

Charlton Marshall



Application Type: Outline Application

Application No: 2/2018/1576/OUT

Applicant: Hall and Woodhouse Ltd

Case Officer: Mrs Hannah Smith

Recommendation Summary: Approve

Location: The Charlton Inn , Bournemouth Road, Charlton Marshall, DT11 9NH

Proposal: Develop land by the erection of 9 No. dwellings and 3 No. letting rooms, form vehicular access, car parking and landscape improvements associated with the Charlton Inn. (Outline planning application to determine access).

Reason for Committee Decision:

Objection from the PC and request by Cllr Kerby.

Description of Site:

The site comprises The Charlton Inn and its car park and an area of the adjacent field. The site is located on the junction of the A350 and River Lane. To the north there are three late 20th Century detached bungalows. Across the road are properties that cover a range of periods, that vary in height from single to two storey and the new village hall which is currently under construction. Part of the site is within the village Conservation Area. All of the site is within the low risk flood zone 1.

Planning Policies:

Local Plan:

- Policy 1 - Sustainable Devt.
- Policy 2 - C Spatial Strategy
- Policy 4 - The Natural Env.
- Policy 5 - The Historic Env.
- Policy 6 - Housing Distribution
- Policy 7 - Delivering Homes
- Policy 11 - The Economy
- Policy 13 - Grey Infra.
- Policy 15 - Green Infra.
- Policy 20 - The Countryside
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity
- Policy 27 - Comm. Facilities

Planning policy and guidance:

NPPF February 2019

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Sections of the NPPF which are specifically relevant to this case are:

In terms of heritage, section 16, paragraphs 184, 189, 190, 192 and 200 are relevant. Paragraph 184 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Once they are destroyed, they cannot be replaced.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Constraints:

Agricultural Land Grade - Grade: GRADE 3
Conservation Area - The Charlton Marshall Conservation Area
Flood Zone 2 - Floodzone Type: Flood Zone 2
Flood Zone 3 - Floodzone Type: Flood Zone 3
Parish Name - : Charlton Marshall CP
Settlement Boundary - Name: Charlton Marshall
Ward Name - Ward Name: Riversdale and Portman Ward

Consultations:

Environment Agency

Consulted on the 8 February 2019, their comments dated 22 February 2019 are as follows: No objection subject to a levels condition and a condition that ensures that there is no building in flood zones 2 and 3.

Drainage (Flood Risk Management) - DCC

Consulted on the 8 February 2019, their comments dated 14 March 2019 are as follows: No objection subject to conditions.

Wessex Water

Consulted on the 26 November 2018, their comments dated 28 November 2018 are as follows: No objection subject to condition.

Charlton Marshall PC

Consulted on the 26 November 2018, their comments dated 19 December 2018 are as follows: Objection, please see the full comment below.

Transport Development Management - DCC

Consulted on the 26 November 2018, their comments dated 30 November 2018 are as follows: No objection subject to conditions.

Planning Policy

Consulted on the 26 November 2018 there was no response from this consultee at the time of report preparation.

Tree Officer South - NDDC

Consulted on the 26 November 2018 there was no response from this consultee at the time of report preparation.

Drainage (Flood Risk Management) - DCC

Consulted on the 26 November 2018, their comments dated 19 December 2018 are as follows:

Dorset Waste Partnership

Consulted on the 26 November 2018 there was no response from this consultee at the time of report preparation.

Environment Agency

Consulted on the 27 November 2018, their comments dated 5 December 2018 are as follows:

Transport Development Management - DCC

Consulted on the 3 December 2018 there was no response from this consultee at the time of report preparation.

Charlton Marshall Parish Council:

Objection:

- The stretch of road adjacent to the site is particularly dangerous and there have been a number of accidents occurring over the years on this 'S' bend. The presented scheme failed to indicate the position of the bus stop by the pub carpark, which is a significant oversight.
- Safety of access to the site for large vehicles including refuse lorries. There seems to be a 7.5 t limit on the proposed site. Large vehicles appear to have no direct access to the pub.
- An additional junction onto the main road at a point which is already causing difficulties for residents turning out of Green Close and Greenfield Road. Potential issues with blind spots being created. The splay at the end of Green Close has been further affected by the erection of the new village hall.
- Concern that children who would live in the new houses would need to cross a dangerous road to reach play areas.
- The site is on a flood plain and regularly floods: concerns have been raised as to where the surface water will be redirected in times of flood.
- This is private housing which we understand is only being built in order to pay for the block of 3 holiday lets and improvements to the pub.
- The possibility that permission will be sought for further development should this initial application be successful. There was a further worry as to the future of the pub if the improvements were not successful and what might happen if it had to be pulled down.
- The drawings are of a possible scheme, rather than a plan for submission, it could ultimately be different. There are concerns that the houses are gable end onto the main road which is not in keeping with other development along the A350 in Charlton Marshall.
- Potential problems caused by insufficient parking spaces in front of the proposed dwellings
- A previous application 2/90/0764/09 for planning on this site was rejected upon appeal to the Planning Inspectorate and some of the considerations for the refusal were as detailed below and are considered still to be very relevant:
- Residential development on the site would result in an undesirable encroachment of development into an attractive area of the countryside because of the open character and exposed position of the site outside the built up confines of the village. 'It would spoil the attractive rural landscape of the Stour Valley'.

- Highways objected to residential access opposite the 3 existing well used junctions on a 'busy County Primary Route'.
- The Inspector considered the 'undesirability of allowing new development on a greenfield site to protrude into a flood plain of the River Stour (DEFRA defines the field as 'water meadow' for agricultural purposes).

It is strongly felt that this application should be considered by a Planning Committee due to the strength of feeling in the community and the way in which it will alter the nature of the entrance to the village. Development of this site on the undeveloped side of the road 'will damage the distinctive character and elongated pattern of development which is confined to the South West side' where most villagers live. The Inspector stated development 'would form an incongruous appendage to its built up area'.

Representations:

12 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 12 objected to the proposal and 0 supported the proposal.

The letters of objection contain the following summarised points:

- Economic Benefits,
- Flooding Issues,
- Parking,
- Road Safety,
- Lack of infrastructure to cope with additional housing,
- Pollution from cars, impact in terms of global warming,
- Biodiversity, concern about the timing of the survey and the potential for more reptiles to be present,
- Effect on the Appearance of Area,
- Impact on Access,
- Landscape,
- Noise/Disturbance,
- Traffic or Highways,
- Concerns that this may lead to more development,
- Highway impact and visibility concerns,
- Landscaping insufficient,
- Impact of increased car park on amenity,
- It would have a negative impact on the open and unspoilt nature of the existing landscape. The fields here form an important gateway to the village and conservation area, both in visual and historic landscape terms,
- No need for the development.

Relevant Planning History:

Application:	2/1987/0074
Proposal:	Extend car park.
Decision:	Refuse
Decision Date:	03.06.1987
Application:	2/2004/1248
Proposal:	Convert existing storage barn to 6 no. lettable rooms, install 3 no. dormer windows, erect rear extension to public house for storage
Decision:	Approve
Decision Date:	25.01.2005

Planning Appraisal:

The applicant seeks outline approval for the construction of 3 new letting rooms, improvements to the pub setting, 9 new dwellings and a new access from Bournemouth Road (A350). Access is for consideration at the outline stage and all other matters are reserved.

The main planning considerations are:

- Principle of the development,
- Access,
- Amenity,
- Conservation Area and listed buildings,
- Landscape and Visual Impact,
- Flooding and drainage,
- Ecology.

Principle of the Development

The site is located outside but adjacent to the settlement boundary of Charlton Marshall. The settlement is one of the larger villages where some growth to meet the district wide need for housing is in line with the spatial distribution of development that is set out in the development plan. The village has a Public House, church, hall, and a park. The school is located in Spetisbury. The school is accessible along the Trailway, which also provides safe access to Blandford.

The current land supply in North Dorset stands at 3.3 years. It is acknowledged that to address the housing shortfall, sites outside of the defined settlement boundaries need to come forward in locations that are sustainable. Part of the site up to the pub car park and including the Inn, is located within the Conservation Area and the remainder of the site is within the setting of the designated area.

Because of the need to consider the effect of the development on designated heritage assets and the reference to these in footnote 6 of the NPPF the 'tilted balance' in paragraph 11d is not triggered unless the proposal can first pass the simple balancing exercises in paragraph 195 (in cases where harm to the significance of a designated heritage asset is judged to be substantial), or 196 (where any harm is found to be less than substantial). The impact on heritage is assessed in the following section. This is discussed further in the heritage section.

Weighing in favour of the proposal is the contribution that 9 dwellings would make towards the current lack of a 5 year housing land supply. Also, the contribution that the proposal would make to the future viability of the Public House is a material consideration in this case.

Policy 27 of the Local Plan seeks to retain valued community facilities and if such facilities need to diversify to maintain their presence in a local village, then policy 27 states that the Council would consider favourably applications for new uses in addition to the existing use. The addition of 3 letting rooms would be of benefit to the business and would add to the current letting rooms that were provided in around 2005.

Access

The application is in outline with access for consideration at this stage. The application is supported by a Transport Statement which confirms that the application is compliant with Manual for Streets

The Highway Authority has confirmed that adequate visibility can be achieved onto the A350, without compromising road safety.

The highway impact of the scheme cannot be considered to be severe having regard to the requirements within the NPPF paragraph 109 which states that development should only be

prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Although this is an outline application, the reserved matters application has the ability to address the needs of people with disabilities and reduced mobility through the design of the layout, and to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

As the proposal would not result in a significant amount of transport movements, a Travel Plan is not required.

Amenity

Although only illustrative at this stage, the indicative layout demonstrates that the proposed dwellings would be located approximately 10m to the east of the existing dwellings to the west of the A350. The orientation of the dwellings would not give rise to overlooking. The orientation also prevents the new development adversely impacting upon light for these dwellings.

Concerns have been raised as the indicative car park area extends towards the bungalows that are located in River Lane. These properties share a close relationship with the site. There is scope for the layout to adequately address the proximity to the rear of these dwellings at the reserved matters stage. The layout and landscaping must respond positively to the proximity of these dwellings. There is sufficient room to provide soft landscaping to lessen the impact on the bungalows which are set at a lower level than the application site. Loss of the view across the meadow from private properties is not a material planning consideration.

The addition of outside space has the potential to impact on the amenity of residents. However, the relationship that dwellings share with the public house is already close and the use of additional outside space is not considered to give rise to adverse impact on the adjacent dwellings.

Having regard to the requirements of policy 24 and 25 of the Local Plan Part 1, the amenity of surrounding land users would be safeguarded at acceptable levels.

Conservation Area and Listed Buildings

Paragraph 193 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Harm to the significance of a designated heritage asset can arise from its alteration, destruction, or from development within its setting. Any harm should require clear and convincing justification. This advice is reflected in Policy 5 of the Local Plan.

Part of the site lies within the Conservation Area. The boundary stops just past the public house. The car park of the public house and the rest of the site are located outside of the designated area. In view of this, consideration of the impact of the development on the Conservation Area and its setting is required in this instance. Given the sites close relationship with the existing development in River Lane, Greenfield Road and Green Close, officers consider that the proposed development would not erode the established settlement pattern of the village. With the appropriate siting of the buildings and landscaping, particularly to the car park area which is currently devoid of any meaningful softening, there is no reason why the development could not be successfully integrated without harming the setting of the designated area. In this respect, the development would not undermine the character of the village or be harmful to the setting of the Conservation Area.

The character and appearance of the Conservation Area is notably defined by residential development. In view of this, the development of the site is not considered to undermine the significance of the Conservation Area. The view out of the Conservation Area is at present dominated by the hard surfaced area of the pubs car park. The development represents an opportunity to

enhance the views out of the Conservation Area, while at the same time, retaining longer views out to the open countryside.

The two listed structures located on the west side of the A350 are the village pump house and a milestone. There is not any substantive inter-visibility between the site and the listed buildings due to the intervening built form of dwellings and the Inn.

Officers conclude that the resulting harm to setting of the Conservation Area and to the listed buildings is at worst neutral and with the application of robust landscaping and quality design at the reserved matters stage, the impact has the potential to be positive. As the harm is considered to be neutral, the public benefit test that is set out in paragraph 196 of the NPPF is not required.

Landscape and Visual Impact

Concern has been raised in respect of the impact that the scheme would have on the openness of this part of the village and in terms of the impact on views of the surrounding countryside. The site is not located within a protected or locally valued landscape, as described in the NPPF.

Officers consider that although the scheme introduces residential development in an area that is currently an open field, the scheme would be read in the context of being contiguous with the existing built form of the village. The development would result in a narrowing of the view to open countryside as you move out of the village. However, as you move along the A350 the majority of the wider landscape views would be retained.

From wider views, looking back towards the village, again the site would be viewed with a backdrop of built form. Presently, the entrance is dominated by the large hard surfaced area of the car park and there is minimal landscaping. The indicative layout offers an opportunity to provide a high quality entrance to the village.

The setting of the public house would benefit from the creation of more green space adjacent to the building. This would have the benefit of enhancing the public realm by reducing the amount of hard landscaping adjacent to the Inn.

Reference has been made to a 1990 appeal decision where the inspector rejected development in this area. This appeal decision related to a much larger area and it would have been considered under a completely different policy framework. It is therefore not considered to be material to the consideration of this current scheme.

Overall, the landscape impact of the proposal is considered by officers to be acceptable and in accordance with policy 4 of the Local Plan, Part 1.

Flooding and Drainage

The flood risk information has been updated following the advice of DCC Flood Drainage and the Environment Agency (EA). The entire site lies within the low risk flood zone 1. None of the development would be located on the higher risk flood zone 2 and 3.

The mitigation measures recommend the use of permeable surfaces and cellular storage tanks to attenuate groundwater flooding together with raised thresholds and designs for hard surface areas sloping away from dwellings. In some parts of the site, the finished floor level of the dwellings would be required to be raised by approximately 0.75 to 1 metre. This would not result in the levels exceeding the level of the road and therefore the levelling of the site would not result in an incongruous form of development.

Subject to floor levels, flood risk and drainage conditions, both the EA and DCC have raised no objection on flooding or drainage grounds.

Ecology

The ecology report details that a phase one habitat survey was undertaken on the 28th June 2017. The survey showed that overall the site had little ecological value other than its large grassy margins at the base of the hedgerows which could support reptiles. None of the hedgerows could be classed as species-rich. A phase two reptile survey was undertaken on site between the 13th October 2017 and 2nd November 2017. One reptile was recorded on site. The report concludes that it is likely that the site does not have a large carrying capacity for reptiles following the findings of the reptile survey.

The site has potential for slow worms and foraging bats due to the presence of hedgerows. The Biodiversity Mitigation Plan details the requirement for sympathetic lighting so as not to disturb bats. Mitigation is also required in terms of the hedgerow, a buffer strip would be set up, the bird breeding season must be avoided in terms of large-scale hedge removal and a total of 133 meters of like for like new hedgerow planting will take place. In addition, enhancement measures are included in the Biodiversity Mitigation Plan. These measures include bat and bird boxes, native planting, and the use of a wildflower lawn mix.

The application is supported by an approved Biodiversity Mitigation Plan which has been signed off by DCC and dated 15th November 2018. Provided this is made a condition of any approval, the ecology interests of the site will have been adequately addressed.

Conclusion:

Subject to an appropriate and locally distinct design and landscaping at the reserved matters stage, the resultant impact on amenity, highways, heritage, drainage and ecology is considered by officers to be acceptable.

There is a lack of an adequate housing land supply in North Dorset and the deficit is significant at 3.3 years supply. In this context and bearing in mind the Government's objective to significantly boost the supply of homes, significant weight can be attributed to the contribution the development would make to the supply of houses. The NPPF advises that small and medium sized sites can make an important contribution to meeting the housing requirement and are often built out relatively quickly. In addition, the proposal finds policy support in relation to policy 27 of the Local Plan, Part 1 as it provides for an enhanced beer garden and letting rooms that would help to ensure the continued success of the business.

The benefits of the scheme are considered to outweigh any harm and the application is recommended for approval, subject to conditions.

Recommendation: Approve

Conditions:

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

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

2. Application for the approval of any Reserved Matter must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: 17149.13B, P1792/TS/03v2, 17149/25 P1 forming the approved application.

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

5. Before the development is occupied or utilised the first 10.00 metres of each vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

6. A scheme showing precise details of how the access, turning space, garaging and parking will be provided must be submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is occupied or utilised and, thereafter, 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.

7. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

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

8. There must be no gates hung so as to form obstruction to the vehicular accesses serving the site.

Reason: To ensure the free and easy movement of vehicles through the accesses and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

9. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number P1792/TS/03v2 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

10. There shall be no raising of ground levels in mapped flood zones, and the development shall be undertaken in accordance with the levels details shown on the Technical Site Plan (drawing number 17149/25 P1).

Reason: To protect the development from flood risk in accordance with National Planning Policy.

11. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding & associated nuisance, to improve and protect water quality, and to improve habitat and amenity.

12. No development shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and adjacent receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

13. Before any foul drainage pipe work is installed, the details of that system and how it will be implemented to ensure it results in a sealed system, must be submitted to and approved by the Local Planning Authority. The system must be installed entirely in accord with the agreed details.

Reason: To ensure no groundwater enters the foul water drainage system within the site.

14. The letting room accommodation hereby approved shall be used solely for holiday letting and shall not be used for the purpose of providing permanent residential accommodation. Such accommodation shall not be let to any individual or group of individuals for any period which exceeds 28 consecutive days and there shall be no return by any such party within a further 28 days. A register of occupancy shall be kept and shall be made available to the Local Planning Authority following a written request at 14 days notice.

Reason: To ensure that the units are used to support the community facility and not used as permanent residential accommodation.

15. The Biodiversity mitigation measures set out in the approved plan dated 15th November 2018 shall be implemented in full in accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.

Reason: To ensure adequate habitat is provided and subsequently protected to ensure adequate protection for important habitats and species is secured.

Human Rights:

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

Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

Removing or minimising disadvantages suffered by people due to their protected characteristics.

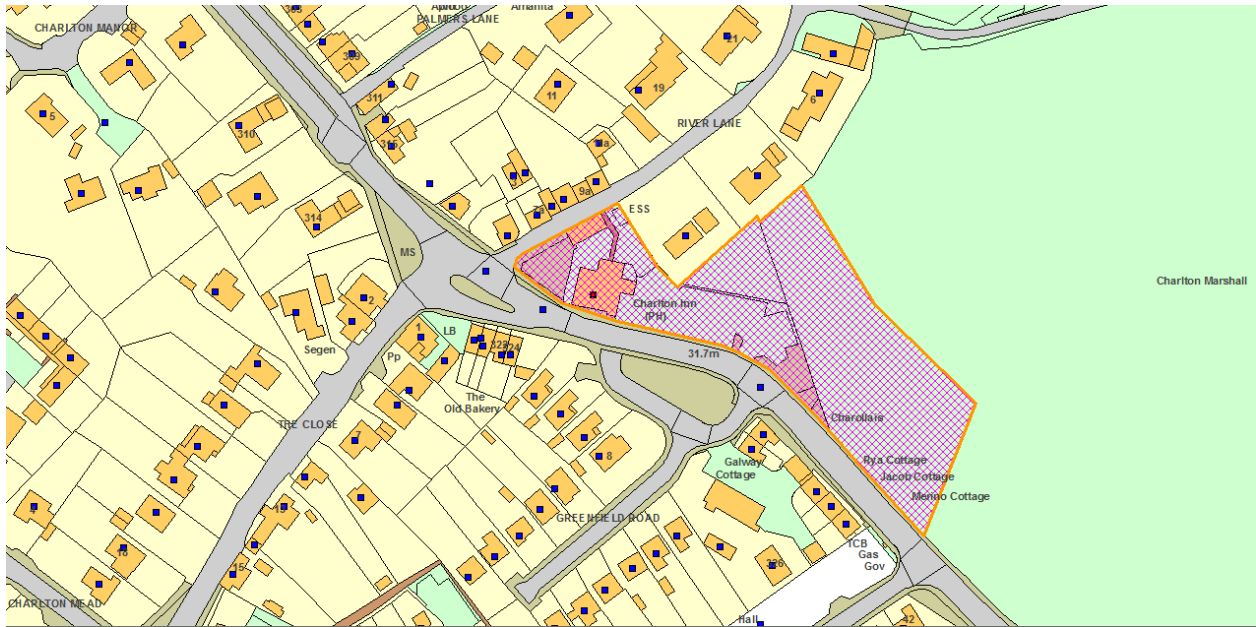
Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.

Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

DECISION:

LOCATION PLAN 2/2018/1576/OUT



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