



**Application Type:** Outline Application

**Application No:** 2/2018/0696/OUT

**Applicant:** Nylo Homes Ltd

**Case Officer:** Mr Robert Lennis

**Parish Name:** Shaftesbury CP

**Ward Name:** Shaftesbury Town

**Location:** Land North of Enmore Court And Off, New Road, Shaftesbury, Dorset,

**Proposal:** Develop land by the erection of 25 No. dwellings, form vehicular accesses, parking and landscaping. (Outline application to determine access).

**Financial Considerations:**

- Affordable Housing: 8no. units.
- Quantum of Open Space: none.
- CIL Charges: Not applicable
- S.106 Obligations: £14,769.70 per dwelling
- Council Tax Revenue: not know at this stage (not a material planning consideration)
- Business rates: not known at this stage (not a material planning consideration)

**1.0 Summary of recommendation:**

It is considered that the impacts of the proposed development, having particular regard to heritage assets, would be less-than-significant. As such, there is no clear reason for refusing the proposed development. The adverse impacts of the proposal would not out weight the community benefits, particularly the provision of open market and affordable housing, which should be given significant weight in the planning balance.

Delegate authority to grant planning permission subject to the signing of a S106 legal to secure all off-site contributions, and subject to conditions list in below.

**2.0 Reason for the recommendation:**

- Lack of a five year housing land supply;
- Paragraph 11 of the National Planning Policy Framework sets out that permission should be granted for sustainable development unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
- The location is considered to be sustainable being adjacent to one of or four main towns designated to accommodate future growth;

- There is not considered to be any significant harm to neighbouring residential amenity;
- The impact on the setting of the adjacent conservation area would be less than substantial and the proposed development would provide community benefits in the form of affordable housing and financial contributions toward community infrastructure.

### 3.0 Table of key planning issues

Issue	Conclusion
Principle of development	In light of the Council's lack of a five year housing land supply, the most important policies for determining the application are out-of-date. The site is an extension to Shaftesbury and not isolated in the countryside, therefore it is a relatively sustainable location for residential development.
Impact on Shaftesbury Conservation Area and listed structures	Less-than-substantial harm.
Open market and affordable housing	The prospect of providing open market should be given positive weight. The proposed eight affordable units should be given significant weight.
Impact on landscape and trees	Concerns have been raised and additional information requested, however this is an outline applicant and the site is not part of a designated landscape.
Access and highway safety	Subject to conditions the Local Highway Authority has no objections to the proposal.
Economic benefits	The key economic implications and benefits of new house building activity are generally acknowledged to be: investment, jobs and growth, resources for public services, stronger local communities and environments.

### 4.0 Description of Site:

The proposed development site covers an area of 1.2 ha and is located in the countryside adjacent to the development boundary of Shaftesbury. Presently, the site is used as a paddock with a small stable building. The southern edge of the site is located adjacent to the Settlement Boundary of Shaftesbury and Shaftesbury Conservation Area (sub-area: Foot of The Slopes (Enmore Green)).

In terms of topography the site slopes down from south to north with a noticeable drop in the middle. There are various trees and hedges on the site boundaries, but within the site itself there are no significant landscaping features of particular note. A phase 1 ecology report has been undertaken and identified no signs of use of the site by protected species.

## **5.0 Relevant Planning History:**

Application: 2/2012/0956/PLNG  
Proposal: Develop the land by the erection of 1 No. dwelling with 2 No. parking spaces (outline application to determine layout and scale).  
Decision: Refuse  
Decision Date: 20.09.2012

Appeal: The subsequent appeal (APP/N1215/12/2/2186237) was dismissed. In that decision the Inspector was not convinced that "...the addition of a single dwelling would result in any meaningful "community" benefits...." He opined about how the dwelling would be visible from New Road and Woolands Lane but acknowledged that some shielding would be provided by the existing boundary hedging and the trees. However he concluded that the proposal would not constitute sustainable development but would represent unjustified development within the countryside which would adversely impact upon the rural character and appearance of the area.

## **6.0 Constraints:**

Agricultural Land Grade: 4

Grade II Listed - LB Number: 1441806 – Drinking trough and conduit head

The drinking trough and conduit head at the junction of Shaftesbury Road and New - Road in Shaftesbury, was erected in 1844 and is listed at Grade II for the following principal reasons:

- Architectural interest; as a well-executed and substantially intact piece of Victorian street furniture that has distinctive design quality;
- Historic interest: it serves as a reminder of the now-vanished presence of animals in everyday life and is thus an evocative reminder of a lost way of life.

## **7.0 Consultations:**

(note: all consultee responses can be viewed by the public in full on the website)

### **Transport Development Management**

No objections subject to conditions.

### **Landscape Architect**

Objection - insufficient information.

Given the previous appeal decision on this site, I recommend that the applicant considers a more detailed assessment on the impact on landscape and visual amenity. This assessment should be based on a defined layout and scale of buildings that forms part of the approval of this application. It may be more appropriate for a full application to be submitted for these proposals.

### **Tree Officer Majors**

Object.

Concerns are raised regarding the mature Ash and Oak located in the lane where the trees have received little interference by man. It is likely that the proposal would gradually erode tree health due to residents' concerns regarding shading, leaf litter, high winds etc. which are regularly cited reasons for tree works / removal.

### **Dorset Education Authority**

No objections subject to securing education contributions as stated in their comments.

### **Principal Technical Officer**

No objections subject to conditions.

### **DC as Lead Local Flood Authority (Flood Risk Management)**

No objections subject to conditions.

### **Conservation Officer South**

No objections.

In determining the proposals due consideration has been given to Section 12 of the NPPF, Sections 66 and 72 of the 1990 Act and Policy ENV4 of the Local Plan.

### **Motcombe PC**

Object

The Parish Council would like the following concerns registered:

- The proximity of the school in Motcombe will further add to pupil numbers & all the concerns we have about parking & additional cars through the village twice a day.
- The access roads are considered suitable for such a development but there appears to be no real pedestrian provision off the site to the town.
- From a wider perspective, the site is detached from Shaftesbury, & adds to the already large-scale developments in the town placing the existing inadequate infrastructure under further pressure.

### **Shaftesbury Town Council**

Object.

Reasons: traffic generation and road safety; impact on public services; not in keeping with the look of the landscape; impact of the buildings on neighbours (overlooking).

Shaftesbury TC also considers the proposal to be contrary to Local Plan Policies SB3 and SB4 which aim to protect the character and appearance of the Slopes around Shaftesbury. They have also noted amongst other matters that:

- There are specific Slopes policies under development as part of the emerging Shaftesbury Neighbourhood Plan, which aim to protect the views in Shaftesbury including this area.

- Shaftesbury is a prime tourist location and tourism is vital to Shaftesbury' economy. Views feature as the number one comment from recent tourism studies and therefore need to be protected.
- This site is located on the spring line therefore prone to water logged ground surface and the running greensand is widely known locally as an unstable base for development. The associated cost with stabilising the foundation is likely to impact on the affordable housing element of the development.
- This stretch of the B3081 known by locals as a dangerous stretch of road and accidents have been recorded, including one fatality.
- Recent traffic studies have highlighted that the B3081 Southbound from Gillingham has an average of 36mph as the 85 percentile speed, therefore meeting criteria for a speed indicator device. This is evidence to support this is a dangerous stretch of road for a pedestrian crossing.
- The proposed location of the pedestrian crossing links to the pavement on the opposite side of the road. This pavement is not a continuous link to Shaftesbury and would require crossing this stretch of road again.

## **8.0 Representation from the public:**

209 letters of representation were received, of which 1 offered comments which neither supported nor objected to the proposal, 207 objected to the proposal and 1 supported the proposal.

In summary, the issues raised relate to the following:

- Impact on Access
- Road Safety
- Traffic or Highways
- Effect on the Appearance of Area
- Heritage
- Impact on Light
- Landscape
- Local or Government Policy
- Noise/Disturbance
- Flooding and ground conditions
- Overlooking/Loss of Privacy
- Residential Amenity
- Trees
- Lack of infrastructure (health, education, etc.)
- Biodiversity
- Design
- Economic benefits

Representation raising concerns and, or, objections were also received by Shaftesbury Civic Society, the Campaign to Protect Rural England (CPRE), and Cllr Langham.

## 9.0 Planning Policies:

### North Dorset Local Plan Part 1 (January 2016):

- 1. 7 Dev. within Settlement Boundaries
- SB 3 Maintain Character of The Slopes
- SB 4 Dev. at Foot of The Slopes
- Policy 1 - Sustainable Developmentt.
- Policy 2 - C Spatial Strategy
- Policy 3 - Climate Change
- Policy 4 - The Natural Environment
- Policy 5 - The Historic Environment
- Policy 6 - Housing Distribution
- Policy 7 - Delivering Homes
- Policy 8 - Affordable Housing
- Policy 13 - Grey Infrastructure
- Policy 14 - Social Infrastructure
- Policy 15 - Green Infrastructure
- Policy 18 - Shaftesbury
- Policy 20 - The Countryside
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity

### National Planning Policy Framework:

The following sections of the NPPF are considered to be most relevant to this case:

- 1. Introduction
- 2. Achieving sustainable development
  
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
  
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
  
- 11. Making effective use of land
- 12. Achieving well designed places
- 13. Protecting Green Belt Land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Para 11. Plans and decisions should apply a *presumption in favour of sustainable development*. ...For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are not relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or asset of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, which assess against the policies in this Framework taken as a whole.

## **10.0 Human Rights:**

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 having regard to the following articles of the European Convention on Human Rights:

- Article 1 Protection of property
- Article 6 - Right to a fair trial.
- Article 8 - Right to respect for private and family life and home.

## **11.0 Public Sector Equalities Duty (PSED)**

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 PSED. In particular, regard has been given to the access, crossing, and proposed off-site pavement. As an outline application for consideration of access only, reserved matters relating to design particulars would have to be given consideration at a later date if permission is granted.

## **12.0 Planning Appraisal:**

This planning application seeks outline planning permission for the construction of up to 23no. dwellings. The only detailed matter for consideration at this time is access, all other matters (layout, scale, appearance, and landscaping) are reserved. An indicative plan has been submitted to give an idea of how the site might be developed.

The applicant is offering to provide 35% (8no. dwellings) affordable housing which is above the Local Plan Policy requirement of 30%. The affordable homes are intended to be in a mix of affordable rented and intermediate tenures. Additionally off-planning contributions associated with the development are listed below.

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

- principle of development;
- impact on Shaftesbury Conservation Area and listed structure(s);
- affordable housing;
- access and highway safety;
- impact on landscape and trees;
- planning contributions;
- economic benefits
- planning balance.

### *Principle of development*

Dorset Council, in the area that was North Dorset DC, has a 3.3yr housing land supply; hence, we cannot currently demonstrate a five-year housing land supply. This means the most important policies for determining this application, particularly those relating to housing, are out-of-date. Therefore, the principle of development could be acceptable in light of the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

The proposed development site would affect the setting of a listed structure and the Shaftesbury Conservation Area. There is a need to consider the effect of development on designated heritage assets as references in footnote 6 of the Framework. This would mean that the 'tilted balance' in paragraph 11d is **not** triggered unless the proposal can first pass the simple balancing exercises in paragraph 195 (in cases where harm to the significance of a designated heritage asset is judged to be substantial), or 196 (where any harm is found to be less than substantial).

On that basis the correct approach to decision making here would be first to assess whether any harm would be caused to the significance of the designated heritage assets affected. If any is found, then the degree of that harm needs to be defined. Then, that harm needs to be balanced against the public benefits of the proposal. If the public benefits do not outweigh the harm then, following the Framework's path, planning permission should be refused.

If the public benefits outweigh the harm caused to the significance of the designated heritage assets, then the 'tilted balance' in paragraph 11d would be re-engaged and the policies which are the most important for determining the application should be considered out-of-date. That would mean that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole. It is only if the proposal passes the test in paragraphs 195 or 196 that any additional harm (ie that arising from the location of the site) would need to be considered. In either scenario proper regard must also be had to the Local Plan and other material considerations.

With regard to Local Plan (LP) Policy 20, development in the countryside outside defined settlement boundaries development will only be permitted if it is a type appropriate for the countryside, or if there is an overriding need. It is considered that this Council's persistent shortfall in delivery of housing is a demonstrable and overriding need to locate residential development in the countryside if the site is sustainably located and there are no other reasons that should preclude development.

This site is immediately adjacent to Shaftesbury's defined settlement boundary and should be seen as an extension to Shaftesbury. Any future residential development here would be reliant upon Shaftesbury to provide services and facilities to meet day to day needs. Shaftesbury is identified in the adopted Local Plan as one of the four main towns in North Dorset that will function as a main service centre in the District. In policy terms, these centres are the main focus for growth both for the vast majority of housing and other development. Subject to securing off-site planning contributions, it is considered that there is a sufficient amount of services and facilities available within Shaftesbury for this site to be considered a sustainable location for some form of residential development.

It will be for members to attribute the amount of weight given to policies in the planning balance exercise with the knowledge that some are out-of-date. It is considered that the further away from a demonstrable five year housing land supply that more weight should be given to the benefits of delivering of houses (open market and affordable) in sustainable locations.

*Impact on Shaftesbury Conservation Area (SCA) and listed structures*

The designated SCA boundary also follows the settlement boundary here, as such the development of this site would have an impact on its setting, and the setting of the grade II listed 'Drinking trough and conduit head'. Your Conservation Officer has considered the principle of a housing development on this site and concluded that it would have a less than significant impact on these features. I would concur with these findings at this stage.

*Affordable Housing*

There is a considerable housing need in the North Dorset and Shaftesbury area.

There are currently 927 households on the housing register, these are broken down in more detail below and there is a high demand for smaller rented homes.

<b>North Dorset</b>	<b>INELIG</b>	<b>BRONZE</b>	<b>SILVER</b>	<b>GOLD</b>	<b>EC</b>	(blank)	<b>Grand Total</b>
Single person requiring studios or 1 bedroom	30	190	119	55	6		400
Couple requiring studios or 1 bedroom	19	67	28	17			131
Family requiring 2 bedrooms	19	157	78	23			277
Family requiring 3 bedrooms	3	51	59	5			118
Family requiring 4 bedrooms	3	9	25	1			38
Family requiring 4-5 bedrooms			3	3			6
Family requiring 4-6 bedrooms	1			1			2
(blank)							
<b>Grand Total</b>	<b>75</b>	<b>473</b>	<b>312</b>	<b>105</b>	<b>6</b>		<b>972</b>

Of those on the Housing Register 203 households have declared a connection with Shaftesbury. These are broken down in more detail and again the highest demand is for smaller homes.

<b>Shaftesbury</b>	<b>INELIG</b>	<b>BRONZE</b>	<b>SILVER</b>	<b>GOLD</b>	<b>EC</b>		<b>Grand Total</b>
Single person requiring studios or 1 bedroom	3	37	24	12	1		77
Couple requiring studios or 1 bedroom	2	16	5	4			27
Family requiring 2 bedrooms	4	32	23	6			65
Family requiring 3 bedrooms		10	13				23
Family requiring 4 bedrooms		2	8				10
Family requiring 4-5 bedrooms			1				1
(blank)							
<b>Grand Total</b>	<b>9</b>	<b>97</b>	<b>74</b>	<b>22</b>	<b>1</b>		<b>203</b>

This means that the 8no. units (5 affordable rent, 3 intermediate) being proposed on this site would be helping to meet an identified housing need. The flats, assuming they are one and two bedroom properties, would meet the highest demand and these should be rented homes.

It is acceptable for the intermediate affordable homes on this site to be provided as either shared ownership or discount to open market, with the homes to be sold at no more than 75% of market value and with restrictions to ensure they remain as affordable homes in perpetuity.

It is appreciated that this is an outline application but care must be taken to ensure that the affordable homes are well designed and integrated with the market homes to ensure a tenure blind development.

The provision of 8no. affordable homes on this site (5 affordable rented and 3 intermediate) should be seen as a significant community benefit in the planning balance in light of our 3.3yrs of housing land supply.

#### *Access and highway safety*

The means of accessing the site are detailed with this application and to be determined at this stage along side the principle of developing the site for housing.

It is proposed that the development will be accessed from New Road. Two separate accesses would be formed - the eastern access point would be the main means of access into the site. The western access point would provide access to just two plots.

A speed survey was carried out for the site along New Road. The survey indicated that the eastbound speed was 29.2mph and the westbound speed was 33.7mph. This demonstrated a requirement for visibility splays of 2.4m x 50.7m in the primary direction and 2.4m x 41.3m

in the secondary direction, in accordance with the recommendations of Manual for Streets (MfS). Dwg No 005 Rev J indicates the proposed access positions and the associated visibility splays.

The application is supported by a Transport Statement (TS) that considers the likely highway impact of a development of 25 dwellings (as was originally proposed). A residential development of this size is predicted to generate up to 14 two-way vehicle trips in the AM peak hour and 12 two-way vehicle trips in the PM peak hour.

The original submission failed to provide any information relating to how pedestrians from the new development would be able to safely walk to the facilities available in Shaftesbury town centre. The Highway Authority voiced concerns at the lack of any pedestrian provision between the site and an existing footway some 100m to the east. This led to the site having to be considered as being almost entirely reliant on the use of the private motor car. The Highway Authority consequently recommended that permission be refused.

In response to this recommendation, the applicant engaged with the Authority to investigate if an appropriate and safe solution to this issue could be found. They commissioned an Automatic Traffic Counter (ATC) speed survey to be carried out on the B3081, to the east of the New Road junction, in order to establish the approach speeds in each direction. This survey took place between 06/01/19 and 12/01/19 with the 85th percentile speeds identified as being 35mph in each direction.

A Stage 1 Road Safety Audit (RSA1) was also commissioned by the applicant to consider the provision of a new pedestrian crossing position on the B3018, just to the west of the junction with New Road. The matters raised by the RSA were acted upon by the applicant with the proposed pedestrian crossing point relocated to account for the recorded 85th percentile speeds. The applicant also considered how pedestrians would access the new crossing position from the new development.

Dwg No 005 Rev J indicates the position of the new crossing point, further to the recommendations of the Stage 1 Road Safety Audit and the associated pedestrian improvements to facilitate access to the proposed development site. It should be noted that this drawing also indicates the provision of a new 2.0m wide footway linking the crossing point eastwards to join up with the existing footway on the northern side of the B3081.

The Highway Authority considers that the submitted Transport Statement is satisfactory and robust. The proposal represents a relatively small increase in traffic flows on the local highway network. Improvements have been made to the local highway network to facilitate access to the site from existing pedestrian linkages. Thus, the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to the National Planning Policy Framework.

Subject to conditions, the Highway Authority would have no objections to this proposal.

#### *Impact on landscape and trees*

A number of the representations have noted the above-mentioned appeal for this site which related to a proposed development of one dwelling. Having regard to the inspector's opinion your Landscape Architect would recommend that it may be more appropriate for a full application to be submitted for these proposals. Without details of scale, and layout there is

insufficient information to make an assessment like the Inspector, particularly having regard to all constraints: landscape, trees, SCA, and listed structures.

The Tree Officer has also expressed concerns however without a detailed layout it is difficult to understand which trees would be most affected, and how they would be. As this is an outline application with detailed matters of layout and landscape reserved. These concerns would not normally be sufficient to support refusal.

The applicant has reduced the scheme by two units which would reduce the scale of the block of flats. This improves the impression given through the indicative plans.

It is considered that the concerns being raised on these matters could be adequately addressed at the reserved matter stage as this is an application for 'up to' 23no. dwellings.

### *Planning Contributions*

In order to make development acceptable in planning terms, applications for major housing development such as this one are expected to maintain and enhance the level of grey, green & social infrastructure as set out in LP Policies 13, 14 and 15 of the LPP1.

The current lack of a five year housing land supply within the District does not alter the spatial characteristics which informed the approach to focusing development in the most sustainable locations or the need for enhanced facilities associated with major housing proposals. This proposed development site is outside of Shaftesbury, one of the four main towns of the District where our core spatial strategy aims to focus growth.

The speculative nature of this application means that neither the District nor the Town Council has had sufficient time to fully consider the impact and needs of this development. As such, it would be unreasonable to expect there to be fully costed projects on which to direct these contributions. Any unspent contributions can be clawed back by the developer as set out in the terms of the legal agreement (normally we seek five years after the completion of the development as the earliest date for clawback).

Infrastructure should be provided within the Shaftesbury, or within 3 miles of the application site (walking distance) in order to ensure that the infrastructure is related to the development proposed. The triggers for payments will need to be agreed as part of the S106 legal agreement. Normally we seek payment in two equal parts; the first part upon practical completion of the first dwelling, the second part before the occupation of the second half of the dwellings.

Agricultural land values are relatively low compared to urban development sites. Hence, viability should not be a particular issue in this case and the amounts listed should not be open to negotiation other than were a developer can offer land which is a cost built into some of the figures.

The following planning contributions have been agreed and are to be secured by a Section 106 legal agreement. These are being sought on a per dwelling basis unless otherwise specified:

• Allotments Contribution;	£ 308.16
• Community, Leisure and Indoor Sport Facilities Contribution;	£ 2006.97
• Destination Play Facilities Contribution;	£ 967.52
• Destination Play Facilities Maintenance Contribution;	£ 359.36
• Formal Outdoor Sports Contribution;	£ 1318.80
• Formal Outdoor Sports Maintenance Contribution;	£ 128.73
• Informal Outdoor Space Contribution;	£ 2307.36
• Informal Outdoor Space Maintenance Contribution;	£ 1278.80
• Primary and Secondary Education Contribution;	£ 6094.00
• Rights of Way Maintenance Contribution.	TBC

### *Economic Benefits*

In addition to addressing the Council's housing shortfall, house building has economic benefits. The key economic implications and benefits of new house building activity are generally acknowledged to be: investment, jobs and growth, resources for public services, stronger local communities and environments. These matters should be given great weight in the planning balance.

### *Planning Balance*

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

This Council's Policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development. It has been noted above that this Council can only demonstrate 3.3 years of housing land supply as such the relevant policies for the supply of housing should not be considered up-to-date.

This invokes NPPF paragraph 11 (including footnote 6) which states, in part, that when policies most important for determining the application are out-of-date, the Council should granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **13.0 Conclusion:**

It is considered that the impacts of the proposed development, having particular regard to heritage assets, would be less-than-significant. As such, there is no clear reason for refusing the proposed development. The adverse impacts of the proposal would not outweigh the community benefits, particularly the provision of open market and affordable housing, which should be given significant weight in the planning balance.

### **14.0 Recommendation:**

- A) Delegate authority to grant planning permission subject to the signing of a S106 legal to secure all off-site contributions, and subject to conditions listed in below.

### **15.0 Conditions:**

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

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

2. Application for the 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 (as amended).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:

- Drawing No. 003 Rev A; Site location
- Drawing No. 005 Rev J; Masterplan
- Drawing No. 106.0009.001 Rev C; Proposed pedestrian crossing

forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

5. Prior to commencement of any development, a detailed and finalised foul and surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and with due consideration of the construction phase, shall be submitted to, and agreed in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: To prevent the increased risk of flooding, to protect third party assets, and to improve & protect water quality

6. Prior to commencement of any development, the details of responsibility, maintenance and management of the surface water sustainable drainage scheme and associated infrastructure shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the agreed details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

7. Prior to commencement of any development, details of the access, geometric highway layout, turning and parking areas shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to ensure the proper and appropriate development of the site.

8. Prior to occupation of any dwelling hereby approved the first 15.00 metres of each vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing; see Informative Notes), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

9. Prior to occupation of any dwelling hereby approved, details and specifications of the following works shall be submitted to and agreed in writing by the Local Planning Authority and completed in accordance with the agreed details:

- The provision of new pedestrian crossing point on the B3081 and the associated pedestrian infrastructure additions/changes, as shown on Dwg No 005 Rev J, or similar scheme to be agreed in writing with the LPA.

- The provision of a 2.0m wide footway along the northern side of the B3081, linking the new pedestrian crossing point with the existing footway to the east.

Reason: In the interest of highway safety. These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

10. Prior to occupation of any dwelling hereby approved the visibility splay areas as shown on Drawing Number Dwg No 005 Rev J must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: In the interest of highway safety.

11. Prior to occupation a scheme showing precise details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme must be constructed before the development is occupied and, thereafter, maintained and kept free from obstruction and made available for the purpose specified.

Reason: To ensure opportunities for the use of sustainable transport modes are made available.

12. Prior to any development a Construction Method Statement (CMS) must be submitted to and agreed in writing by the Local Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interest of highway safety by minimising the likely impact of construction traffic on the surrounding highway network.

13. Prior to commencement of any development on-site, a definitive mitigations and method statement, following the recommendations of the submitted Biodiversity Mitigation Plan dated 21.04.2018, shall be submitted to and agreed in writing by the local planning authority and shall be implemented in accordance with the agreed statement.

Reason: In the interest of conserving and enhancing the natural environment.

B) Refuse planning permission for the reasons set out below if the S106 legal agreement is not completed within six months from the date of the committed or such extended time as agreed by the head of planning.

The proposed development by reason of its use would have an adverse impact on the off-site facilities the future occupants would be reliant upon contrary to Policies 13, 14, and 15 of the adopted North Dorset Local Plan Part 1 (January 2016).