamination is encountered during construction, to cease operations and seek specialist advice.

#### Protected species survey and mitigation

The Council has a legal duty to conserve and enhance biodiversity. The proposal has demonstrated that it will not result in harm to protected species and will make provision for new wildlife opportunities through completion of a Biodiversity Plan, which was agreed by the Natural Environment Team on 16<sup>th</sup> January 2024 and includes provision of bird or bat boxes on all dwellings, as well as new planting. The proposed biodiversity enhancements will be ensured by condition applied to any approval.

#### Water quality and nutrient neutrality

The site is within the Poole Harbour nutrient catchment area and the application has been on hold following the requirement for new development to be phosphate neutral.

The applicant has provided an estimate of the additional nitrogen loading which will result from the proposed development. Dorset Council have reviewed the calculator submission and agree that the proposed development will result in the discharge of 20.95 kgTN/yr pre-2030 and 7.32 kgTN/yr post-2030 within the Poole Harbour catchment. The applicant has indicated that the proposed development will deliver mitigation to achieve nitrogen neutrality mitigation by purchasing credits from Natural England associated with their project at the Lyscombe Farm.

The Appropriate Assessment concluded that the proposed development will not result in an adverse effect upon the integrity of a European Site and the planning application may therefore proceed towards determination. This is on the basis of the purchase of sufficient credits from Lyscombe Farm to ensure that the effect from the additional nitrogen loading from the proposed development is addressed. A pre-commencement condition is applied to ensure that the correct number of credits are purchased prior to the works starting. Since a water usage figure of 120L/person/day was applied whilst estimating the additional nitrogen loading from the proposed development in the calculator tool, a planning condition would need to be added to any permission to secure the higher level of water efficiency at 110L. This approach is supported by Natural England.

#### Bin/recycling storage

There is adequate space within the application site for bin storage within the curtilages of the proposed dwellings. Plots 1 and 2 would present their bins to Armada Way for collection, the remaining four units being collected from a point at Balmoral Crescent.

The Waste Policy Manager advises that refuse collections are currently conducted in Armada Way and Balmoral Crescent to service existing properties. They note that there will be a high number of containers presented in a small area of Balmoral Crescent on recycling week (4 x wheeled bins, 4 x food waste containers and 4 x glass boxes) and provision of a hardstanding on which to present bins/containers on collection days was suggested. Unfortunately site constraints and ownership prevent provision of a hardstanding in this location. However, as long as residents present bins in a sensible manner, no concerns are raised by the Waste Section.

#### Housing Land Supply

While the area benefits from a 5-year housing land supply and passes the housing delivery test, the Local Planning Authority must support new residential development, where it is otherwise acceptable in all respects. The proposal will make a modest contribution to housing supply and for the reasoning outlined above is considered to be acceptable, the balance weighing in favour of sustainable residential development, within the defined Settlement Boundary for Dorchester.

## Other Matters

With regard to the comments of notified parties not addressed above, the application indicates the applicant has a right of access from Armada Way. Whether it is privately owned and whether contributions will be made to maintain it are private legal matters to be settled beyond the remit of the planning system.

In respect of disruption caused by construction activity, this is an unfortunate consequence of any new development. It is uncertain how the applicant intends to access the site for construction purposes, though it would appear sensible to access it from the B3144 to the north east in light of the narrow and pavioir finish of the access from Armada Way. A construction traffic management plan condition is recommended to address this point.

In respect of criticism of the notification procedure, Dorset Council no longer notifies neighbours by letter. Two site notices were posted on lamp standards at Armada Way and Balmoral Crescent on 30/01/2024.

Loss of income from tenanted properties is not a material planning consideration. The Local Planning Authority must consider the merits of the proposal on planning grounds, although it is unlikely that the proposal would result in any significant detriment to landlord income.

In respect of Building Control's comments, the applicant has amended their plans to ensure the scheme complies with the relevant parts of the Building Regulations.

## **17.0 Conclusion**

The site is within the defined settlement boundary for Dorchester and the proposal is for an appropriately designed and laid out scheme, which is consistent with the prevailing character of the area. There are no material considerations indicating the decision should be taken otherwise than in accordance with the development plan. Consequently, the application is recommended for approval, subject to conditions.

## **18.0 Recommendation: Grant,** subject to the following conditions:

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

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

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

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

3. 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.

4. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 02 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

5. Prior to commencement of development hereby approved a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety.

6. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 16th January 2024 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:

i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan 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

ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan 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.

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional windows or other openings permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed at first floor level in any elevation of the dwellings hereby approved.

Reason: To protect amenity and the character of the area.

9. The hard and soft landscaping works detailed on approved drawing numbers 07 Rev A - Landscape Plan and 08 Rev A - Boundary Treatment Plan must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

10. Before any equipment, materials or machinery are brought onto the site for the purposes of development, a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager shall take place to confirm the protection of trees on and adjacent to the site in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by NB Tree management, ref: Arboricultural Method Statement Fordington Farm – dated 22.9.23. The tree protection shall be positioned as shown on the Tree Protection Plan, ref: TPP1 dated Nov 2020 TC1 dated 22.09.2023. All tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority. This condition shall not be discharged until an arboricultural supervision statement, the contents of which are to be discussed and agreed at the pre-commencement meeting, is submitted to and approved in writing by the Local Planning Authority on completion of development.

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase.

11. Prior to commencement of works samples of the cellular confinement system to be used, including the samples of the cell infill aggregate, which shall not be of a calcareous nature rather a 4-20mm clean angular granite or flint shall be submitted and approved in writing by the Local Planning Authority.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area

12. No works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved by the Local 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.

13. The development shall be implemented in full accordance with the drainage mitigation and maintenance details outlined in the Surface Water Drainage Strategy and Flood Risk Assessment Prepared for J & F Properties (Southern Ltd.) by Godsall Arnold dated September 2023 revised: August 2024.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

14. No development shall commence until the necessary nutrient mitigation credits to mitigate the impacts of the development on the Poole Harbour Special Protection Area (SPA) and Ramsar have been secured from an accredited nutrient provider and a copy of the Nutrient Credit Certificate demonstrating that purchase, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sufficient mitigation is provided against any impact which may arise from the development on the Poole Harbour SPA and Ramsar.

15. Details of measures to limit the water use of the dwellings 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 to demonstrate 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. The measures will need to demonstrate that the development will secure a higher level of water efficiency than a figure of 110L/person/day and shall be implemented prior to occupation and maintained in accordance with the approved details thereafter.

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