



**1.0 APPLICATION NUMBER:** 2/2018/0458/OUT  
<https://planning.north-dorset.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**SITE ADDRESS:** Shillingstone Poultry Farm , Shillingstone Lane, Okeford Fitzpaine, DT11 0RB

**PROPOSAL:** Demolish existing buildings and develop land by the erection of up to 45 No. dwellings with associated infrastructure, including the widening of Shillingstone Lane and provision of school drop off car park. (Outline application to determine access).

**APPLICANT:** Lone Star Land Ltd

**CASE OFFICER:** Clare McCarthy

**WARD MEMBER:** Councillor Pauline Batstone

**UPDATE:** This proposal came before the Planning Committee of North Dorset District Council on 26 March 2019. It was deferred at that time to allow Officers time to consider amend plans put forward by the applicant shortly before the Committee meeting. Those amendments sought to address concerns raised by the Conservation Officer with regard to the setting of the Downs Cottage which is a grade II listed building, and the Okeford Fitzpaine Conservation Area (OFCA). In particular, these would allow retention of a grassy bank and hedgerow adjacent to Shillingstone Lane.

**2.0 Summary of Recommendation:**

Delegate authority to the Head of Planning to grant subject to a Section 106 agreement and conditions set out in this report.

**3.0 Reason for the recommendation:**

- The proposal could provide significant public benefit through the delivery of housing to help meet the 5 year housing supply on a disused poultry farm in close proximity to the village centre.

- Development for housing would assist in meeting local needs to satisfy the economic, environmental and social objectives supported by the NPPF core principles.
- The proposal would result in a less than substantial harm to the setting of Downs Cottage listed building and the (OFCA).
- Okeford Fitzpaine (OF) is considered to be a sustainable location.
- There is not considered to be any significant harm to neighbouring residential amenity
- The economic, social and environmental benefits of the proposal as amended now outweigh the less than substantial harm caused to the heritage assets.

#### 4.0 Key planning issues

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The principle is finely balanced. In accordance with Paragraph 11d of the NPPF The planning judgement needs to be in favour of boosting housing land supply, unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. As adverse impacts to heritage formerly identified have been mitigated, the recommendation is to continue to support boosting housing land supply.
Impact on heritage	The proposal would cause less than substantial harm the setting of Downs Cottage or the Conservation Area due to the amended location of the access to the site further east on Shillingstone Lane retaining the character of the rural hedge-lined lane.
Access and highway impacts	Access would be acceptable and is considered in detail as part of this outline application. The revised access position further to the east provides adequate visibility for cars for two way passing of traffic on Shillingstone Lane.

	<p>A 2m footpath forms part of the access road leading towards footpath N48/7 to the east. Pedestrian links from the site to other public footpaths leading to the village centre and improvements to the footpaths are incorporated into the S106 infrastructure contributions.</p>
<p>Sustainability of site location</p>	<p>The site is sustainable in that the Parish of Okeford Fitzpaine has been identified as a larger village capable of meeting local needs housing within its settlement boundary because it has a good number of local facilities including school, shop, pub, church, village hall and playing fields with changing room and meeting room. The housing need for Okeford Fitzpaine is calculated to be 56 dwellings. In the past year 54 dwellings have been approved in outline planning permissions. This development would exceed the identified local need within the village by 43 dwellings. In the countryside the level of housing is set as an 'at least' number. Therefore it is a matter of planning judgement as to when the local housing need has been met in Okeford Fitzpaine. In this instance, given the facilities in the village and the proximity of the site to the village centre it is considered that the village is a sustainable settlement which could accommodate a larger number of houses that identified as a need.</p>
<p>Impact on ecology</p>	<p>Wildlife would be protected and enhanced through a planning condition requiring bats, birds, hedgehogs, dormice and reptiles to be translocated. New hedgerows and grassland areas would be planted with species rich varieties to support the wildlife and a green space retained for reptile refugia. Bat and bird boxes would be installed on dwellings.</p>
<p>Impact on neighbour amenity</p>	<p>Given the relatively enclosed and self-contained nature of the site the housing</p>

	<p>development would be unlikely to generate harmful levels of noise and disturbance that would significantly affect the quiet enjoyment of neighbouring residential properties. During construction a construction management plan condition could be imposed to ensure that any disturbance would be kept to a minimum.</p>
Affordable housing	<p>The development proposes 40% of the units on the site towards affordable housing. This would provide 18 affordable homes on this site, if the maximum number of 45 dwellings are built.</p>
Planning contributions	<p>Grey, Green and Community infrastructure amounting to £15,458.29 per dwelling would provide significant public benefits to primary and secondary education and pre-school. Also play facilities, outdoor sports, outdoor space, allotments, leisure and indoor sports with maintenance and rights of way enhancements.</p>
Planning Balance	<p>In this instance, the less than substantial harm to significance of the Okeford Fitzpaine Conservation Area and listed building would be sufficiently mitigated through retention of the hedge lined rural lane to be outweighed by the public benefits. The proposals would therefore accord with the provisions of LP1 policy 5 and Paragraph 196 of the NPPF. Overall, the additional supply of housing and the provision of public benefits to Okeford Fitzpaine outweigh the harm to heritage assets, such that the proposal represents a sustainable form of development, with benefits that outweigh the harm that would arise as a result.</p>

**5.0**

**Description of Site**

The site is situated on the north eastern side of the village of Okeford Fitzpaine and is accessed from Shillingstone lane which is a narrow, winding, hedge lined country lane, with no pavement alongside. The listed Downs Cottage sits on the bend with an open frontage with low wall and hedges to both sides. The landscape character type is Rolling Vale, and the Dorset Area of Outstanding Natural Beauty lies to the south some 200m.

Undulating in form, the site measures 2.86 hectares and is currently covered with 6 large disused chicken sheds on the lower ground to the north east. An area of hardstanding, formerly used as car park, exists in the central part of the site. The chicken sheds and parking area are not visible from Shillingstone Lane as they are set behind two planted bunds which screen the site from immediate views from the road other than through the access drive.

There is a strong public right of way network surrounding the site. One footpath crosses the site along its northern and western boundaries and allows for access to the primary school and the centre of the village, as well as a route towards Castle Lane and the sports and recreation ground. The footpaths are narrow and unsurfaced but provide useful connections within the village.

Okeford Fitzpaine benefits from a number of services and facilities. It has a primary school, a church, a village hall, shop and post office, a public house, a car repair garage, superfast broadband, and a sport and recreation ground. It is also served by a bus route and lies on a national cycle route.

#### *Description of Development*

This is an outline application for the erection of up to 45 dwellings with details of access only to be agreed now. All other matters (appearance, layout, scale and landscaping) are reserved for later consideration.

The proposed access have been moved a few metres to the east of the existing access onto Shillingstone Lane. This would allow the retention of the existing bank closest to the OFCA and opposite a listed building.

Should permission be granted, a Section 106 legal agreement has been prepared and engrossed by the applicant. This legal agreement would secure 40% affordable housing, improvements to rights of way surrounding the site, contributions for pre-school, primary and secondary education, play areas, sports fields and informal open spaces and allotments, community, leisure and indoor sports contribution within the Parish of Okeford Fitzpaine.

## **6.0 Relevant Planning History**

Application:                    2/1979/0448

Proposal: Erect 4 No. chicken houses  
Decision: Approve  
Decision Date: 18.07.1979

Application: 2/2002/0800  
Proposal: Application for Certificate of Lawfulness to use land for the production of poultry and for the parking of cars for staff employed at High Street premises, Okeford Fitzpaine  
Decision: Approve (not implemented)  
Decision Date: 26.09.2003

## 7.0 List of constraints

Agricultural Land Grade: 3

Parish Name - : Okeford Fitzpaine CP

Public Rights of Way - Route Code: N48/55  
Public Rights of Way - Route Code: N48/4  
Public Rights of Way - Route Code: N48/6  
Public Rights of Way - Route Code: N48/5

Settlement Boundary: Okeford Fitzpaine

TPO - Charge Description: Area TPO 42/2/66 Okeford Fitzpaine No.2. The several hedgerow trees, principally Oak and Elm, with some Ash. A4,A6

Ward Name: Bulbarrow Ward

## 8.0 Consultations

All consultee responses can be viewed in full on the website on the following link:  
<https://planning.north-dorset.gov.uk/online-applications/applicationDetails.do?activeTab=consulteeComments&keyVal=P6CPC3LHG0Z00>

Environment Agency -  
No objection subject to conditions.

Dorset AONB -  
No objection in principle subject to conditions.

NHS Dorset Clinical Commissioning Group -  
No objection subject to community infrastructure contribution being secured.

Conservation Officer DC -  
No objection following submission of revised access plan SK03.

Transport Development Management DC -  
No objection subject to conditions and informatives.

Drainage (Flood Risk Management) DC -  
No objection subject to conditions and informative notes.

Environmental Health Officer DC -  
No objection subject to a condition(s).

Principal Technical Officer DC -  
No objection subject to condition

Landscape Architect DC -  
No objection.

Conservation Officer DC –  
No objection.

Rights Of Way DC -  
No objection subject to contribution being secured.

Planning Obligations Manager DC -  
No objection subject to contributions being secured.

Dorset Education Authority DC -  
No objection subject to contributions being secured.

Planning Policy DC -  
The Council can only demonstrate 4.0 years of the requisite 5 year housing land supply (5yr HLS). This means the most important Local Plan policies for determining the application (Policy 2, 6, 7 and 20) out-of-date. Therefore, full weight cannot be given to these policies in the planning balance, and the presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF applies.

Okeford Fitzpaine PC -  
No objection.

## **Representations**

31 letters of representation were received, of which 9 objected to the proposal and 22 supported the proposal.

Note: full comments can be seen on the case file online on the following link:  
<https://planning.north-dorset.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=P6CPC3LHG0Z00>

Summary of issues raised:  
Objections:

- Access on Shillingstone Road dangerous with increased traffic flows
- Proposed visibility splay of limited benefit as doesn't solve visibility at two blind bends close to site
- Shillingstone Lane too narrow with blind bend at each end accidents outside Downs Cottage and bottleneck at Trinity Cottage
- Shillingstone Lane unsafe for increase in traffic due to a steep hill, blind summit and an obscured exit onto the main A357 road in Shillingstone.
- Vehicular access should be from Ridouts off Castle Lane
- Estimated pedestrian trips inaccurate for Shillingstone Lane
- Footpaths around the site are muddy and cannot be used for much of year
- Disproportionate increase in housing in the village on this one site
- Change in character and scale of village
- Too much pressure on existing infrastructure and school
- Harmful impact on setting of listed properties
- Harmful impact on natural environment rich with wildlife and greenery
- Loss of privacy, increased noise, loss of natural setting, light pollution to Downs Cottage Listed Building
- Front wall damaged and reported 14 times at Downs Cottage
- Vehicle collisions at Downs Cottage bend and Little Lane July 2017 reported to police, vehicles recovered and road closed
- Car park to school no use as footpaths across cattle field and muddy.

Support:

A petition of 40 in support of the principle of housing development was received, including two comments welcoming bungalows and one welcoming affordable housing. Other individual letters of support made the following points:

- Best site for housing in Okeford Fitzpaine in Neighbourhood Plan
- Site in settlement boundary so not building in open countryside
- Good connectivity with the village alternative footpaths to avoid danger of walking on Shillingstone Lane
- Access improvements widening Shillingstone lane outside application site beneficial to traffic flows
- Excellent use in place of derelict chicken sheds
- Road widening and traffic signs proposed adequate for highway safety



- Hedge planting to replace bund will be more appropriate on Shillingstone Road frontage
- Good use of derelict wasteland with former concrete hard standing of chicken sheds and car park

## 9.0 Relevant Policies

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

- Policy 1 - Sustainable Development.
- 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 20 - The Countryside
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity

### *North Dorset District-Wide Local Plan (saved policies) 2003*

- 1. 7 Development within Settlement Boundaries
- 1. 9 Important Open or Wooded Areas

Policy OF1 (Employment Development Site E/34/1), relates to the relocation of the chicken factory that was proposed to relocate to the poultry farm site which is this application site. Policy OF1 specified:

"2.1 Hectares (5.2 acres) of land at Shillingstone Lane will be developed for employment use, specifically for the relocation of the existing employment site off Higher Street, subject to the following criteria;

- (i) the satisfactory relocation of the existing poultry rearing unit,
- (ii) the site shall be served by a new access road off Castle Lane,
- (iii) the existing vehicular access off Shillingstone Lane shall be closed,
- (iv) where necessary improvements shall be made to Castle Lane northwards from the new access road to the junction with the A357."

Note: the continued use of this site sought a new access road off Castle Lane and the existing vehicular access off Shillingstone Lane to be closed.

### *National Planning Policy Framework*

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting Sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well-designed places
14. Meeting 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 (see footnote 6); 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**

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. It was considered on-site and as part of the application that this proposed development would not prejudice the Human Rights of the applicant or any third party.

## **11.0 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 PSED.

It is considered that arrangements would include better surfacing of rights of way and a public footpath alongside the access drive to ensure people with disabilities or mobility impairments or pushing buggies would be accommodated.

## **12.0 Financial benefits**

- 40% affordable housing (18 dwellings)
- Financial contributions towards: improvements to rights of way, pre-school, primary and secondary education, play areas, sports fields and informal open spaces and allotments, community, leisure and indoor sports contribution within the Parish of Okeford Fitzpaine.
- Short-term construction jobs
- Additional spending by new residents in the village shop, public house and other village business services
- Council tax from new dwellings

## **13.0 Planning Assessment**

The key planning issues are considered to be:

- Principle of development
- Impact on heritage
- Access and highway impacts
- Sustainability of site location
- Impact on trees and landscape
- Impact on ecology
- Impact on neighbouring amenity
- Contaminated land and groundwater
- Affordable housing
- Affordable housing and planning contributions
- Planning Balance

### *Principle of Development*

The Council can currently demonstrate four years of the required a five-year housing land supply (5yr HLS). However, the proposed development site would

affect the setting of a listed building and the OFCA. Because of the need to consider the effect of the development on designated heritage assets and the reference to these in footnote 6 of the National Planning Policy Framework it 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 do 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.

If adverse impacts have been adequately mitigated then the recommendation can continue to support boosting housing land supply, even when above the level of local housing need identified, as there is no upper limit in policy to prevent granting permission for additional housing in a village above the number identified for local needs housing. However at some point there may be a reason to refuse the principle of further housing in Okeford Fitzpaine, if more housing sites are approved.

Therefore the principle of development in this instance would be acceptable if the benefits outweigh the adverse impact first on Heritage and then on any other material considerations assess in the planning balance section below.

### *Impact on Heritage*

The proposed development site shares a boundary with the OFCA. Downs Cottage (grade II listed building) is located opposite the application site on Shillingstone Lane approximately 100m to the east of the proposed access into the site. The Cottage is also within the OFCA.

The primary heritage concern is with the setting of Downs Cottage and the setting of the OFCA. In weighing the proposal, due consideration has been given to Section 12 of the NPPF, Sections 66 and 72 of the 1990 Act, the Framework, and the Development Plan.

The significance of the building of Downs Cottage in relation to the application site relates to its aesthetic value that would be harmed when viewed from the Shillingstone Lane (including from the existing site entrance). The identified harm to this listed-building relates to its contribution to the character of the eastern entrance to the village which enhances the street scene and setting of OFCA.

In order to minimise the harm to the aesthetic value of Downs Cottage, an amended access plan has been submitted, showing removal of the originally proposed widening of Shillingstone lane; and showing retention of the grassy bank and mature hedgerow opposite Downs Cottage. It is considered that the amended scheme overcomes the concerns raised previously.

The proposed development with the detailed access as amended in drawing SK03, would result in less than substantial harm to the identified heritage assets. The public benefits of the proposed development would need to outweigh the identified harm for the application to succeed.

#### *Access and highways impact*

The details of the proposed access are now considered to be acceptable. The revised access position several metres to the east would provide adequate visibility for cars for two way passing of traffic on Shillingstone Lane. A 2m footpath forms part of the access road leading towards footpath N48/7 to the east. Pedestrian links from the site to other public footpaths leading to the village centre and improvements to the footpaths are incorporated into the S106 infrastructure contributions

The access proposed meets the engineering requirements for safety and traffic flows as designed and set out in the County Council Transport Officers assessment.

The submitted Transport Statement (TS), prepared by the applicant's highways consultants, considers the impact that the development would have on the highway network in the vicinity of the site. It also considers the sustainability of the development in terms of accessibility to and from the site.

The proposed vehicular access to the site is from Shillingstone Lane, as shown on Drawing SK03, utilising a priority controlled T-junction, providing a 5.0m wide carriageway to accommodate two-way passing traffic, with junction radii and visibility splays in accordance with the guidance provided by Manual for Streets.

It is proposed that Shillingstone Lane would now only be widened along the site frontage to the east of the access. Plan SK03 demonstrates how to accommodate two-way movements of large vehicles, such as refuse and delivery vehicles and private cars can work safely on Shillingstone Lane.

The submitted "Proposed Site Plan", Drawing No 03 Rev A, indicates that a new footway would be provided across the site frontage to the east of the access onto Shillingstone Lane. This would link up to join to the existing public Right-of-Way at Little Lane footpath N48/7 and to a proposed internal public footpath shown on this drawing. A condition can be imposed to ensure the delivery of this improvement.

It should also be noted that the site plan shows an internal estate road layout that embraces the principles suggested by Manual for Streets, providing a safe and attractive place for all road users that is suitable for use by refuse vehicles and other large service HGVs. It is intended that car parking would be provided in accordance with the recommendations of the Bournemouth, Poole and Dorset Residential Car Parking Study.

TRICS is the national standard for trip generation analysis and employs a system of site selection filtering that enables users to simulate site scenarios through a number of progressive stages and to calculate vehicular and multi-modal trip rates based on these selections. The submitted TS has, in the opinion of the County Highway Authority, complied with the recommendations of the TRICS Good Practice Guide 2013 and produced a robust daily trip generation for the proposed development. The TRICS data outputs are attached to the TS (in Appendix C) and provide the empirical evidence to substantiate the trip rates used. It should be noted that only those sites classed as 'edge of town' were selected to reflect the size, type and location of the development as this is the most "rural" classification available in TRICS.

The proposed development is anticipated to generate up to 31 vehicular trips in the AM peak period (08:00 to 09:00), up to 26 vehicular trips in the PM peak period (17:00 to 18:00) and a total of up to 215 two-way trips per day.

Historically, the proposed site was previously used as a chicken farm and a car park for factory workers and HGV's associated with the Faccenda Food processing plant at the centre of the village (which has since been redeveloped). It is accepted that the traffic numbers and type generated by the proposal would be likely to be less than the historic use of the site created on a daily basis. Although several local residents object to the traffic volumes and safety due to traffic speeds in Shillingstone Lane and danger with the narrow road with no pavements, a review of personal injury collision data has not identified any critical locations on the local highway network with collision records, so the proposed development is considered to be acceptable in both traffic generation and safety terms.

With regard to pedestrian movements, unsurfaced and narrow Public Rights-of-Ways are available in the immediate vicinity of the site that link to the centre of the village. The applicant is to provide a financial contribution to support better surfacing of these footways as part of the development proposals (to be included within the S106 agreement).

Therefore the Highway Authority would raise no objection to the proposal because the submitted Transport Statement is satisfactory and robust, and whilst the proposal would increase traffic flows on the highway network the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraph 109 of the National Planning Policy Framework (NPPF) - July 2018.

The revised access is now acceptable in detailed engineering terms to enable use of this site for the housing proposed, and in heritage terms to allow retention of the historic character of Shillingstone Lane to the west of the existing access by removing the initially engineered visibility splay and footpath that did not link to any other safe walking route into the village.

#### *Sustainability of site location*

LPP1 Policy 6: Housing Distributions states *In the countryside (including Stalbridge and the villages) the level of housing and affordable housing provision will be...At least 825 dwellings...* during the plan period to 2031. The Parish of Okeford Fitzpaine has been identified in LPP1 as a larger village capable of meeting local needs housing within its settlement boundary. It has a school, shops, and other services available. This proposed development site is within the settlement boundary of OF.

The site is subject to saved Policy OF1. This policy seeks to retain the site for employment use and move the access to Castle Lane then closing the Shillingstone Lane entrance due to heavy goods traffic. This policy is not likely to be carried forward as the release of the site for employment use was recommended on sustainability grounds in the 2007 Employment Land Review.

Limited weight should be given to the emerging neighbourhood plan itself (as set out in PPG Paragraph: 007 Reference ID: 41-007-20170728) as it has not been to examination and is therefore still developing. However the housing needs assessment (HNA) produced by the Parish Council as evidence base to inform the neighbourhood plan is a material planning consideration that can be taken into account. The HNA was produced in June 2016 and published alongside the draft neighbourhood plan as part of the pre-submission consultation. The conclusion reached by the HNA is that 107 dwellings are needed at Okeford Fitzpaine over the period 2013 to 2033. Taking into account completions from

2013 and extant commitments [53 - 2 (nos. completions in 11/12 and 12/13) = 51], at 1/12/18 the current level of need is 56.

In the past year, two schemes (each for 27 dwellings, at Castle Lane and Pleydells Farm), have been approved in relation to Okeford Fitzpaine. As both are outline applications only limited weight should be given to them as they do not directly contribute to the housing land supply. In LPP1 Policy 6, the amount of housing in the countryside is set as an 'at least' number to contribute towards meeting identified local and essential needs. However, the weight to be applied to the benefit of providing housing that extends beyond the local needs must be considered in light of the Council's current 5yr HLS and the sustainability of the location.

The village of OF benefits from a bus service and lies on a national cycle route, It contains a primary school, a shop, church, a sport and recreation ground and a public house that would support, and benefit from, future development.

#### *Impact on trees and landscape*

The AONB officer identifies that the development is located outside of the AONB and the Council will not need to apply a major development test. It can instead determine the application in relation to the provisions of NPPF 115 and those aspects of its development plan that are considered to be up to date. NPPF 115 states that the conservation of cultural heritage in AONBs is an important consideration. Given the proximity of the site to the OFCA, which itself partly within the AONB, it would appear reasonable that effects of the proposal on parts of the conservation areas that are within the AONB should be considered in relation to this aspect of NPPF. In considering these effects, the comments of the conservation officer are of relevance.

Concerning the landscape and visual impact of the proposal, this is an outline application. Nonetheless, it is possible to quantify the maximum housing density. Based on an approximate site area of 2.8 ha the proposed housing density is approx. 16 dwellings per hectare. This density is broadly comparable with the housing density that presently exists within the village.

The detachment of the site from the village core is not sufficient to be problematic in landscape terms when considering the outlook from the AONB, largely because of the baseline position of the existing development chicken sheds within the site. Detailed design can potentially create a softer edge to the village for wider views than the existing large poultry buildings.

In relation to local landscape the Council's Landscape Officer identifies that the entire site falls within the Rolling Vales LCT and to the south (around Okeford Hill) is the Chalk Ridge/Escarpment LCA. The indicative proposed site plan illustrates that 45 houses can be accommodated on the site without significant



impact on the wider landscape character or any of the key features described in the landscape character assessment for the area. In terms of local landscape character and visual amenity, the proposed development could be designed so that tree planting would be incorporated to soften the impact of the hard urban edge that would occur as a result of the introduction of residential housing in this area. The urban grain can be improved through removal of the views from Okeford Hill of the large poultry sheds in a regular arrangement that appears industrial rather than domestic in scale and grain. Redevelopment in this respect would be a landscape gain.

Therefore in terms of landscape the primary concern is to ensure that the development fully addresses any harmful impacts from the development on the rural character of the OFCA and its setting within the landscape. This has been achieved as set out in the Conservation section through the removal of the urbanised form of the engineered visibility splay and wide access to the west of the site and the retention of the narrow rural hedge-lined road with grassy banks and no footpath in compliance with policy 4 of the North Dorset Local Plan Part 1.

#### *Impact on ecology*

A Biodiversity Mitigation Plan and construction method statement was submitted and identifies that badgers have not been occupying the site, bats and birds forage in the site and there are hedgehogs, dormice and reptiles present on the site which would need relocating. New hedgerows would need to be planted with species rich varieties to support the wildlife and a green space retained for reptile refugia. Bat and bird boxes are proposed on dwellings. The grassland areas would also be planted with a species rich mix.

Subject to all these findings the Biodiversity species and habitats at the site can be appropriately protected mitigated and enhanced. Maintenance could be secured through a Landscape Environment Management Plan via planning condition.

#### *Impact on neighbouring amenity*

The proposed housing development would be unlikely to generate harmful levels of noise and disturbance that would significantly affect the quiet enjoyment of neighbouring residential properties.

During the construction phase of the proposed development, there would inevitably be some adverse impact on neighbouring occupiers, by way of disturbance. However, a construction management plan condition could be imposed to ensure that any such disturbance would be kept to a minimum. Such disturbance would also be transitory and, as such, it is not considered that the disturbance would be significant enough to warrant refusal of the scheme.

Therefore, notwithstanding local concern, a satisfactory detailed design at the reserved matters stage could ensure that the proposal would not have a significant adverse impact on residential amenity. Furthermore, a construction management plan condition would assist in protecting neighbouring amenities, in compliance with Policy 25 of the LPP1.

It is clear from the illustrative outline layout that there would be sufficient space to accommodate open space and additional planting necessary on boundaries to assist retaining a rural appearance through new hedgerows establishing a landscape screen to housing that would lie beyond the linear settlement pattern and to protect the rural qualities of the surrounding countryside.

#### *Contaminated land and groundwater*

The Environment Agency and the Dorset Lead Flood Authority both identify potential contamination relating to historic tanks and made ground and the proximity of the site to Collwell Brook, which would need to be addressed in line with paragraph 109 of the National Planning Policy to avoid and unacceptable risk from levels of water pollution.

The Geo-Environmental Assessment submitted in support of the planning application demonstrates that it would be possible to suitably manage the risk posed to controlled waters by this development through planning conditions, such that the proposed development would be acceptable if a further risk assessment, remediation strategy and verification report, were to be carried out in line with paragraph 121 of the National Planning Policy Framework.

It is therefore concluded that any harm to groundwater could be mitigated to remove any concern of this material consideration.

#### *Affordable housing and planning contributions*

Okeford Fitzpaine is well serviced by infrastructure as a rural settlement and from this site it is a walk of 5 minutes to a pub, shop and school and less than 10 minutes to the playing fields, village hall and church.

The Heads of Terms for the S106 agreement relate to the policy compliant provision of 40% Affordable Housing plus contributions towards Pre-school, Primary and Secondary Education, Rights of Way; Open Space; and, Social infrastructure in line with Grey Green and Community Infrastructure Policy.

The need for affordable housing throughout North Dorset is great and therefore a minimum of 18 affordable dwellings would meet the immediate need of affordable homes from within the Parish, would boost the mix of tenure available in the rural areas, and offer a small amount of additional affordable homes to meet the wider needs of North Dorset District Council rural areas.

The following list of the proposed grey (highway and footpaths) Green (open space and play) infrastructure and community contributions (village hall schools and pre-school) have been negotiated in consultation with the Parish Council and Dorset County Council. The contributions have been demonstrated to be reasonable, necessary and proportionate and to meet the regulations for Community Infrastructure Levy and have been agreed in full by the applicant.

Proposed Heads of Terms for S106 legal agreement (subject to satisfactory grant of planning permission- including reserved matters- and subject to implementation of permission 40% Affordable housing and grey, green and community infrastructure as calculated below). The contributions per dwelling are proposed to be delegated to officers to continue to finalise and adjust prior to completion of the S106 agreement:

- Play Facilities = £967.52
- Play Facilities Maintenance = £359.36
- Allotments = £308.16
- Formal Outdoor Sports = £1,318.80
- Formal Outdoor Sports Maintenance = £128.73
- Informal Outdoor Space = £2,307.36
- Informal Outdoor Space Maintenance = £1,278.80
- Community, Leisure & Indoor Sports Facilities = £2,006.97
- Rights of Way Enhancements = £498.45
- Primary and Secondary Education = £6,094
- Pre-school provision = £190.50

Total of £15,458.29 per dwelling

### *Planning Balance*

The application site is located adjacent to the Okeford Fitzpaine Conservation Area, and a grade II listed building. The proposed development would cause less than substantial harm to both heritage assets which form part of the considerations. However the harm is significantly reduced because of the revised access arrangements showing retention of the historic character of the land to the west of the access nearest to the heritage assets.

Paragraph 193 of the NPPF states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

In this instance great weight is afforded to the assets' conservation due to the significance of OFCA and Downs Cottage. However, the setting of both these heritage assets would now only be minimally harmed because of the removal of the proposed engineered form of the visibility splay and footpath originally proposed in a westerly direction, which overcomes the main concerns. It is considered by the Conservation officer that he would have no objection to the alteration of Shillingstone Lane in an easterly direction from the new access position because the character of Shillingstone Lane with its grassy banks and hedge-lined rural and winding heritage value close to Downs Cottage or the Conservation Area would be protected and enhanced with more hedging where needed.

The revised Framework 2019 is clear in footnote 6 to Paragraph 11, and paragraph 196, that this can be a clear reason for refusing development proposed if the benefits do not outweigh the harm.

However, the great weight afforded to the significance of the heritage assets and the less than substantial harm to their setting is no longer considered to outweigh the public benefits of increasing housing supply with accompanying infrastructure contributions for this application, due to the amended access plan providing mitigation to overcome the majority of the "less than substantial harm" and preserve the character of that section of Shillingstone Lane.

Given the shortfall in respect of the supply of land for housing within the District the planning balance can be weighed in favour of development if the site specific conservation issues can be proven to outweigh the balance towards the presumption in favour of development.

This application is supported by assessments and reports that demonstrate that the application is technically and environmentally acceptable in relation to access, drainage, ecology, density of development, open space, trees and landscape and ecological enhancements. Additionally infrastructure contributions and affordable housing provision also add significant weight in favour of the proposal.

Although the application site is located close to OFCA Reference ID: 41-007-20170728 , and in proximity to a number of listed buildings, its redevelopment for housing could have a better impact on its setting than the existing use with large farm buildings of a different scale and urban grain than the surrounding housing in the village centre. This can be perceived from the surrounding hills and is point made by the AONB and landscape officer in their comments above.

The revised Framework is clear in Footnote 6 to Paragraph 11 that policies should not be considered out of date if the application of policies in the revised Framework that protect areas of particular importance, including designated

heritage assets, provides a clear reason for refusing the development proposed. Given that the proposed development is considered to still cause less than substantial harm the setting of the designated heritage assets of the and listed buildings the so called 'tilted balance' set out in paragraph 11 is not engaged.

This means under paragraphs 11, footnote 6, and paragraph 196 of the NPPF, that harm to heritage assets has to be weighed against the public benefits of the proposal, without "tilting" the balance in favour of housing supply.

In this instance the public benefits are significant because of the under supply of housing at a time of when the local need of the village has not been completely met. The proposals would increase the choice and supply of housing within the district and help to reduce the serious shortfall in supply. In addition, the affordable dwellings would assist in meeting the housing needs of those living within the area and would be conveniently located for services and facilities.

When the development commences there would be support for the construction industry, including employment provision. Upon occupation of the dwellings there would be additional household expenditure within the local economy.

There are good rights of way enhancements offered as part of the S106 agreement and contributions to green, grey and community infrastructure to meet the identified needs of Okeford Fitzpaine in a manner that is reasonable and proportionate to the scale of the development proposed.

The contributions contained within the section 106 Agreement, such as the proposed play areas, enhanced rights of way and contribution to the village hall or sports pavilion improvements would amount to social benefits of the proposal.

The proposal would also provide some environmental benefits in terms of new hedgerow planting and other landscape planting, as well as some enhancements to biodiversity.

The weight afforded to the public benefits proposed with this scheme is considered to be significant. This has to be balanced against the harm to heritage assets.

Paragraph 193 of the NPPF states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

In this instance great weight is afforded due to the significance of the OFCA and the surrounding Listed Buildings. However, the loss of setting has been

sufficiently mitigated through the amended plan that the harm is no longer demonstrable, given the retention of the historic character of the rural lane. Additionally the new urban grain could be designed in materials and layout to respect the setting at reserved matters stage and would remain screened now by the existing hedge supplemented with further hedge planting along the frontage so that the dwellings sit within and enclosed site and not imposing above the existing dwellings on Shillingstone Lane. Therefore the less than substantial harm is considered to be at the lower end of the scale and could be offset through good design and landscaping at reserved matters stage.

Overall, the additional supply of housing and other public benefits to Okeford Fitzpaine would outweigh the harm to heritage assets, such that the proposal represents a sustainable form of development, with benefits that outweigh the harm that would arise as a result. The application is therefore recommended for approval subject to a Section 106 agreement, conditions and informative notes.

#### **14.0 Conclusion**

The additional supply of housing and other public benefits to Okeford Fitzpaine would be afforded greater weight than has been applied to the heritage policy considerations, such that the proposal would represent a sustainable form of development, with benefits that outweigh the harm that would arise as a result. The application is therefore recommended for approval, subject to a Section 106 agreement, conditions and informative notes.

#### **15.0 Recommendation:**

Delegate authority to the Head of Planning to grant subject to a Section 106 agreement and the following conditions:

##### **1. Commencement**

The development to which this permission relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of three years from the date of grant of outline planning permission, or
- (ii) 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).

##### **2. Reserved Matters submission 2 yrs**

Application for approval of any reserved matters must be submitted to the Local Planning Authority not later than the expiration of two years beginning with the date of this permission and the development hereby permitted shall begin before

the expiration of two years from the date of approval of the last of the reserved matters to be approved

Reason: This condition with shortened timeframe, normally imposed by Section 92 of the Town and Country Planning Act 1990 (as amended), seeks to encourage development, due to the pressing need for housing to be provided in a short timeframe, within an area where housing land supply is not currently being met.

3. Reserved Matters all approval before Commencement  
Approval of the reserved matters (that is any matters in respect of which details have not been given in the application; and which concern in this instance: The layout, scale and appearance of the buildings to which this permission and the application relates and to the landscaping of the site), shall be obtained from the Local Planning Authority in writing before any development is commenced, and 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).

#### 4. Approved Plans

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

Site Location Plan - Drawing No: 01 dated 23 May 2016

Proposed Access Arrangements - Drawing No: SK03 dated 27 March 2019

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

I refer to the amended plan - revised access arrangement drawing SK03, in respect of the above planning application, received on 9 April 2019.

#### 5. Outline Estate Road Construction (adopted or private)

Prior to commencement details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the proper and appropriate development of the site

#### 6. Vehicle access construction

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

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

#### 7. Visibility splays as submitted

The visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

#### 8. Cycle parking scheme to be submitted

A scheme showing precise details of the proposed cycle parking facilities shall be submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

#### 9. Grampian condition

Prior to occupation of any dwelling hereby approved, the following works must have been constructed to the specification of the Local Planning Authority:

- The widening of Shillingstone Lane to 5.50m along the site frontage, from the proposed site access to the eastern boundary of the site, as shown on Dwg No SK03 dated 27 March 2019, or a similar scheme to be agreed in writing with the Local Planning Authority.

Reason: 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. Construction traffic management plan to be submitted

Prior to the commencement of any works a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local 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 contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- 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.

#### 11. Remediation strategy contamination

Prior to commencement of any works on site approved by this planning permission a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors; and
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

#### 12. Verification Report for Remediation completion

Prior to any part of the permitted development being occupied a verification

report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

### 13. Further contamination remediation strategy

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

### 14. Surface water Management Scheme

Prior to commencement of works on site, a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including due consideration of the construction phase, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

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

### 15. Maintenance of Surface water Management Scheme

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

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

## 16. Strategic hard and soft Landscaping

The first reserved matters application shall include strategic details of hard and soft landscape proposals across the whole site, including a local area of play area and public open spaces. The landscaping reserved matters shall develop the strategic plans and shall include planting plans, written specifications and schedules of plants, noting species, planting sizes, proposed numbers/densities where appropriate and implementation timetables, and shall include details of the management of excess spoil arising from the development. Mitigation measures to address views into the site from the AONB that would be relevant are as follows:

- Limiting the scale and density of housing within the southern portion of the site
- Adopting a comprehensive landscaping strategy that incorporates planting of a native species landscape buffer along the southern boundary of the site and the inclusion of sufficient native trees within the site to soften the appearance of the housing.
- High quality building design and the use of materials that are both appropriate to the site's local context and also suitably recessive.

Reason: To ensure the provision of visual amenity afforded by appropriate landscape design throughout the site including open spaces.

## 17. Landscape Management Plan

Prior to first occupation of any dwelling on the site a landscape management plan shall, by reference to the reserved matters site layout drawings of an appropriate scale, be submitted to and approved in writing by the Local Planning Authority and shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The subsequent management of the development's landscaping shall accord with the approved plan.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features of communal, public, nature conservation or historical significance.

## 18. Palette of Materials

The submission of reserved matters for appearance shall reflect a palette of materials that are prevalent in other buildings in the core of Okeford Fitzpaine such as, coursed stone rubble, or brick and thatch or slate roofs or clay tiles, along with dry layered course stone walls or hedges to mark boundaries.

Reason: To ensure provision of a high quality mixed housing development across the site in the interests of good design and to reflect the local distinctiveness of this rural settlement.

## 19. Lighting strategy ecology

As part of the layout design for the first reserved matters application, a lighting and signage strategy shall be provided to satisfy transport and biodiversity requirements for the development as a whole. The approved lighting and signage strategy shall then be implemented prior to first occupation within the phase of development to which it relates, and maintained and retained thereafter.

Reason: In the interest of road safety and protection of wildlife.

#### 20. Biodiversity Mitigation

Prior to occupation of the dwellings hereby approved all the measures set out in the Biodiversity Mitigation and Enhancement Plan submitted by FPCR dated March 2018, as certified to Dorset Natural Environment Team, shall be implemented in full.

Reason: To ensure that the development conserves and enhance biodiversity in accordance with the objectives of the National Planning Policy Framework

#### 21. Tree Survey

A full tree survey of the site shall be undertaken by reference to site layout drawings of an appropriate scale. The survey shall be submitted to, and agreed in writing by the Local Planning Authority before any site works commence. The survey shall show details of all existing trees with a stem diameter of 100mm or greater and shall include, as appropriate, the following information:

- (a) The location, species, unique reference number, stem diameter, accurately plotted crown spread and an assessment of the age and condition of each tree.
- (b) The existing ground levels at the base of any tree where excavations or changes in level are proposed near that tree.
- (c) The position and individual details of all trees to be removed as a result of the proposed development.
- (d) The position and details of any fencing, walling, service runs/trenches, drainage ditches etc.
- e) The manner and means of protecting all trees (incl. their stems, crowns and root systems) to be retained.

Reason: To enable proper consideration to be given to the impact of the proposed development upon the existing trees.

#### 22. Arboricultural Impact Assessment

Prior to commencement of works on site, a detailed Arboricultural Impact Assessment shall, by reference to site layout drawings of an appropriate scale, be carried out, submitted to and approved in writing by the Local Planning Authority. Based on the Tree Survey, the assessment will identify and assess the impact of the proposed development on the existing trees on site, as well as any appropriate measures to alleviate this impact. The measures identified to alleviate impacts shall thereafter be implemented for the duration of the construction programme.

Reason: To ensure thorough consideration of the impact of the development and any mitigating measures on the existing trees.

### 23. Arboricultural Method Statement

Before any works commence on site a detailed Method Statement shall be produced, submitted to and approved in writing by the Local Planning Authority. The statement will include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter accord with the approved Statement.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

### 24. Tree root protection

No works shall commence on site until details of the design of building foundations, car park surface construction and the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjoining the site) shall be submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved tree protection details.

Reason: To ensure the protection of trees to be retained, and in particular to avoid unnecessary damage to their root systems.

### 25. New tree and hedge planting

No works shall commence on site until precise details of all tree, shrub and hedge planting (including positions and/or density, species and planting size) shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority. In the event of any disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.

Reason: In the interests of continued visual public amenity

## **NOTES TO APPLICANT**

1. National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. Section 106 Agreement:

The applicant is advised that this Decision Notice shall be read in conjunction with the corresponding Section 106 legal agreement in relation to affordable housing and infrastructure contributions required in association with the development hereby approved.

3. Informative: Developer-Led Infrastructure

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 County Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset County Council, County Hall, Dorchester, DT1 1XJ

4. Informative: Dorset Highways

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at [dorsetdirect@dorsetcc.gov.uk](mailto:dorsetdirect@dorsetcc.gov.uk), or in writing at Dorset Highways, Dorset County Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

5. Informative: Controlled Waste

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

6. Informative: Classification of Waste

If any waste is to be removed from the site then the applicant needs to ensure that sufficient testing has been undertaken in line with [Waste classification technical guidance](#) WM3. This is to ensure all waste on the site is correctly classified and disposed of accordingly to a suitably authorised facility.

7. Informative: If any hazardous waste is to be removed offsite the site operator must ensure that consignment notes are completed correctly in accordance with the legislation. If the applicant requires more specific guidance it is available on our website <https://www.gov.uk/government/publications/hazardous-waste-consignment-note>.

8. Informative: Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

9. Informative: Sustainable Construction

Sustainable design and construction should be implemented across the proposed development; including water efficiency measures such as dual-flush toilets; water-saving taps; water butts; greywater recycling and rainwater harvesting. This is important in limiting the effects of, and adapting to, climate change. Running costs for occupants can also be significantly reduced.

10. Informative: fire prevention and sprinkler systems

The Dorset and Wiltshire Fire and Rescue Service would recommend that you look to provide at least a **32mm** minimum diameter water main which would enable the installation of sprinkler systems within the approved dwelling(s). There is compelling evidence that sprinklers systems are a cost effective way of reducing the number of fire deaths and injuries, as well as reducing the economic, social and environmental impact of fires.