

Application Number:	P/MPO/2025/06054
Webpage:	Planning application: P/MPO/2025/06054 - dorsetforyou.com
Site address:	Land at Vearse Farm (Foundry Lea) Bridport DT6 5JT
Proposal:	Modification of a planning obligation dated 01/05/2019 relating to planning permission WD/D/17/000986 - Outline application for the development of up to 760 dwellings, 60 unit care home (Use Class C2), 4 hectares of land for employment (Use Classes B1, B2, B8), mixed use local centre (Use Classes A1, A2, A3, A4, A5, B1, C3 and D1), primary school and associated playing fields (Use Class D1), areas of public open space and allotments, drainage works, the formation of new vehicular accesses to West Road and the formation of new pedestrian and cycle links - to modify occupation of dwelling restriction regarding completion of the Miles Cross junction works
Applicant name:	BDW Trading Limited and Vistry Cornwall South West
Case Officer:	James Lytton-Trevers
Ward Member(s):	Cllr D Bolwell; Cllr B Clayton; Cllr Williams

1. Reason application is going to committee:

- 1.1 The Service Manager for Development Management and Enforcement has had regard to paragraph 151 of the Officer Scheme of Delegation and is referring this application to the planning committee for reasons of transparency, and because there is potentially a material reduction in benefit to the community due to the delay to the provision of the Miles Cross roundabout.

2. Summary of recommendation:

Recommendation A: Grant, subject to the completion of a deed of variation of the 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:

- Amendment to the wording of Schedule 3, Part 16, para. 17.2 to read: *“Not to permit the Occupation of more than 109 dwellings until the completion of the Miles Cross Junction works.”*

Recommendation B: Refuse permission for the reason set out below if the agreement is not completed by 30th April 2026 or such extended time as agreed in writing by the Service Manager for Development Management and Enforcement:

1. The planning obligation dated 1 May 2019 (planning application ref: WD/D/17/000986) continues to serve a useful planning purpose, securing the provision of a junction improvement. In the absence of a deed of variation to the s106 agreement, the requirement not to permit the occupation of any dwelling until the provisional completion of the Miles Cross Junction works shall stand.

3. Key planning issues

Issue	Conclusion
Principle of development	The principal issue which is material relates to highway safety and whether allowing a limited number of dwellings to be occupied prior to the completion of the roundabout at Miles Cross would be acceptable.
Highway Safety	The occupation of 109 dwellings before completion of the Miles Cross roundabout would not lead to danger to road users.

4. Description of site

- 4.1 The application site comprises a construction site to the west of Bridport town centre. It is within the Dorset National Landscape (Area of Outstanding Natural Beauty). The former farmland formed part of Vearse Farm. The site adjoins the A35 to the west and the B3162 West Road to the north. West Road provides the only access into the site via two new T junctions. A number of public rights of way cross the site.
- 4.2 Following allocation within the Local Plan for mixed development, planning permission has been granted for the development of the site and is currently being implemented.

5. Description of development

This application seeks to modify the legal agreement (s106) attached to the original planning permission. The existing agreement stipulates that no dwellings may be occupied until the highway improvement works at the junction of West Road with the A35 – specifically the completion of the Miles Cross roundabout – have been fully carried out. The modification sought would enable occupation of 109 dwellings before completion of the Miles Cross roundabout.

6. Background and relevant planning history

WD/D/17/000986 - Decision: GRA - Decision Date: 02/05/2019

Outline application for the development of up to 760 dwellings, 60 unit care home (Use Class C2), 4 hectares of land for employment (Use Classes B1, B2, B8), mixed use local centre (Use Classes A1, A2, A3, A4, A5, B1, C3 and D1), primary school and associated playing fields (Use Class D1), areas of public open space and allotments, drainage works, the formation of new vehicular accesses to West Road and the formation of new pedestrian and cycle links.

This application was approved subject to conditions and a s106 agreement requiring the provision of junction improvements where West Road joins the A35 (the Miles Cross

roundabout) and that none of the development be occupied until the approved works are completed.

P/NMA/2025/05930 (not yet determined) accompanying application sitting alongside this application to modify the legal agreement:

Non material amendment - update conditions 24 & 25 to allow a level of development to proceed prior to completion of the Miles Cross roundabout scheme to planning permission WD/D/17/000986 (Outline application for the development of up to 760 dwellings, 60 unit care home (Use Class C2), 4 hectares of land for employment (Use Classes B1, B2, B8), mixed use local centre (Use Classes A1, A2, A3, A4, A5, B1, C3 and D1), primary school and associated playing fields (Use Class D1), areas of public open space and allotments, drainage works, the formation of new vehicular accesses to West Road and the formation of new pedestrian and cycle links)

7. Development Plan Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- COM7: Creating a safe & efficient transport network
- BRID1 Land at Vearse Farm

Made Neighbourhood Plans

Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020)

- Policy AM2 Managing vehicular traffic

Other Material Considerations

Emerging draft Dorset Council Local Plan:

Paragraph 49 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, with further consultation between 18 Aug – 31 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 2024 (as amended 2025):

Paragraph 116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

8. Consultations

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

Consultees

National Highways – No objection to a revised occupation trigger of 109 dwellings being occupied in advance of the completion of the A35 Miles Cross improvements.

Dorset Highways – No objection.

Symondsburry Parish Council – Objection

The compromise suggestion of allowing 109 properties to be occupied during the construction of the new junction was rejected because how was the number arrived at.

There was no real trigger point in the suggestion as to what a meaningful start to the works was.

There was no real commitment on behalf of the developers and that they were using the availability of a number of affordable housing units to sway the commercial decision to allow occupation.

The section 106 has to be amended by deed of variation to accommodate any change. This in itself could take some time.

As such the benefit of the occupation of houses, even noting the need locally, was not acceptable.

Bridport Town Council - No objection subject to conditions:

Construction of the roundabout takes place between January and September 2026.

Number of properties to be completed and occupied is to be limited to 109.

The need for affordable housing as identified in the Bridport Area Neighbourhood Plan (Objective 5 and Policy H1) is noted.

As one of Bridport Town Council's key priorities is to deliver affordable/social housing, the developers note and share this.

Request that the following be given significant weight in determining this application:

Given the defined need for social rent housing to address the affordability crisis in the Bridport area it would be preferable to see inclusion of more social rented housing.

Ward member - No reply

CIL team – No comment

Representations received

Total - objections	Total - No objections	Total - comments
11	2	0

Petitions objecting	Petitions supporting
0	0

Summary of comments of objections:

‘Type’ of application made questioned;

Should be a committee decision;

Should be subject to Environmental Impact Assessment;

Question some of the applicant’s statements in support of the application;

Accept that a lower figure of 335 which could allow occupation of some affordable housing might be acceptable.

Roundabout (& s106 obligations) needed (now) for highway safety;

Traffic and its management must be considered.

Summary of comments of support:

Will deliver affordable housing.

9. 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.

10. Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits, arising from the development as a whole. These are summarised in the table below:

What	Amount / value
Material Considerations	
Affordable housing	302 dwellings
Quantum of greenspace	23ha
Play areas	2 Sports pitches including MUGA, 2 LEAPs, 1 NEAP
Skills Academy	1 building
Self-build land	0.4ha

Provision of allotments	0.5ha
Orchards	0.25ha
Implementation of Landscape Environment Management Plan.	A large number of biodiversity and landscape enhancements
Hedgerow payments	£50,282.20
Bridport leisure centre payment	£429,000.00
Healthcare provision payment	£225,000.00
School site and its transfer to Dorset Council	2.0ha
Education contribution payment	£5,444.00 per qualifying dwelling
B3162 contribution	£100,000.00
Biodiversity compensation payment	£96,990.82
Highway works	Miles Cross, mini roundabout, traffic calming and footway/cycle access
Existing public footpath improvement contribution	£212,000.00
Non-Material Considerations	
Council Tax	According to value of each property
CIL	Zero rated
New Homes Bonus	A proportion of provisional 2022-2023 allocation of £3,759,871.00

11. Planning Assessment

Principle

- 11.1 This application principally concerns the timing of the delivery of the Miles Cross roundabout. It was considered necessary for the roundabout to be constructed and completed prior to the occupation of any of the 760 dwellings approved at Foundry Lea, at the time of the grant of the outline planning permission and that was what was secured in the associated S106 agreement. This current application to modify the legal agreement originally sought to allow occupation of 335 dwellings before completion of the Miles Cross roundabout. In consideration of objection from National Highways, the application was revised to seek occupation of 109 dwellings before completion of the Miles Cross roundabout. Therefore, the application has been revised during its lifetime and re-consultation on the revised proposal carried out.
- 11.2 Outline planning permission was granted (ref: WD/D/17/000986) subject to a number of conditions of which two are sought to amended under an associated and as yet undetermined application for a non material amendment. These are:

• **Condition 24** – *“No part of the development hereby permitted shall commence unless a detailed scheme at the junction of the A35 (Trunk Road) and the B3162 known as Miles Cross as shown generally on drawing number 10006-SK-06 Revision E produced by Brookbanks Consulting has been submitted to and approved in writing by the local planning authority.*

The detailed scheme will include details of surface water drainage, materials, lighting, construction traffic management plan, traffic management plan and a programme to

show that the Miles Cross works will be completed in advance of any occupation of the development. The improved junction at Miles Cross shall not be provided otherwise than in accordance with the approved detailed scheme, subject to the outcomes of Road Safety Audit.

- **Condition 25** – “No part of the development hereby approved shall be occupied until the works detailed in condition 24 relating to the Miles Cross roundabout junction above are complete and open to traffic.

11.3 A number of planning obligations were secured in a section 106 Legal Agreement, which was dated 1st May 2019 of which a variation is sought under this application:

- **Schedule 3, Part 16, para. 17.2** – not to permit the occupation of any dwelling until the provisional completion of the Miles Cross Junction works.

11.4 At the time of making this current application, in *summary* the applicant states the following:

It would be problematic to complete the roundabout within a small timeframe from January 2026 – April 2026;

That delay would affect the delivery of affordable housing as well as housing which contributes to housing land supply;

That the type of application made is a legally valid one;

The reasoning for the timing of the construction of the roundabout in the original planning application was questionable:

Supporting information is provided by highways engineers demonstrating why a delay should be accepted; and,

Works would commence September 2026 with a 36 week build programme, which would mean that they will not be complete until May 2027;

In the interim some dwellings could be sold prior to the roundabout being completed.

11.5 To enable the applicant's request, the conditions would need to be varied as follows (the key change in **bold**) and these amendments are the subject of the associated application for a non-material amendment:

- **Condition 24** - “No part of the development hereby permitted shall commence unless a detailed scheme at the junction of the A35 (Trunk Road) and the B3162 known as Miles Cross as shown generally on drawing number 10006-SK-06 Revision E produced by Brookbanks Consulting has been submitted to and approved in writing by the local planning authority.

*The detailed scheme will include details of surface water drainage, materials, lighting, construction traffic management plan, traffic management plan and a programme to show that the Miles Cross works will be completed in advance of the occupation of the **110th dwelling** pursuant to this permission. The improved junction at Miles Cross shall not be provided otherwise than in accordance with the approved detailed scheme, subject to the outcomes of a Road Safety Audit.*

- **Condition 25** - *“There shall be no occupation of more than **109 dwellings** pursuant to this permission until the works detailed in condition 24 relating to the Miles Cross roundabout junction above are complete and open to traffic.*
- 11.6 To enable the applicant’s request, the s106 would need to be varied as follows:
- **Schedule 3, Part 16, para. 17.2** *“Not to permit the Occupation of more than **109 dwellings** until the Provisional Completion of the Miles Cross Junction works.”*
- 11.7 The reason for these conditions and this part of the legal agreement was to secure the improved access onto the A35.
- 11.8 Land at Vearse Farm is allocated under Policy BRID1 in the adopted local plan as a mixed-use urban extension to Bridport. Its purpose is *“to meet the long-term needs of the town, with new homes, employment workspace and community facilities, including a new school, leisure and recreation facilities and public open space”* (para. 13.3.1 refers).
- 11.9 In terms of the junction in question, Local Plan Policy BRID1 states:
- “...the development will deliver highway improvements necessary for the development to go ahead, including improvements to the Miles Cross junction of the A35 with the B3162 West Road...”*
- and
- “...the development is appropriately phased to ensure necessary infrastructure and mitigation measures are delivered in advance of occupation”*
- 11.10 Local Plan Policy COM7 (Creating a safe and efficient transport network) confirms that, amongst other things, development will not be permitted where the residual cumulative impacts on the efficiency of the transport network are likely to be severe and where development would have a severe detrimental effect on road safety, or measures can not be introduced to reasonably mitigate potentially dangerous conditions.
- 11.11 The Bridport Area Neighbourhood Plan was Made in May 2020. It contains no references to the Miles Cross Junction improvement works. Policy AM2 (Managing vehicular traffic) confirms that proposals for new development which will generate increased vehicular traffic should, amongst other things, make the best use of existing transport infrastructure through the improvement and the reshaping of roads and junctions, where required, to improve pedestrian access and connectivity to surrounding areas.
- 11.12 Whilst the detailed technical design of the junction improvement has been resolved by the applicant, progress on the delivery of the junction cannot progress until the section 278 agreement has been entered into. At present, the section 278 agreement cannot be signed until there is agreement over when the works will be undertaken. There is a provisional agreement for the works to commence in January 2026 for a period of 36 weeks until September 2026. The applicant is not seeking to contest the need for, or the design of, the consented roundabout improvement to the Miles Cross Junction. The amendments only seek to amend the trigger point for when they are required.
- 11.13 This application only concerns the variation of the legal agreement under s106A of the Planning Act. If the variation to the legal agreement were found to be acceptable, then the application for the non-material amendment to the wording of the conditions would

also be considered acceptable by officers and both decisions would be made at the same time.

- 11.14 The principal issue which is material relates to highway safety and whether to allow a limited number of dwellings to be occupied prior to the completion of the Miles Cross Junction works.

Highway Safety

- 11.15 The revised application proposals were referred to National Highways and Dorset Highways. The large majority of the works fall within the control of National Highways where these would occupy the trunk road (A35) and a much smaller part would be within the control of Dorset Highways where these would occupy West Road.
- 11.16 In consideration of the original proposal for the occupation of 335 dwellings before completion of the Miles Cross roundabout, National Highways considered that development which increases turning movements (particularly right turns) through the A35 Miles Cross junction remained an unacceptable highway safety risk in the absence of mitigation, and considered that the applicant had not demonstrated that network conditions have materially changed, such that it would make the addition of turning movements associated with 335 dwellings acceptable in advance of the delivery of identified improvements.
- 11.17 National Highways has advised the applicant that it would be able to facilitate a start of works in January 2026 to allow for a full construction programme through to September 2026. This start date has also been agreed by Dorset Council's highways officers. National Highways accept the proposal as now revised to allow a maximum of 109 occupations prior to the scheme being completed and open to traffic. National Highways consider that whilst this would require National Highways to accept a degree of additional risk to their network, particularly at Crown and East Road roundabout junctions, their proposed approach would provide National Highways with greater certainty that the works will be completed within a given timeframe, and the associated traffic management measures that will be in place during the works would provide some controls to mitigate for additional turning movements at Miles Cross. Therefore, these requirements would not lead to danger to road users.
- 11.18 Dorset Highways have also made comments supporting National Highways approach to the trigger of 109 dwellings being occupied and have no objection to the variation of the legal agreement accordingly.
- 11.19 The applicant has agreed to a maximum of 109 dwellings being occupied prior to the scheme being completed and open to traffic.
- 11.20 It is considered that allowing a maximum of 109 dwellings to be occupied prior to the roundabout being completed and open to traffic would be acceptable in terms of highway safety.

Other matters

- 11.21 The 109 total number of dwellings to be occupied before completion of the Miles Cross roundabout (a question raised by the parish council) is derived from firstly an analysis by National Highways and secondly from the following table which was provided by the applicant:

The housing delivery programme for the development is presently:

	2025/26	2026/27	2027/28 (1 ST APRIL TO 31 ST MAY)	TOTAL
BDW open market housing	23 (including five show homes and sales office)	68	21	112
BDW affordable housing	0	36	0	36
BDW total	23	104	21	148
VG open market housing	18 (including three show homes and sales office)	23	17	58

VG affordable housing	68	49	2	119
VG total	86	72	19	177
Total	109	176	40	325

The table above demonstrates that without the amendments sought, up to 109 homes that could otherwise be occupied, would be prevented from doing so. Of this figure, a total of 68 much needed affordable homes would be prevented from being occupied (62% of the 109 dwellings).

- 11.22 It is noted the Town Council comment that given the defined need for social rent housing to address the affordability crisis in the Bridport area, it would be preferable to see inclusion of more social rented housing. This application does not present the opportunity to alter the provision of affordable housing. The percentage/type of affordable housing would not directly affect highway safety. The existing section 106 Agreement, in summary, makes obligations for 35% of the dwellings to be affordable with 70% (186 dwellings) as affordable rented units and 30% (80 dwellings) would be shared ownership homes. The scheme further includes 5% of the affordable rented units as Cat 2 Accessible and Adaptable Dwellings. There are no planning policy grounds for changing these requirements.
- 11.23 A number of comments have been made questioning the 'behaviour' of the applicant. These are not material considerations in determination of the application. The application must be determined according to the merits of the case alone.

- 11.24 The development was subject to an Environmental Statement under the Environmental Impact Assessment regulations and a suitable assessment was undertaken prior to reaching the original decision to grant outline planning permission. The current application is not in itself considered to constitute need for additional assessment under those regulations.
- 11.25 Traffic and its management during construction has been agreed for the development to date through discharge of condition 20 (of WD/D/17/000986) and approval of a Construction Traffic Management Plan. Further discharge of the condition for the Miles Cross works is required and the applicant has sought discharge of the condition which is currently under consideration.

12. Summary of issues and the planning balance

- 12.1 It is considered that the occupation of 109 dwellings before completion of the Miles Cross roundabout would not lead to danger to road users and would accord with the NPPF and Policies BRID1 and COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policy AM2 of the Bridport Neighbourhood Plan (2020).

13. Recommendation

Recommendation A: Grant, subject to the completion of a deed of variation of the 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:

- **Schedule 3, Part 16, para. 17.2** *“Not to permit the Occupation of more than 109 dwellings until the completion of the Miles Cross Junction works.”*

Recommendation B: Refuse permission for the reasons set out below if the agreement is not completed by 30 April 2026 or such extended time as agreed by the Service Manager for Development Management and Enforcement:

1. The planning obligation dated 1 May 2019 (planning application ref: WD/D/17/000986) continues to serve a useful planning purpose, securing the provision of a junction improvement. In the absence of a deed of variation to the s106 agreement, the requirement not to permit the occupation of any dwelling until the provisional completion of the Miles Cross Junction works shall stand.