

REPORT SUMMARY

REFERENCE NO.	3/19/0019/RM		
APPLICATION PROPOSAL	Approval for Reserved Matters of Landscape, Appearance and layout. Application 3/13/0674/OUT (granted on appeal) for construction of 29 residential dwellings.		
ADDRESS	Land to the South of Howe Lane, Verwood, Dorset, BH31 6JF		
RECOMMENDATION	Grant, subject to conditions: (see Section 11 of the report for the full recommendation)		
REASON FOR REFERRAL TO COMMITTEE	The application has been called to Committee at the request of the Development Management Manager in accordance with the provision of the Constitution.		
SUMMARY OF REASONS FOR RECOMMENDATION	<ul style="list-style-type: none"> • The proposed is acceptable for reserved matters in relation to landscape, layout, and appearance for 29 dwellings • The proposed is in accordance with the S106 Agreement signed 15 January 2016 		
INFORMATION ABOUT FINANCIAL BENEFITS OF THE PROPOSAL	<p><u>The following are considered to be material to the application:</u> Contributions to be secured through Section 106 legal agreement: N/A (outline approval was granted prior to the introduction of SAMM payments) Contributions to be secured through CIL: Unknown at this stage</p> <p><u>The following are not considered to be material to the application:</u> Estimated annual council tax benefit total: approx. £57647 total. Estimated annual new homes bonus per residential unit, per year (for first 4 years): £1,200 approx. (NB. based on current payment scheme, the assumption that the 0.4% housing growth baseline is exceeded and assuming this baseline is reached through the delivery of other new homes)</p>		
APPLICANT	Mr J A Spencer	AGENT	N/A
WARD	Verwood	PARISH/TOWN COUNCIL	Verwood
PUBLICITY EXPIRY DATE	22 May 2019	OFFICER SITE VISIT DATE	08 February 2019
DECISION	28 March 2019	EXT. OF	5 July 2019

DUE DATE		TIME	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
88/1086/OUT	Outline: Residential Development, As amended by plans received 4 Apr 1989	Withdrawn	29/10/03
3/13/0674/OUT	Construct residential development of 29 homes comprising 15x4 bedroom houses, 7x3 bedroom houses, 2x2 bedroom houses, 2x2 bedroom flats and 3x1 bedroom flats with access from Howe Lane as amended by plans rec 25th Nov 13 and amended application form rec 14.02.14 and as amended by plans rec'd 8.3.14.	Refused	25/02/15
		Allowed on Appeal	13/01/16
3/13/0513/FUL	Construction of 3 No. chalet bungalows and access road as amended by plans and additional information received 5th August 2013 and 25th November 2013.	Granted	28/05/15
		Appeal on condition dismissed	29/04/19
<p>Appeal Decision (APP/U1240/W/15/31339) 20/01/16: Appeal Allowed:</p> <ul style="list-style-type: none"> Outline planning permission was granted for 29 dwellings (PA 3/13/0674/OUT) on the application site at appeal on 20 January 2016. 14 conditions were imposed including the need to apply for reserved matters for appearance, layout and landscaping (condition 1). 			
<p>Appeal decision (APP/U1240/W/18/3210122) 10/04/19: Appeal Dismissed:</p> <ul style="list-style-type: none"> Further to the outline planning permission submitted for the 29 dwellings, an additional full application was submitted for 3 of the 29 dwellings as PA 3/13/0513/FUL. The dwellings in this application are the 3 chalet bungalow dwellings to the north of the site. Planning permission was granted 28/05/2015, subject to condition including condition 9: <p><i>Notwithstanding details already submitted with the application, no development shall commence on site until the final construction method statement and specification for the proposed driveway have been submitted to and approved in writing by the Local Planning Authority. The driveway shall then be installed as per the approved documents and this condition shall not be discharged until an arboricultural supervision statement is submitted to and approved in writing by the Local Planning Authority on completion of its installation.</i></p> <p><i>Reason: To prevent trees on site from being damaged .</i></p> <ul style="list-style-type: none"> The applicants submitted a Discharge of Condition application but officers 			

considered that there was insufficient information submitted to enable the condition to be discharged. This decision was appealed but was dismissed as per appeal decision APP/U1240/W/18/3210122 dated 10 April 2019 where the Inspector considered that the TPO trees were of sufficient merit to require full details of how they were to be protected to enable the access to be constructed, and that the details submitted by the applicants failed to do this.

- The inspector noted “these TPO trees are of significant amenity value and their protection from the impacts of the proposed development are reliant on ensuring that the new driveway is constructed to an agreed design and specification than minimises any threat to the future health and value of these TPO trees.”

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.1 Oak Tree Cottage is a Grade II Listed one and a half storey thatched dwelling with vehicular access from Howe Lane. Howe Lane is characterised by single and two storey detached dwellings of varying designs which are generally aligned parallel to Howe Lane on plots at a right angle to the road.
- 1.2 The 1.24 hectares application site comprises a small field fronting Howe Lane to the side of Oak Tree Cottage, and a large paddock field at the rear/south of Oak Tree Cottage. The large paddock field drops approx. 2m from north to south and is bounded to the south by a woodland (Heathy Howe), which is located in the river valley to the south of the site.
- 1.3 The western boundary is marked by a drainage ditch which separates the site from open space associated with the adjacent school grounds and south of Howe Lane Education allocation in the Core Strategy (Policy VTSW2). The eastern boundary is shared with two storey residential properties in the Summer Fields cul-de sac. The other site boundaries of the application site are shared with detached bungalows in the Mandalay Close cul-de-sac and detached two storey dwellings fronting Howe Lane.
- 1.4 There are a number of mature trees along the southern boundary of the site. A small group of trees in the south western corner of the site, a line of trees along the northern boundary of the paddock and a group of preserved trees adjacent to Oak Tree cottage are subject of tree preservation orders.

2.0 PROPOSAL

- 2.1 Following the grant of outline planning permission 3/13/0674/OUT at appeal this application relates to condition 1 of the inspectors appeal decision:

‘Details of the appearance, landscaping and layout, (hereinafter called the ‘reserved matters’) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.’

- 2.2 Layout: The proposed layout is similar to that approved in the outline permission. Access is from Howe Lane, adjacent to Oak Tree Cottage, with the main access road continuing south through the south to form a 't' shaped cul-de-sac. Three chalet bungalows approved under planning application 3/13/0513/FUL are shown to be located to the north of the site. 21 detached and semi-detached houses are located to the south and an apartment block with 5 flats is located to the south east.
- 2.3 Appearance: A range of dwelling types are proposed from 2 – 4 bedroom houses and 1 – 2 bedroom flats. The buildings are of a typical volume house builder design with repetition in simple plans and elevations. Materials proposed are brick, tile and uPVC.
- 2.4 Landscaping: The proposed landscaping scheme will retain the existing protected trees on the site and add a small number of additional small trees. The site will be surrounded by proposed closed board fencing, post and rail fencing and some hedging. Hard and soft landscaping has been provided throughout the proposed scheme.
- 2.5 It should be noted that information has also been provided in relation to the following conditions of APP/U1240/W/15/31339 dated 13 January 2016:
- Drainage (condition 8)
 - Trees (condition 9)
 - Construction management (condition 10)
 - Biodiversity (condition 11)
 - Renewable energy (condition 12)
 - Waste management (condition 13)
- 2.6 The officer has considered the information provided in relation to appearance, landscaping and layout as set out in section 5.4 'Appraisal' but conditions other than condition 1 are not considered to be discharged by the granting of this application.
- 2.7 Due to lack of information provided in relation to drainage, trees and construction management, these conditions cannot be discharged until matters are resolved and works cannot commence on site. Sufficient information has been provided in relation to biodiversity, renewable energy and waste management and can be discharged following the grant of this reserved matters application.

3.0 SUMMARY OF INFORMATION

	Proposed
Site Area (ha)	1.17ha
Use	Residential
Number of residential units	29
Number of parking spaces	46
Number of market units	Houses – 3x4 bed, 3x3 bed, 12x4 bed Total - 18
Number of affordable units	Houses - 4X3 bed, 2x2 bed Flats – 2x2 bed, 3x1 bed Total - 11

4.0 RELEVANT PLANNING CONSTRAINTS

Heathland 5km Consultation Area - 0.00m
Main Urban Area - 0.00m
Tree Preservation Order - 0.00m

5.0 POLICY AND OTHER CONSIDERATIONS

Development Plan:

Christchurch and East Dorset Local Plan: Part 1 Core Strategy 2014 (Local Plan)

- KS1 Presumption in favour of sustainable development
- KS12 Parking Provision
- HE1 Conserving the Historic Environment
- HE2 Design of new development
- HE3 Landscape Quality
- LN1 Size and Type of Dwellings
- LN2 Design, Layout and Density of New Dwellings
- LN3 Provision of Affordable Housing
- ME1 Safeguarding Biodiversity
- ME2 Protecting Dorset Heathlands
- HE2 Design of New Development
- HE3 Landscape Quality

National Guidance

The National Planning Policy Framework (NPPF February 2019)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents:

- Housing and Affordable Housing Supplementary Planning Document (SPD)
- Dorset Heathlands Planning Framework 2015-2020 (DHPF)

6.0 LOCAL REPRESENTATIONS

- 6.1 The application was advertised by means of a site notice and a press advert displayed on 8 February 2019. Letters were also written to neighbours on 1 February 2019 and a re-consultation letter dated 3 May 2019.
- 6.2 It should be noted due to a clerical error re-consultation letters from 3 May 2019 were delayed by 1 week and a further letter offering an additional week for comments was sent to neighbours 14 May 2019.
- 6.3 Two letters of objection were received with the following concerns:
- Increased traffic movements and congestion on Howe Lane
 - Access for refuse collection and emergency services
 - Noise and pollution during construction
 - Increase flood risk for surrounding properties
 - Impact on the new road on protected trees
- 6.4 It is noted comments received from neighbours relate to matters dealt with under the outline planning application. Therefore they have not formed part of the officer's assessment for this reserved matters application.

7.0 CONSULTATIONS

7.1 - Verwood Town Council

07/02/2019	Object - The proposed is considered contrary to Policy HE2 as follows: <ul style="list-style-type: none">- Illustrated car parking spaces are very small- Architectural style, materials & visual impact - All properties made of the same materials- Landscaping - Landscaping shown is minimal, needs improving.
16/05/2019	Object - Due to minimal changes previous concerns still apply.

7.2 - DC Trees

<p>05/02/2019</p>	<p>Tree Protection: In relation to condition 9 of the Appeal Decision:</p> <ul style="list-style-type: none"> - Detailed design and specifications are absent. There is a reference in 9.3 to some third party documents. These have not been submitted but in any case they do not comprise a detailed design and specification. - The location of the route for the services, to the east of Oak Tree Cottage as shown on the Tree Survey and Tree Protection Plan dated 19/12/2018 is acceptable. - The detail in the submission about meetings is acceptable. <p>Landscaping: In relation to condition 1 and & of the Appeal Decision:</p> <ul style="list-style-type: none"> - The landscape proposals contained in Site plan 1 of 2 drwg no. 005 dated 11/12/2018 and site plan 2 of 2, drwg no. 6 dated 25/11/2018 and Landscape proposals specification plan no. 007 dated 25/11 2018 are acceptable to comply with conditions 1 and 7 <p>The outstanding issue is the specially designed and engineered road structure that is required to allow access for construction vehicles and all subsequent traffic into the site. I believe this matter is currently the subject of a planning appeal. Whatever, the submissions in 19/0019 do not supply the information specified by the Inspector in the appeal decision notice.</p>
<p>15/03/2019</p>	<ul style="list-style-type: none"> - The plan should use the Richard Coleman and Partners Ltd 391751-101 Revision B plan dated 23/10/2017 as a base because it has a repositioned road and greater area of specially engineered surface - <i>This has not been complied with. The area of specially engineered surface on the Engineers plan is more practical than that shown on the arboriculturists plan as it will allow the special surface to tie in more easily with the conventional built surface</i> - The position of the service run into the site from Howe Lane needs to be positively identified on the plan (currently it is marked as 'potential'). Failing this and if a thrust boring solution is proposed , the position of the entry and exit holes and the depth of bore needs to be set out in the plan and document - <i>The mains water into the site and surface water has been shown. Nothing shown for gas, electricity or telecoms. Will they share a common trench?</i>
<p>16/05/03/2019</p>	<p>This Reserved Matters application relates to 03/13/0674/FUL landscape, appearance and layout only, as stated in Condition 1 of the Inspector's decision letter. It does not cover those other matters that fall within the Tree and Landscape remit, namely Condition 6</p>

	<p>Finished Floor levels in relation to other structures or Condition 9 the arboricultural and engineering matters relating to the access into the site. The Inspector on the recent appeal against non-determination of conditions on 03/13/0513 has re-stated the view that the current level of submissions in this regard are not sufficient.</p> <p>So for the avoidance of doubt and based on the description of the submitted application, the following are not considered and must be submitted as a separate discharge of condition application:</p> <ul style="list-style-type: none"> - Plan 391751-101 rev B Richard Coleman and Partners; - Plan 2830-04-19 Tree Survey and Tree Protection Plan M Hinsley dated 26/4/2019; - Arboricultural Method Statements 2830-12-18 Plots 4-29/JC/MTH/12/18 and 04/19 dated 19/12/2018 and 26/4/2019 in particular paragraph 9.3. - Technical Recommendation TR17-2127 RUR CEL Oak Tree Cottage V3 dated 3/10/2018 Geosynthetics. - Attenuation layout 1248 202 rev P1 Wills Design Partnership <p>Landscape:</p> <p>For 3/19/0019/RM the following are acceptable:</p> <ul style="list-style-type: none"> - Landscape specification 17 004 dated 25 11 2018 Rengadesign is acceptable. - Landscape proposals Rengadesign Site plan 1 of 2 revision d and 2 of 2 revision c both dated 7/5/2019 are acceptable. <p>Layout:</p> <p>The layout as shown on the latest tree protection plan impacts on the nominal root protection areas as drawn. This means that the garages for plots 5-8 and 29, and a section of the road in front of plot 27 will need to be specially engineered. Garage construction is covered in paragraph 9.4 of the arboricultural method statement and the road section outside plot 27 in section 10 of the same document. Planning conditions will need to be added to approve the technical details before work begins on site, including location of site services; road specification; tree protection; and excavations by hand in root protection areas.</p>
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7.3 - DC Lead Flood Authority

01/03/2019	<p>Discretionary comments:</p> <p>DCC/FRM suggest that further information required regarding the</p>
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	proposed drainage strategy and surface water into existing sewer system and clarification be sought from the applicant at this RM stage and prior to any agreement of the proposed Layout.
30/04/2019	Discretionary comments: DCC/FRM suggest that further information required regarding the proposed drainage strategy and surface water into existing sewer system and clarification be sought from the applicant at this RM stage and prior to any agreement of the proposed Layout.

7.4 - Wessex Water

11/02/2019	<p>Existing sewer:</p> <ul style="list-style-type: none"> - The site is crossed by an existing 375mm public sewer which conflicts with the development proposals. Development in proximity of public sewers is restricted with no building or structure within 3m either side of the sewer and no trees within 6m. - The existing sewer on site needs to be marked clearly on proposed plans, clearly showing the 3m easement offset, to demonstrate that the housing layout does not conflict with the sewer easement. - A diversion of the existing sewer is possible but needs to be agreed with Wessex Water. <p>Fouls Drainage:</p> <ul style="list-style-type: none"> - Wessex Water can provide network capacity for domestic foul flows from this development. The foul strategy is to connect to the diverted public foul sewer, which is acceptable in principle, but will be subject to satisfactory diversion works as detailed above. The applicant should contact our local development engineer and submit details for technical review prior to construction. <p>Surface water drainage:</p> <ul style="list-style-type: none"> - Surface water to be disposed of in accordance with Building Regulations Hierarchy and NPPF Guidelines with discharge to local land drainage systems. - The surface water drainage strategy shows an off-site sewer connection to the existing 1350mm to the west. A Section 98 off-site sewer requisition may be required across third party land. - Connection to the public surface water sewer will only be considered as a last resort where it is proven that infiltration or a connection to the local ditch is not viable. - The maximum discharge rate from the site must be agreed with the Lead Local Flood Authority in consultation with
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	<p>Wessex Water.</p> <ul style="list-style-type: none"> - The proposals shown on the preliminary surface water drainage layout place proposed sewers in enclosed private gardens and within 3m of the buildings. Also, the existing foul sewer and sewer diversion route has not been shown on the surface water plan and it is not clear if the surface water storage proposals and diversion routes can all be achieved in this south west corner. <p>A drainage strategy drawing which shows both the diverted foul sewer route and surface water attenuation systems (with all associated easements where sewers are located outside of public areas) should be provided to demonstrate the drainage strategy is achievable within this site layout.</p>
14/05/2019	<p>Foul Drainage:</p> <ul style="list-style-type: none"> - We are satisfied that a foul sewer diversion route could be achieved and that a minimum 3m offset from buildings or structures will be observed where sewers are located outside of public highway. <p>Surface Water Drainage:</p> <ul style="list-style-type: none"> - We have previously advised that connection to the surface water sewer will only be considered where infiltration or discharge to the local watercourse / ditch is proven unviable. - We support the Dorset Council Flood Risk Engineer in questioning why discharge to the local watercourse has been overlooked? - If the applicant wishes to connect to the public sewer we will expect evidence that discharge to local land drainage systems has been fully explored and proven not viable. - The applicant should also be able to demonstrate that the off-site sewer route between their site and the public surface water sewer is technically viable. - The maximum discharge rate from the site must be agreed with the Lead Local Flood Authority in consultation with Wessex Water. We would expect to see maximum discharge rate restricted to less than greenfield Qbar rate.
24/05/2019	<p>The current RM layout does not preclude an offsite connection to the watercourse. Wessex Water is satisfied that the applicant has demonstrated proposed foul and surface water routes could be achieved.</p>

7.5 - Dorset NET

07/02/2019	Biodiversity information is out of date. Updating survey and updated BMEP with necessary amendments required
16/05/2019	Minor changes required to updated BMEP, once resolved no further comment. [Officer note: required changes submitted 17/05/2019]

7.6 - Dorset Wildlife Trust

19/02/2019	<ul style="list-style-type: none"> - Biodiversity information is out of date. Updating survey and updated BMEP with necessary amendments required - Natural England to be consulted given proximity to Heathland - Planting schemes should maximise the use of native species in hedges and shrubs to increase the biodiversity value of the soft planting, and should avoid the use of invasive non-natives such as Amelanchier species and Cherry Laurel. - Measures should be incorporated to allow the movement of hedgehogs
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7.7 - East Dorset Environment Partnership

25/02/2019	<ul style="list-style-type: none"> - Biodiversity information is out of date. Updating survey and updated BMEP with necessary amendments required - The proposed development lies within 400m – 5km of internationally designated heathlands: mitigation should comply with the Dorset Heathlands Planning Framework. - EDEP objects to the proposed use of <i>Amelanchier grandiflora</i> and Cherry Laurel in the planting proposals for the development. Both are invasive non-native species.
15/05/2019	<ul style="list-style-type: none"> - Welcome the exclusion of invasive non-native plants and gaps in boundaries to allow hedgehogs through - Some lighting proposals are out dated in relation to bats - BMEP notes not houses will be built within 2m of trees - this doesn't consider root protection areas - Tawny Owls visit the area and Dorset NET should advise if lighting proposals are appropriate.

7.8 - DC Conservation

12/03/2019	The proposed 29 dwellings will have a neutral effect on the setting, which has been largely compromised already. Therefore no further comments to offer.
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7.9 - Airport Safeguarding

11/02/2019	No objection
08/05/2019	No objection

7.10- Natural England

19/02/2019	No comments
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7.11 - Environment Agency

22/02/2019	No objection
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7.12 - DC Highways

19/03/2019	<p>As previously stated during the original application the estate road is unsuitable for adoption from approximately 12m into the estate. This was recognised during the application process and is recognised in the applicant's supporting statement. The access road will therefore remain private and an Advanced Payments Code notice issued. However, two safety issues for the internal layout need to be addressed:</p> <ul style="list-style-type: none"> - The drive access serving unit 28 is on the corner of T-junction vehicle movements from which may lead to collisions. Handing the unit and its parking is perhaps the best solution of overcoming this hazard. - There is nothing to safeguarding forward visibility around unit 2 for drivers leaving the estate from being obscured. Perhaps the best way of ensuring the required visibility (see Manual for Streets) I maintained is by incorporating it in a crescent shaped verge as part of the access road. <p>Upon receipt of a satisfactorily revised plan it is suggested that a turning and parking condition and relevant informatives are applied.</p> <p>[Officer note: required changes submitted 29/04/2019]</p>
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7.13 - Dorset Waste Partnership

27/03/2019	<ul style="list-style-type: none"> - The site will be serviced by a 26T vehicle and not a smaller collection vehicle as noted in the submitted WMP. - Concerns regarding collection from units 7-10 and 24-27.
24/05/2019	<ul style="list-style-type: none"> - DWP note the waste management plan is acceptable except where it states - "Discussions have taken place with DWP to secure bin collection services within the site, it has been

	<p>suggested by DWP that a small waste collection vehicle is utilised on this site. DWP are confident these discussions will be successfully concluded.</p> <ul style="list-style-type: none">- However, in the unlikely event that an agreement is not reached, we will secure the services of an alternative waste disposal operative (such as Serco) prior to occupation of the dwellings, the costs of which will be covered within the wider servicing and management fee”- DWP are not aware of any discussions and do not have any capacity with small refuse collection vehicles, however if there is a tracking plan that will allow full size vehicles access and all bins will be presented within our guidelines then there is no grounds to object but will refuse if we can't gain access and will hold them to their statement above.
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8.0 APPRAISAL

8.1 The main considerations involved with this application are:

- Proposed layout and parking arrangements
- Proposed landscaping
- The design of the proposed dwellings
- The impact on the listed building
- The impact on trees

These are considered below, however it should be noted the 3 chalet bungalows to the north have been approved under PA 3/13/0513/FUL and no changes are proposed to these dwellings. The principle of the layout and appearance of these 3 dwellings has already been found to be acceptable subject to any conditions set out in PA 3/13/0513/FUL. However this consent has now technically lapsed due to the failure to submit the details in respect of Condition 9, as set out in section 5.1 above. Therefore these 3 units fall to be considered as part of this reserved matters application.

Proposed layout and parking arrangements

8.2 The proposed layout includes the already approved 3 no. chalet bungalows to the north and a further 26 dwellings to the south, which includes 5 flats. The 26 dwellings to the south are accessed via a 't' shape cul-de-sac with the 11 affordable housing units (5 flats and 6 semi-detached dwellings) located to the south west of the site.

8.3 It is noted that the proposed housing mix is as per agreed in the section 106 for PA 3/13/0674/OUT.

- 8.4 While the general layout is considered acceptable in planning terms, the officer raised concerns regarding the location of all the affordable housing to the west, where it would be preferable for it to be dispersed throughout the site. However, the applicant has provided evidence that the proposed location of affordable housing was agreed in writing by the LPA at outline stage. Given the low number of units to be provided, the officer acknowledges that the proposed location of affordable housing units is acceptable.
- 8.5 DC Highways has been consulted regarding the proposed layout. Concerns were raised initially in relation to the layouts of units 2 and 28. DC Highways have raised no further comments subject to the revised layout submitted and turning and parking conditions. A revised layout has been submitted and highway safety concerns in relation to units 2 and 28 have been addressed. It is noted the Town Council has raised concerns regarding the size of parking spaces. The officer confirms the parking spaces provided are in accordance with the Dorset Council parking standards.
- 8.6 Dorset Waste Partnership (DWP) has also been consulted regarding the proposed layout. Concerns were initially raised in relation to the proposed waste management plan where a smaller waste collection vehicle is proposed and collection distances from properties 7-10 and 24-27 were considered too far. A revised site plan has been submitted which shows tracking information for full size waste collection vehicles. DWP note that if full size vehicles can access required areas and all bins will be presented within their guidelines there are no grounds to object. If access cannot be gained the services of a private waste collection company will need to be secured.

Proposed landscaping

- 8.7 Proposed landscaping plans were submitted for plot numbers 4-29. Landscaping for plots 1-3 now fall under this application permission for PA 3/13/0513/FUL has lapsed. Proposed landscaping for plots 1-3 have been amended as per the site plan for this application but have not been consulted on as they were approved under PA 3/13/0513/FUL.
- 8.8 A number of concerns were raised in relation to the initially proposed landscaping. Concerns included that proposed landscaping was minimal and that invasive non-native plant types have been proposed. The officer also raised concerns that there was a particular lack of landscaping in and around proposed affordable housing units that impacted the 'tenure blindness' of the proposed.
- 8.9 As a result a revised landscaping proposal has been submitted. The officer acknowledges the Town Council's concerns regarding the minimal changes that have been made - some additional landscaping added to affordable housing units and non-native invasive plants removed. However, while more landscaping would be preferred the proposed landscaping is now considered adequate in planning terms.

Design of the proposed dwellings

- 8.10 Proposed plans were submitted for plot numbers 4-29. Designs for plots 1-3 now fall under this application as permission for PA 3/13/0513/FUL has lapsed. Proposed plans for plots 1-3 have not been consulted on as they were approved under PA 3/13/0513/FUL.
- 8.11 The design and detailing of the proposed dwellings are considered to be as expected from a typical volume house builder. Concerns have been raised by the Town Council regarding a lack of detailing and variation and the officer raised concerns in relation to the blank facades visible from the street scene at plots 4 and 28. Design concerns were also raised in relation to the proposed apartment block.
- 8.12 As a result of concerns raised, proposed elevations have been revised in response to these comments. Given the number of units proposed and number of house types the officer considers the variation in design of the dwellings to be acceptable. With the revised changes to the detail design the proposed design and detailing of dwellings is considered adequate in planning terms.
- 8.13 Proposed materials of red brick, grey tile and uPVC are considered acceptable in the surrounding context.

The impact on the Listed Building

- 8.14 The proposed 29 dwellings are considered to have a neutral effect on the setting of the listed building, Oak Tree Cottage, which has been largely compromised already by the surrounding development. The DC Conservation Officer was consulted and had no further comments to offer.

The impact on trees

- 8.15 This RM application does not cover those other matters that fall within the tree and landscape remit, namely condition 6 (finished floor levels in relation to other structures) or condition 9 (the arboricultural and engineering matters relating to the access into the site). The Inspector on the recent appeal against non-determination of conditions on PA 3/13/0513 has re-stated the view that the current level of submissions for condition 9 are not sufficient.
- 18.16 However, in relation to the reserved matters of landscape and layout the proposed landscape drawings and specification are considered acceptable.
- 18.17 The DC Tree Officer notes the layout as shown on the latest tree protection plan impacts on the nominal root protection areas as drawn. This means that the garages for plots 5-8 and 29, and a section of the road in front of plot 27

will need to be specially engineered. Garage construction is covered in paragraph 9.4 of the arboricultural method statement and the road section outside plot 27 in section 10 of the same document. However it is considered necessary to condition that technical details be submitted and approved in writing by the LPA prior to commencement (Condition 6).

Other

18.18 As noted previously information has also been provided in relation conditions of APP/U1240/W/15/31339 dated 13 January 2016 including drainage (condition 8), trees (condition 9), construction management (condition 10), biodiversity (condition 11), renewable energy (condition 12) and waste management (condition 13). Again, the officer has considered the information provided in relation to appearance, landscaping and layout but conditions other than condition 1 are not considered to be discharged by the granting of this application.

18.19 Due to lack of information provided in relation to drainage, trees and construction management, these conditions cannot be discharged until matters are resolved and works cannot commence on site. Sufficient information has been provided in relation biodiversity, renewable energy and waste management and can be discharged following the grant of this reserved matters application.

Matters not dealt with previously in this report are as follows:

The impact on biodiversity:

18.20 Biodiversity impacts are not a reserved matter, however, matters in relation to landscape, layout and appearance have been considered. Dorset NET, EDEP and the Dorset Wildlife Trust have been consulted. Comments were received that the previous survey and Biodiversity Mitigation and Enhancement Plan (BMEP) information was out of date and updated information was required. Updated information was submitted. EDEP raised some concerns regarding lighting in relation to bats and Tawny owls. Dorset NET are satisfied that the updated information is sufficient and biodiversity will not be negatively impacted as a result.

Renewable energy:

18.21 Photo voltaic cells have been proposed as part of the renewable energy requirements for the approved outline application. These have been considered as part of the proposed elevations for the relevant plots and are considered acceptable in relation to appearance.

Proposed drainage:

18.22 Drainage information has been provided as part of this reserved matters application, despite this not being within the scope of reserved matters. Wessex Water and the Lead Flood Authority have been consulted. Initial comments from consultees required further information regarding foul drainage and surface water drainage. Revised information provided has satisfied consultees in relation to foul drainage, however, further surface water drainage information is still required. Clarification is required as to why connection to the surface water sewer is proposed and not discharged to the local watercourse; the applicant should also be able to demonstrate that the off-site sewer route between their site and the public surface water sewer is technically viable; the maximum discharge rate from the site must be agreed with the Lead Local Flood Authority in consultation with Wessex Water.

Notwithstanding concerns raised regarding surface water drainage, Wessex Water has confirmed the proposed layout does not preclude an offsite connection to the watercourse and proposed drainage is therefore considered acceptable in relation to this reserved matters application.

Construction Management:

18.23 A construction management plan has been submitted but lacks key information required as part of condition 10 of the appeal decision. Notwithstanding this construction management is not a matter for the reserved matters application and has not formed part of the officer's assessment.

Conclusion

18.24 Based on the above it is considered the proposed layout, appearance and landscaping of the 29 dwellings accords with the policies of the Local Plan and approval is recommended. The pre-commencement conditions set out below 7 and 8 have been agreed with the applicant by e-mail dated 19.06.19.

18.25 The proposal is in accordance with the S106 Agreement signed 15 January 2016 entered into between East Dorset District Council, and Carolyn Anne Macy, John Andrew Spencer and David Ian Spencer in respect of the delivery of affordable housing from the site, and the scheme is CIL liable.

9.0 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

9.01 This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

10.0 PUBLIC SECTOR EQUALITIES DUTY

10.01 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.

10.02 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.

11.0 RECOMMENDATION –

Grant, subject to the conditions set out below.

Conditions: (the Pre-commencement conditions have been previously agreed with the applicant by email 18.06.19, as required)

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Block and Location Plan 9019/103
 - Full Site Plan 9019/102 C
 - Site Section Indicating Retaining Walls and Raised Patios 9019/126 A
 - Street Scenes and Site Sections 9019/127 A
 - Affordable Housing Allocation Plan 9019/128 A

 - Landscape Proposals – Site Plan Sheet 1 of 2 17004/005 C
 - Landscape Proposals – Site Plan Sheet 2 of 2 17004/006 B
 - Landscape Proposals – Specification 17004/007 C

- Floor Plans and Elevations Plot 1 8238/102 B
- Floor Plans and Elevations Plot 2 8238/103 B
- Floor Plans and Elevations Plot 3 8238/104 B
- Floor Plans and Elevations Plot 4 9019/107 A
- Floor Plans and Elevations Plot 5 9019/108
- Floor Plans and Elevations Plot 6 9019/109
- Floor Plans and Elevations Plot 7 9019/110
- Floor Plans and Elevations Plot 8 9019/111
- Floor Plans and Elevations Plot 9 9019/112
- Floor Plans and Elevations Plot 10 9019/113
- Floor Plans and Elevations Plot 11 9019/114
- Floor Plans and Elevations Plot 12 9019/115
- Floor Plans and Elevations Plot 13 9019/116
- Floor Plans and Elevations Plot 14 9019/117
- Floor Plans and Elevations Plot 15-16 9019/118
- Floor Plans and Elevations Plot 17-21 9019/119 A
- Floor Plans and Elevations Plot 22-23 9019/120 A
- Floor Plans and Elevations Plot 24-25 9019/121
- Floor Plans and Elevations Plot 26-27 9019/122
- Floor Plans and Elevations Plot 28 9019/123 A
- Floor Plans and Elevations Plot 29 9019/124

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

3. No development above DPC (damp proof course) shall take place until details and samples of all external facing and roofing materials have been provided on site, and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing.

4. All hard and soft landscape works shall be carried out in accordance with the approved plan Landscape Scheme:
 - Landscape Proposals – Site Plan Sheet 1 of 2 17004/005 C
 - Landscape Proposals – Site Plan Sheet 2 of 2 17004/006 B
 - Landscape Proposals – Specification 17004/007 C

The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: To ensure the implementation of the scheme is carried out in accordance with the approved plans and to accord with Policies HE2 and HE3

of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

5. Notwithstanding details already submitted within the Arboricultural Impact Appraisal and Method Statement, full plans and particulars showing the final siting of the services and soakaways shall be submitted to the Local Planning Authority for written approval prior to commencement of works on site.

Reason: To demonstrate that the proposed development can be implemented without detriment to the existing trees that are to be retained on the site.

6. Notwithstanding details already submitted within the Arboricultural Method Statement, no development shall commence on site until the final design and specification of a) the section of road outside plot 27, including cross sections showing the existing and proposed levels and b) the garages for plots 5-8 and 29 including cross sections showing the existing and proposed levels, have been submitted to and approved in writing by the Local Planning Authority. All structures shall then be installed as per the approved documents.

Reason: This information is required prior to commencement of development in the interests of tree protection and to accord with Policies HE2 and HE3 of the Core Strategy.

7. The installation of tree protection, both fencing and ground protection for the protection of any retained tree shall be undertaken in accordance with the approved plans (Plan 2830-04-19 Tree Survey and Tree Protection Plan M Hinsley dated 26/4/2019) and particulars (Arboricultural Method Statements 2830-12-18 Plots 4-29/JC/MTH/12/18 and 04/19 dated 19/12/2018 and 26/4/2019) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In order to prevent damage during construction to trees that are shown to be retained on the site

8. Any excavation work undertaken within the rooting area of trees relating to the application proposals shall be hand dug and no roots in excess of 25mm in diameter shall be severed without the prior consent of the Local Planning Authority.

Reason: In order to prevent damage to trees.

9. Notwithstanding details already submitted with the application, no development shall commence on site until the final construction method

statement and specification for the proposed driveway have been submitted to and approved in writing by the Local Planning Authority. The driveway shall then be installed as per the approved documents and this condition shall not be discharged until an arboricultural supervision statement is submitted to and approved in writing by the Local Planning Authority on completion of its installation.

Reason: To prevent trees on site from being damaged

10. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans 'Full Site Plan 9019/102 C' must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment no further windows or doors shall be constructed in the side and rear elevations (such expression to include the roof and wall) of the buildings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid loss of privacy to adjoining properties.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof no extensions or outbuildings shall be constructed without express planning permission first being obtained.

Reason: In the interests of controlling matters which may be detrimental to the original visual concept and the balance of private space provision, and in order to protect the amenities of adjacent residential properties and in order to ensure an appropriate relationship between built form and trees.

13. Before any other operations are commenced the visibility splay areas as shown on Drawing Number 8238/105B shall be cleared to a level not exceeding 06 metres above the relative level of the adjacent carriageway. The splay areas shall thereafter be maintained and kept free from all obstructions.

Reason: In the interests of road safety.

14. The development hereby permitted shall not be occupied or utilised until provision has been made to ensure that no surface water drains directly from the site onto the adjacent public highway.

Reason: In the interests of road safety.

15. Before the development is commenced the proposed access crossing from the nearside edge of the carriageway to the boundary of the highway shall be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

16. Plans and particulars showing:

- the finished floor levels, related to ordnance datum or fixed point within the site, of the ground floor of the proposed building(s), (and as appropriate the closest adjacent building beyond the site); and
- the finished levels of the access road relative to the levels of the land adjacent to the access road shall be submitted to, and approved in writing by the Local Planning Authority and development shall not be commenced until these details have been approved, unless otherwise agreed in writing. All works shall be undertaken strictly in accordance with the details as approved.

Reason: In order that the Council may be satisfied with the details of the proposal having regard to the existing site levels and those adjacent hereto.

Informatives:

1. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to this development. The Council will shortly be issuing a CIL Liability Notice following the grant of this permission which will provide information on the applicant's obligations.
2. The applicant is informed that this decision constitutes an approval of reserved matters under Condition 1 of the planning permission granted by notice dated 20 January 2016; under Appeal Decision ref APP/U1240/W/15/31339; and does not, by itself, constitute a planning permission.
3. The applicant is informed that this decision constitutes an approval of reserved matters under Condition 1 of the planning permission granted by notice dated 20 January 2016; under Appeal Decision ref APP/U1240/W/15/31339; only and does not discharge other conditions listed in this Appeal Decision.
4. This grant of permission is to be read in conjunction with the S106 Agreement signed 15 January 2016 entered into between East Dorset District Council, and Carolyn Anne Macy, John Andrew Spencer and David Ian Spencer.
5. For the avoidance of doubt and based on the description of the submitted application, the following are not considered and must be submitted as a separate discharge of condition application:
 - Tree Root Protection Plan 391751-101 rev B

- Tree Survey and Tree Protection Plan 2830-04-19 (dated 26/4/2019)
 - Arboricultural Method Statements 2830-12-18 Plots 4-29/JC/MTH/12/18 and 04/19 dated 19/12/2018 and 26/4/2019 in particular paragraph 9.3.
 - Technical Recommendation TR17-2127 RUR CEL Oak Tree Cottage V3 dated 3/10/2018 Geosynthetics

 - Proposed Plan showing Impermeable Areas 1248/201 P1
 - Indicative Attenuation Layout 1248/202 P1
 - Scheme 2895808 PLOTS 2-27 Oak Tree Cottage Site, Howe Lane, Verwood BH31 6JF (dated 15/11/2017)
 - Drainage Calculation Sheet 1248 (dated December 2018)

 - 1248 Construction Phase Plan Wills Design Partnership Dec 2018
6. The applicant is advised that, notwithstanding this consent, if it is intended that the first 12 metres only of the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Estate Road Construction (adopted or private) Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.
7. As the new road layout beyond the first 12 metres does not meet with the Highway Authority's road adoption standards for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
8. The applicant should be advised that the Advance Payments Code under Sections 219-225 of the Highways Act 1980 may apply in this instance. The Code secures payment towards the future making-up of a private street prior to the commencement of any building works associated with residential, commercial and industrial development. The intention of the Code is to reduce the liability of potential road charges on any future purchasers which may arise if the private street is not made-up to a suitable standard and adopted as publicly maintained highway. Further information is available from Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.