

Eastern Area Planning Committee
3 September 2025

Application Number:	6/2018/0228		
Webpage:	Planning application: 6/2018/0228 - dorsetforyou.com		
Site address:	Binnegar Hall, Binnegar, Wareham, BH20 6AT		
Proposal:	Redevelopment for 48 Dwellinghouses & Village Hall including access improvements, parking & landscaping		
Applicant name:	Westcoast (Purbeck) Ltd		
Case Officer:	Robert Lennis		
Ward Member(s):	Councillor Ben Wilson		
Publicity expiry date:	21 October 2024	Officer site visit date:	March 2019
Decision due date:	29 September 2023	Ext(s) of time:	31 October 2025
No of Site Notices:	2		
SN displayed reasoning:	Major Application		

1.0 This application was referred to the Purbeck Planning Committee due to it being a major application. To assist in a consistent approach to decision-making since the amalgamation of Councils, this application is now referred Dorset Council's Eastern Area Planning Committee.

2.0 Summary of recommendation:

- a. Grant planning permission subject to conditions and the completion of a section 106 legal agreement, or
- b. Refuse planning permission if within six months from the day of this Committee the section 106 legal agreement is not completed.

3.0 Reason for the recommendation: as set out in section 16 below:

- This is a site where an earlier planning permission for some residential development has been implemented so that the principle of residential use on the site is established.
- The proposal would provide 48no dwellings, 40% of which would be affordable dwellings; 19no. affordable houses, and 29no. open market houses.
- The proposed development would deliver a new community hall for East Stoke Parish.
- The provision of an associated Suitable Alternative Green Space would be a benefit.
- Financial contributions will be secured towards education and special education needs.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The development would be located outside of a defined settlement boundary within open countryside. The site has previously been redeveloped in part with residential development. Chapter 6 of the Purbeck Local plan recognises the importance of supporting the growth of local community infrastructure to avoid social isolation and reduce the need to travel to access everyday facilities, the Council supports the provision and retention of facilities that are accessible to the public. In some cases, such facilities and services can be provided as part of a wider development proposal.
Scale and impact on character and appearance	The proposed scale of development, in terms of numbers or massing, makes efficient use of land and are considered acceptable subject to plot size. The proposal would result in the loss of some trees but the overall silvan character would remain provided the existing trees are not incorporated into private gardens. In terms of height, the vision of this proposal is of 1.5 to 2 storey dwellings. Further consideration to detail design and scale would be given at a reserved matters stage.
Impact on the living conditions of the occupants and neighbouring properties	Neighbour amenity would not be compromised. The proposal accords with NPPF paragraph 135 which require development to be compatible with its surroundings including avoiding adverse impacts on neighbouring amenity.
Flood risk and drainage	The proposed development would not have a significant impact in terms of flood risk, and the proposed drainage strategy is considered acceptable.
Economic benefits	The proposal would bring about benefits resulting from the addition of up to 48no. dwellings to the Council's Housing Land Supply as well as provision of CIL and s106 contributions to mitigate the impacts of the proposed development and proposed some enhancement towards community facilities and education provision. There would also be temporary economic benefits resulting from construction works.
Highway impacts, safety, access and parking	The proposal is considered acceptable in regard to access and highways safety. Further detail of the interior roads and parking would be provided at a reserved matters stage. The Highway Authority has advised that the proposal does not present a material harm to the transport network or to highway safety subject to safeguarding conditions being imposed.

	Construction management will be controlled by condition.
Impact on trees	The illustrative layout shows the loss of some trees but the vast majority would be retained to help mitigate and screen the development. Plots which incorporate existing trees into private gardens are not acceptable. Root protection will be needed for several trees which is likely to prevent the adoption of internal roads.
Biodiversity	Natural England has no objection subject to a S106 legal agreement to secure mitigation. Dorset Natural Environment Team has certified the Biodiversity Plan for the site. Officers are satisfied that the impact of the development can be adequately mitigated by condition.

5.0 Description of Site

The application in consideration relates to a 7.08-hectare site which is located to the north of the A352 at East Stoke, between Wareham and Wool. It is in open countryside and outside any designated settlement boundary.

The premises were previously used as a residential care home for the accommodation of people with learning disabilities but are now vacant (the care home operator went into administration in July 2014, and the home was formally closed in September 2014). It comprises Binnegar Hall, a former mansion house which has been extended and converted, together with other individual buildings of varying designs and ages, which are spread around the site in groups. The buildings are surrounded by lawns, mature trees and gravelled parking areas. The site is set back from the main road and well screened from public views.

The front part of the site adjoins residential properties on both sides. They also front onto the A352. The remainder of the site is surrounded by farmland and woodland.

6.0 Description of Development

This is an outline application to consider in detail the matters of access to the site and the principle of residential development on the site, only. All other matters relating to layout, appearance, scale, and landscaping are reserved for later determination if this application is granted permission.

The applicant is seeking consent for the redevelopment of 48no. dwellinghouses and village hall, including access improvements, parking and landscaping. They are willing to enter into a Section 106 legal agreement to secure the provision of a policy compliant 40% affordable housing (19no. units) of the total.

An indicative layout has been submitted with the application which illustrates how the proposal might be laid out. The Design and Access Statement indicates that the dwelling would be a mix of 1 and a half and 2 storey detached and semi-detached dwellings.

The application is supported with a Planning / Design and Access Statement, Flood Risk Assessment, Transport Statement, Ecological Report, Arboricultural Assessment and Method Statement.

It should be noted that to offset the potential impact to the heathland, a Suitable Alternative Natural Greenspace (SANG) has been proposed in a separate planning application which is under consideration by the LPA (planning ref. P/FUL/2023/07467).

7.0 Relevant Planning History

The Binnegar Hall site has had several planning applications made in connection with a long-standing lawful planning use as a residential care home (Use Class C2 Residential Institutions).

Under this auspice planning permissions (pp) were granted in 2004 and 2005 under references 6/2004/0105 and 6/2005/0849. Firstly, pp was granted for alterations and extensions to form new residential accommodation, new sports and administration buildings; associated works including barn, stabling and parking. Secondly, pp was granted for an extension to form 1 staff flat and 3 flats for adults with disabilities.

In 2015, planning permission (ref. 6/2015/0541) was granted for the alterations, extensions and changes of use of existing buildings to Class C3, and 23no. dwellings (9 houses and 14 flats / maisonettes). This is an extant permission as these works (including the conversion of Binnegar Hall) have started on site and in effect establish the principle of residential development on the site.

In 2018 planning application ref. 6/2018/0417 was granted approval for a revised scheme to the 2015 application. This was for alterations to the extension, doors and windows and detailing of the façade.

Planning application 6/2019/0098 granted consent for the subdivision of a single approved flat into 2 flats.

8.0 List of Constraints

TPO - Tree preservation order (ref: PDC/TPO 469) which covers all trees of whatever species within the site.

Dorset National Landscapes (Areas of Outstanding Natural Beauty) lies to the south. This has statutory protection. Local Planning Authorities are to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty (National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Quarrying to the north of the site: sand & clay, operation of sand & gravel pits

Heathland Consultation Area

9.0 Consultations

Below is a summary of consultee responses. These should be read in full and can be viewed in full on the Council's website ([Planning application: 6/2018/0228 - dorsetforyou.com](https://www.dorsetforyou.com/planning-application/6/2018/0228)).

Consultees

Natural England: No objection subject to a S106 legal agreement which secures specified measures.

Comments Received September 2024:

- The mitigation strategy for the development involves the upgrade of the existing onsite package treatment plant (PTP) to a high performance PTP and the conversion of an identified area of agricultural land to SANG (green infrastructure).
- Natural England is satisfied with the methodology used for calculating the nitrogen budgets for the development, including the benefits generated from the upgrade of the existing PTP at Binnegar Hall to a Mi-NiteLite PTP.
- Natural England is also satisfied that the hydrological connectivity of the existing PTP to the watercourse makes the measure eligible for offsetting the proposed discharge to a watercourse.
- The PTP upgrade along with the delivery of the SANG has been demonstrated to provide sufficient nitrogen reductions to offset the additional nitrogen discharges associated with the proposed development of 48 dwellings and will therefore ensure nitrogen neutrality in relation to the Poole Harbour designated sites.
- The legal agreement that secures the scheme will need to ensure the following:
 - Ensuring that the proposed new development is required to limit water use to 120 l per person per day.
 - That the PTP upgrade takes place prior to the occupation of any of the new properties it serves.
 - That the scheme uses the Mi-NiteLite PTP specified.
 - That a suitable maintenance schedule for the new PTP is in place.
 - That any future replacement PTP serving the properties is subject to a requirement to achieve the same effluent phosphorus concentration or better (i.e. < 11.1 mg TN /l).
 - Ensuring the planting scheme for the SANG is completed prior to occupation of the new dwellings.

Provided the aforementioned measures are secured then Natural England has no further concerns relating to the nutrient neutrality assessment.

Ministry of Defence (Bovington): No objections.

Wessex Water: No objections.

DC - Minerals and Waste: No objections subject to condition(s)

- There would be no expectation of working this site like a normal quarry. The MPA will take a pragmatic approach, securing a meaningful contribution towards supply of important aggregates which the development of the site should allow through effective phasing of the overall site development.
- The MPA suggest that this overall process could be secured by the inclusion of a condition.

DC - Arboricultural Team: objects.

- ... incursion into tree RPA's ...Particular concerns around the pressure being placed upon several mature to notable trees within the site by new access roads, these need to be re-assessed and amended
- Use of specialist construction methods for access roads within trees RPA's.
- Dwellings within/near densely wooded areas.
- No shade patterns for trees near dwellings plotted on plan, large number of trees shown within potential shade area of trees.
- No accurate crown spreads shown on plan or within tree survey as required within BS5837, without these dimensions AMS and Tree Protection plan are not accepted. The use of topo survey information is not acceptable and can lead to misleading information during the design and planning phase. AMS and TPP must be updated to show this accurate information.

DC - Natural Environment Team: No objections subject to conditions relating to the biodiversity plan and securing details of the Suitable Alternative Natural Greenspace (SANG) within a S106 legal agreement.

- ... it is necessary to secure details of the Suitable Alternative Natural Greenspace within the S106 to demonstrate that the proposals will meet the requirements laid out within the Heathland Planning Framework SPD (2020-2025) ...

DC – Highways Authority: No objections subject to conditions

- Binnegar Hall, ...appears to have had varied uses over the years having at some time been turned into a residential home and is currently being converted into 23 residential units. Until recently the site benefited from two points of access to the highway (A352). Significant visibility improvements have been made to both access points, but the eastern access will now only be for emergency use.

DC - Housing Enabling: No objection

- 19 units affordable housing and the tenure split is acceptable:
 - 2 No. Social Rented tenure (10%) (73% rented in total)
 - 12 No. Affordable Rented tenure (63%) (73% rented in total)
 - 5 No. Shared Ownership dwellings (26%) (26% s/o in total)
 - 0.2 dwellings worth of commuted sum financial contribution

DC - Lead Flood Authority: No objection subject to conditions

- The applicant's drainage consultant in their letter (referenced above) state that the proposal is now not to combine the discharge of surface water runoff and treated wastewater in the infiltration basin. The treated wastewater will be discharged separately and elsewhere, and the infiltration basin will be used for the discharge of surface water runoff only. This is acceptable, and therefore, we can remove our holding objection.
- Recommend conditions attached to any planning approval granted

DC - Planning Policy:

Updated Comments - 10 July 2025

- It should be noted that in respect of the appeal decision relating to *Land West of Church Hill and Land Off Butts Close and Schoolhouse Lane, Marnhull, Dorset, DT10 1PU* (Appeal Ref: APP/D1265/W/24/3353912) the Inspector considers, in paragraph 4 of his decision, housing land supply matters in the context of the local housing need figure under the Government's new standard method for assessing housing need. Whilst the Inspector accepts that the Council can currently demonstrate a housing land supply of 5.02 years by reference to its Annual Position Statement (APS) this expires on 31 October 2025 at which point, the Inspector suggests the housing land supply position for Dorset Council will drop to 2.67 years, a shortfall of almost 8,000 homes. In paragraph 53 of his decision, which forms part of his overall conclusion, the Inspector details that his decision has been reached on the basis of a level balance of planning considerations and the straightforward merits of the proposal. His decision does not rely on there being a so called tilted balance arising from the 5-year housing land supply position under paragraphs 11 and 232 of the National Planning Policy Framework (NPPF). However, he does go on to state that

'The serious picture of overall housing need, the absence of a relevant and up to date strategy for housing provision and distribution to deal with that need, and the housing supply position the Council will be in very shortly when the annual position statement on housing land supply expires, are material considerations of the highest importance.'

These material considerations will need to be taken into account when determining this application.

DC – section 106:

Comments Received January 2023

- The following S106 requirements should be included in the legal agreement:

Affordable Housing	Policy compliant affordable housing - Purbeck Local Plan Part 1: Planning Purbeck's Future requires 40% affordable provision in this area.
On site SANG provision	Provide SANG to comply with on this Dorset Heathlands Planning Framework SPD (2020-2025)
LAP Play Area	A LAP should be provided on site for a development of this size
LAP Commuted Sum	A commuted sum for the maintenance of an onsite LAP if it is transferred to the parish or another body

- I have also noted that the applicant is planning to provide land for and a village hall on part of the site, at the request of East Stoke Parish. I would advise that a commuted sum

obligation is included in the S106 agreement for the future maintenance of the village hall, should it be transferred to the parish council.

- This development proposal is CIL liable development. A CIL liability notice will be issued at reserved matters stage. The charge will be calculated using the CIL charge rate for the Purbeck area at the date that outline permission is granted. All other necessary contributions will be covered by CIL.

Comments Received December 2024:

The following S106 requirements should be included in the legal agreement:

Affordable Housing	Policy compliant affordable housing - Purbeck Local Plan (2018-2034) Policy H11: Affordable housing requires 40% affordable provision.
Education Contribution	£2,017.31 Per dwelling of 2 or more beds – for primary education contribution. There is currently capacity at The Purbeck School for the secondary aged children that the development will generate. Accordingly, no contribution is required for secondary education. Purbeck Local Plan (2018-2034) Policy I1: Developer contributions to deliver Purbeck's infrastructure requires an education contribution for sites of 10 or more.
Special Educational Needs (SEN) Education Contribution	£1,487.62 per dwelling. Reflecting current Government advice in the Dept for Education - Securing Developer Contributions for Education Guidance August 2023
Nutrient Neutrality	Secure mitigation in perpetuity – Package Treatment Plant
On site SANG provision	Provide SANG provision to comply with on this Dorset Heathlands Planning Framework SPD (2020-2025)
LAP Play Area	A LAP should be provided on site for a development of this size
LAP Commuted Sum	A commuted sum for the maintenance of an onsite LAP if it is transferred to the parish or another body
Village Hall	Secure the provision of a new village hall on site

I would advise that a commuted sum obligation is included in the S106 agreement for the future maintenance of the village hall, should it be transferred to the parish council.

CIL: This development proposal is CIL liable development. A CIL liability notice will be issued at reserved matters stage. The charge will be calculated using the CIL charge rate for the Purbeck Rural Centre area at the date that outline permission is granted

DC - Environmental. Services – Protection: No objection subject to conditions.

- No records relating to potential contamination at the above site but in the event contamination is found when carrying out the approved development that was not previously identified, it must be reported in writing to the LPA

- An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of the condition

East Stoke Parish Council: No objection in principle.

- The Parish Council supports the application as it will significantly contribute to the identified housing need and particularly the affordable element as defined in the Local Plan. We welcome the fact that this development will be on a brown field site registered with the Local Authority. It will also revitalise the village particularly through the delivery of a village hall through a section 106 agreement as a community benefit.
- There are concerns over the location of the proposed pedestrian crossing and the bus stops.
- The Parish Council strongly advises that the entire stretch of road has a 40mph restriction.
- The pavement along the A352 has deteriorated in recent years due to financial constraints of the Council. The Parish Council proposes that the management of the Farrer Estate maintains the pavement annually and the money is deducted from the CIL payment

Comments Received May 2022:

- Parish Council agrees to the SANG under the following conditions:
 - Concern regarding speed of traffic along this stretch of A352 which pedestrians would need to cross to get to the SANG
 - The Parish Council recommends two bus stops on either side of the road are installed. Under the current proposal there is only one which means there is an increased risk to schoolchildren who will have to cross the road to use the bus service
 - The bridleway needs to link up with the bridleway on the northern side and have an exit onto the B3070 to connect to the southern network
- The Parish Council supports the proposal to extend the existing 40mph speed limit

Comments Received April 2023:

- The Parish Council's preferred option would be to have the SANG on the western side which is currently owned by Suez as it is easily and safely accessible by residents whereas the southern site would require people to cross the often-busy A352. Even with the 40mph zone being extended and a pedestrian refuge it would still be extremely dangerous for pedestrians crossing in particular in part due to the rural nature of the road which is unlit and as it is foreseen that unaccompanied children from the proposed development would use the SANG.
- Cllrs are dubious about the safety of the chicane proposed in the Technical Report for the reasons given above. There is virtually no comment from DC Highways on the proposed scheme other than references to the footpath width on the northern side of the

crossing point and calling for an additional strip of presumably grassed area between the 2m wide footpath and the carriageway.

- The movement of tanks and transporters if they put the island in. The Technical Report on the proposed crossing makes no reference to tanks and it is not clear whether the authors were even aware that they regularly use the A352.
- The movement on tracks is mainly transiting between Bovington and Lulworth but vehicles on transporters are generally units from other locations to use the ranges at Lulworth. The site visit by the authors of the report was conducted on Tuesday 21 Sept 2021 between 1100-1200 with very limited observations on traffic conditions and infrastructure. The verge at the crossing point is barely 2m wide so little scope for widening it without taking out the established hedges. The refuge island is also 2m wide and the road 6.75m. Challenger 2 is 3.5m wide but 4.2m with the additional armour packs on the sides. The width on transporters or other large military vehicles such as the Trojan engineer tank is not known but considerable widening beyond what is being proposed is likely to be required to accommodate these movements.
- The relocation of telegraph poles and utilities on the south side of the road will also need to take into account the drainage ditch but it is still predicted that the refuge island will quickly be damaged by tracked vehicles. This could create debris in the centre of the road presenting danger to other users.
- Due to these reasons, the Parish Council feels that the safety of people crossing the road should be more important than the possible damage of walkers destroying flora and fauna on the heathland therefore the western side should be used for the SANG.
- One resident from along the A352 south of the development has raised concerns about drainage and the impact on septic tanks. We also note that the report from the Flood Risk Management Team has not been updated although we are aware that infiltration testing for surface water run-off has been conducted by the developer.

Representations Received

Dorset CPRE: Object

- The proposed change of use would not serve the public interest in protecting the valued countryside concerned together with its high bio-diversity value
- The proposal could exacerbate the difficulties already experienced from over-stretched/inadequate infrastructure, services and facilities
- Some significant issues still to be addressed including the SANG which is subject to a separate planning application

SUEZ: Object

- The proposal would be contrary to the agent of change principle set out in para 182 of the NPPF
- SUEZ own land adjacent to and to the north, east and west of the application site and lease the land for quarrying and restoration by landfilling of imported inert waste materials under planning permission 6/2015/0421 (as subsequently varied to 6/2017/0687)

- The proposal results in dwellings being closer to the active and future quarrying operations with the nearest residences around 60m from future extraction and restoration areas (Phases 2A and 2B) of the quarry
- Complaints have already been received relating to quarrying operations from the occupants of the existing dwellings on Binnegar Hall
- Concerns about significant levels of dust and noise and support the Council's own minerals and waste team in their March 2019 response
- Para 180 and 182 of the NPPF relevant
- Further details on noise and dust mitigation required
- Suggest conditions imposed to prevent the construction of the new housing before the quarry and its restoration
- Also suggest future occupiers are made aware of the close proximity of the quarry

Summary of comments of objections:

Nine representations were received objecting to the proposal. *(All representations should be read in full and can be found on file. It should be noted that multiple objections received from the same party have been considered as a single objection.)*

- The proposed crossing refuge island would be unsafe
- The layby and access on the B3070 is too close to the road junction
- The proposal includes an extension to the layby close to the junction of the A352 and B3070 together with an access gate to the SANG. The area has a history of car crashes and near misses and issues surrounding speeding vehicles
- The road is higher than the field and there is a steep drop at the access point. How will that be addressed without damaging the wild daffodils in spring time
- The pond/wetland area is fed from water gathered from the whole length of the SANG. During heavy rainfall the pond will be overwhelmed with water
- How will the SANG be maintained
- Increased traffic resulting from the proposal
- Increased noise from idling vehicles
- Loss of privacy to neighbouring dwellings
- The indicative plans for the village hall do not provide sufficient space or adequate accessibility for those with limited mobility
- Concerns surrounding foul drainage and whether the proposed system could cope with the number of dwellings
- The ecological surveys did not account for recent trees being cut down behind the site and for the deer population
- Lack of affordable housing
- Loss of the rural character of the surrounding area with the proposal being suburban in character
- Additional Light Pollution resulting from the proposal

- It should be ensured that the existing trees are retained to avoid unacceptable impacts to the nearby AONB
- The proposed SANG would not provide a net benefit to local residents as there are already footpaths on this section of land

Summary of other comments:

- The Planning Design and Access Statement does not mention the effect of further development on the existing residents
- If outline planning is approved existing residents should be consulted on detailed developments including access and boundaries within the site
- The internal road plan will increase on-site traffic at the north west side of Binnegar Hall.
- The western access to the A352 particularly turning right towards Wool is dangerous
- There is also a lack of substantive evidence for the need for the village hall
- The proposed SANG should be created first as a condition prior to construction of houses if outline permission is granted
- Scale – consideration should be given to the number and mix of dwellings that could be reasonably accommodated on the site especially if a rural character is to be retained

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.

Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is 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.

Section 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

11.0 Relevant Policies

Development Plan

The Purbeck Local Plan (2018-2034) was adopted by Dorset Council on 18 July 2024.

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape

Policy E3: Renewable energy

Policy E5: Sustainable drainage systems

Policy E8: Dorset Heathlands

Policy E10: Biodiversity and geodiversity

Policy E12: Design

Policy H1: Local housing requirements

Policy H2: The housing land supply

Policy H3: New housing development requirements
Policy H9: Housing Mix
Policy I1: Developer contributions to deliver Purbeck's infrastructure
Policy I3: Green infrastructure, trees and hedgerows
Policy I4: Recreation, sport and open space
Policy I7: Community facilities and services

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

The Dorset Council Local Plan Options Consultation took place between January and March 2021, and a second Options Consultation will be taking place between 18 August and 13 October 2025. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development.

Paragraph 61 seeks to support the Government's objective of significantly boosting the supply of homes.

Paragraph 232 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, policies should not be regarded as out-of-date on the basis that the most up to date local housing need figure (calculated using the standard method set out in planning practice guidance) is greater than the housing requirement set out in adopted strategic policies, for a period of five years from the date of the plan's adoption.

Other relevant NPPF sections include:

2. Achieving sustainable development
4. Decision-making

- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 17. Facilitating the sustainable use of minerals

Other material considerations

Planning appeal(s):

Land West of Church Hill and Land Off Butts Close and Schoolhouse Lane, Marnhull, Dorset, DT10 1PU (Appeal Ref: APP/D1265/W/24/3353912) – Allowed.

This was a mixed used proposal for 120no. dwellings and a local retail centre. Prescient to this case, the Inspector acknowledged the Council APS and Housing Delivering rates and did not engage the titled balance. Rather, he looked to the near future when the Council's APS expires (31 October 2025) and gave the overall housing need the highest importance, and sighted the other benefits of the scheme as reasons for allowing the appeal.

Supplementary Planning Documents

- The Dorset Heathlands Planning Framework 2020-2025
- Dorset Heathlands Interim Air Quality Strategy
- District Design Guide SPD
- Managing and using traditional building materials in Purbeck
- Managing and using traditional building details in Purbeck
- Supporting technical guidance - Bats and Birds
- Draft Landscape Character Assessment and Management Guidance (Non-AONB Areas) Purbeck

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

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.

No disadvantage to persons with protected characteristics has been identified following completion of the development. During the construction phase those who are housebound in the vicinity may be more affected by noise.

14.0 Financial benefits

Note: the Material benefits below will be secured by a s106 obligation, should the Committee resolve to grant permission..

Material

Affordable Housing	Policy compliant affordable housing (40% affordable provision)
Education Contribution (Primary)	£2,017.31 Per dwelling of 2 or more beds
Special Educational Needs (SEN) Education Contribution	£1,487.62 per dwelling.
Nutrient Neutrality	Secure mitigation in perpetuity – Package Treatment Plant
On site SANG provision	Provide SANG provision to comply with Dorset Heathlands Planning Framework SPD (2020-2025)
LAP Play Area	A LAP should be provided on site for a development of this size
LAP Commuted Sum	A commuted sum for the maintenance of an onsite LAP if it is transferred to the parish or another body
Village Hall	Secure the provision of a new village hall on site

Non-material:
CIL - £30/sq.m

15.0 Environmental Implications

The implications of building additional housing in the countryside will need to be balanced with the social aspects of providing a new village hall, a SANG, and other financial benefits.

Carbon emissions will arise during the construction stage of the proposed development. The new dwellings will be required to meet Building Regulation standards.

An informative has been added to the decision notice to encourage the developer to use sustainable construction methods. Sustainable construction involves using renewable and recyclable materials on building projects to reduce energy consumption and toxic waste. The primary goal of this initiative is to decrease the construction industry's impact on the environment by utilizing sustainable construction procedures, practicing energy efficiency, and harnessing green technology.

16.0 Planning Assessment

The main issues of this proposal are considered to relate to:

- principle of development housing land supply and the provision of housing
- affordable housing
- merits of the case design, layout and impact on the character of the area and the Dorset National landscape (AONB)
- highway and access
- mineral safeguarding
- biodiversity
- impact on the existing and future neighbour amenity
- renewable energy
- drainage
- other material considerations and nutrient neutrality

Principle of Development

The proposed development site is in a countryside location outside of any settlement boundary. It is an unallocated site in light of the adopted Purbeck Local Plan (PLP). PLP Policy V1(5) sets out four criteria by which the Council would support small scale development on unallocated sites adjoining a settlement boundary. However, this proposal should not be considered small scale development (major development is 10 or more homes or having a site area of 0.5 hectares or more (Appendix 2 of the NPPF)). Therefore, the proposed development is contrary to the spatial strategy of the adopted PLP. However, there are benefits associated with this proposal that Member should consider and give weight to in their decision-making exercise.

Housing land supply and the provision of housing

On the 26 September 2024, the Planning Inspectorate (PINS) confirmed that Dorset Council's Annual Position Statement could 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. We are entitled to rely on this position until 31 October 2025. Furthermore, no areas in the Council have a Housing Delivery Test result of less than 75%. This means that the presumption in favour of sustainable development (the tilted balance) does not apply, and full weight can be given to relevant policies in the adopted Local Plans and Neighbourhood Plans.

The recently adopted PLP can rely, to some extent, on paragraph 232 of the NPPF. However, the protection of this paragraph is predicated on maintaining a five-year HLS and a Housing Delivery Test score of more than 75%.

This is all good except for the fact that 31 October 2025 is not far off and that the National Planning Policy Framework (December 2024) has changed the method for calculating 'local housing need' which is the target of every Council's HLS. Come the 1st of November Dorset Council, because of this new method, will have a shortfall of almost 8,000 homes in our five-year HLS (previously we calculated our local housing need on 1,793 x 5 years, this will increase to 3,219 x 5 years). We are seeking to address this through the emerging Dorset Local Plan and are currently out to consultation on potential site to meet this demand. The shortfall is a material consideration for deciding this application.

Sites chosen for this consultation generally share a boundary with an existing designated settlement boundary. Because this site does not it is not one of the sites shown in the consultation.

This does not change the pragmatic approach of decision-makers; that is to consider the benefits of an increase to the housing supply alongside other benefits of the scheme, against the impacts associated with the development and then assess whether there is good reason to depart from policy.

Affordable Housing

For this proposal Policy H11 would require 40%, or 19.2 units, of the housing to be provided as 'affordable housing' on site. The Council's Housing Enabling team have agreed to 0.2 dwellings worth of commuted sum. Applying the proportional breakdown of tenure types would deliver the following:

- 2x Social Rented Tenure (~10%)
- 12x Affordable Rented Tenure (~65%)
- 5x Shared Ownership (~25%)

The proposed tenure split would be almost equivalent to the policy required tenure split. The Housing and Enabling Team confirmed that the proposed tenure split and level of affordable housing proposed would be acceptable.

Ensuring these units are tenure blind in terms of all aspects of design will have to be considered at the reserved matters stage.

The application is therefore considered to be acceptable in this respect subject to completion of a s106 planning obligation to secure the agreed quantum and mix of affordable housing proposed.

Merits of the case

This site is considered a "windfall" site as defined in the glossary of the Purbeck LP:

Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.

The closing of Binnegar Hall put into motion unexpected changes to find the best use of the site. The use of the site for residential purposes is not in question as that was established through a previous permission for development on this site (planning ref: 6/2015/0541).

As this site is unallocated there are no stated criteria by which to assess the suitability of this site for this development. It may be helpful to consider the criteria for which small unallocated sites are measured. The criteria are as follows:

- the scale of development is proportionate to the size and character of the existing settlement;
- development does not harm the character and value of any landscape or settlement either individually or
- cumulatively through the size, appearance and layout of proposed homes; development contributes to a mix of different types and sizes of homes (as specified in relevant policies); and
- development would not have an adverse effect on the integrity of sites within the national site network (including European sites)

Regarding the first point, the proposed development site is in East Stoke Civil Parish (ESCP). This is a countryside location outside any settlement boundary, and there is no village within ESCP that has a settlement boundary. The existing housing in the area is dispersed with no discernible consistency in layout or appearance. In addition to the extant permission for 23no. dwellings on this site, the proposed development (48no. dwellings) is considered be out of character for the area.

Point two, this site is remarkable for the number of trees and associated woodland area. The proposed development would result in the loss of some trees but many of these are low quality, and most trees would be retained and would screen the development to such an extent that the development would not be readily visible from public viewpoints.

The illustrative site plan shows existing trees being incorporated into plots 1-4 and 10-15 (see Tree Protection Plan, protective barrier/fencing and construction exclusion zone). This would not be acceptable as it could have a detrimental impact on the character of the area. It would be very difficult for the Council to enforce any tree preservation order within future private gardens. That said, the plots and dwellings on this drawing look relatively large and could be re-designed at the reserved matters stage to exclude this area from the private gardens. The exclusion of this area should be the subject of a bespoke condition. Subject to said condition, it is considered that the proposal would not harm the character of this sylvan landscape.

Thirdly, the details of appearance and layout are reserved matters. A condition could be imposed to limit the height of dwellings to 2-storey. The proposed mix of dwellings set out in the Design and Access Statement and shown on the illustrative plan, help give an idea of what the site could accommodate; 26no. detached dwellings, 22 semi-detached. Similar to the issue above with plot sizes and trees, there is space for 48no. dwellinghouses but a re-design will be

necessary. (Note: this could affect the value of the site and its ability to deliver a community hall, AH, SANG, etc.)

Fourth, Natural England has raised no objection to the proposal with regard to the national site network (including European sites).

Turning to the proposed community hall, Policy I7 sets out the following:

New community facilities and services will be encouraged to locate within a defined settlement boundary. Proposals outside of a settlement boundary should be able to satisfy the following criteria:

- a. the use cannot reasonably be met within a settlement, and the facility:*
 - i. meets an identified local need;*
 - ii. where appropriate is located close to a settlement or in an accessible location; and*
 - iii. its impact on landscape, environment and local character is minimised*

The proposed hall would not be located within a defined settlement boundary. As such, the proposal needs to satisfy the stated criteria.

Would the proposed hall meet an identified need? Yes, the ESCP has consistently stated that a hall is needed. Their previous hall was removed c2008. Periodic community surveys have confirmed this need, and they have assembled a 'Rebuild Committee' to help achieve this goal.

Is the location accessible? Considering the geographical layout of the population of ESCP, it would be difficult to find a better location. Most of the Parish dwellings are within 1.5km radius of the site and reliance on a private vehicle is commonplace.

Would the impact on landscape, environment and local character be minimised? This is an outline application to agree the principle of development and details of access only. The illustrative drawings submitted with the application show that the community hall would have a modest footprint. The details of appearance are not known at this time. However, it is considered that the woodland on the site would provide adequate mitigation to minimise a modest scale hall.

The public benefits arising from this scheme are considered to be exceptional and important. Boosting the supply of housing, and the provision of 40% affordable housing should be given significant weight as there is a great need for the latter and a growing need for the former. The delivery of a community hall would fulfil an identified local need. Whilst necessary to mitigate environmental impacts, the provision of a SANG has wide recreation benefits for the community.

The SANG and community hall would be secured through a S106 planning obligation. These benefits should be delivered at the start of the development as it is considered that without them the principle of development would not be acceptable.

Design, Layout and Visual Impact

Policy E1 (Landscape) sets out that great weight should be attached to conserving and enhancing landscape and scenic beauty in the Dorset National Landscape (DNL). The DNL is located to the south on the other side of the A352. The application site is part of its setting and not located within the DNL.

The Council also has a duty toward protected landscapes set out in section 85 of the Countryside and Rights of Way Act 2000. While the NPPF states in paragraph 189 that development within the setting of National Landscapes should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.

This duty is to 'seek to further' the statutory purposes of Protected Landscapes. Consideration should be reasonable and proportionate in the context of fulfilling this duty.

It is considered that the interconnectivity of this site with the DNL to the south is limited due to the A352, the relatively flat topography, and existing woodland. The dense woodland along southern boundary, and throughout the site would adequately screen long views from and into the DNL. A bespoke condition addressing lighting could be imposed and apply to both public and private and private spaces as much as possible to protect dark skies. Tranquillity of the area would be slightly affected from the additional car movements but not to the extent to be considered seriously detrimental to the DNL.

Additionally, there is a site of alternative natural greenspace (SANG) proposed to the south, on the other side of the A352, being considered in a separate application on its own. This would, if approved, draw pedestrians and possibly cyclist for recreational purposes which should be considered appropriate and acceptable.

Policy E12 (Design) sets out that development should demonstrate a high-quality of design with a list of nine criteria that should be met to demonstrate said quality. While the expectations of Policy H9 (Housing Mix) aim to achieve mixed and balanced communities. There is no reason why these ideals cannot be met but the assessment requires the details of layout, scale, appearance, and landscaping which are a reserved matters at this time. In the context of this site and the extant permission to convert the existing buildings on site, future appearance should draw its inspiration for this form in addition to the historical character and appearance of Purbeck generally.

In terms of the amount of development, the proposal would result in a density of around 6.7 dwellings per hectare. However, this must be considered against the fact that there are 23 dwellings approved on the site already. Factoring this in, the density would be around 9.9 dwellings per hectare. Given the rural nature of this site and the fact it is outside of any defined settlement boundary, this is considered to be acceptable.

It is considered that the proposed development of up to 48 dwellings and community hall within this location would result in a low level of landscape harm. However, should the SANG mitigation gain planning permission this would be a public benefit which would also improve the natural landscape of the area. There is also the potential to enhance the natural environment at the detailed design of the reserved matters. It is considered that on in the context of this site and the merits of this case the Council will have fulfilled its duty to seek to further the DNL located to the south of the site.

Highways and Access

The Highway Authority (HA) has no objection to this proposal subject to conditions.

In particular, the HA has noted "...*The site has previously benefited from two vehicular accesses, where visibility improvements have been made. The proposal seeks to maintain vehicular access to the site via the western access, which has been demonstrated as safe and suitable to accommodate the additional vehicular trips. The eastern access is proposed to remain as an emergency access, this can be controlled by condition... details of the internal*

road layout, that is not a matter being considered for permission at this time but should be addressed in any subsequent reserved matters application. I note objections have been raised with regards the internal road layout, as currently illustrated, being unlikely to be adopted. Whilst adoption is not a material planning consideration, the internal layout could be amended in order to satisfy the safe and suitable access for all users..."

With regard to the proposed SANG, they have noted that the "...applicant is required to provide a safe and suitable means of pedestrian crossing across the A352 to and from the proposed SANG, a new pedestrian refuge island is proposed. This will require some changes to the adjacent highway network including the provision of a new footway along the north and south with tactile paving ...". The proposed new footway should be conditioned as part of this application in order that the SANG operates as effective mitigation.

Minerals Safeguarding

The application site is located close to a Minerals Safeguarding Area. In terms of minerals safeguarding, the Minerals Strategy seeks to address this by ensuring prior extraction of minerals where possible, subject to evidence of mineral resources on the land. Having regard the context of the site and existing residential dwellings on the site and in the area, the Dorset Mineral and Waste Team have raised no objection. The Team state that they will take a pragmatic approach towards securing any supply of aggregates which the development of the site should allow through effective phasing of the overall site development.

Biodiversity

The Biodiversity Plan (BP) submitted with the application sets out the following mitigation measures and was certified (02/01/2025) by Dorset Council's Natural Environment Team. These measures would be secured via a suitably worded condition if this application is approved:

1. Site layout retaining grassland areas around Binnegar Hall for bats present within roosts in that building
2. Buffers to most of woodland edge / tree line habitats or gardens orientated to be backing onto woodland edge so as to reduce risk of light spill from windows.
3. New SANG area south of Wareham Road will provide a significant new habitat resource for foraging and commuting bats with new hedgerows, meadow grassland and pond created.
4. Lighting strategy has been produced by DFL which takes account of the areas of importance for bats identified by the survey work.
5. 39 No bat boxes (both integrated into new dwellings and erected on trees) to be provided on-site.
6. the 4 No Oak trees identified as being veteran in the KP ecology report (2019) are to have 15m protective fence barrier to protect their Root Protection Areas (RPAs) from damage during the works. This will require a specification plan showing the

extent of the RPA and positioning of protective measures including fencing.

7. Prior to works being undertaken on any trees on-site, the ecologist will be consulted to ensure there are no impacts to trees that may have PRFs.

The BP also recommended the installation of bat boxes integrated into new dwellings (24 No minimum), woodcrete bat boxes erected on trees (15 No), woodcrete bird boxes erected on trees (6 No), Swift boxes integrated into new dwellings (24 No) and substantial meadow area created to the south of Wareham Road (A352) as part of SANG creation. This also includes the creation of hedgerows and a pond (management plan for this area prepared by ACLA and will be submitted with application), holes created in fences to allow for hedgehog permeability and payment for loss of grassland habitats on site to be provided via the DBAP.

A separate application has been submitted for a Site of Alternative Natural Greenspace (SANG) which is required to meet the heathland mitigation requirements for this site. This application is currently being determined by the LPA (ref. P/FUL/2023/07467). Therefore, this application will not assess the SANG in any further detail. If this application is approved, a s106 agreement would be agreed to secure the delivery of the SANG. Natural England however confirmed that the combination of the SANG provision would be acceptable.

Overall, in terms of Biodiversity, the proposal considered to be acceptable in accordance with Policy E7, E8 and E10 of the PLP.

Impact on the Existing and Future Neighbouring Amenity

Without the details of layout, scale, and appearance, it is not possible for the LPA to assess fully whether the proposal would result in an acceptable or unacceptable impact on the neighbouring amenity of any existing neighbouring dwellings. However, with reference to the illustrative site plan, it is considered that there is adequate space to design a high-quality environment for future residents if the application were approved.

It should be noted that, some time ago, an objection was received from the operator of the quarry situated to the north of the application site and concerns were raised from the Council's Minerals and Waste Team. The concerns raised were both in terms of impact to the future amenity of residents on the site and the future viability of the quarry.

At the time the comments were submitted (2019) the quarry was in the extraction phase, however that activity has come to pass and quarry is not operational. In fact, the restoration of the quarry site is due to begin later this year. This has been confirmed in a Technical Note submitted to the LPA by the Applicants. Therefore, whilst it is acknowledged that the proposed dwellings would be in relatively close proximity to the quarry site, it is considered that if this application is approved, it would not impact on the future viability of the quarry site due to the fact it is now entering the restoration phase which would be considerably less noisy than the extraction process.

There are other safeguarded areas situated to the north of the application site however due to the distance of these from the application site, it would be considered that the proposal would not likely impact on the potential of these coming forwards when considering there are existing residents already at a similar distance to the existing quarrying activities.

There is a waste processing plant located to the north-west of the application site however on review of the planning history of this and further details from the applicants, this site does not carry out any incineration or landfill so there would not be a concern in relation to odour which could impact the future viability of this business.

Renewable Energy

Policy E12(g) encourages the use of renewable energy within developments although it does not specify an exact amount of the predicated energy requirements that would need to be provided by renewable energy. It is considered that if this application is approved, this matter would be dealt with as part of any Reserved Matters application.

Drainage

In terms of foul drainage, the submitted planning statement sets out that foul drainage would be dealt with via an on-site treatment plant. It is considered that if this application is approved, exact details of the proposed method of foul drainage could be secured via a reasonably worded condition.

In terms of surface water drainage, the information submitted with this application sets out that rainwater runoff from the proposed development would discharge to a proposed infiltration basin. The LLFA confirmed that this approach is acceptable and raised no objections subject to conditions. If this application is approved, the suggested conditions from the LLFA would be attached to the decision.

Other Material Considerations

Nutrient Neutrality

The application site is located within the Poole Harbour catchment. Poole Harbour is designated as an SPA and Ramsar. Within the Poole Harbour catchment, mitigation has been delivered since 2017 through the Nitrogen Reduction in Poole Harbour Supplementary Planning Document (SPD) (April 2017). It is not considered appropriate to continue to use the SPD as the approach to calculating nutrient loading and mitigation requirements is no longer consistent with the up-to-date understanding of nutrient pollution.

When Natural England updated their advice for the Poole Harbour catchment in March 2022, phosphorus was added alongside nitrogen as nutrients of concern. After this announcement planning decisions on development proposals where an increase in nutrient loading was likely could only be granted if the proposal included appropriate phosphorus mitigation. On 25 January 2024, the Secretary of State designated Poole Harbour as a nutrient sensitive catchment for both nitrogen and phosphorus.

For all planning applications determined after the 31 July 2024, applicants or developers for qualifying development in Poole Harbour's catchment must secure nutrient mitigation for their development proposal. Mitigation can be secured:

- on-site, or through other land owned by the applicant or developer (as an example mitigation may include changes in land management to offset impacts or a new wastewater treatment works managed by a [NAV](#) water company)
- through an agreement with an accredited third-party mitigation provider

- through an agreement with Dorset and BCP Council acting in their capacity as a nutrient mitigation provider.

In all instances, the mitigation will need to be secured in perpetuity through the necessary legal agreements or planning condition and details of the mitigation measures must be presented by the applicant or developer as part of their nutrient neutrality statement.

Natural England set out that the methodology used for calculating nitrogen budgets for the development, including benefits generated from the upgrade of the existing PTP, was acceptable. Further, Natural England was also satisfied that the hydrological connectivity of the existing PTP to the watercourse makes the measure eligible for offsetting the proposed discharge to a watercourse. Overall, Natural England concluded that the package treatment plant (PTP) upgrade along with the delivery of the SANG has been demonstrated to provide sufficient nitrogen reductions to offset the additional nitrogen discharges associated with the proposed development of 48 dwellings and will therefore ensure nitrogen neutrality in relation to the Poole Harbour designated sites. On this basis, the LPA are satisfied that the proposed development would be acceptable in regard to Nutrients in accordance with Policy E9 of the Purbeck Local Plan.

Natural England set out within their comments that they were satisfied that the combination of the proposed PTP upgrade and the provision of the SANG would suitably mitigate against the development proposed.

The application is therefore considered to be acceptable in this respect subject to condition and completion of a s106 legal agreement

17.0 Conclusion

The proposed development would be contrary to the spatial strategy of the adopted PLP. The Council's housing land supply and housing delivery test are such that the principle in favour of sustainable development is not engaged. The positive recommendation is based on the merits of the case and the significant weight attached to the provision of: a community hall, affordable housing, market housing, and a SANG.

The proposed development site is a windfall site where the principle of some residential development has been allowed.

This is an outline application to agree the principle of providing a further 48no. dwellings on the site. Whilst there are some concerns with the proposed quantum of development and the loss of trees, details of layout, scale, appearance and landscaping are reserved matters. It is considered that 48no. dwellings could be achieved having due regard character of the area.

The officer recommendation is subject to conditions and the completion of a S106 Legal agreement to secure delivery of affordable housing, maintenance of the on-site LAP, a community hall, SANG and contributions towards education.

18.0 Recommendation

To delegate authority to the Service Manager for Development Management and Enforcement and Development Management Area Manager East to either:

a) Grant 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 to secure the following:

- Policy compliant affordable housing (40% affordable provision)
- Education Contribution (Primary) £2,017.31 Per dwelling of 2 or more beds
- Special Educational Needs (SEN) Education Contribution £1,487.62 per dwelling.
- Nutrient Neutrality mitigation in perpetuity – Package Treatment Plant
- Provide SANG provision to comply with Dorset Heathlands Planning Framework SPD (2020-2025)
- A LAP play area provided on site
- A commuted sum for the maintenance of an onsite LAP if it is transferred to the parish or another body
- Secure the provision of a new village hall on site
- Commuted sum for future maintenance of village hall

Conditions:

1. No part of the development hereby approved shall commence until details of all reserved matters (list them) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

2. An application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

- 8589/102 Location Plan
- 173370-PHL-01 Rev. D Binnegar Hall Preliminary Highway Layout Option 1 – West Access

- 173370/PD03.1 Rev A Proposed Over-runnable Pedestrian Refuge With Tank Transporter Travelling Over
- 0604/65-30A Topas Plus – TP16, General arrangement Drawing

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

5. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan(CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:
- construction vehicle details (number, size, type and frequency of movement)
 - a programme of construction works and anticipated deliveries
 - timings of deliveries so as to avoid, where possible, peak traffic periods
 - a framework for managing abnormal loads
 - location of construction site access
 - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
 - wheel cleaning facilities
 - vehicle cleaning facilities
 - inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
 - a scheme of appropriate signing of vehicle route to the site
 - a route plan for all contractors and suppliers to be advised on
 - temporary traffic management measures where necessary

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

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

6. Prior to occupation of any building hereby approved, details of an extension to the existing footway on the south verge and provision of a footway on the north verge of the A352 shall be submitted to and agreed in writing by the local planning authority. Thereafter, the footways shall be constructed in accordance with the agreed details.

Reason: to ensure the proper and appropriate pedestrian accessibility to the site and ensure that highway safety is not adversely impacted upon.

7. Prior to occupation of any dwelling on the site, the proposed vehicular access as detailed on drawing numbered 173370-PHL-01 Rev D (submitted with the Transportation Statement) shall be constructed in accordance with the approved detailed drawing including provision of visibility splays with the area in advance of the splay lines cleared of all obstructions to visibility between 0.6m and 2.1m above the adjoining carriageway and thereafter be similarly maintained in perpetuity.

Reason: To ensure that adequate visibility is provided for the duration of the use and maintained in the interests of highway safety.

8. The development shall be served by an access road(s) laid out and constructed in accordance with the approved reserved matters details, and no dwelling on the site shall be occupied until the road (including vehicular turning head(s), street lighting, drainage and footways where proposed) providing access to it from the nearest public road to that dwelling has been completed to at least binder course and footways to surface course level in accordance with the details so approved.

Reason: To ensure a satisfactory means of access for occupants of the development.

9. Prior to commencement of development, details of a scheme for the manoeuvring, parking, loading and unloading of vehicles must be submitted to and agreed in writing by the Planning Authority. Thereafter, the agreed scheme shall be constructed before any dwelling hereby approved is occupied or utilised, and these areas must be maintained, kept free from obstruction and made available for the purposes specified unless otherwise agreed in writing.

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

10. Prior to completion of the development hereby approved, the western access shall be maintained as emergency only access to the site by the provision of a sign located off the public highway detailing 'Emergency Access Only'. Details of the signage and location shall be first submitted to and agreed in writing by the local planning authority. Thereafter, the development shall be completed in accordance with the agreed details and permanently maintained as such unless otherwise agreed in writing.

Reason: To prevent vehicles accessing the highway at a location that is considered to be inappropriate and/or unsafe, except in an emergency situation.

11. 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 scheme shall have regard to the guidance set out in the current DEFRA national standards Sustainable Drainage Systems (SuDS). 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 and to take into account current national standards for SuDS.

12. Prior to the occupation of the 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 have regard to the guidance set out in the current DEFRA national standards Sustainable Drainage Systems (SuDS). The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or

any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure the future maintenance of the surface water drainage system, and to prevent the increased risk of flooding and to take into account current national standards for SuDS.

13. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 7 of the Ecosupport (Revised 16/11/2023) (ecological impact assessment) unless otherwise agreed in writing by the local planning authority.

Reason: in the interest of biodiversity and the setting of the Dorset National Landscape.

14. Prior to the submission of any reserved matters application a Nutrient Neutrality Mitigation Strategy shall be submitted to the Local Planning Authority setting out the nutrient budget calculation for the development as a whole and detailing how it is proposed to secure mitigation from the impact of nitrogen arising from the development on the Poole Harbour/.

Each reserved matters application for individual phases must be accompanied by a bespoke nutrient budget calculation which identifies the quantum of credits required to mitigate the impact of each phase of development. Development must not commence until the necessary credits for each phase have been secured from an accredited nutrient credit provider. A copy of the nutrient credit certificate for each phase from the accredited nutrient credit provider must be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development of that phase.

Once approved in writing by the Local Planning Authority, the development of each phase must be undertaken in accordance with the approved Nutrient Neutrality Mitigation Strategy.

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

15. Prior to occupation of any dwelling hereby approved, details of measures to limit the potential consumption of wholesome water use by persons occupying the new dwelling to 120 litres per person per day as measured in accordance with regulation 36 of 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. The submitted details shall include a water consumption calculation for each of the dwellings in accordance with the Approved Documents referred to above. Thereafter, the approved measures shall be implemented and maintained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To secure nutrient neutrality through effective mitigation in the interests of protected Habitat Sites.

16. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on Tree protection plan 16074-BT8 to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction -

recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s) or construction exclusion zone.

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity

17. 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). If any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be completed in accordance with the approved details and on completion 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.

18. No soil shall be imported to the site unless it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by risk assessment) and source material information. The analysis shall then be carried out and a validation certificate or similar evidence should be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the environment.

19. Prior to commencement of work on the site, details of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy will reflect the need to avoid harm to protected species and to minimise light spill from lighting associated with pre-construction, construction and operational activities, and demonstrate how the current best practice guidance, including Guidance Note 8 Bats and Artificial Lighting (BCT/ILP, 2023) has been implemented. There shall be no lighting of the site other than in accordance with the approved strategy.

Reason: In the interests of biodiversity and character of the Dorset National Landscape.

20. Prior to occupation of any dwelling hereby approved, the development shall be completed in accordance with the Nitrate Mitigation Measures as set out in the Nutrients Appraisal for Binnegar Hall, East Stoke, Dorset by SLR Consulting Limited (Ref: 416.065312.00001 rev 4. Dated 15 August 2024).

Reason: in the interest of conserving and enhance the natural environment as set out in the National Planning Policy Framework.

Informative Notes:

1. INFORMATIVE NOTE: Junction

In addition to this permission, 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.

2. INFORMATIVE NOTE: Development team

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 Highways Development team. They can be reached by telephone at 01305 225401, by email at highwaysdevelopment@dorsetcouncil.gov.uk, or in writing at Highways Development, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.

3. INFORMATIVE NOTE: 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.

- 4.** This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990
- 5.** The applicant is encouraged to use sustainable construction methods. Sustainable construction involves using renewable and recyclable materials on building projects to reduce energy consumption and toxic waste. The primary goal of this initiative is to decrease the construction industry's impact on the environment by utilizing sustainable construction procedures, practicing energy efficiency, and harnessing green technology.

6. In the interest of the Dorset National Landscape and character of the area generally, the final layout to be submitted as a reserved matter will be expected to omit existing trees from all private gardens. Private ownership could result in lopping, topping, or felling of trees to the detriment of the character of the area.

b) Refuse

Refuse permission for the reasons set out below if the S106 legal agreement is not completed by 3rd March 2026 or extended time as agreed by the Service Manager for Development Management and Enforcement and/or the Development Management Area Manager East.

Reason for refusal (summary points):

The application is contrary to Policies V1, E1, H11 and I1, I4 of the Purbeck Local Plan 2024 as there is no legal agreement in place to secure

- landscape mitigation
- the appropriate affordable housing contribution,
- Suitable Alternative Natural Greenspace (SANG),
- a Package treatment plant upgrade,
- Poole Harbour mitigation (secured in perpetuity) ,
- Delivery of the community hall
- a commuted sum towards maintenance of a LAP not secured
- financial contributions towards education and special needs education