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## Appeal Decision

Inquiry (Virtual) Held on 27 to 29 April and 21 to 22 September 2021

Site visit made on 23 September 2021

**by Richard Aston BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 November 2021**

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**Appeal Ref: APP/D1265/W/20/3265743**

**Land South of Lower Road, Stalbridge, Dorset**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Land Value Alliances against Dorset Council.
  - The application Ref 2/2020/0406/OUT, is dated 19 March 2020.
  - The development proposed is described as '*outline planning application for the erection of up to 114 dwellings, up to 2,000 sqm of employment space (use class b1, with up to one use class a1 unit), vehicular access points and associated works.*'
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### Decision

1. The appeal is allowed, and outline planning permission is granted for development described as '*Develop land by the erection of up to 114 No. dwellings and up to 2,000 square metres of employment space (for Business use (Class B1), with up to 1 No. Retail (Class A1) unit). Form vehicular and pedestrian access, form public open space, and carry out associated works. (Outline application to determine access)*' at Land South of Lower Road, Stalbridge, Dorset in accordance with the terms of the application, Ref 2/2020/0406/OUT, dated 19 March 2020, subject to the conditions set out in the attached Schedule.

### Application for costs

2. An application for costs was made in writing by Land Value Alliances against Dorset Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The application was submitted in outline, with only access to be considered and I have dealt with the appeal on that basis. A number of Parameter Plans were submitted for approval and a 'Concept Masterplan' ('the CM') is marked 'Preliminary'. I have determined the appeal on the basis that the CM shows only one option for the layout of the development applied for.
4. The appeal results from the Council's failure to determine the planning application within the statutory period. Had it been able to do so the Council confirmed it would have refused the proposal on the grounds of it being in an unsustainable location, reliant on private vehicle trips and with no overriding

need for it to be located there. Further, that the level of development would be out of keeping with the prevailing character of existing and planned development which surrounds the appeal site.

5. The Inquiry was adjourned on 29 April 2021 so effects on the Rooksmoor Special Area of Conservation ('the SAC') and protected species could be further considered. Consequently, a number of additional submissions were received prior to, during and after the Inquiry. I was satisfied that in all cases the material was directly relevant to and necessary for my decision and all were given opportunities to comment. There would be no prejudice to any party or person from my consideration of those documents and I have taken them into account.
6. The day before the Inquiry opened an amended Parameter ('PP') and other associated plans were submitted by the appellant. The PP included a reduction in the amount of employment floorspace, an increase the amount of open space along with the retention of a central hedgerow with associated corridor of open space. The PP is seen in association with the CM which must demonstrate to me that an acceptable scheme at the proposed densities is likely to be achievable on the site at the detailed stage.
7. Whilst amendments to a scheme even at an outline stage, might be thought to be of little significance, in some cases even minor changes can materially alter the nature of a scheme. Having regard to the so called Wheatcroft principles and the '*Procedural Guide – Planning Appeals – England*' ('the guidance') I concluded that the amended scheme would be significantly different to that determined by the Council.
8. In accepting the amendments, it could have deprived those who were entitled to be consulted of the opportunity to make any representations to me that, given the nature and extent of the changes proposed, they may have wanted to make on the application as amended. Compliance with the guidance is the best way to ensure no-one is disadvantaged through the appeal process and on hearing my decision the appellant withdrew the PP from the Inquiry. I have therefore determined the appeal on the same basis as the Council would have, as set out in the application.
9. I allowed additional time after closing for the completed Section 106 legal agreement to be submitted<sup>1</sup>. That agreement secures contributions and measures for 40% affordable housing, healthcare, ecological mitigation, Travel Plan and Travel Voucher, education, libraries, pedestrian/cycleway connectivity, community facilities, play and open space, pre-school, a local nature reserve, and rights of way including the North Dorset Trailway Strategic Project.
10. The Council's CIL compliance statement sets out the detailed background and justification for each of the obligations. I am satisfied that the provisions of the submitted agreement would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and the tests in the National Planning Policy Framework ('the Framework') and I have taken them into account.

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<sup>1</sup> Dated 1 October 2021.

11. The description of development in the banner heading above has been taken from the application form. A different description however is provided on the appeal form which is more specific and which the appellant agreed with the Council. The Council dealt with the proposal on that basis and so have I, using the amended description in the formal decision.

## **Main Issues**

12. Given the above, the main issues in this appeal are:

- Whether the proposed development would provide a suitable site for housing, having regard to local planning policies that seek to manage the location of new development, access to services and facilities and accessibility by a range of modes of transport.
- The effect of the proposal on the character and appearance of the appeal site and area.
- If harm and conflict with the development plan is identified, whether this would be outweighed by other material considerations.

## **Reasons**

### *Suitable site*

### *Planning policy context*

13. The spatial strategy set out within the North Dorset Local Plan Part 1 ('the LP') seeks to focus development towards 4 main towns of Blandford, Gillingham, Shaftesbury and Sturminster. Beyond those towns, Policies 2 and 20 focus growth towards 18 of the larger villages, including Stalbridge. At Stalbridge and all the District's villages the focus is on meeting local rather than strategic needs, and outside of these areas countryside policies apply.
14. Development is to be strictly controlled unless it is required to enable essential rural needs to be met. Policy 20 further sets out that in the countryside, development will only be permitted if it is a type appropriate in the countryside, as set out in the relevant policies of the plan; or, for any other type of development, if it can be demonstrated that there is an 'overriding need' for it to be in the countryside.
15. Policy 6, which guides housing distribution, indicates that during the plan period at least 825 dwellings will be provided in the countryside including in Stalbridge and the villages. The supporting text to Policy H6 confirms that the overall level of housing in the countryside will be the cumulative number of new homes that have been delivered to meet local and essential rural needs as defined by neighbourhood plans, rural exception sites and the functional need for rural workers' dwellings.
16. Significant Inquiry time was taken up on issues of local housing need and self-containment of the settlements but by the close of the Inquiry the appellant

had accepted that the proposal would be in conflict with these policies, and that the proposal would conflict with the development plan, as a whole<sup>2</sup>.

17. The appeal site is located outside of the settlement boundary of Stalbridge and is in the countryside for planning purposes. It is not a type of development identified in the LP as appropriate in the countryside and I agree with that position. Ultimately the appellant's contention is that the LP policies and its settlement boundaries from 2003, are out of date. Further, that even if harm is identified, it is outweighed by other considerations, notably that there is a clear need for both market and affordable housing in the context of a 3.3-year housing land supply, amongst other things and along with other benefits.
18. The supply position means that the policies which are the most important for determining this appeal are out-of-date. Consequently, paragraph 11(d)(ii) requires that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed the policies in the Framework, taken as a whole.
19. The Framework is a material consideration, but it does not replace the statutory presumption of the development plan. Existing policy should also not be considered out of date simply because they were adopted prior to the publication of the Framework. The fact that a particular development plan policy may be chronologically old is, in itself, irrelevant for the purposes of assessing consistency with the Framework and the weight to be attached to any conflicts with it.
20. The Council's evidence is that the spatial strategy in the LP is consistent insofar as it seeks to direct development to sustainable locations to minimise the need to travel, create sustainable communities rather than commuter towns/villages and address the causes and effects of climate change. These are therefore important considerations in assessing the level of harm and conflict and are matters to which I now turn.

#### *Services, facilities and accessibility*

21. Stalbridge is in a different category to the main towns, indicative of the assessment of its accessibility and sustainability in 2016. It lacks certain facilities such as a bank, indoor leisure facilities and restaurants but I observed a high-quality supermarket in the centre, selling an array of day-to-day goods and provisions along with other non-food household and pet items. The supermarket also contained a café serving hot food and drinks and open 7 days of the week. The High Street contained a Butchers, Post Office, Opticians, Barbers, Cycle shop and a modest number of small-scale retail and beauty enterprises. I also saw office accommodation, 3 hot food takeaways, 2 public houses and a petrol/service station.
22. Stalbridge has its own primary school, village hall and ecclesiastical institutions. I saw advertisements throughout Stalbridge for community events, large scale leisure clubs and societies hosting local events. Superfast Broadband appears to be available and there was a community shop and social club. All of these would be within reasonable walking distance from the appeal

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<sup>2</sup> Mr. Kendrick in XX.

site along dedicated footways. Existing employment opportunities on the eastern periphery and the Henstridge Marsh employment site would also be within an acceptable walking and cycling distance albeit only a small number of residents may choose to do so.

23. Stalbridge is surrounded by rural countryside containing other smaller villages, hamlets, and a range of agricultural and employment uses, acting as a local service centre in conjunction with those neighbouring settlements. This is recognised in the LP<sup>3</sup> where the denser settlement pattern in the Blackmore Vale means that the rural hinterlands of the towns are relatively small and, in general terms, most of the population live in relatively close proximity to a range of services.
24. Bus stops are close to the appeal site on Lower Road providing access to a bus service limited to every 2 hours on weekdays, once on a Saturday and with no service on a Sunday. Journey times to much larger centres of Sturminster Newton and Yeovil would take c. 30 and 45 minutes. Templecombe station is a 30-minute bus journey away or approximately 4 miles on a straight but unlit rural road providing access to the London to Plymouth railway line. Separate provision is made for secondary school children via a dedicated bus service.
25. There are opportunities for pedestrians and cyclists via the existing network of rights of way and the rural road network. I accept that cycling for longer routes may only appeal to experienced and enthusiastic cyclists, and that such a journey may not appeal in inclement weather. Secure cycle spaces are provided at the railway station and it could not be said to be a wholly unattractive option for existing or future residents. Even if residents drove to the station, taking the train for the latter part of their journey would remain a sustainable choice of travel.
26. A contribution toward a connection to the North Dorset Trailway is also secured in the legal agreement, with an enhancement of the exist cycle path that runs from Blandford Forum to Sturminster Newton and its extension to Stalbridge and the station. This would improve rural connectivity.
27. The proposal includes a Framework Travel Plan with a commitment for a £300 travel voucher per house to spend on public transport or cycle equipment. This would be a tangible incentive and sustainable travel benefit. Because of the long period of implementation and monitoring<sup>4</sup>, I consider the Travel Plans could realistically achieve aims, amongst other things, of encouraging a modal shift to more sustainable travel options. Electric vehicle charging points could be secured by condition and although only a benefit to those that have such vehicles, the infrastructure is constantly improving, and this could encourage electric vehicle purchases.
28. For secondary schools, employment, leisure and shopping, many residents will be required to travel to larger settlements and therefore, there would be additional reliance on the private car. Vehicle trips are likely to be relatively short and this is the case with any new residential development and normal for a rural settlement where private car ownership is likely to be high. Indeed, the

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<sup>3</sup> CD26 p. 12, para 2.25.

<sup>4</sup> For 5 years plus from 50% occupation.

Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and each dwelling is likely to have a car parking space associated with it.

29. The effects of the reliance on the private car would be tempered by my findings in terms of the services and facilities to be found in Stalbridge and the size of the development. The day-to-day reality would be that residents could shop and access a range of facilities within Stalbridge, secondary school age children could utilise public transport and for the elderly and those who do not drive, access to a limited rural bus service. Commuters would have reasonable opportunities to access a mainline railway station both by cycle, bus, and a short vehicle journey.
30. My findings may differ from other Inspectors, including a colleague in the most recent appeal decision at Westlake in March 2021<sup>5</sup> for up to 90 dwellings. In that appeal the Inspector considered future occupants of the development would travel further afield. I have also found that to a degree, but each decision maker is faced with making a decision on its own merits at a particular point in time.
31. The findings of the Inspector in the Barrow Hill appeal<sup>6</sup> in 2019 also identified a proposal for up to 98 dwellings on the western periphery of Stalbridge '*would be conveniently located for services and facilities*'<sup>7</sup> demonstrating the degree of subjectivity involved. I also do not have the evidence to compare what was before those Inspector and nor were our observations made at the same point in time. Having held an Inquiry visited Stalbridge and the North Dorset area much more recently I have formed my own view.
32. Climate change is a real and urgent issue, and the government sets high targets for reductions in emissions. Insofar as the development plan strategy is concerned, there would be a range of services and facilities to meet a significant number of day-to-day needs and minimising travel, but there would also be some moderate environmental harm from resultant greenhouse gas emissions.
33. The site is in an area where the LP only allows growth to meet local needs and being outside the boundary of the settlement with some reliance on private vehicle trips, I agree with the parties that it should not be regarded as being a suitable site for housing for the purposes of Policies 2, 3, 6 and 20 of the LP and it would conflict with the development plan, as a whole.
34. A further central plank of the strategy that the Council contends is that it recognises the intrinsic character and beauty of the countryside and this is an issue to which I now turn.

#### *Character and appearance*

35. The appeal site lies outside but abutting the periphery of the town in an agrarian landscape within the Blackmoor Vale. It is a generally flat area of agricultural land set behind high hedgerows that when I visited the site,

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<sup>5</sup> PINS ref: APP/D1265/W/20/3262267.

<sup>6</sup> PINS ref: APP/N1215/W/18/3203865.

<sup>7</sup> Paragraph 25 of App/N1215/W/18/3203865.



visually contained the entire site on the southern approach along Lower Road. There are a few trees and hedgerows around the site boundaries and a central hedgerow runs through part of the site.

36. The Council's objection relates to more localised effects on the setting of Stalbridge as well as concerns regarding the density, design, and future layout of the proposal being able to be satisfactorily accommodated. This included concerns about the potential loss of the central hedgerow within the appeal site and led to the submission of amended plans which I declined to determine.
37. Dealing with the density, design, and layout first, at this outline stage the question I must address is not whether any illustrative parameter or CM plan itself shows an acceptable detailed layout and design because those matters are reserved. Along with the submitted information are they sufficient to show that an acceptable scheme of up to 114 dwellings with 2,000 square metres of employment space, parking, access roads, gardens, and open space at the density range of 30-37 dwellings per hectare is likely to be achievable on the site at the Reserved Matters stage.
38. I see no reason why the employment area could not be located in the northern tip of the site, comparable to the employment, light industrial and office uses in proximity to residential built form along the existing High Street and commensurate with the historic pattern, grain, and development of this rural settlement.
39. They could be designed to be of a domestic scale and with no detailed evidence to the contrary, the parking, loading, and turning areas are entirely matters for the detailed design stage. It is also a proposal for 'up to' the quantum of floorspace applied for and ultimately if achievement of a high-quality layout comes at the expense of a reduction in the amount of floorspace or units, that will be a judgment for the Council to make at that point.
40. Although concerned that there would be insufficient space for street trees, long avenues of street trees did not appear a characteristic of the town. Commensurate with the scale of development there are opportunities for specimen mature trees to be planted both in the internal streets, in rear gardens and along the boundaries. The Council accepts there is little guidance on this matter but ultimately, if a reduction in the number of units is required to accommodate additional trees that is a matter which could be considered by the appellant at the detailed design stage and resolved between the parties, as necessary.
41. The central hedgerow is a landscape feature, but the undisputed findings of the amended Biodiversity plan are that it is of low ecological value. It does contribute to character, as do all hedgerows but it is not the only hedgerow and the Council placed undue importance on its value and significance. Significant boundary hedgerows would remain, and it is entirely feasible that at the Reserved Matters stage the Council could negotiate its retention and inclusion in any future scheme.
42. There is an opportunity here for the built form to be softened by the approach to providing public open space and the attenuation area that could extend along the entire length of the existing southern and western boundaries. A

sufficient landscaped buffer could also be provided to separate the employment and residential areas along with proportionate space at the boundaries.

43. As part of any future detailed scheme, it will be critical that development along the south eastern and eastern boundaries is designed with appropriate patterns and scale of development to allow for sufficient space between the buildings and in order to reflect the historic pattern and variation in built form that I observed. Significant additional planting will be required in the open spaces, play area, back gardens, and boundaries which, over time would allow the housing to be seen and set within a landscaped rural context.
44. The parties do not dispute that the proposed quantum could be physically accommodated on the site and subject to the above, the proposal would not result in an overly dense or intensively developed scheme that would be out of keeping. On the contrary, the appellant's solution in the form of the CM demonstrates to me that it is one option that subject to further refinements and the details, appears soundly based on the constraints and opportunities of the site and area.
45. Although not every landscape feature may be capable of being accommodated and not every design ambition realised, I see no reason why it could not be designed to deliver a high quality, design led housing development. Again, the Council could also refuse to approve the details if they consider it would not be. To my mind, this quantum would be far less challenging to achieve than the estimated 150 units as part of any STAL5 proposed housing allocation that may come forward in the emerging local plan on this site in the future.
46. Turning to wider effects, the immediate surroundings of the site are of significance to this issue, and I observed to the south lies an agrarian landscape with farms, fields and rural enterprises and industries but the north of the site on the opposite side of Lower Road lies traditional and contemporary residential development for 120 homes under construction<sup>8</sup> ('the Bovis development').
47. To the immediate west in between the site and Thornhill Road a housing development for 60 dwellings is under construction<sup>9</sup> (the Sovereign development'). I also saw a variety of residential dwelling types, sizes and ranging from various periods in the peripheral streets and roads such as Jarvis Way, Bibberne Road, and properties along Lower Road. The density of the proposal at c.32 dwellings per hectare ('dph') would be between the 30 dph of the Bovis scheme and the 37 dph of the Sovereign scheme and not excessive in quantitative terms.
48. Once the Bovis development is completed the length of the appeal site facing Lower Road will lie entirely opposite residential built form, of varying styles, sizes, height, and forms. To the west the Sovereign scheme would extend to roughly half of the appeal sites frontage with the Public Right of Way ('Prow') that runs along the site's western boundary and contain 2 storey-built form.

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<sup>8</sup> LPA ref: 2/2017/0741/OUT.

<sup>9</sup> LPA ref: 2/2017/1095/OUT.



49. The site's character as an open rural field would be affected by the introduction up to 114 houses, together with roads, parking areas, amenity spaces and gardens. There would also be employment units and general comings and goings along with associated vehicular activity. Features of this type are primarily associated with built suburban or urban environments rather than with the countryside, but peripheral suburban style development could not be said to be uncharacteristic of the southern part of Stalbridge.
50. The extent of any harm would be significantly reduced by the relationship of the site to the development under construction on both sides. A large open field would still exist to the south of the appeal site and although ultimately extended, a verdant, rural agrarian setting on the southern part of the town could be retained. I am therefore not persuaded that the development would lead to a total loss of key features and elements that contribute towards the rural setting of Stalbridge.
51. Visually, the experience of adverse visual effects is limited to individual houses which back, or will back, onto the site, Lower Road, and a limited number of wider viewpoints. Given the established boundary vegetation the site is well contained and there are virtually no views into the site for significant periods of the year.
52. A Prow exists abutting the western boundary which has a rural quality and value. The hedge is 2-3 metres tall for the entire length and this value will be significantly altered once the Sovereign development is complete. The height of the houses on the appeal site would extend above the hedge but the Bovis and Sovereign developments under construction are more visible in the wider area with the rooftops of housing on the Bovis site prominently evident on the approach over the bridge on Lower Road.
53. A varied rural roofscape could be achieved with attractive vernacular buildings and boundary hedgerows grown and retained at a significant height, supported by additional planting in rear gardens and the boundaries. In combination with careful consideration of the disposition of the buildings and spaces on the site, the upper storeys of dwellings and the development would not be visually overly dominant. It would not be as detrimental to the visual interests of its surroundings as the Council suggests, including from the agreed wider viewpoints I visited.
54. I do not share the appellant's view that the objection on these grounds is without substance, built form would inevitably result in a fundamental change to the character of the landscape, from open countryside to a suburban form. Whilst change does not necessarily equate to harm, the loss of an open and undeveloped rural field is generally regarded as adverse in landscape terms.
55. However, national, and local planning policy requires development to be high quality, beautiful and well designed, and I have no reason to doubt that the detailed design could not achieve this. The development could be designed sympathetically, having regard to the edge of village setting and the rural vernacular. The requirements of Policies 7 and 24 of the LP in terms of design and layout are capable of being satisfied and at this outline stage there would be no conflict with those policies insofar as they require design principles to be

considered to enable good design and that ultimately design should improve the character of and quality of an area.

56. Although the Council's reason also cites Policies 2, 6 and 20 my understanding is that this is primarily in the context of the aims and objectives of the strategy and the weight to be given in this regard to which I return to in the planning balance below. A failure to recognise the intrinsic character and beauty is not borne out in the appellant's approach to how this site could be developed and its likely character and visual effects. Subject to conditions, on balance the proposal would result in moderate harm to the character and appearance of the appeal site and area, reducing over time as landscaping matures.

## **Other Considerations and Matters**

### *The Rooksmoor SAC*

57. The provisions of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) require that prior to deciding whether to grant planning permission for development which is likely to have a significant effect on a European Site, either individually or in combination with other developments, then the competent authority must make an appropriate assessment of the implications for the European site. Consent should only be granted if there are no adverse effects on the integrity of the site unless other legal tests have been met.
58. Raised as part of the emerging local plan process, effects on air quality on the SAC of a stretch of the A357 and A3030 on Lydlinch Common required further work to be carried out that necessitated an adjournment in the Inquiry. Natural England advised that likely significant effects could be screened out on the basis that the Annual Average Daily Traffic ('AADT') at these locations is not expected to exceed the 1000 threshold.
59. The methodology for assessment was agreed with NE and the relevant statement of common ground on this matter confirms this threshold would not be exceeded. Therefore '*a likely significant effect can be ruled out and no further assessment will be required*'<sup>10</sup>. Having considered the additional evidence, I agree and on this basis the proposal will not have any adverse effects on the integrity of a European site, either alone or in combination with other plans or projects drawn to my attention. It would comply with the provisions of the Conservation of Habitats and Species Regulations 2017 as amended and local and national planning policy insofar as they seek to secure the long-term protection of such areas and mitigate any harmful impacts to them.

### *Protected species and Stalbridge Local Nature Reserve*

60. The presence of protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. Additional work undertaken during the adjournment in respect of additional Bat, Hazel Dormice and Great Crested Newt surveys resulted in an updated Ecological Impact Assessment.

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<sup>10</sup> Natural England email to Dorset Council dated 1 April 2021.

61. The updated assessment sets out a very low likelihood of presence for those species and that it was not an important foraging route for bats. The assessment also confirms that none of the hedgerows are identified as being ecologically important or species rich as they support fewer than 5 species. The report also confirms a 10% Biodiversity gain because 1.23 hectares would be provided as species rich grassland, or other habitats of an equivalent value
62. The appellant has addressed concerns from Dorset's Natural Environment Team and the updated Biodiversity Plan contains detailed recommendations for mitigation and compensation. Compliance with that plan would be secured by condition and contributions towards the Local Nature Reserve(s) in the form of enhancements to the rights of way network would mitigate against additional recreational pressures. This would be in accordance with Policy 15 of the LP and the proposal would not result in loss or harm to protected species or to locally designated nature reserves.

*Third party representations*

63. I have had regard to the concerns of third parties but no substantive evidence of any drainage or further protected species matters was put before me that could not be adequately resolved by the suggested conditions. Subject to conditions there are no technical flood risk or drainage constraints to developing the site and no objections were received from the relevant statutory consultees. Subject to considerations of space between buildings, appearance and landscaping adequate separation distances could be achieved and the proximity of the houses to other residential properties on the periphery should not be overbearing or result in material harm to the outlook of neighbouring occupiers.
64. In terms of highway safety, the relevant highway authority does not object and there is no technical highways evidence before me to support either the suggestion that the surrounding roads have a capacity problem or that highway safety would be compromised because of the proposal. Connectivity to rights of way would be improved around Stalbridge and having viewed the surroundings both during the early and late morning I do not consider the proposal would result in harm to highway safety.
65. There is also nothing substantive from the relevant providers that suggests local services and facilities would be placed under unacceptable pressure that would not be mitigated by the combination of suggested conditions and obligations before me, including significant financial contributions towards community, leisure, and sports to be spent in the town.
66. The view that some infrastructure contributions for education and healthcare have not been forthcoming, resulting in the local community shouldering the burden and having to accept the consequences of the developments, is also not supported by the evidence before me. Contributions have been identified, sought, secured, and justified but issues in relation to how those monies are spent are not matters before me to address as part of this particular appeal.
67. I have also carefully considered the representations made by Stalbridge Town Council and at the Inquiry by the local ward member for Stalbridge and

Marnhull and the Council's Portfolio holder for Housing and Community Safety. Ultimately, I have found conflict was a whole, partially agreeing with those views on local need and policy conflict. However, I have also determined that the effects would not be as great as contended and allowed the appeal due to other material considerations.

68. My attention has been drawn to concerns over the perceived erosion of the reasons why this part of Dorset was chosen by some for retirement. The proposal would allow for others to settle, including those in need of affordable housing. This would add positively to the mix and overall diversity of the community in an area of generally high housing demand.
69. I acknowledge concerns regarding the mix of houses and that flexibility could be needed accommodate changes in demographics. This is capable of being addressed at the detailed stage, including consideration of whether properties for the elderly are required along with the size and type of dwellings. The effect on existing property values has no bearing on the planning merits of this appeal. Thus, none of these other considerations, on their own or in combination, alter my view to allow the appeal.

### *Employment*

70. The Council have drawn my attention to Policy 11 of the LP, but it is not cited in the suggested reason for refusal. It was clarified at the Inquiry that this matter related to the weight to be given to the employment floorspace and that it should be reduced because there is no local need, being purely speculative. However, by the close of the Inquiry the Council still contended there is conflict with the policy.
71. I saw that Stalbridge is served by a number of employments uses and the appellant appears to have identified an end user and negotiated a condition with the Council to ensure it is delivered. Even if agreeing there is no local need and employment needs will be reviewed as part of the emerging plan, the Council also argued that Stalbridge is less sustainable because of fewer employment opportunities.
72. The Council's own economic regeneration team has stated there has always been a demand for units in this area. It would be the subject of reserved matters approval and include a small café retail floorspace which would add to the vitality of the settlement. It could be designed and secured by conditions to have no adverse effects on living conditions.
73. In association with recent growth, whilst the proposal may not strictly adhere to the policy requirements, I fail to see how such additional floorspace would cause any material harm or conflicts that should be weighed as an adverse impact. As put by the Council it would be a '*good thing*'<sup>11</sup> and I agree, providing some small-scale employment opportunities within a rural town, reducing the need to travel, albeit by a very small degree and assisting with vitality from the creation of investment and jobs. It would be a modest positive benefit given the scale and any conflict with the strategy in Policy 11 is given limited weight.

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<sup>11</sup> JW in XX.

### *Appeal decisions*

74. The parties both rely heavily on a number of appeal decisions, with over 20 submitted by the Council including recent decisions within Stalbridge, Dorset and beyond. As with most appeals I found the inclusions on both sides to be Cherry picked to suit a particular stance. Little relevance or support can be drawn from a decision in a different administrative area and not undertaken in accordance with this LP, other than in general terms or, where a different settlement in Dorset is being considered because of the degree of subjectivity and site-specific considerations involved.
75. In those that are within Stalbridge, both the Barrow Hill decision in 2019 and Land west of Westlake in 2021 involved heritage harms and greater landscape effects, identified as unacceptably harmful and significant adverse in the latter. Those Inspectors will also have heard their own evidence and one was decided following a hearing and one under written representations.
76. Whilst no doubt some similarities and differences can always be drawn, I have not found the same nature or degree of harm as those Inspectors and I have held a Public Inquiry with the formal presentation and examination of evidence. Such proposals are also subject to various site-specific and bespoke considerations and judgments and each case must be considered on its own merits. I do not consider they or the plethora of other decisions put before me are therefore directly comparable to the proposal before me and they do not alter my decision to allow the appeal.

### **Conditions**

77. Following a round table discussion at the Inquiry a list of conditions was agreed by the parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision, and simplicity. The appellant has confirmed acceptance of the pre-commencement conditions.
78. I have attached conditions limiting the life of the planning permission and set out the requirements for the submission of reserved matters in accordance with the Act. To ensure the housing is delivered more quickly as intended by the appellant the commencement condition has been amended to 1 year following the date of approval of the reserved matters, the timescale for submission of those has also been reduced to 2 years (1, 2 and 3).
79. A condition is required to ensure compliance with the approved plans for the avoidance of doubt as this provides certainty (4). In the interests of highway safety, the detailed highway layout is to be approved and visibility splays and pedestrian/vehicular access points for the residential and commercial uses implemented prior to occupation (5, 7, 8 and 9). To ensure the benefits of employment land associated with the dwellings will be delivered a condition requiring the western vehicular access onto Lower Road to serve the commercial development (21).



80. Conditions requiring details of a scheme of electric charging points, Travel Plans and provision of cycle parking are required in the interests of promoting more sustainable modes of transport (6, 11, 12 and 23). However, to give the Travel Plans some force I have amended the suggested condition to specify objectives leaving the parties to agree the specific measures. I have agreed to the appellant's request for separate conditions of the commercial and residential plans due to matters relating to the different timings of delivery.
81. A Construction Traffic Management Plan (10) is necessary to be agreed in the interests of highway safety and living conditions although I have amended it to avoid repetition with other conditions and removed some details, I consider unnecessary. To prevent flooding, a condition is necessary to require the approval and implementation of a Sustainable Urban Drainage System, along with a maintenance plan (13 and 14) and foul water drainage (22).
82. Conditions for landscape and construction environmental management plans and compliance with the updated Biodiversity Plan are necessary to protect and enhance biodiversity (15, 16 and 17). An external lighting scheme to be agreed is necessary in the interests of character and appearance and ecology (18). No more than 280 square metres of the employment space is to be used as retail to protect the vitality and viability of the existing retail offer in the town (19). Details of any future extraction and filtration equipment, if used for food preparation is also necessary to protect the living conditions of adjoining occupiers (20).
83. Conditions 5, 13, 14, 16, 17 and 22 are conditions precedent but I am satisfied that they are fundamental to the development to ensure that it does not occur until such matters are resolved, in the interests of highway safety, flood risk, waste disposal and ecology.

#### *Planning balance and conclusion*

#### *The adverse impacts*

84. The appellant's contention that the policies are out of date, at first, was almost to the point of suggesting they were irrelevant with little weight to be afforded to them<sup>12</sup>. Here, the policies do not set out any blanket restrictions on development and allow for development in the countryside where it meets rural needs, including supporting housing needs, mitigating climate change, supporting economic development and infrastructure.
85. Collectively they also recognise the intrinsic character and beauty of this part of Dorset, and I consider there is still a rationale for development boundaries to protect the countryside while focusing growth within designated settlements, accepting that on their merits, applications for housing have been approved outside of these boundaries.
86. It is not as simple to my mind as the appellant suggests that the policies have not promoted sustainable development because of the lack of supply. The Council is no doubt doing its best to assist in delivering housing schemes, including affordable housing and larger urban extensions. They have also

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<sup>12</sup> MK PoE paragraph 3.43.

demonstrated flexibility partly by their decisions to allow development outside settlement boundaries, but some matters are clearly beyond their control.

87. Accordingly, I find the approach of such a strategy to be broadly consistent with the Framework and still of significance. However, the key consideration for me in this appeal is the weight to be given to the adverse impacts, that is the harm and the conflicts with the policies and the benefits in the so called 'tilted' balancing exercise I must undertake.
88. The emerging local plan will be subject to consultation and examination with an adoption target of April 2023 and a plan period to 2038. It is agreed therefore to be of limited weight. Even in agreeing and accepting the need for local involvement during that process and that other assessments may be required to inform that, the Council's own evidence base<sup>13</sup> indicates Stalbridge will be classified as a 'Town and other main settlement' with 'modest' expansion, and 27% growth in such a town could reasonably be described that way. I also note that the emerging strategy for the town would equate to a 50% increase<sup>14</sup> if all available sites are progressed, including the appeal site as STAL5 and the Council's own officers give moderate weight to the evidence base.
89. Overall, I have identified moderate environmental harms in terms of reliance on the private car, character and appearance and even lesser conflict with the economic development strategy. For the reasons set out above there would be no resultant significant distortion of the adopted plan strategy in this location from this proposal. Having regard to my findings in terms of the main issues, the underlying laudable objectives of the strategy and policies and in the context of a 3.3-year supply, I give the harms and conflicts with the policies moderate weight.

#### *The benefits*

90. Significant time was taken in relation to the parties' assessments of housing need, and I found much of it on both sides to be contrived to reach a particular outcome. Even if this proposal results in more dwellings than envisaged during the plan period and there is no local need, the overall supply is still significantly short, and the situation has worsened to be below the 4 years supply in April 2019<sup>15</sup>. Recent delivery has been poor, as demonstrated by a 59% score in the Housing Delivery Test 2020.
91. Up to 114 dwellings, or just below that accounting for any reductions at the reserved matters stage, would make a valuable and significant contribution towards addressing the shortfall. House prices have risen in the area and the proposal would be valuable in meeting the government's objectives of significantly boosting the supply of homes. The development is also likely to be brought forward relatively quickly given the reduced time agreed by the appellant to submit the reserved matters.
92. The number of houses under Policy 6 of the LP has nearly doubled but the number is not a cap, referred to as being '*at least*'. There may well be a tipping point for this town, but this proposal is not it and despite claims of it being

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<sup>13</sup> CD 28 Consultation January 2021.

<sup>14</sup> Paragraph 32.2.2 – Options Consultation.

<sup>15</sup> Officer report to committee page 12.

'top-heavy' with housing and the services and facilities not keeping pace, the range of services and facilities would be satisfactory. The proposal would also be on land that is not the Best and Most versatile agricultural land in policy terms.

93. Turning to affordable housing, I found much of the evidence was confusing as to its significance of what I found to be very marginal differences on study areas, vacancy rates and uplifts. Adopting either the Council's or the Appellant's (albeit disputed) study areas, there is a surplus in local affordable housing over the 5-year period of between 5.8 and 9.4 units. A lack of local need at this point however has to be balanced against a significant undersupply in housing and there has been an overall failure to deliver the requisite amount of affordable housing since 2011.
94. It may be policy compliant but the provision of 40% affordable units in Stalbridge would help address the high level of general need for affordable housing which exists across north Dorset and something described by the Council's relevant portfolio holder for housing and communities as '*a desperate need*'<sup>16</sup>. It is a significant public benefit, allowing those who cannot afford to buy or rent their own home and need assistance, to settle within this attractive part of Dorset and in a relatively accessible rural town with a range of services and facilities.
95. The Council referred to limited then moderate weight, the former being in accordance with the approach of the Inspector in the Westlake appeal but in that decision the Inspector also acknowledges a previous other Inspector gave greater weight because different considerations applied. Even if the affordable local needs of Stalbridge have been currently met there is a general and pressing need across the former North Dorset area. To give the proposal anything less than significant weight falls short in my view and overall, both the provision of open market housing and affordable housing weigh significantly in favour of the proposal.
96. There would be economic benefits of investment and construction jobs, albeit these would be short term and the creation of a number of additional jobs from the employment space. There would also be an increase in spending in the local economy from future residents and additional support for local services and facilities to expand. Along with the small retail space this would assist in maintaining and enhancing the town's vitality and viability and the economic benefits carry modest weight.
97. Whilst primarily mitigation the enhanced connectivity to the railway and cycle routes would also result in a small social benefit to existing and future residents. There would be some biodiversity gain, as secured in a comprehensive Biodiversity Plan. This would be offset against the loss of the open field and perhaps the central hedge, but both have a low ecological value and the overall biodiversity benefits weigh a small amount in favour.
98. The development would generate Council Tax and New Homes Bonus receipts. As the former is essentially a means for the Council to cover its costs arising from an increased local population, and/or to mitigate development impacts

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<sup>16</sup> Cllr Graham Carr Jones statement received 27 April 2021.

upon local infrastructure, it attracts very little weight. There is no evidence before me of a connection between the New Homes Bonus payments and the development to enable it to be considered in accordance with the advice in the Planning Practice Guidance. It therefore also carries very little weight.

99. Drawing everything together, paragraph 9 of the Framework explains that the 3 economic, social and environmental objectives of sustainable development are not criteria against which every decision should be judged. Where paragraph 11 d. ii) is in play the starting point is that permission should be granted.
100. My findings in relation to the SAC means that the application of policies in the Framework that protect areas or assets of particular importance does not provide a clear reason for refusing the development proposed. This is not a case where the presumption in favour of sustainable development is disapplied by virtue of paragraph 11 d) i.
101. Housing is not the be all and end all but in this case I have found that the harm and resultant conflicts would simply not be as significant as the Council contends. In my judgment the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, when taken as a whole. As such the proposal would be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.
102. This is a material consideration which outweighs the harm and conflicts with the development plan that I have identified and indicates to me that a decision should be made other than in accordance with the development plan.
103. There are no other material considerations that indicate permission should be withheld. I therefore conclude that the appeal should be allowed, and outline planning permission granted subject to the conditions set out in the attached Schedule.

*Richard Aston*

INSPECTOR

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Isabella Tafur, of Counsel instructed by Dorset Council

She called

Jo Witherden BSc (Hons) DipTP DipUD MRTPI Dorset Planning

John Hewitt BA DIPARCH ARB Hewitt Studios

Also present for the Council:

Nikki Taylor

### **FOR THE APPELLANT:**

Satnaam Choongh, of Counsel instructed by Land Value Alliances

He called

Matthew Kendrick BA (Hons) MSc MRTPI Grass Roots Planning Ltd

Daffyd Rees BSc (Hons) MSc CIHT Vectos

Chris Broughton CNB Housing Insights

Jonathan Vernon Smith RIBA Urban Design Box

Also present for the appellant:

James Tizzard Land Value Alliances

Alex Heath Grassroots Planning Ltd

Catherine Tyrer Grassroots Planning Ltd

Coral Curtis Grassroots Planning Ltd

*Interested persons*

Cllr Graham Carr-Jones Dorset Council Ward member for Stalbridge and Marnhull

Stuart Waite – Stalbridge Town Council

Robert Roden – Stalbridge Town Council

Nicci Brown Angela Jacobs

Emily Ramsay Jackie Ross



## DOCUMENTS SUBMITTED FOR THE INQUIRY

| Document Number    | Document name                                                             | Submitted by          |
|--------------------|---------------------------------------------------------------------------|-----------------------|
| <b>Document 1</b>  | Statement of Common Ground                                                | Council               |
| <b>Document 2</b>  | Design Statement of Common Ground                                         | Appellant             |
| <b>Document 3</b>  | Amended alternative illustrative plans (not accepted)                     | Appellant             |
| <b>Document 4</b>  | Statement of Cllr Graham-Carr Jones                                       |                       |
| <b>Document 5</b>  | Council's opening statement                                               | Council               |
| <b>Document 6</b>  | Appellant's opening statement                                             | Appellant             |
| <b>Document 7</b>  | Statement of Common Ground – Rooksmoor SAC                                | Appellant             |
| <b>Document 8</b>  | Urban Design Box Statement on street trees                                | Appellant             |
| <b>Document 9</b>  | Statement of Common Ground – Protected Species                            | Appellant             |
| <b>Document 10</b> | NPPF Update Statement                                                     | Council               |
| <b>Document 11</b> | Statement of Common Ground – 21 September update                          | Council               |
| <b>Document 12</b> | Statement of Common Ground – Hous9ng and table                            | Appellant             |
| <b>Document 13</b> | Stalbridge Design Rebuttal                                                | Appellant             |
| <b>Document 14</b> | CiL Compliance Schedule                                                   | Council               |
| <b>Document 15</b> | Closing submissions                                                       | Appellant             |
| <b>Document 16</b> | Correspondence on conditions                                              |                       |
| <b>Document 17</b> | Unsigned S106 Legal Agreement                                             | Appellant             |
| <b>Document 18</b> | Appellant's comments on condition 20                                      | Appellant             |
| <b>Document 19</b> | Closing submissions                                                       | Council               |
| <b>Document 20</b> | Grey Green Infrastructure note V2 August 2018                             | Council               |
| <b>Document 21</b> | Suggested site visit locations                                            | Council/Appellant     |
| <b>Document 22</b> | Emails - Appellant's agreement to condition 21 and exchanges with Council | Appellant and Council |
|                    |                                                                           |                       |

## DOCUMENTS SUBMITTED AFTER THE INQUIRY

|                    |                                            |                   |
|--------------------|--------------------------------------------|-------------------|
| <b>Document 16</b> | S106 correspondence emails                 | Appellant/Council |
| <b>Document 17</b> | Signed S106 agreement dated 1 October 2021 | Council/Appellant |

## **SCHEDULE**

### **CONDITIONS**

1. No part of the development hereby approved shall commence until details of all reserved matters, including layout, appearance, scale, and landscaping have been submitted to and approved in writing by the local planning authority.
2. The development to which this permission relates must be begun not later than the expiration of 1 year 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.
3. An application for approval of any 'reserved matter' must be made not later than the expiration of 2 years beginning with the date of this permission.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Drawing No. 1001B, Site Boundary Plan;
  - Drawing No. 194687-A02 Rev A, Proposed Pedestrian & Vehicular Access (East) General Arrangement, Visibility Splays and Swept Path Analysis (Large Refuse Vehicle); and
  - Drawing No 194687-A01 Rev A, Proposed Pedestrian & Vehicular Access (West) General Arrangement, Visibility Splays and Swept Path Analysis (Large Refuse Vehicle).
5. Prior to the commencement of any works on site, details of the access, geometric highway layout, turning and parking areas shall be submitted to and agreed in writing by the local planning authority. The development shall be carried-out and completed in accordance with the agreed details and maintained in the approved form thereafter.
6. Prior to the occupation of any dwelling or commercial building hereby approved, details of cycle parking facilities shall be submitted to and agreed in writing by the local planning authority. The spaces shall be installed as approved prior to the occupation of the building and shall be maintained and retained as such thereafter.
7. Prior to occupation of any dwelling or commercial building hereby approved, the visibility splay areas as shown on the submitted plans (refs: Drawing No 194687-A02 Rev A and Drawing No 194687-A01 Rev A) must be provided 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.
8. Prior to the occupation of any dwelling hereby approved, the following works must have been carried out and provided:

- The provision of a dedicated pedestrian access and a dropped kerb and tactile paving crossing onto Lower Road at the north-western corner of the site.
  - The provision of pedestrian access points from the site onto Lower Road and the public right of way that runs along the site's southwestern boundary.
  - The vehicular access points from Lower Road to the development site, as shown on the approved plans (Ref: Drawing No 399194687-A02 Rev A and Drawing No 194687-A01 Rev A).
9. Prior to the occupation of any commercial building hereby approved, the following works shall be carried out:
- The provision of a dedicated pedestrian access and a dropped kerb and tactile paving crossing over onto Lower Road at the north-western corner of the site.
  - The provision of pedestrian access points from the site onto Lower Road and the public right of way that runs along the site's southwestern boundary.
  - The western vehicular access point from Lower Road to the development site, as shown on the approved plan (Ref: Drawing No 399194687-A01 Rev A).
10. Prior to commencement of any works on site, a Construction Traffic Management Plan ('CTMP') shall be submitted to and agreed in writing by the local planning authority. The CTMP shall include:
- construction vehicle details (number, size, type, and frequency of movement)
  - a programme of construction works and anticipated deliveries timings of deliveries 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

Development shall take place in accordance with the approved CTMP.

11. Prior to the first occupation of the residential development hereby permitted, the applicant shall submit for the written approval of the local planning authority a Travel Plan, written in accordance with the aims and objectives of the National Planning Policy Framework and based on the Framework Travel Plan dated March 2020, which shall as a minimum:
- (i) Raise awareness and promote sustainable transport modes for accessing the site;
  - (ii) Reduce the numbers of trips generated by private motor vehicles;
  - (iii) Improve air quality through the reduction of carbon emissions and other pollutants; and

- (iv) Promote healthier and more active lifestyles to residents including appointment of a Travel Plan Co-ordinator.

The development hereby permitted shall not be occupied until the approved Travel Plan has been implemented. Within 6 calendar months of 50% occupation of the development hereby permitted, a baseline travel survey shall be carried out and the results submitted to the local planning authority in an updated version of the Travel Plan. Thereafter on an annual basis for a period of 5 years a monitoring travel survey shall be carried out and submitted to the local planning authority in a monitoring report. The survey shall confirm whether or not the objectives of the Travel Plan have been achieved and shall contain, where necessary, recommendations for amendments or improvements to the Travel Plan.

12. Prior to the first occupation of the commercial development hereby permitted, the applicant shall submit for the written approval of the local planning authority a Travel Plan, written in accordance with the aims and objectives of the National Planning Policy Framework and based on the Framework Travel Plan dated March 2020, which shall:

- (v) Raise awareness and promote sustainable transport modes for accessing the site;
- (vi) Reduce the numbers of trips generated by private motor vehicles;
- (vii) Improve air quality through the reduction of carbon emissions and other pollutants; and
- (viii) Promote healthier and more active lifestyles to residents including appointment of a Travel Plan Co-ordinator.

The development hereby permitted shall not be occupied until the approved Travel Plan has been implemented. Within 6 calendar months of the occupation of the development hereby permitted, a baseline travel survey shall be carried out and the results submitted to the local planning authority in an updated version of the Travel Plan. Thereafter on an annual basis for a period of 5 years a monitoring travel survey shall be carried out and submitted to the local planning authority in a monitoring report. The survey shall confirm whether or not the objectives of the Travel Plan have been achieved and shall contain, where necessary, recommendations for amendments or improvements to the Travel Plan.

13. Prior to the commencement of any works on site, a surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the local planning authority. The surface water scheme thereby approved, shall be implemented in accordance with the approved details before the development is completed.

14. Prior to commencement of any works on site, details of the maintenance & management of both the surface water sustainable drainage scheme and any receiving system shall be 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 which covers 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.

15. The development hereby approved shall be completed in accordance with the submitted Biodiversity Plan ('BP') (dated 6 September 2021) and any subsequent reserved matters application(s) shall provide detail of the following ecological enhancement measures:

- 10 bird nesting boxes (Schwegler 1B) to retained trees;
- 50% of residential dwellings to have built-in bird nesting features;
- The detailed landscape strategy to prescribe native species of local provenance (This should include a range of species to provide berry and fruits and those that provide a diverse structure and form);
- New native hedgerow planting incorporating standard native trees within public open space and provided to replace loss of H1 by two-fold;
- Retained hedgerows to be subject to target bolster/enhancement planting to increase species diversity;
- New hedgerows to include standard native trees with a minimum of 20m between trees to allow for full crown development;
- New hedgerows to be subject to a minimum 2m buffer either side of the hedge starting at the edge of the hedge (assuming mature width of 1.5m) within residential zones with this increased to a minimum 5m buffer within non-residential zones;
- Hedgehog friendly gravel boards / holes (10cm x 10cm) in garden fencing between houses;
- Two bee bricks per dwelling;
- New wildlife pond to be designed in line with Natural England's Great Crested Newt Mitigation Guidelines;
- Two drainage attenuation features to be designed for the benefit of wildlife and to hold an element of water throughout the year;
- Open space to be designed to accommodate a mosaic of new habitats to provide enhanced habitat for a range of additional faunal groups, such as herpetofauna and invertebrates;
- Management details of habitats for wildlife: hay meadow management regime of species-rich grassland, cutting of new established hedgerows to encourage wildlife.

16. Prior to commencement of any works on site, a Construction Environmental Management Plan ('CEMP') shall be submitted to and agreed in writing by the location planning authority. As a minimum the CEMP shall include details of the following:

- Measures to be adopted during construction works to avoid any adverse impacts on the Stalbridge SNCI;
- In relation to retained habitats (hedgerows and trees) appropriate protective fencing in line with BS42020: 2013 (Biodiversity: Code of Practice for Planning and Development) and BS 5837: 2012 (Trees in Relation to Design, Demolition and Construction – Recommendations);
- Specifically, for hedges, root protection zones would be safeguarded in line with provisions under BS 5837:2012

- In relation to newly seeded species-rich grassland, the ground preparation to be carried-out as required prior to seeding in line with the suppliers' recommendations. Including the required removal of undesirable species which may out-compete the grassland during establishment.;
- avoidance measures in relation to the potential presence of nesting birds, Badgers, Hazel Dormice and Great Crested Newts as set out in Dorset Council's Great Crested Newt Licence Scheme Guidance Note.

Development shall take place in accordance with the approved CEMP.

17. Prior to commencement of any works on-site, a landscape and ecological management plan ('LEMP') shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall have due regard to the submitted Biodiversity Plan and include the following:

- a) Description and evaluation of features existing and, or to be created and managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management as set out in the BP.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (or bodies) responsible for its delivery.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Development shall take place in accordance with the approved LEMP and adhered to for the lifetime of the development.

18. Prior to occupation of any building hereby approved a detailed lighting strategy shall be submitted to and agreed in writing by the local planning authority and shall be designed by a suitably qualified person and shall be in accordance with the Bat Conservation Trust's Guidance Note 08/18 (Bats and artificial lighting in the UK). Development shall be carried out and maintained in accordance with the approved details thereafter.

19. No more than 280sqm of the 2000 sqm of Class E employment space hereby approved shall be used as retail space.

20. Before any relevant use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from that premise, including details of any noise levels, noise control and external ducting shall be



submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the commencement of the use. All equipment installed as part of the scheme shall at all times thereafter be operated and maintained in accordance with the approved scheme and the manufacturer's instructions.

21. Prior to occupation of any dwelling hereby approved, the western vehicular access point from Lower Road to the development site, as shown on the approved plan Drawing No 399194687-A01 Rev A, shall be constructed along with the first 15 metres of the access road beyond, to base course level and including services such as gas, electric, water and telecoms, to serve the commercial development.
22. Prior to the commencement of development, details of foul water drainage for the site shall be submitted to and agreed in writing by the local planning authority. None of the dwellings or commercial units hereby permitted shall be occupied until the foul drainage works have been completed in accordance with the submitted and approved details. The drainage shall thereafter be managed and maintained in accordance with the approved details.
23. Prior to the first use or occupation of the development hereby permitted, a scheme for the provision of active vehicular electric charging spaces and points of passive provision for the integration of future charging points to serve the development shall be submitted to and approved in writing by the local planning authority. The vehicular electric charging spaces shall be provided in accordance with the approved details prior to the first use or occupation of the development hereby permitted and retained as such thereafter.

----- end of conditions -----