



# Northern Area Planning Committee

**Date:** Tuesday, 7 March 2023  
**Time:** 2.00 pm  
**Venue:** Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

**Members (Quorum: 6)**

Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Brian Heatley, Carole Jones, Stella Jones, Emma Parker, Val Potheary and Belinda Ridout

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224709 - [megan.r.rochester@dorsetcouncil.gov.uk](mailto:megan.r.rochester@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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## Agenda

Item	Pages
<b>1. APOLOGIES</b>	
To receive any apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To disclose any pecuniary, other registerable or non-registerable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

**3. MINUTES** 5 - 10

To confirm the minutes of the meeting held on Tuesday 24<sup>th</sup> January 2023.

**4. PUBLIC PARTICIPATION**

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee.

[GuidanceforspeakingatPlanningCommittee.doc.pdf](https://www.dorsetcouncil.gov.uk/GuidanceforspeakingatPlanningCommittee.doc.pdf)  
([dorsetcouncil.gov.uk](https://www.dorsetcouncil.gov.uk)).

The deadline for notifying a request to speak is 8.30am on Friday 3<sup>rd</sup> March.

**5. PLANNING APPLICATIONS**

To consider the applications listed below for planning permission.

**6. P/OUT/2021/05708- LAND SOUTH OF THREE ACRES MUSBURY LANE MARNHULL, ERECTION OF 8 DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING** 11 - 40

Erection of up to 7 dwellings with associated access, parking and landscaping (outline application to determine access only)

**7. P/FUL/2021/04282- LAND WEST AND SOUTH OF SANDWAYS FARM NEW ROAD BOURTON DORSET, DEMOLITION OF BARNS, FORM NEW VEHICULAR AND PEDESTRIAN ACCESS, ERECTION OF 30 NO. DWELLINGS, CONSTRUCT VILLAGE HALL WITH PARKING AREA AND PROVISION OF WILDLIFE AREA, ATTENUATION POND AND PUBLIC OPEN SPACE** 41 - 70

Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.

**8. P/VOC/2022/06349, HUNTLEY DOWN MILBORNE ST ANDREW DT11 0LN, ERECT 25 NO. DWELLINGS WITH GARAGES, FORM VEHICULAR ACCESS (WITH VARIATION OF CONDITION 2 OF PLANNING PERMISSION 2/2018/1240/FUL TO AMEND THE APPROVED PLANS IN RELATION TO PLOTS 19, 20 & 21)** 71 - 78

Erect 25 No. dwellings with garages, form vehicular access (with variation of condition 2 of planning permission 2/2018/1240/FUL to amend the approved plans in relation to Plots 19, 20 & 21).

**9. P/LBC/2022/04251, THE LITTLE KEEP BARRACK ROAD DORCHESTER DORSET DT1 1SQ, WORKS TO THE ORDERLY** 79 - 84

**ROOM ONLY. REMOVE EXISTING END GRAIN WOOD BLOCK FLOORING AND BITUMEN BASE. LAY NEW DPM AND LIMECRETE BASE SUPPLY AND LAY NEW END GRAIN WOOD BLOCKS TO MATCH REMOVED BLOCKS.**

Works to the Orderly room only. Remove existing end grain wood block flooring and bitumen base. Lay new DPM and limecrete base supply and lay new end grain wood blocks to match removed blocks.

**10. URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972.

The reason for the urgency shall be recorded in the minutes.

**11. EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

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## NORTHERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON TUESDAY 24 JANUARY 2023

**Present:** Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Les Fry, Brian Heatley, Carole Jones, Emma Parker, Val Potheary and Belinda Ridout

**Present remotely:** Cllrs

**Apologies:** Cllrs Tim Cook and Stella Jones

**Also present:**

**Also present remotely:**

**Officers present (for all or part of the meeting):**

Hannah Smith (Planning Area Manager), Steve Savage (Transport Development Manager), Megan Rochester (Democratic Services Officer), Joshua Kennedy (Apprentice Democratic Services Officer), Hannah Massey (Lawyer - Regulatory), Simon Sharp (Senior Planning Officer) and Emma Ralphs (Planning Officer)

**Officers present remotely (for all or part of the meeting):**

138. **Apologies**

Apologies for absence were received from Cllrs Stella Jones and Tim Cooke.

139. **Declarations of Interest**

Cllr Potheary declared an interest in agenda item 8 as Chairman of Gillingham town council Planning Committee. It was agreed that she could take part in the discussion and vote.

140. **Minutes**

Cllr Sherry Jespersen made an amendment to page 7. The minutes of the meeting held on Tuesday 25<sup>th</sup> October were then confirmed and signed.

141. **Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

142. **Planning Applications**

Members considered written reports submitted on planning applications as set out below.

143. **P/FUL/2022/00788 - Land at E 390615 N 109030 Hyde Farm Salisbury Road Pimperne**

Members were shown aerial photographs as well as the location and access of the site. They were also provided with details of the proposed charging point designs, layout of the site and the proposed screening to help minimise the visual impact on the AONB. The Planning Officer provided members with an update that the site was adjacent to the Dorset AONB but not within it. The recommendation was to grant planning permission.

Steve Savage, Dorset Council Highways, provided details regarding access to the site. He informed members that the site would be accessible using the existing access to the Nursery and Pre-School. This would not increase traffic; therefore, no safety concerns were raised. He also informed members that there was safe footpath links to and from the proposed site making it easily accessible. Steve Savage also raised that there was a shortage and local need for EV charging points in the area. Highways had no objections and therefore supported the application.

### **Public Participation**

The agent hoped the members would support this application as it provided EV charging points in an area which didn't have enough infrastructure and demand was outweighing supply. He informed members that careful consideration had gone into the design and screening of the site to help integration which was a concern of residents. The agent hoped members would support the officer's recommendation as it provided regular charging points.

Those speaking against the application recognised the local need for charging points, however, they highlighted the visual impacts that the proposed site would have on the AONB and settlement boundary and believed the proposal was a visually intrusive facility. They did not believe that the proposed screening was a suitable choice and needed more consideration. Objectors also raised their concerns regarding the children's nursery, they believed the creation of the site would increase traffic creating a dangerous area for parents and children going to and from the site. They also highlighted the impacts on residential immunities as they believed they'd be affected by noise and light pollution. They hoped members would consider their Neighbourhood plan and object to the site.

### **Members questions and comments**

- Clarification regarding site access for pedestrians and universal charging stations.
- Surface water drainage strategy
- Confirmation on Settlement Boundary.
- Impacts on the Lytchett.

- Accessibility of the charging units.
- Enhanced condition for screening of the site
- Members requested a revised condition of the colour of the charging units to soften visual impacts.
- Confirmation of tree species and the maintenance of trees.
- Impacts on light and noise pollution.
- Maintenance of charging points.
- Comments regarding lighting of the site
- Members recognised the need for charging units in the area.
- Road surfacing of the site.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by Cllr Jones and seconded by Cllr Ridout.

**Decision:** To approve subject to conditions.

144. **P/FUL/2021/01338 - Land At Former ATS Euromaster New Road Shaftesbury Dorset**

The planning history of the site was drawn to the Committee's attention. Following previous refusal of the application, members were informed that the development had been reconsidered and appropriate materials had been sought out. With the aid of a visual presentation, members were shown the location of the site as well as aerial photographs, proposed design of the dwellings and floor plans.

In addition to this, the Planning Officer also provided details regarding parking and basement parking. Members were assured that the location of the site was sustainable and created good accessibility to the town centre. It was highlighted that the proposed site had no affordable housing units but did contribute to Dorset Council's 5-year housing plan. The slight gradation of the site was also discussed, and members were informed that drainage had been considered and deemed safe. The recommendation was to grant subject to conditions.

Steve Savage, Dorset Council Highways, provided details regarding an increase in traffic, parking spaces on site and accessibility being acceptable. He informed members that existing footpaths would be reinstated helping to create links to the town centre. He also discussed accessibility for refuse vehicles, members were informed that they would be able to move around the site easily. Highways had no objections.

**Public Participation**

The applicant addressed the committee and informed members of a revised and more appropriate design and scale of the site which provided more units. He informed members that the proposed development was carefully designed to be in keeping with the area and impacts on highways would be minimal. He believed that the site currently had no economic benefits, and the proposed development

would benefit the area. He asked members to grant planning permission subject to conditions in the officer's report.

The Parish Councillor informed members of her disappointment that there was a lack of affordable housing on the site and that a section 106 agreement hadn't been considered. Cllr Edwyn-Jones informed members that the Parish Council didn't object to the proposed site as it would reintroduce the street scape and would positively contribute to Shaftesbury, however, they felt there was a strong need for affordable housing in the area and believed that the materials for building should be carefully considered to help integration with the town and nearby listed buildings.

### **Members questions and comments**

- Members noted that Parish Council inputs are crucial and should be considered.
- Concerns regarding viability issues
- Members requested a revised condition of the materials due to the sensitivity of materials used in the town centre.
- Clarification regarding bin store locations
- Electric vehicle infrastructure
- Water drainage of site
- Members recognised the improvement of the site

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by Cllr Ridout and seconded by Cllr Jones.

**Decision:** To approve planning permission subject to conditions.

#### **145. PHOU202202773- Stonehouse, Wyke Road, Gillingham, Dorset, SP8 4NW**

With the aid of a visual presentation and various photographs of the site location, current property, and proposed extension. The Planning Officer presented to members details regarding the design of the elevation as well as details regarding the proposed materials. The Planning Officer also provided details regarding the site being near a conservation area but not within it. Members were also informed that impacts of residential immunity were minimal. The recommendation was to grant planning permission subject to conditions in the officer's report.

### **Public Participation**

The Applicant's statement informed members that the property was unlisted and wasn't within the conservation area. The reasoning behind the extension and the importance of creating accessibility was discussed. Members were also informed that the design and materials had been considered and would only be built using local materials used for the original house. He asked members to approve planning permission.



## **Members questions and comments**

- Confirmation regarding listed buildings in the area as well as impact on the conservation area.
- Revised application was an improvement.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by Cllr Fry and seconded by Cllr Jones.

**Decision:** To approve planning permission subject to conditions in the officer's report.

In accordance with Procedural Rule 8.1 the committee voted to extend the duration of the meeting.

### 146. **P/FUL/2022/06067- Manor Park Church Of England First School Mellstock Avenue Dorchester Dorset DT1 2BH**

With the aid of a visual presentation, the Planning Officer detailed to members the application of siting of a converted container classroom on the existing playground for the use of the pre-school to provide educational support. Members were provided with details of the site location, distance from neighbouring properties which had minimal impact as well as the proposed appearance and layout. The recommendation was to grant subject to conditions set out in the officer's report.

## **Members questions and comments**

- Good low-cost solution to a needed educational facility.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by Cllr Fry and seconded by Cllr Pothecriy.

**Decision:** To grant permission subject to conditions.

### 147. **Urgent items**

There were no urgent items.

### 148. **Exempt Business**

There was no exempt business.

## **Appendix- Decision List**

**Duration of meeting:** 2.00 - 4.55 pm

**Chairman**

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# Agenda Item 6

<b>Application Number:</b>	P/OUT/2021/05708		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land South of Three Acres Musbury Lane Marnhull		
<b>Proposal:</b>	Erection of up to 7 dwellings with associated access, parking and landscaping (outline application to determine access only)		
<b>Applicant name:</b>	AMB Developments Ltd		
<b>Case Officer:</b>	Simon Sharp		
<b>Ward Member:</b>	Cllr Carr-Jones		
<b>Publicity expiry date:</b>	9 January 2023	<b>Officer site visit date:</b>	Various
<b>Decision due date:</b>	31 October 2022	<b>Ext(s) of time:</b>	31 October 2022

## 1.0 Reason application is going to committee

1.1 At the request of the members.

## 2.0 Summary of recommendation

2.1 A) Grant subject to the conditions listed below, and the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Head of Legal Services to secure the following:

£41,692 – 32 to the Council as a Habitat Loss Compensation Payment.

Or,

B) Refuse permission if the agreement is not completed within 6 months of the date of decision or such extended time as agreed by the Head of Planning.

## 3.0 Reason for the recommendation

3.1 The latest Housing Land Supply position statement (March 2022 version of the April 2021 position) sets out that the supply has risen to 5.17 years. However, since the publication of this figure, there have been two appeals where an Inspector has found the supply to be below 5 years. Whilst these decisions are only a snapshot in time, it does illustrate that further progress is still required. Furthermore, the latest Housing

Delivery Test for North Dorset, published January 2022, is 69%: In the absence of any footnote 7 (of the NPPF) reasons for refusing permission, the tilted balance is therefore still engaged, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 3.2 There is undoubtedly change to the landscape and the character and appearance of this area of Marnhull arising from the proposal. This change is harmful, introducing more built development to a part of the settlement characterised by natural, mature landscaping and a low density of development.
- 3.3 There will also be impacts arising from the increased number of vehicular trips along Musbury Lane and the wider local highway network arising from the development as well as the increase in the area of impermeable surfaces within the site and loss of habitat.
- 3.4 With mitigation secured by conditions, none of the adverse impacts are considered singularly or cumulatively to be significant. The benefits afforded by the proposal during both the construction phase (temporary construction jobs) and the operational phase (homes supplied to meet North Dorset’s housing need) are modest but, nonetheless, outweigh the adverse impacts.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable when applying the tilted balance.
Scale, design, impact on character and appearance	Layout, scale, appearance and landscaping are reserved for subsequent approval. However, the indicative plans demonstrate that up to 7 dwellings can be accommodated on the site with the necessary accessways, parking and manoeuvring areas, drainage, tree retention and new soft landscaping without significant and demonstrable adverse impacts. A condition is required to limit the scale of dwellings to no more than 7 in number and each dwelling to be no more than 2 storeys in height to reference the prevailing character and 1 and 2 storey dwellings in the locality.
Impact on amenity	The indicative layout plan demonstrate that 7 dwellings can be accommodated within the site with separation distances to prevent significant losses of residential amenity.
Economic benefits	There will be benefits derived from the construction phase as well as the supply of homes.
Access and parking	No determinative highway safety issues arising following the submission of amended plans.

EIA (if relevant)	The proposal is not EIA development.
Habitat Regulations	The site is within the River Stour catchment with no current issues in terms of nutrient levels. The site is not within the impact risk zones for this scale of development.

## **5.0 Description of Site**

- 5.1 The site is in the northern part of Marnhull, lying in the Blackmore Vale. Musbury Lane is characterised by an eclectic mix of single and two storey dwellings, predominantly dating from the C20th and within a range of plot sizes. The character is distinctly that of a fringe of a rural village, with countryside close to the site to the east. Musbury Lane is a single lane, adopted highway, devoid of streetlighting and footways.
- 5.2 The site extends to approximately 0.3ha. It is level but elevated approximately 1m above road level. It was the garden of the bungalow to the north but much of the vegetation was cleared and the ground is now characterised by earth and rough grass. Remaining trees, predominantly near to the western and southern boundaries, are protected by a tree preservation order (TPO). A public footpath (public right of way) traverses the site from its south-eastern corner to a point along the western boundary.

## **6.0 Description of Development**

- 6.1 The application is in outline with only access to be considered at this stage. An indicative plan has been submitted, revised during the processing of the application, which now shows 7 dwellings within the site, 5 of which are detached and 2 being semi-detached. The revised description of the development, now for determination, is for up to 7 dwellings.
- 6.2 There is a single vehicular access proposed. This was originally to be from the eastern frontage but was relocated during the processing of the application to be along the southern frontage. The exact siting of the access was revised again to ensure that the necessary visibility splays are over land in the applicant's control or within the highway. Pedestrian access is either via the vehicular access or at the points where the public footpath enters the site at the south-eastern corner and along the western boundary (although the case officer observes that this path doesn't appear to have been used for some time).
- 6.3 The majority of the remaining trees subject to the TPO are to be retained although there is some clearance proposed to secure the alignment of the vehicular access northwards from the southern boundary.

## **7.0 Relevant Planning History**

- 7.1 There is no relevant history for the site itself. The principle of the dwelling to the southwest was allowed at appeal in 2019 (Appeal Ref: APP/N1215/W/19/3222944, Council ref 2/2018/1303/OUT). The appeal decision is referred to in the assessment

section of this report and is a material consideration. The reserved matters for that dwelling (Council ref 2/2020/0801/REM) were granted in October 2020 and it is now built and occupied.

## **8.0 List of Constraints**

- 8.1 Public Footpath N47/111 traverses the site from the southeast corner to the western boundary.
- 8.2 Much of the site is affected by a mapped high risk of groundwater flooding (groundwater levels are mapped as being between 0.025m and 0.5m below the surface). Musbury Lane to the south and east is affected by 1 in 30 and 1 in 100 year pluvial (surface water) flooding risks. The road has been affected by lying water across its width at the time of some of the case officer's site visits and as evidenced in third party submissions.

## **9.0 Consultations**

### **9.1 Marhull Parish Council**

Object to the principle of the proposed development

- a) Inaccurate application – the form states that development has not started, whereas it clearly has with the clearance of the site.
- b) Loss and potential damage to trees - Even though the site has already seen the felling of at least 50 trees, this application seeks to fell more. All the trees that are left on the site are covered by a tree preservation order (TPO) which we would expect to prevent any further loss. Additionally, the large, mature horse chestnut trees that are situated outside the proposed site would be vulnerable to root damage caused by construction traffic and works on the site.
- c) Lack of adequate surface water retention measures - The site is on a considerable gradient, rising from southeast to northwest and the site level varies between 0.6m and over 1m above the surface of the lane. Being in a flood zone 1 area does not mean that local flooding does not occur. Historically the lane has flooded regularly with the site contributing to that water runoff, even with the large number of trees providing a good amount of leaf canopy increasing rain interception and roots allowing deeper surface water penetration and retention. The clearance of trees already having taken place will inevitably create more frequent and worsening flooding of the lane. Constructing an access road and seven dwellings, even if the driveways are permeable, will only exacerbate this issue.
- d) Traffic generation onto a single lane highway near a blind bend 45m away - Musbury Lane is a typical, old country lane, consisting of a single carriageway with no passing places. It is a quiet lane, usually used by residents of the lane itself and occasional farm vehicles. On a daily basis, there is probably more cycle, horse and foot traffic than vehicular traffic traversing its length. There is

a sharp bend just beyond the limits of the sight line to the left of the junction which gives very little reaction time for anyone approaching the junction from the north. This is very likely to increase the risk of accidents. 7 three- and four-bedroom properties represents an 80% increase in properties based on the lane and will likely result in a doubling of local traffic onto the lane itself.

- e) Out of character with the local area. All of the properties on Musbury Lane have frontages and access directly onto the lane. This proposed development is creating an access road which means none of the proposed dwellings will have direct access onto the lane and most do not front onto it. This is totally out of character and will create the impression of an 'estate'. This area of the village very much has a rural ambience which will be lost with the proposed access arrangement and density of housing proposed.
- f) This application is not in accordance with the spatial strategy for North Dorset as set out in the Local Plan - In the last 5 years, there have been 42 dwellings built – about twice the rate experienced in the 10 years between the last two Census dates (2001 – 2011). In the period April 2021 to March 2026, there are already extant consents which mean that the number of homes will increase by 169 dwellings. This rate of growth going forward (34 dwellings per annum) is a significant exponential increase for the village. It would mean that since 2016 the village (parish) would have grown by 211 dwellings – a 22% increase. This is not what the Local Plan envisaged. The level of housing growth for Stalbridge and the larger villages set out in the Local Plan was based on 825 dwellings over the 20 years from April 2011. Split proportionately (based on settlement size) this would equate to about 80 – 90 dwellings in Marnhull – which is already exceeded just half way through the plan period. Surely this degree of divergence from the Spatial Strategy – which was specifically drafted to avoid development in rural areas given that these are inherently less sustainable than the towns – should be resisted.
- g) There is nothing in the proposals to suggest that this will improve the current level of service provision, increase options for public transport, or bring businesses to this rural part of the County, that would justify this as a sustainable form of development. It will inevitably increase car-borne trips and undermine the Council's declared climate emergency.
- h) Negative impact on the natural environment - Unfortunately, and unforgivably, there already has been much harm done to the natural environment on this site. Much of the habitat used by various mammal, avian and amphibian species has been harmed and, in some cases, obliterated. Measures recommended in the ecological assessment report will not go far enough to bring back some of this wildlife.

## 9.2 DC Highways

No objection subject to conditions.

## 9.3 DC Trees

Comments: -

- a) This revised proposal sees a reduction of hard landscaping and with the properties orientated further away from trees compared to the original.
- b) Note that the access point has been moved and this means that trees in this area will be lost, and this is shown to be mitigated by way of new tree planting. A further detailed landscaping scheme will be required as part of a planning condition together with a comprehensive post planting management and maintenance schedule for the period of 5 years following completion of the development.
- c) Also ask that notification of the completion of planting be conditioned; this will enable the Tree Officer to apply a further Tree Preservation Order (TPO) to the new trees on site to ensure their longevity in the setting.
- d) The 4 trees abutting 3 Acres seem to have a layby to the west, what is the purpose of this layby? Is it for visitor parking, if yes, tree species must be chosen sensibly as we would not support species that could, in future become a nuisance as this would mean that their longevity would be compromised. These trees are considered important due to their potential to provide some privacy and screening and I would prefer to see this line of trees extended further northwards to minimise overlooking from Unit 7 to Three Acres.
- e) Would ask that a mix of species are proposed to avoid multiple losses of trees of the same species due to disease etc. This issue is also relevant to Unit 1 where, due to a reduced curtilage area, a native mixed species hedge to be maintained at 1.8m along the northern boundary would help provide some screening and would be supported by the Tree Officer.

#### 9.4 DC Rights of Way

No objection - As the applicant is aware, the line of this footpath is incorrectly recorded on the definitive map as shown on the attached plan and they have currently accommodated the line of it within the development. I can report that the request for the Definitive Map Modification Order has been submitted to the Planning Inspectorate for determination. I do not know a timeframe for this process to be dealt with, but it should be within the next 12 – 18 months.

I have no objection to the proposed development, as shown in the plans accompanying the application. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.

#### 9.5 DC Waste and Recycling Collection

Objected to the original indicative layout. No response to the revisions. In relation to the original indicate layout, they advise: -

“We will need to see a detailed tracking plan to ensure Refuse collection vehicle access is acceptable and any turning heads are suitable and sufficient in size. Our



guidance for developers should be reviewed. A flowing network with minimal turning heads is preferred. If no access is required bin collection points all need to be within distances detailed in our guidance for developers, or bins need to be put out for collection next to the public highway. From what I have seen this development does not comply.”

**9.6 DC Building Control**

- a) Road access to comply with Approved Document ADB Vol 1 B5 Access for fire rescue service vehicles.
- b) Recommend foundations be designed by structural engineer due to the removal of trees and remaining trees on clay soils.

**9.7 DC Natural Environment Team (NET)**

A Biodiversity Plan has been approved, but also a compensatory payment is also necessary for loss of habitat.

**9.8 Other Representations received**

Total - Objections	Total - No Objections	Total - Comments
77	3	0
Petitions Objecting		Petitions Supporting
0		0
0 Signatures		0 Signatures

**9.9 Objections on the grounds of: -**

**Principle/Lack of need**

- a) There is no need for more development in Marnhull, especially with the Government now removing enforced building allocation.
- b) Marnhull has already had many new houses, more than its 'quota'. The Local Plan gave an estimate that Marnhull would need to provide approximately 80 dwellings to 2031. We already have 139 either built or with development approved, with another 27 recommended for approval by Planning Officers and yet another application for 70 dwellings now allowed at appeal.
- c) This development is outside the village settlement boundary defined in the adopted Local Plan.
- d) Seven is still 87.5% of eight, this amendment is a not meaningful or material 12.5% reduction.

- e) These houses proposed are large executive houses which will be at least £750 -£800,000, not affordable houses. This is not what our village needs. We need affordable homes to keep our village families; unfortunately both the village schools are declining in numbers - St. Gregory's a few years ago' had 120 children now it is under 90 children. Families are having to move out of Marnhull to be able to afford their own homes. This village does not need further executive style homes.
- f) There are no jobs locally and services are stretched to breaking point.
- g) The planning application states this development is within walking distance of a doctors' surgery. This may be true, but it must be pointed out that the surgery is rarely open due to a lack of doctors and this situation is not likely to improve in the medium to long term.
- h) The sewage pumping station is located at the lower end of Musbury Lane; will this cope with the extra strain from the proposed development?

### **Highway safety**

- i) Musbury Lane is completely inadequate for an additional 7 new dwellings which will attract a significant increase in traffic including the owners cars, friends and family visitors, delivery vehicles (including HGVs), service vehicles (including HGVs), emergency services etc..
- j) The narrow width, lack of footway, lack of lighting and substantial increase in vehicular traffic will mean a significant increase in the danger to pedestrians, cyclists and horse riders all of whom regularly use Musbury Lane. Walkers include residents from Iver House, a home for members of the community with learning disabilities.
- k) The proposed access road is directly between two tight bends in a lane just over 3m wide, and the maximum width of the proposed access road is restricted by the boundary of Oakside to the South and the 11kV SSEN 3-phase power pole to the North.
- l) No HGVs could possibly access the proposed road to enable any delivery of road-building or construction plant or materials to the proposed site.
- m) Substandard Visibility for the right turn splay - contrary to Manual for Streets. A cyclist with an average handlebar width of 420mm riding 0.5 m from the kerbside on a narrow lane occupies 0.75m of road from the kerb. In this situation, a cyclist travelling north down the hill of Musbury Lane to this bend could reasonably choose to hug the bend at 0.5m from the kerb as Wayside's 6ft high hedge initially obscures the far side of the road. This cyclist would

enter the visibility splay unseen. Other road users including pedestrians could occupy this blind spot – there is no footpath.

- n) Substandard Visibility for the left turn splay - Given the width of the road at the end of the splay, a car/motorcyclist/cyclist could all cross the centre line to overtake pedestrians or cyclists or avoid an obstruction like freestanding water that commonly collects there. Indeed, they are likely to commonly do this if they maintain their trajectory in the road relative to the side of the road of the proposed junction as they have been traveling down the straight 3m wide Musbury Lane immediately behind. All road users could easily occupy the blind spot created. If it is accepted that vehicles, motorcycles, cyclists and horse riders can and do commonly cross the “centre line” of the road, this design significantly diverges from MfS guidance.
- o) Substandard visibility - If they weren't permitted in Love Lane, which has less traffic, why are they permitted here?
- p) Musbury Lane bottleneck - If built, once the owners of the properties coming down the hill have blocked their driveways (which they obviously will), I don't see how another x14 cars can ever get out. You're either going to be waiting for ages, causing bottlenecks at both ends or face the risk of running into a tractor on Hains Lane.
- q) Conflict with farm traffic; The road is regularly used by farmers with tractors and trailers and the frequency increases during harvest season.

### **Flooding**

- r) Musbury Lane has flooded on numerous occasions.
- s) The pumping station often gets overloaded which has led to foul water flooding that area of Musbury lane. Also, the culverted stream running under this area similarly gets overwhelmed in heavy rain. This culvert is not drawn on the plans.
- t) The amended proposed site entrance is now closer to the Pumping Station and Nutwood Cottage, and will be 1 metre or higher than the road, allowing water to cascade down the hard surface of the site entrance down into Musbury Lane.
- u) The flood risk has been increased by the large number of trees felled which would have absorbed water which will now increase the risk of flooding.
- v) Flood water entered Nutwood Cottage 2021 hence the concern of the increased risk caused by the development.

### **Biodiversity and trees**

- w) Witnessed men on diggers and dumpers over many weeks destroying what was a beautiful, designated woodland. This was soul destroying to see, day after day. As were the resultant bonfires which went on for many more days. Had it not been for a temporary TPO being placed on the site, I believe that there would not be a tree left standing.
  - x) Following the unacceptable and irregular loss of mature trees prior to the submission of the application, we note that a further nine trees are due to be removed in these proposals which will have a further adverse impact on bio-diversity, flooding and landscape quality.
  - y) Loss of bio-diversity affecting wildlife including the protected greater crested nets and bats species. The wildlife was abundant; owls, bats hedgehogs, rabbits, badgers and great crested newts and so many birds the birdsong was just amazing. This has all declined since the woodland on site was removed.
  - z) We note that the report now recognises that this area is a habitat for great crested newts and indeed these newts have been observed on land either side of the proposed development. We therefore believe that the destruction of the pond in spring of 2021 was a criminal offence and should be investigated further by the relevant authorities.
- aa) Our back garden contains a pond (which is within 100m of the site) and we regularly see great crested newts, common newts, grass snakes and slow worms in or around our pond. We are sure the local newts would have used the destroyed pond as a breeding site.
- bb) Birds heard and seen regularly on weekly walks close to the proposed development site include Great spotted woodpecker, Green woodpecker, Buzzard, Sparrowhawk, Greenfinch, Goldfinch, Bullfinch, Blackcap, Garden Warbler, Swallow, House Martin, Tawny owl, Raven, Kestrel, Buzzard, Nuthatch, Goldcrest, Redwing and Fieldfare.
- cc) Numerous dragonflies have also been observed and noted close to the site in Musbury Lane including Southern Hawker and Banded Demoiselle which the ecological survey would not have picked up in flight in November (as they would have been in their larval stage in local water bodies/ courses at this time of year).
- dd) Given that the site was cleared prior to the Ecological Assessment being completed, it is hard to see how the policy below can now be upheld.  
 “Developments are expected to respect the natural environment including the designated sites, valued landscapes and other features that make it special. Developments should be shaped by the natural environment so that the benefits it provides are enhanced and not degraded.” - p.69 North Dorset Local Plan Part

### **Loss of character, visual amenity and tranquillity**

- ee) Marnhull, being such a special, quiet, rural village would undoubtedly lose its unique character if this application went ahead.
- ff) This mini suburban cul-de-sac housing estate is poorly sited, is typical of poor sporadic development and totally out of character with this rural, attractive Dorset village.
- gg) Musbury Lane is a single track lane with 12, mainly detached properties. The properties are of a variety of style and age, with most having their own driveway and large established gardens. This planning application seeks to build 8 dwellings within a fairly small area of land with a 6 metre wide access road adjoining a 3 metre lane! This development would be extremely prominent and incongruous to the surrounding properties and character of Musbury.
- hh) The cleared area also poses a risk of windthrow to the precious mature Horse Chestnut and Lime trees present as they are now very exposed to high winds.
- ii) Musbury Lane is a beautiful single track sunken lane which was bounded by hedges and mature trees until the area in question was devastated by wholesale felling of trees, removal of hedges, and filling in of a large pond.
- jj) Contrary to Local Plan page 64 - "The landscape character of the District will be protected through retention of the features that characterise the area. Where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme."

### **Lack of renewables and response to climate change**

- kk) The proposal has made little attempt to position the dwellings to make use of renewable energy. Dwellings should be orientated with south facing roofs that are not shaded, to make use of the potential of PV panels. Only 2 out of the 7 partially meet that criteria. Trees should be provided to shade parts of houses in summer, to mitigate the effects of increasing temperatures due to climate change and to save on air conditioning.
- ll) Little thought, or priority seems to have been applied to this by Planners, despite a Climate Emergency being declared in Dorset 2 years ago. I have yet to see more than one dwelling in all the houses built in Marnhull (or even those that have been approved, 139) since 2018, to have an integral PV system, or PV panels installed on the roof during initial build. This makes a mockery of all the grand words coming out of County Hall.

### **Loss of residential amenity**

mm) Any new houses on the application site would cause overlooking and loss of privacy to neighbouring properties in Musbury Lane.

### **Other matters**

nn) Cable routes – The latest plan proposes that the electricity pole carrying High Voltage (hv) cables is relocated. The electricity pole currently stands in the middle of the proposed junction. The entire plausibility of this access site position relies on the successful removal of this pole. No details are given regarding how this objective is to be achieved beyond the drawing of this pole relocated to a specific position 7m to the south. I believe that these details have to be a material consideration at an outline planning stage.

oo) Three very old stone cottage external walls directly abut the lane edge of Musbury Lane (Hazeldene Cottage, Knotts Cottage and Pond Farm). Increased traffic risks undermining all these properties.

pp) Precedent – The granting of this application contrary to a number of planning policies and principles would create a precedent for other similar developments to be granted.

qq) Inaccurate Plans – There remain inaccuracies with the plans despite the number of amendments that have been received. These focus on the boundary with Oakside, which is the dwelling recently built and occupied to the southwest.

rr) Publicity - Neighbours should have been sent individual letters.

### **9.10 In Support: -**

- a) The pond and its entire contents were carefully relocated nearer to the bungalow in a larger new pond so it can be enjoyed from the inside as well as from the outside.
- b) It was confirmed in writing from the Council that the trees were not protected prior to their felling.
- c) It would be great to see some new dwellings at this end of the village, and a natural progression off the lane. After looking at the planning I think it's fitting to the area, and matching with the other new build that's being built next to it. This could be the perfect opportunity to get young families into the village, and make use of the two local village schools.

## **10.0 Development Plan policies**

### **10.1 Saved Policies of the District Wide Local Plan (2003)**

The site is outside of the saved settlement limits.

### **10.2 North Dorset Local Plan Part 1 (2016)**

In the context of the site's location outside of the saved settlement limits, the following policies are considered relevant;-

- 1 – Presumption in Favour of Sustainable Development
- 2 – Core Spatial Strategy
- 4 – The Natural Environment
- 6 – Housing Distribution
- 7 – Delivering Homes
- 20 – The Countryside
- 23 – Parking
- 24 – Design Policy
- 25 – Amenity

## **11.0 Other material considerations**

### **11.1 Dorset Council Local Plan**

The Dorset Council Local Plan Options Consultation took place between 18 January and 15 March 2021. The Plan remains at a very early stage in the process towards adoption. Negligible weight is afforded to it as a material consideration at this time.

### **11.2 Marnhull Neighbourhood Plan**

An area for the Plan was designated in 2020 but preparation has not advanced past this point. Negligible weight is afforded as result of this lack of progress.

### **11.3 Appeal decisions**

- a) The dwelling to the southeast of the site was allowed on appeal in 2019 (appeal Ref: APP/N1215/W/19/3222944 Land north of Elmside, Musbury Lane). The development plan was the same and the previous iteration of the NPPF (see below) was in force. The Council's housing supply at the time was 3.3 years for the North Dorset area (it is now published at 5.17). Nevertheless, the appeal inspector's comments are still a material consideration afforded some limited weight in the assessment of this application, particularly in relation to the site's context.

- b) Similarly, a more recent appeal decision, albeit for a much larger site elsewhere in the parish, is afforded some weight in the assessment. This appeal for land north of Crown Road was allowed in July 2022 (appeal reference APP/D1265/W/21/3289314). The inspector's comments are relevant in relation to an evaluation of Marnhull's sustainability in terms of services and facilities and the Council's housing land supply position.

#### **11.4 National Planning Policy Framework (2021)**

Noting the following sections :-

1. Introduction
2. Achieving sustainable development
3. Plan-making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting Sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the built environment.

#### **11.5 Housing Delivery Test and Housing Supply**

The latest Housing Delivery Test (HDT) for North Dorset, published January 2022, is 69%. The current published housing land supply position is 5.17 years (version 2 of April 2021 position published March 2022). A material consideration in respect of the land supply position is that there have been two recent appeals where it was decided by the Inspector in each case that the supply at the time of the appeals was below 5 years.

#### **12.0 Human rights**

12.1 Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

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

#### **13.0 Public Sector Equalities Duty**



13.1 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.

13.2 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 Public Sector Equalities Duty.

13.3 Having had regard to the requirements of the Public Sector Equalities Duty, it is considered that the proposed indicative layout provides opportunities for those members of the community with protected characteristics, specifically those with mobility difficulties (disabled) to not be disadvantaged. Of note is the layout and footprints will permit the ability for dwellings to be developed with accessible floorplans and gardens.

13.4 The change of levels from Musbury Lane to the site will provide a potential challenge for level access but there is clearly space for the access to be engineered to have gradients of 1 in 20 or less. There is also potential to provide enhanced accessibility along the public right of way as a result of the development.

13.5 Access to Marnhull’s services and facilities could provide some challenges in terms of gradients enroute for those residents with mobility difficulties. The lack of footways and lighting also provide challenges for people with, say, visual impairments. Consideration is given to such matters in the overall assessment of the site’s location.

13.6 Third party representations have brought the case officer’s attention to the fact that Musbury Lane is used by pedestrians for exercise and the physical and mental enrichment afforded by the tranquillity and rural character. These pedestrians include residents of Ivers House, the local residential home for adults with learning disabilities. The changes to the character of Musbury Lane as a result of the development in the form of increased traffic levels and the changes to the balance between the natural and built environment will affect this experience. This has been considered in the assessment of the proposal.

## 14.0 Financial benefits

What	Amount / value
Material Considerations	
Employment during construction	Support construction sector.
Spend in the local economy	Spend from future residents of the development
Non Material Considerations	
Contributions to Council Tax	As per appropriate charging bands

## 15.0 Climate Implications

- 15.1 There will inevitably be trips to and from the site by vehicles with internal combustion engines. Although the proportion of the trips by internal combustion engine powered vehicles will diminish over time as the predicted use of battery electric vehicles (BEVs) increases, their use to access the site must still be considered as part of its carbon footprint. BEVs also have a carbon footprint of their own.
- 15.2 Third party representations suggest that the proposed dwellings are not sited and orientated in a way to accrue the benefits of solar gain for passive heating and for energy transfer via photo-voltaic cells. The plans are indicative only but do evidence how dwellings can be sited with south and west facing roof slopes to exploit the potential of solar energy.
- 15.3 Notwithstanding the fact that the proposed indicative orientation of the dwellings will allow opportunities for domestic photo-voltaic installations and that they could be insulated to a standard above Building Regulations and use installations such as air source heat pumps, it is assumed there will be a reliance on the grid for energy (the energy generation for which is still reliant, for now, on non-renewable sources).
- 15.4 There will be embedded energy costs derived from the construction phase (derived from the production and transport of the materials and the energy consumed during the build itself).

## 16.0 Planning Assessment

### Principle

- 16.1 The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- 16.2 In this context it is clear that the proposal conflicts in part with the Local Plan Part 1 insofar as the site falls outside of the saved settlement limits and is not development that is supported by policy 20.

16.3 However, notwithstanding that the published housing supply position is now 5.17 years, there are clear consequences of the Government's 69% Housing Delivery Test Measurement for North Dorset. Under paragraph 11 of the NPPF, the basket of policies most relevant to the determination of the application are considered to be out of date. The consequences of this, are that the NPPF's tilted balance is engaged and planning permission should be granted unless:

- (i) specific policies in the framework indicate that development should be refused; or
- (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

16.4 Criterion (i) are the "footnote 7" reasons detailed in the NPPF. These are:-

- a) Habitats sites, including Special Areas of Conservation (SACs), Special Protection Areas (SPAs), proposed SACs and SPAs and existing and proposed Ramsar sites, as well as Sites of Special Scientific Interest (SSSI). In this instance, there are no such sites affected (the site falls outside of the drainage catchments for both the Somerset Levels (Ramsar) and Poole Harbour (SAC)).
- b) Green Belt and/or Local Green Space designations – The site is some distance from such designations and its development would not affect them.
- c) Area of Outstanding Natural Beauty – The site is not within either the Dorset or Cranborne Chase and West Wiltshire Downs AONBs. A development of the modest scale proposed, in this location, will not affect the setting of the AONBs.
- d) National Park – None affected.
- e) Irreplaceable habitats – None affected.
- f) Designated heritage assets such as conservation areas or listed buildings (and other heritage assets of archaeological interest) – None affected.
- g) Areas at risk of flooding or coastal change – This matter is considered in the following sub-section.

### **Flood risk**

16.5 New development should be steered to areas with the lowest risk of flooding from any source. These sources are fluvial (river and sea), pluvial (surface water), and groundwater. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

16.6 There is also a need to ensure that flooding is not increased on and off the site as a result of the development, factoring in allowances for climate change.

- 16.7 The site is within flood zone 1 as defined by the Environment Agency, the land at the lowest probability of flooding from fluvial sources (river and sea). It is also within the lowest risk area for pluvial (surface water) flooding, albeit Musbury Lane itself is at high risk of surface water flooding as evidenced by the case officer's observations on site following heavy rain, images submitted by third party objectors, and the comments from the Parish Council. This is not surprising given the impermeable surface of the road, the lack of gulley capacity to deal with flows and the fact that the road is lower than surrounding land, including the site.
- 16.8 In this context, whilst the site is within the sequentially preferred low risk/probability zones for fluvial and pluvial flooding, there is clearly potential that its development could increase pluvial flooding on the road and this could spread to existing dwellings.
- 16.9 In addition to the potential for the development to increase pluvial flooding, it is also noted that the JBA data for ground water flooding maps most of the site (and land to the southwest and northeast) in the high risk zone (groundwater levels are between 0.025m and 0.5m below the surface).
- 16.10 In response to this mapping the applicant undertook trial pit investigations and these evidence that the site is not in an area at high risk or even medium risk of groundwater flooding. Ground water levels are not within 0.5m of the surface. These on-site investigations are considered to be robust evidence in contrast to the broader mapping undertaken by JBA. Their strategy for surface water drainage also evidences how water can be attenuated within the site so that the discharges off site are no different to the current flows.
- 16.11 Indeed, whilst noting that layout, landscaping and appearance are matters reserved for subsequent approval, the indicative plan does demonstrate that the areas not to be developed are sufficient to provide the necessary on-site attenuation whether that be in the form of ponds, swales or oversized pipes.
- 16.12 The development cannot be a panacea for existing issues. There is no doubt that there is surface water flooding within the lane and that, with climate change, this is likely to increase. However, with appropriate surface water drainage systems in place, these increases will not be as a result of the development. The details of the drainage system can be agreed by condition and through the submission of the layout and landscaping reserved matters.
- 16.13 In summary, the sequential test is passed; the development is located on land at the lowest risk of flooding from all sources. It will also not increase flooding off and on

site. This is, therefore, not a reason for refusal and does not engage NPPF footnote 7.

### **Benefits**

16.14 In the absence of footnote 7 (of the NPPF) reasons for refusing permission it is criterion (ii) of paragraph 11 (d) of the NPPF and not (i) that is applicable here. As such, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF, taken as a whole. This will be discussed further in the following sections.

16.15 The new dwellings would secure benefits in the form of a small contribution to future housing provision and a social benefit, given the housing shortfall; there would be an economic investment both from their construction and subsequent occupation. These benefits are modest but still meaningful in the application of the tilted balance.

### **Sustainability of location**

16.16 The sustainability of development is still informed by the Council's spatial strategy as set out in Local Plan Policy 2. It is considered consistent with the NPPF 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.

16.17 Policy 6 of the Local Plan identifies Marnhull as one of 18 larger villages in the Plan area. Whilst the majority of housing growth over the plan period is focused on the four main towns, it does envisage at least 825 dwellings within these larger villages and Stalbridge. The focus is on the meeting "local housing needs" (as explained in supporting paragraph 5.9) and the scale will "reflect cumulative local and essential rural needs and local viability considerations" (paragraph 5.11).

16.18 There are key points to note from this policy and its supporting text. Firstly, it does not provide a ceiling for the number of dwellings that should be accommodated in the 18 larger villages. It also does not place a quantum of development that will be appropriate for each settlement, or indeed, each development; the judgement is on a case by case basis. Therefore, in response to one of the Parish Council's objections, there is no ceiling for Marnhull's growth, the judgement is whether the scale of growth is commensurate to the village's offer of services and facilities and its size.

16.19 The third and, perhaps most fundamental point, is that the policy explicitly recognises that these settlements provide the level of sustainability to accommodate, growth. The Local Plan may have envisaged that this need would be identified at the "local level" (paragraph 5.27) via, for example, the neighbourhood planning process, local surveys and assessments to establish the functional need for occupational dwellings. However, the list of sources of evidence is not exhaustive and the fact

that the Council needs to boost delivery at a North Dorset level must be afforded substantial weight with regards to this point. It demonstrates the need for the housing and, applying policy 6's distribution, Marnhull is an appropriate location to meet some of this need.

16.20 With regards to the site's specific location in relation to Marnhull's services and facilities, it is acknowledged that travel to these destinations via foot or bicycle would need to be along Musbury Lane, lacking in street lighting and segregated footways. There is also a moderate climb. However, this is not materially dissimilar to sites within the settlement limits; it is a characteristic of Marnhull. Furthermore, in paragraph 22 of their decision letter, the Inspector for the adjoining site commented:

"The site is sustainable and within easy walking distance of the day to day services and facilities available within Marnhull; it would reduce the reliance on the private car; and, it would provide support for the vitality of Marnhull through the use of local services and facilities."

Whilst each application must be considered on its own merits, officers consider that this conclusion applies equally to the proposal under consideration.

### **Scale of growth afforded by the development**

16.21 The number of households recorded in the parish in 2011 was 905. It is acknowledged that there has been a supply of dwellings since 2011. 7 dwellings represents less than 1% growth and is considered to be commensurate in scale to the size of the settlement and the services and facilities that it provides.

### **Housing tenure and type mix**

16.22 The lack of affordable (as defined by the NPPF) dwellings is not a determinative issue; the quantum of development proposed falls below the Local Plan policy and NPPF threshold.

16.23 The layout plan shows three dwelling types, one of which is a semi-detached type and the others being detached types. Both types of dwellings are needed in the overall North Dorset mix and reflect the wider mix in this part of Marnhull.

### **Highway safety**

16.24 Many of the representations received raise comments in relation to highway safety matters. These include: -

- a) The increase in vehicular use of Musbury Lane as a result of the development. The case officer observed that there are 18 dwellings (including

those on Musbury Close), the second access to a farmstead and the access to the pumping station currently served by the Lane. The proposed 7 dwellings would constitute a 35% increase in the number of properties served or a 39% increase in the number of dwellings served. This is clearly a substantial increase in relative terms.

- b) The narrow nature of Musbury Lane. The case officer measured the width of the metalled carriageway and, in a number of places, it is less than 4m. This is clearly a single lane with no ability for even cars to pass safely side by side. The case officer observed a driveway entrance being used on one occasion as a passing bay, albeit traffic levels were very light and on many of his visits, there was no vehicular trips along its length at all.
- c) The bend at the south-eastern corner of the site which, due to the raised land levels on the inside, affords very limited visibility (estimated to be approximately 5m).
- d) The road surface imperfections and liability to flood – These characteristics were both noted by the case officer.
- e) The lack of lighting and segregated footway (albeit a raised earth pathway parallel to the metalled carriage is used for the north-south section of the lane).
- f) The speed of some motorists; again the case officer observed an incident whereby a motorist was clearly exceeding the mandatory 30mph limit.
- g) The perceived reliance of the submission on inaccurate plans and the use of third party land outside of the applicant's control and the adopted highway for visibility splays.

16.25 In response to these representations a number of iterations of an access plan have been received. In addition, the Council's own surveyor has undertaken an on-site check of the applicant's survey data and confirmed that it is accurate.

16.26 The latest iteration of the access plan has been checked by the Council's Highways Officer and is considered acceptable. It includes access radii, widths and gradients to the Council's standards. It also shows visibility splays in both directions within land either in the applicant's control or within the adopted highway. The plan also shows accurately the adopted metalled carriageway widths and the relationship with existing accesses.

- 16.27 The exact construction specification of the access will need to be agreed and the visibility splays and access layout secured for the lifetime of the development, but these matters can be secured by conditions as advised by the Highways Officer.
- 16.28 Musbury Lane is clearly compromised by its width and, in places, restricted visibility. The number of vehicular trips will also significantly increase in relative terms. However, the absolute total number of trips associated with existing trips and those generated as a result of the development will still be acceptably accommodated by this highway with no determinative highway safety implications.
- 16.29 The speed of motorists is a police enforcement matter and not a material planning consideration.

### **Design, Landscape and Visual Impact, public footpath and tree protection**

- 16.30 There has already been a significant change in the character of the site to how it appeared 2 years ago. Then it was characterised by mature landscaping within a large domestic garden setting. A significant proportion of the landscaping was cleared during 2021 but this clearance did not constitute development. Neither was the tree clearance within the controls of the Council as local planning authority; the trees were, at the time of clearance, not protected (they were not the subject of tree preservation orders nor within a conservation area). As a result of reports of the clearances a tree preservation order was made (and subsequently confirmed) to afford protection to the remaining trees.
- 16.31 Despite the clearances, the site is still very rural and sylvan in character and appearance. It is devoid of development and a number of trees remain, important individually and collectively. The existence of the public right of way traversing the site and Musbury Lane abutting both the southern and eastern boundaries means that all of the site and these trees are visible from public receptors.
- 16.32 In this context, the development of 7 dwellings and the associated access driveways, parking, boundary treatments etc. can only result in change to this character and appearance. There will, undoubtedly, be landscape harm and an adverse visual impact as result of this development.
- 16.33 The development of 7 dwellings would result in a net density of circa 22 dwellings to the hectare (dph). The indicative plan shows an average plot ratio (building footprint area to plot area) of 1:5. It is acknowledged that the 3 existing dwellings to the north of the site were developed at a much lower density and plot ratios than this, but members are referred to the location plan and will notice the density of existing development to the south and southwest of the site on Musbury Lane. This mix of older cottages and infill late C20th development (and one very recently constructed dwelling), are at densities and plot ratios that the proposed development references.



This is to say that the density and plot ratios proposed are in keeping with those prevailing in the locality of the development.

- 16.34 Similarly, again whilst it is acknowledged that the site's character and appearance has changed markedly in the last two years, its development with 7 dwellings will reference the prevailing balance between the natural and built environment subject to an appropriate landscaping scheme being approved at the reserved matters stage. The indicative proposed layout shows that this is clearly possible.
- 16.35 The indicative layout plan also demonstrates that it is possible for the footprints of the dwellings (and detached garages) to be sited not only sufficient distances away from the protected trees to be beyond their root protection areas, but also that the risk of future residents applying to fell or dramatically reduce the height of these trees, will be minimised. It is likely that, at the layout reserved matters stage, permitted development rights will need to be withdrawn for outbuildings and extensions. It would not be reasonable or necessary to restrict such rights at this outline stage in the advance of a layout being determined.
- 16.36 There are no indicative designs for the dwellings, but such drawings are not necessary for this outline application in this location. The area is characterised by an eclectic mix of dwelling sizes, ages and architectural styles. These include late C20th bungalows, a two-storey C21st detached house, and much older vernacular cottages. No architectural style, size of dwelling or height predominates. This provides scope for a variety of architectural languages to be employed within the site and these can be considered and determined at the "appearance" reserved matters stage.
- 16.37 What is clear is that there are no dwellings over two-storeys in height and to propose any would be at odds with the prevailing character. It is therefore necessary to, not only ensure that the scale of dwellings amounts to no more than seven, but none are over two-storeys in height.
- 16.38 The indicative layout demonstrates how the definitive line of the public right of way can be accommodated within the development. The experience of users of this path will irrevocably change as a result of the development. This change will be particularly marked from how it was experienced two years ago. Nevertheless, with the density of development proposed there is clear scope for the experience of users to still be pleasant, albeit different. Weight must also be afforded to the fact that this public right of way does not appear to be regularly used.
- 16.39 Some representations object to the proposal because it proposes a spur serving multiple dwellings projecting off Musbury Lane. They say that this is out of character with the single line of dwellings along the lane. However, such developments are not

without precedent in the area; Musbury Close is one such example on the same lane as the development.

16.40 In summary, it is not considered that the development of up to 7 dwellings of up to 2 storeys in height will result in significant landscape harm, significant visual impact or be out of character with the area.

### **Biodiversity and tree protection**

16.41 A number of representations have been received raising concerns that the site's biodiversity value will be irrevocably lost as a result of the development and, indeed, has already been lost as result of the clearances. A wide range of flora and fauna are cited within the representations.

16.42 The central area of the site has been cleared but many trees do and will remain after development. Assessment of the site has included considerations of it pre-clearance. The site was clearly a habitat for a varied flora and fauna, even the man-made pond that was situated within it and subsequently relocated to adjoining retained garden land.

16.43 Biodiversity mitigation, compensation and net gain measures have been agreed by the Council's Natural Environment Team. Members will note that the compensation is in the form of a monetary payment and this will need to be secured via a section 106 obligation. The recommendation is worded accordingly.

### **Residential amenity**

16.44 The construction phase will undoubtedly result in increases in noise and disturbances in comparison to the current agricultural use of the site. This will include from machinery being used on site as well as vehicles coming and going. The period will be temporary and for 7 dwellings and is therefore no likely to be more than a year in duration. As such this impact is not of the magnitude to withhold planning permission. Nevertheless, given the residential uses adjoining the site and the proximity of some of them to Musbury Lane (which is the only available construction access route), it is reasonable to restrict the hours of construction and associated deliveries by condition. Indeed, it would be reasonable to require a detailed Construction Environmental Management Plan to be secured by condition.

16.45 The operational phase of the development is also likely to yield changes to the residential amenity experienced by those neighbouring the site and representations have been received to this effect.

16.46 In terms of overlooking and overshadowing, there are distances of over 25m achieved on the indicative plan between any of the proposed dwellings and the

nearest existing dwelling. If one assumes that the dwellings are sited as per the indicative plan, windows at first floor level for plots 1, 6 and 7 could give rise to overlooking into the currently private rear garden of Three Acres.

16.47 From plot 1 this would be from a window in the gable end and, at the layout and appearance reserved matters stage, it would easily be possible to design plot 1's dwelling so that there were no windows serving habitable rooms within this northern gable end facing Three Acres.

16.48 Plot 7, if sited as per the indicative plan, would be at an angle to Three Acres Garden. Again, with no first floor windows in the northeast facing gable end, overlooking of Three Acres could be restricted. The proposed planting alongside the "lay by" would restrict overlooking from plot 6's and 7's front elevation windows. The Council's Tree Officer has made recommendations about this planting which can be incorporated into the landscaping reserved matters and still serve to be the necessary screening.

16.49 With a limit to a two-storey height there will be no significant loss of residential amenity to occupiers of either the proposed or existing dwellings as a result of overlooking and/or overshadowing.

16.50 Turning to noise and disturbance from the operational phase, it is noted that there will be a significant change in vehicular levels on Musbury Lane. However, the cumulative number of trips associated with the development and existing trips will still be low in absolute terms. It is contended that this will not result in a material adverse change in the levels of amenity experienced by occupiers of the existing dwellings that line Musbury Lane to the southwest.

16.51 The location of the access is not opposite any of the existing dwelling's windows. As a result, a loss of amenity from headlight glare is not a material consideration arising from this development.

### **Other matters**

16.52 The existence of the overhead cable within the alignment of the proposed access is not considered to be a determinative planning consideration. The indicative layout plan evidences that there is clearly scope for it to be rerouted underground within land in the applicant's control and without affecting the protected trees to be retained.

16.53 The undermining of existing cottages on Musbury Lane caused by, for example, construction traffic travelling to and from the site is not a material planning consideration in this instance; there is no evidence to suggest that the relatively light

volumes of traffic associated with this minor development of 7 dwellings would cause such issues to these buildings.

16.54 The development would have no impact on the setting of Pond Farmhouse, which is grade II listed, and located approximately 160 metres from the application site.

## **17.0 Balance and conclusions**

17.1 The site is located outside of the village's settlement boundary. Therefore, the proposal would result in conflict with Policy 2 and 20 of the development plan. However, the location of the development is considered to be sustainable, as set out above. Local Plan Policies 2, 6 and 20 are consistent with the aims of the NPPF. In recent appeal decisions the Council's spatial strategy was deemed to be broadly consistent with the Framework and still of significance. However, in light of the Council's Housing Delivery, at this time, these should only be given moderate weight.

17.2 The latest Housing Land Supply position statement (March 2022 version of the April 2021 position) sets out that the supply has risen to 5.17 years. However, since the publication of this figure, there have been two appeals where an Inspector has found the supply to be below 5 years. Whilst these decisions are only a snapshot in time, it does illustrate that further progress is still required. Furthermore, the latest Housing Delivery Test for North Dorset, published January 2022, is 69%: In the absence of any footnote 7 (of the NPPF) reasons for refusing permission, the tilted balance is therefore still engaged, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

17.3 There is undoubtedly change to the landscape and the character and appearance of this area of Marnhull arising from the proposal. This change is harmful, introducing more built development to a part of the settlement characterised by natural, mature landscaping and a low density of development.

17.4 There will also be impacts arising from the increased number of vehicular trips along Musbury Lane and the wider local highway network arising from the development as well as the increase in the area of impermeable surfaces within the site and loss of habitat.

17.5 With mitigation secured by conditions, none of the adverse impacts are considered singularly or cumulatively to be significant. The benefits afforded by the proposal during both the construction phase (temporary construction jobs) and the operational phase (homes supplied to meet North Dorset's housing need) are modest but, nonetheless, not outweighed by the adverse impacts.

## **18.0 Recommendation**

18.1 A) Grant subject to the conditions listed below, and the completion of planning obligation under section 106 of the Town and Country Planning Act 1990 (as

amended) in a form to be agreed by the Head of Legal Services to secure the following:

£41,692 – 32 to the Council as a Habitat Loss Compensation Payment.

Or,

B) Refuse permission if the agreement is not completed within 6 months of the date of decision or such extended time as agreed by the Head of Planning.

**Conditions:**

1. No part of the development hereby approved shall commence until details of all reserved matters (layout, scale, appearance and landscaping) have been submitted to and approved in writing by the Local Planning Authority.
  - a) The layout and landscaping reserved matters shall include the retention of the existing trees within the site other than those marked in red on the indicative site plan 21156.01 K.
  - b) The layout and appearance reserved matters shall include the provision of cycle storage for each dwelling.
  - c) The appearance and scale reserved matters shall not include buildings of more than two storeys in height.
  - d) The landscaping reserved matters shall be accompanied by a full and final Arboricultural Method Statement prepared by a qualified arboriculturist.
  - e) The landscaping reserved matters shall include all of the planting and landscaping features detailed in the Plan in Section I of the Biodiversity Plan dated 12<sup>th</sup> January 2023 and approved by the Council's Natural Environment Team on the 25<sup>th</sup> January 2023.
  - f) The appearance reserved matters shall include all of the biodiversity net gain features to be installed on the dwellings as detailed on the Plan in Section I of the Biodiversity Plan dated 12<sup>th</sup> January 2023 and approved by the Council's Natural Environment Team on the 25<sup>th</sup> January 2023.
  - g) The landscaping and reserved matters shall include a timetable for the implementation of the measures detailed in e) and f) above.

Reason: This is an outline permission with these matters reserved for subsequent approval and to ensure protection of trees to be retained, to secure biodiversity mitigation and net gain and to respond acceptability to the prevailing character and appearance of the area.

2. An application for 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.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

4. This permission is for up to 7 dwellings.

Reason: Given the requirement for a mix of dwellings, a layout of dwellings that references the prevailing character, safe access arrangements, biodiversity gain and sustainable drainage, a maximum of 7 dwellings can be appropriately accommodated on the site.

5. Prior to commencement of development hereby approved a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include

- a) Delivery hours.
- b) Hours of construction (which shall exclude weekends and public/bank holidays and anytime between 18.00 and 07.00).
- c) Contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities).

The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of the residential amenity of adjoining occupiers and residents of other dwellings on Musbury Lane with dwellings that adjoin the carriageway.

6. No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out,

- a) Measures for the controlling of movements of plant and machinery within the site during the construction phase.
- b) The setting out and protection of exclusion zones within 5m of watercourses within and abutting the site and root protection areas of retained trees.
- c) The hours when mechanised plant and machinery will be used on site and the specification for any lighting to be used during the construction phase.
- d) Pollution spillage avoidance measures.

The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: To secure the necessary biodiversity impact avoidance and mitigation measures.

7. No development shall commence until details have been submitted to and approved in writing by the local planning authority of a scheme for surface water drainage for the development. The scheme shall include a timetable for its implementation relative to the development's construction and shall be implemented in accordance with that approved timetable. The said drainage shall be retained thereafter for the lifetime of the development.

Reason: To ensure that the risk of flooding within and off the site does not increase as a result of the development, factoring in increases in rainwater events as a result of climate change.

8. Before any of the dwellings hereby approved are first occupied, the access including the visibility splay detailed on the approved plans 21156.05 K and 21156.01 K shall be completed. The said access and visibility splays shall be retained thereafter for the lifetime of the development with the visibility splays free of operational development and vegetation exceeding 0.6 metres above the relative level of the adjacent carriageway.

Reason: In the interests of highway safety.

9. Before any of the dwellings hereby approved are first occupied the first 10.00 metres of the vehicle 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.

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

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

## **Informatives**

1. As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

2. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
3. The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the "guidance notes for residential developments" document (<https://www.dorsetcouncil.gov.uk/bins-recycling-and-litter/documents/guidance-for-developers-a4-booklet-may-2020.pdf>). Dorset Council Waste Services can be contacted by telephone at 01305 225474.
4. In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.  
The council works with applicants/agents in a positive and proactive manner by:
  - offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.In this case:
  - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.



# Agenda Item 7

<b>Application Number:</b>	P/FUL/2021/04282		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land West And South Of Sandways Farm New Road Bourton Dorset		
<b>Proposal:</b>	Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.		
<b>Applicant name:</b>	T & A Land Ltd		
<b>Case Officer:</b>	Robert Lennis		
<b>Ward Member(s):</b>	Cllr Potheary, Cllr Walsh, Cllr Rideout		
<b>Publicity expiry date:</b>	19 April 2022	<b>Officer site visit date:</b>	10/12/2021
<b>Decision due date:</b>	2 March 2022	<b>Ext(s) of time:</b>	12/04/2022

## 1.0 Reason for Committee Decision:

The application is reported to Committee as the Parish Council has a contrary view to that of your Officers.

## 2.0 Summary of recommendation:

Refuse planning permission for the following reasons:

- the proposed development would have a detrimental impact on the setting of the adjacent listed building, leading to less than substantial harm that is not outweighed by public benefits.
- the design and layout of the proposal does not meet the aims and objectives of the Bourton Neighbourhood Plan for delivering a new village hall,
- the proposed development site is in the countryside and would exceed the area needed to deliver the aims and objectives of Policy 5 – New Village Hall in the BNP,
- the proposed provision of 3no. affordable houses rather than the policy compliant 40% (12no. affordable houses) is contrary to LPP1 Policy 8.
- the absence of a completed and signed S106 legal agreement to secure any affordable housing and off-site planning contributions

The reasons for refusal are set out in full at section 17.0 of this report.

### 3.0 Reason for the recommendation:

As set out in section 15.0:

- The principle of development is not acceptable. The proposed development would result in 30 dwellings in the countryside in excess of the Bourton Neighbourhood Plan (BNP) Policy 5 which envisaged approximately 10 dwellings and contrary to Policies 2, 6, and 20 of North Dorset Local Plan Part 1 (LPP1).
- The proposal would only provide 3no. affordable houses rather than the policy compliant 12no. (40%) contrary to LPP1 Policy 8: Affordable Housing.
- The proposed layout, design, and scale would be contrary to BNP Policy 5: New Village Hall. In particular, the Policy seeks 1.5ha of amenity space relatively level and immediately adjacent to the hall. The proposal would only provide less than 0.7ha at a distance from the hall. Furthermore, the proposal does not consist of mainly small family homes, and the overall layout and appearance are considered to be poor.
- The proposal would result in less than substantial harm to the designated heritage asset, Sandways Farmhouse, next-door contrary to Policy 5: The Historic Environment of the North Dorset Local Plan Part 1 with no clear or convincing justification why this has to be necessary.

### 4.0 Key planning issues

Issue	Conclusion
Principle of development	<p>The principle of development in the countryside is contrary to the Council's spatial strategy. Policy 5 of the BNP is permissive of some development in the countryside to enable the delivery of land for a village hall and amenity space: 0.3ha of land for the village hall, 0.3ha for housing (apprx 10no. houses), and 1.5ha for amenity space.</p> <p>The proposed development is contrary to this policy as it seeks to provide an excessive amount of land for housing (1.7ha), and an under provision of amenity space 0.7ha. While the proposed layout is considered to be poor as it does not meet the aim of the policy to put the</p>

	amenity space “immediately adjacent” to the hall.
Affordable Housing	The proposal is contrary to Local Plan Policy 8 as it requires 40% affordable housing to be provided but the proposal is only offering 10%.
Housing Delivery	Proposal would make a contribution towards housing delivery across the area of the former District.
Layout	The layout of the proposal is poor and does not meet the aims of BNP Policy 5 with some land unaccounted for, poor relationship between housing and parking, and the separation of the proposed community hall and amenity space.
Scale/Design	The scale of the dwellings seems large and does not meet the aims of the BNP to deliver small family homes. The design and detailing of the units results in blank elevations being provided, poor window proportions and dwellings that do not address the open space.
Impact on Residential Amenity	Proposal is not considered to have significant harm to residential amenity. Acoustic report has been assessed and is considered to be robust.
Highways	As submitted, the estate road layout is not suitable for adoption. There are also potential safety issues relating to the lack of forward visibility around bends.
Heritage	Proposal would result in less than substantial harm to Sandways Farm (designated heritage asset) and there is not considered to be sufficient public benefits to outweigh this harm.
Landscape	Proposals would not have an adverse impact on surrounding landscape. However, additional planting at this stage and should be conditioned.
Flooding/Drainage	Site is flood zone 1, no in-principle objection to the proposed scheme on flood or surface water management grounds.
Biodiversity	A Biodiversity Certificate of Approval has been issued by NET team.

## **5.0 Description of Site**

The application site is located centrally within Bourton and is accessed off the New Road. The site is approximately 3.10 hectares in size and comprises two fields connected with a stream running between them. There is a large agricultural barn with pig sties in the north-eastern section of the site adjacent to the main road, and a former hay barn in the lower field.

The application site is not located within the settlement boundary of Bourton, however 0.3ha of the site is allocated for residential development in conjunction with a village hall in the Bourton Neighbourhood Plan (adopted 2018).

There are two listed buildings located immediately northeast of the site, Sandways Farm (Grade II) and Sandways, 1-5 Main Road (Grade II).

The surrounding area is characterised by dwellings in a more linear pattern of development addressing the main road, with a largely undeveloped, agricultural character of open fields behind these dwellings.

## **6.0 Description of Development**

Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.

## **7.0 Relevant Planning History**

2/2017/1357/OUT – No decision issued, S106 not completed, resolution to Grant at Committee. Demolish agricultural buildings, carry out improvements to existing access points, provision of new access road and modification of existing access track. Develop land for residential purposes and a new Village Hall with associated parking (outline application to determine access).

## **8.0 List of Constraints**

SSSI impact risk zone;

- NE - SSSI (5km buffer): Dead Maid Quarry ;
- NE - SSSI (5km buffer): Heath Hill Farm ;
- NE - SSSI (5km buffer): Whitesheet Hill ;

Setting of Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Setting of the Area of Outstanding Natural Beauty - Name: Cranborne Chase & West Wiltshire Downs (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000).

## **9.0 Consultations**

All consultee responses can be viewed in full on the website.

### **Consultees**

#### **1. Parish - Bourton Parish Council**

- Supports application - BPC consider that the pledge by T&A Land to provide/construct a New Village Hall, represents a generous and unique gift to the community, which more than outweighs the reduction in AH numbers within the proposed scheme of development. Given the situation relating to our existing village hall, BPC consider that the T&A Land offer represents the only viable opportunity that Bourton will have in the future to secure a new village hall/community hall.

#### **2. Ward Councillor - Gillingham Ward**

- No comments received

#### **3. Dorset Police Architectural Liaison Officer**

- In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements.

#### **4. Parish - Silton Parish Council**

- No comments received

#### **5. Dorset Council – Landscape**

- No objection subject to conditions.

#### **6. Dorset Council - Education Officer**

- No comments received

#### **7. Dorset Council - Natural Environment Team**

- No objection; Certificate of Approval issued for the biodiversity mitigation plan

#### **8. Dorset Council - Flood Risk Manager – Highways**

- No in-principle objection, subject to condition.

- 9. Dorset Council - Highways**
  - No objection subject to conditions.
- 10. Dorset Council - Dorset Waste Partnership**
  - Concerns have been addressed.
- 11. Dorset Council - Conservation Officers**
  - Unable to support application, reasons set out below.
- 12. Dorset Council - Trees (North/West/Weymouth)**
  - No comments received
- 13. Dorset Council - Urban Design**
  - Unable to support application, reasons set out below.
- 14. Dorset Council - Housing Enabling Team**
  - Unable to support, the provision of affordable homes on a scheme in Bourton should provide 40% (12 affordable units).
- 15. Dorset Council - Planning Policy**
  - Unable to support, contrary to BNP and LP policies as set out in this report.
- 16. Public Health Dorset**
  - No comments received
- 17. Dorset Council - Economic Development and Tourism**
  - No comments received
- 18. Dorset Council - Environmental Services – Protection**
  - No comments received
- 19. Dorset Council - Building Control North Team**
  - If clay soils are present, consideration to their depths should be suitable in regards to any existing or felled trees.
  - Road layout to comply with ADB B5 access for the fire rescue service.
  - Village Hall to comply with ADB B1 Means of escape
- 20. Dorset Council – Libraries**

- No comments received

**21. Dorset Wildlife Trust**

- No comments received

**22. Dorset Council - Outdoor Recreation**

- No comments received

**23. Wessex Water**

- Wessex Water have formally agreed to a sewer diversion which deals with their initial holding objection.

**24. Natural England**

- Natural England note the submission of a Certificate of Approval (dated 30/11/21) from the DC NET.

**Representations received**

16 objections received for the following reasons:

- Proposal contrary to Policy 5b of the Adopted Bourton Neighbourhood Plan.
- The application proposes less than 1 ha of amenity allocated for amenity land against the 1.5 ha requirement under BNP Policy 5b
- No provision for local play
- Adverse impact on the Grade 2 Listed Sandways Farmhouse
- Lack of affordable housing
- Non-compliant viability report
- Impact on amenity land
- Drainage impacts of development
- Access issues
- Development outside development boundary
- Scale of development would negatively impact the visual character of the area
- Construction impacts on neighbouring amenity
- Impact on public footpaths
- Damaging impacts on greenfield site
- No justification for increase in housing from 9 to 30 dwellings
- Impact on wildlife and biodiversity
- Local services and facilities cannot cope with quantum of development
- Poor design of dwellings
- Limited amenity space outside the proposed hall

7 Letters of support received for the following reasons:

- New village hall is needed
- Application would provide new recreational space and wildlife areas
- Community does not have funds to build new village hall
- Parking for over 30 cars would ease congestion in the village
- Good mix of houses
- 3 affordable houses are a benefit
- Low density development appropriate to context
- Existing village hall is not fit for purpose

1 Letter made observations neither in support or against the proposal.

## 10.0 Relevant Development Plan Policies

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

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Core Spatial Strategy
- Policy 3: Climate Change
- Policy 4: The Natural Environment
- Policy 5: The Historic Environment
- Policy 6: Housing Distribution
- Policy 7: Delivering Homes
- Policy 8: Affordable Housing
- Policy 9: Rural Exception Affordable Housing
- Policy 11: The Economy
- Policy 13: Grey Infrastructure
- Policy 14: Social Infrastructure
- Policy 15: Green Infrastructure
- Policy 23: Parking
- Policy 24: Design
- Policy 25: Amenity

*North Dorset District Wide Local Plan (1<sup>st</sup> Revision) Adopted 2003:*

- Policy 1.7- Development within Settlement Boundaries

*Bourton Neighbourhood Plan (2016-2031)*

The Bourton Neighbourhood Plan was 'made' on 26 January 2018, and forms part of the Development Plan. Relevant policies applicable to this outline applications are:



Policy 1: Landscape setting

Policy 2: Settlement Pattern and Character

Policy 3: Building Design and Form

Policy 4: Traffic and Parking.

Policy 5: New Village Hall

- a) Either of the two sites indicated on the proposals map is deemed to be suitable for the development of a village hall and the provision of associated amenity space. A small housing development may also be provided on the site in order to make the release of the land viable for the use of a village hall and associated amenity space.
- b) The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:
  - approximately 0.3 ha to the village hall and a parking and manoeuvring area, and;
  - approximately 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
  - approximately 0.3 ha to the housing development.
- c) The land for the village hall and amenity space, as specified in criterion b) above if not already transferred to the ownership of the Parish Council shall prior to any grant of planning permission on any part of the site for any aspect of the proposed development be transferred to the ownership of the parish Council as part of a S106 agreement or similar legal instrument. This process will be subject to an open table discussion between the LPA, the Parish Council and the applicant.
- d) The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.
- e) Development proposals for this site are required to include:
  - screening, using native species planting to lessen visual impact and to limit the impact of noise on neighbouring households;
  - the augmentation of ecological value on the site as discussed in the relevant Ecological Impact Assessment;
  - housing consisting mainly of small family homes;
  - measures that protect heritage assets and their setting.

- f) The decision-making process on Planning Applications for the proposed site options will be carried out by the Local Planning Authority in accordance with this policy as part of the plan-led process and having taken into account any other material considerations, including the identified planning considerations of the residents as expressed through the Parish Council.

## Policy 8 – Mitigating and adapting to Climate Change

### **Other material considerations**

#### *National Planning Policy Framework (NPPF):*

1. Introduction
2. Achieving sustainable development
  - Paragraph 11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8), granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
4. Decision-making
  - Paragraph 57 - Planning obligations must only be sought where they meet all of the following tests<sup>1</sup>:
    - a) necessary to make the development acceptable in planning terms;
    - b) directly related to the development; and
    - c) fairly and reasonably related in scale and kind to the development.
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

*Officers note on the Council's current housing land supply:*

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<sup>1</sup> Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

The Council' published housing land supply is 5.17 years. However, there subsequently has been two appeals where an Inspector has found the supply to be less than 5 years. Whilst these appeals are a snapshot in time, they are material considerations. Furthermore, the housing delivery rate is below the housing requirement over the previous three years (less than 75% of)<sup>2</sup>. Therefore, the presumption in favour of sustainable development applies as set out at paragraph 11d i) and ii) of the Framework. It states that where the (local) development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused.

The most relevant policies in this case are considered to be LPP1 Policies 2, 3, 6, 8, 14, 15, and 20, and BNP Policy 3, 5 (excluding the housing land element) , and 8.

In carrying out the decision-making process for this application, members will first need to consider whether the less than substantial harm to the adjacent heritage assets would be significantly and demonstrably outweighed by the public benefits of the scheme when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused. Then, if need, as a second balancing exercise, apply the 'presumption' and weigh up benefits and adverse impacts of the scheme.

#### *National Design Guidance*

Paragraphs 86, 100, 104, 107, 116, 129

#### *Community Infrastructure Levy Regulations 2010*

Regulation 122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

## **11.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

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<sup>2</sup> Housing Delivery Test: Measures net homes delivered in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.

The first protocol of Article 1 Protection of property.

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.

## **12.0 Public Sector Equalities Duty**

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

The Council has considered matters such as disabled parking for the proposed hall, level access to be achieved on all the proposed new buildings, public transport links to services, footpath and pavement, and highway adoptable standards.

## **13.0 Financial benefits**

If members were to grant permission, a s106 obligation would be required to secure affordable housing and financial contributions towards destination play facilities maintenance, allotments, formal outdoor sports, formal outdoor sports maintenance, informal outdoor space maintenance, rights of way enhancements, education, and NHS/GP. These contributions were taken into consideration were taking into account in the viability assessment undertaken by the District Valuer.

The applicant has indicated that it would be willing to enter into a S106 agreement to secure these planning obligations.

## **14.0 Climate Implications**

The applicant submitted an Energy Strategy Statement (ESS). This document is a bit confusing as it seeks to address a West Dorset DC document rather than North Dorset DC’s Local Plan Policy 3 – Climate Change, and Bourton’s NP Policy 8 –

Mitigating and Adapting to Climate Change. As such it does not address, or adequately address, some of the policies objectives of the NDDC LP and BNP.

The ESS presents information related to: minimising carbon emissions, reducing re-using & recycling of waste, delivering sustainable design & construction. It states, amongst of other relevant details, that the proposed development will have a “fabric first” approach along with design standards that will exceed the minimum building regulation standards. The developer will seek to use locally sourced material wherever possible and locally based contractors. It also suggests each house would have an air source heat pump and PV system to match the needs of the dwelling type. However, these details are not shown on the proposed plans for any of the dwellings and would need to be secured either by conditions or a legal agreement.

The conclusions of the ESS are that by implementing the measures as set out the proposed dwellings would achieve a reduction in CO2 emissions below building regulations standards, and an A rating on the environmental impact scale of A-G.

The ESS fails to address anything about the proposed community hall, nor does it say anything about sustainable drainage across the development. It fails to make an assessment in the broader terms of sustainable development which should have regard to local services and shops that are accessible by public transport, walking and cycling. Neither does it provide any insight to how this development would make best use of passive solar design principles.

## **15.0 Planning Assessment**

### *Principle*

The proposed development site is located adjacent of the settlement boundary of Bourton. In policy terms the site is within the ‘countryside’ and any development would normally be strictly controlled, unless it is required to enable essential rural needs to be met. Policy 5 – New Village Hall of the BNP would allow for a small housing development to enable the transfer of land for a new village hall and amenity space.

Of relevance to this application is previous application 2/2017/1357/OUT which proposed a residential development of 9no. dwellings and made provision for a village hall (amenity space was shown on the proposed site layout but was not included in the description of development). The Planning Committee in May 2019 gave a resolution to grant subject to the completion of a section 106 legal agreement. However, the legal agreement was never completed.

This application is submitted in light of Policy 5 of the Bourton Neighbourhood Plan (listed above). This Policy sets out six tests by which proposals for a new village hall

are to be assessed. It is considered that there is little about this scheme which is compliant with this policy. Applying the tests of this Policy it is considered:

- i. Criteria a); is not met as this is not a small housing development. Further, anything over 10 dwellings is considered to be major development.
- ii. Criteria b); is not met as the proposed amenity space of 0.7ha is well below the 1.5ha, and the proposed housing development of approximately 0.3ha envisaged by the BNP is significantly larger at 1.7ha.
- iii. Criteria c); seeks only a transfer of land for the new village hall and amenity space to the Parish Council.
- iv. Criteria d); the applicant would be willing to enter into a legal agreement.
- v. Criteria e); requires housing consisting of mainly small family homes, however only 6 of the 30 dwellings proposed are considered to be small. This criteria also requires measures that protect heritage assets and their setting. The proposed layout does not do that.
- vi. Criteria f) aims to have a plan-led process taking account of other material considerations, but if this proposal cannot demonstrate compliance with this Policy then this criteria would not be met. There have been no material planning considerations advanced by the Parish Council which absolve the applicant from having to comply with LPP1 Policy 8, and the criteria of BNP Policy 5 listed above.

The applicant has not submitted a local needs assessment for the quantum of housing being proposed. As such, the housing element of this application is considered to be addressing a district wide need. Also, because the number of houses proposed greatly exceeds what was envisaged by Policy 5 of the BNP and would require more of the countryside to be lost, LPP1 Policies 2, 6, 8 and 20 should be considered. Policy 2 (Core Spatial Strategy) and Policy 6 (Housing Distribution) of the LPP1 require development to be located in accordance with the spatial strategy which directs development to the four main towns or to meet the local needs of our larger villages (Bourton is identified as one). Policy 20 (The Countryside) aims to strictly control development outside of the defined boundaries of these towns and villages unless it is required to enable essential rural needs to be met. Policy 8 (Affordable Housing) aims to secure 40% of the proposed total number of dwellings as affordable units, or the maximum level of provision achievable as demonstrated in a viability assessment.

At present the Housing Delivery Test for North Dorset DC (as was) is below the Government's requirement, therefore LPP1 Policies are considered to be out-of-date and the presumption in favour of sustainable development applies (paragraph 11d) of the NPPF). That does not mean that Policies are absent or silent and the weight to be given to them in decision-making is a matter for the decision-maker to decide. Officer's consider these Policies: 2, 6, and 20 should be given less than full weight but more than moderate in light of: the Council's Action Plan ([Decision - Dorset Council Housing Delivery Test Action Plan - Dorset Council](#)) to address our housing

delivery, recent appeal decisions, and our published housing land supply. However, Policy 8 (Affordable House) is not considered to be out of date and the objectives of this policy should be given full weight.

The Bourton Neighbourhood Plan was made in 2018 and forms part of adopted development plan. As this is over two years old and in light of the Council's lack of housing delivery no extra protection is afforded the BNP through paragraph 14 of the NPPF. Nonetheless, it is still a material consideration, and Policy 5 should not be seen as limiting housing development as it aims to deliver some housing along with a new village hall and can therefore be afforded full weight in the planning balance along with other BNP policies that do not limit housing development.

### *Affordable Housing*

The Planning Statement accompanying the application states that the quantum of affordable homes has been reduced to 3no. units (or 10% of the total) due to the cost of building the village hall, which will be gifted to the parish council. Therefore, there is a choice being made between the provision of 12no. affordable homes (40% of the total) and a new village hall.

The only requirement of BNP Policy 5 directly related to the provision of a new village hall is for a serviced plot of land to be transferred to the parish council. There is no policy requirement for a village hall to be built and gifted to the parish council.

LPP1 Objective 5 'Meeting the District's Housing Needs' is to deliver more housing, including more affordable housing, that better meets the diverse needs of the District (as was) by ensuring that all new dwellings contribute to overcoming the affordable housing shortfall. To achieve this LPP1 Policy 8 – Affordable Housing states that a development that delivers eleven or more net dwellings in the countryside will contribute 40% of the total number of dwellings as affordable. In cases where it can be demonstrated that a lower level of affordable housing provision can be justified on grounds of viability (taking account of grant funding or any other subsidy) an obligation will be required:

*d) to secure the maximum level of provision achievable at the time of the assessment.*

This application proposes 30no. dwellings comprised of the following mix: 6no. x 5 bed open market houses, 22no. x 3 bed open market houses, and 3no. x 3 bed 'First Home' (which are classified as affordable houses). Hence, the proposal is not compliant with Policy 8 as it only proposes 3no. affordable houses which would equate to 10% and would fall well below the AH requirement of 40% (12no.) being provided on site.

As such the applicant was invited to submit information to the District Valuer (DV) with a view to securing a mutually agreed level of affordable housing provision.

The DV's viability assessment is on the case-file. The summary conclusions are as follows:

"It is my considered and independent opinion that ..." the scheme assessed on a policy compliant basis, providing 40% affordable housing (12 units), S.106 contributions of £335,707 and a Village Hall is *not* financially viable.

Through gradual reduction of policy contributions, it was also considered by the DV that:

- Appraisal 2: a scheme providing 40 % affordable housing (12 units) with no Village Hall is *not* financially viable.
- Appraisal 3: a scheme providing a Village Hall and 3% affordable housing (1 social rented unit) *is* financially viable.
- Appraisal 4: a scheme providing 30% affordable housing (10 units) and no Village Hall *is* financially viable.
- Appraisal 5: the scheme proposed by the applicant, providing a Village Hall and 3 "First" homes at 70% of open market value, *is* financially viable.

As can be seen above the DV has concluded that appraisals 3, 4, and 5 would be financially viable. Note: appraisal 4 sought to find the maximum number of affordable units that could be delivered in a viable scheme with S106 contributions but no community hall. At this time, that would be 10no. affordable homes (or 30% of the total).

The maximum number of affordable housing achievable of the proposed development is 3no. "First" homes (or 10% of the total).

Whilst the DV appraisal is informative and useful, it is important to remember that viability is a single issue which tries to establish the amount of affordable housing a proposed development could provide. It does not take account of other Planning matters set out in this Planning Appraisal.

The Council's Housing Enabling Team, who oversee the provision and stock of social and affordable housing, do not support the proposed development as it stands. In particular, they have noted that there are currently over 3100 households on the Housing Register requiring accommodation across the Dorset Council area. This register demonstrates that there is a high level of housing need across the area with a range of dwelling sizes is required.



The community hall is part of the proposed development in lieu of providing the full policy requirement of affordable housing. The applicant has offered to secure construction of the community hall via a s106 obligation. If members were minded to approve the application then obligations should be in place for the construction of the village hall prior to the occupation of any dwelling and the transfer of amenity land prior to occupation of any dwelling.

### *Housing Delivery*

Notwithstanding the lack of affordable housing proposed, the proposed development would deliver 30no. open market homes and would contribute towards the housing needs of North Dorset. This should be given more than moderate weight in light of the Council's Housing Delivery Test and Housing Land Supply as it would make a valuable contribution towards boosting housing and to a lesser extent affordable housing supply. However, the weighting should be tempered as the proposed size and mix of housing (see below) is contrary to the aim of BNP Policy 5 that seeks to deliver a small family housing scheme.

### *Layout, Design, and Scale*

Your Urban Design Officer is unable to support the proposed development. The question she set out in her comments was *"Do proposals demonstrate that the quantum, layout and design of development is appropriate to the context of the area and accords with the provisions of well-designed places as set out in the National Design Guide and the North Dorset Local Plan, as well as relevant policies in the adopted Bourton Neighbourhood Plan?"*

Policy 5 (Bourton Neighbourhood Plan) states that a small housing development of 0.3ha will be acceptable to facilitate a new village hall. However, proposals include an area of approx. 1.7ha for housing. This is considerably larger than the space allocated within the BNP with 30 houses proposed. It is major development and would have a considerable impact on the rural character of the area and the overall quantum of development should be reduced to be more appropriate to its setting and in line with the provisions of the Neighbourhood Plan.

Additionally, Policy 5 states that the 1.5ha of amenity space should be 'a reasonably level gradient and quality immediately adjacent to the village hall building'. However, the proposed amenity space is approximately 0.7Ha, just under half the required size. It would be remote from the hall located to the south-eastern edge of the site. It also feels: removed from the community and hall it is meant to serve, difficult to access, and isolated with no causal surveillance from surrounding properties. These aspects will affect the use and attractiveness of the space in the future and do not meet the aims of LPP1 Policy 15 Green Infrastructure. The contour of the site is

noted however a better arrangement was presented in the previous outline application ref: 2/2017/1357/OUT.

Principles for creating a well-designed amenity space can be found in LPP1, and National Design Guide

- para 100 'Well-designed places include well-located public spaces that support a wide variety of activities and encourage social interaction, to promote health, well-being, social and civic inclusion' and para 104 'Well-designed public and shared amenity spaces feel safe for people who occupy the buildings around them, and also for visitors and passers-by. They help to overcome crime and the fear of crime'.

- para 107 'A well-designed public space that encourages social interaction is sited so that it is open and accessible to all local communities. It is connected into the movement network, preferably so that people naturally pass through it as they move around.'

While Figure 10.1 of North Dorset Local Plan states 'Where development creates a new, or affects, an existing public space, it should be safe, attractive, uncluttered and well related to the surrounding buildings.

Another important element of any housing layout which affects the character of the area is the building line. Policy 3 of the BNP states that 'All new development shall reflect or reinforce the existing road frontage where a clear historic building line has been established.' To the north of the site the historic buildings of Sandways sit tight against the pavement. This pattern is continued to a slightly lesser degree with the 3 detached properties to the south. While it is recognised that the footprint of the proposed village hall replicates the existing barn, there is the opportunity to reinforce the historic building line and thereby improve the character of the area.

"Development that is not well designed should be refused..." NPPF para 134

With regard to the size and mix of housing proposed, Policy 5 of the BNP requires "... housing consisting mainly of small family homes." The term 'mainly' is taken to mean more than 50% of the total dwellings. However, of the proposals 30no. dwellings only 6no. (House Type E) can be considered 'small' with the remaining 24 dwellings consisting of good-sized semi-detached, and large detached housing. This is in comparison to the 'nationally described space standard':

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

From this it can be seen that a large 3b dwelling of two-storey height would be 102 sqm. Therefore, it is considered that it is reasonable to say that a “small” family home would be 101sqm or less, and any dwelling 102sqm or greater is a large property. (Note: all of the proposed dwellings are two-storey.)

The size (expressed in square meters) of each house type proposed as set out in viability assessment is as follows:

- House Type A – 122.06 sqm
- House Type B – 113.82 sqm
- House Type C – 194.26 sqm
- House Type D – 194.26 sqm
- House Type E – 83.22 sqm
- House Type F – 102.66 sqm
- House Type G – 194.26 sqm
- House Type H – 194.26 sqm
- House Type J – 113.82 sqm

Six of the proposed dwellings are particularly generous with master bedroom suites containing dressing room and ensuite, and large double garages with space above to create a fifth bedroom/annexe/study. While some variation of housing sizes is considered acceptable, this proposal is tilted very much towards providing larger more expensive housing which is not in accordance with the aims of the BNP. Additionally, there is a vacant plot between the village hall and plot 7 which appears to have been left undeveloped for no particular reason.

The poor quality of the layout and inefficient use of land could lead to future applications to build additional dwellings on the vacant land or by subdividing the bigger plots. As such, it is considered that the proposal in terms of layout and housing scale would be an inefficient use of land which is contrary to LPP1 Policy 7 Housing Delivery and NPPF para 125 c) which states “local planning authorities should refuse applications which they consider to fail to make efficient use of land...”

Minor amendments that have been submitted include moving parking spaces for units 1-6 (which presumably include the affordable housing provision) from the rear of a parking court to abutting the rear garden boundaries of the dwellings. They are still poorly related to the units they serve and are not overlooked.

Parking space is a major component of any major residential development and the National Design Guide recognises that at:

- para 86 ‘Well-designed parking is attractive, well-landscaped and sensitively integrated into the built form...its arrangement and positioning relative to buildings limit its impacts, whilst ensuring its is secure and overlooked’ and
- para 116 ‘Where different tenures are provided, they are well integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged.’

The layout here should be reconsidered to in light of this guidance to include well designed and overlooked parking spaces.

In May 2019 Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning department will secure reductions in the carbon footprint of developments. BNP Policy 8 puts this into practice by stating “All new development within Bourton shall seek to achieve high standards of sustainability and, in particular, demonstrate in proposals how design, construction and operation has sought to:...

- c) Adopt and facilitate the flexible development of low and zero carbon energy through a range of technologies;
- d) Adopt best practice in sustainable urban drainage.”

Some information has now been submitted by the applicant with regard to this Policy. This information is considered above in section 14 - Climate Implications. At present it is lacking in details regarding the proposed new hall, passive solar measures, and sustainable urban drainage.

With regard to appearance, the proposed architecture is fairly simple and uninspiring. However, while the materials proposed appear to reflect the local vernacular the use of double roman tiles on house type A, B and E is not considered acceptable in the context which includes a listed building, as the prevailing roofing

material is plain tile and slate. This could be addressed by way of a bespoke condition.

The window detailing on the units is poor. The front elevations of plots, 15-16 and 27- 30, have a barn style window to their front elevation while use of soldier course bricks over windows on other dwellings is at odds with a more traditional architectural approach expected of dwellings in the setting of listed buildings.

The general appearance of the units is not considered to be acceptable. For example, Units 7-10 which are closest to Sandways Farm (Grade II listed building) have relatively blank side elevations with little architectural interest and are not considered to relate well to the listed building; this could also be said of units 17-22. In addition, no information has been provided as to where adequate space for cycle parking, storage for bins and recyclables will be accommodated as required by Policy 24 North Dorset Local Plan.

The village hall would be single storey in height and provides a large main hall that can be used for a range of activities or large community meetings. There are kitchen and storage areas and toilets including disabled cubicles. There is car parking provision for up to 30 cars next to the village hall. The proposed community hall is considered to be of a scale and design that would be appropriate to its function and site-specific context.

### *Impact on Residential Amenity*

The proposed built form, increased vehicular movement, increased domestic noise and activity would all have an impact upon the neighbouring dwellings and the level tranquillity currently enjoyed. However, this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application.

Objections have been received in relation to the noise impacts of the development, particularly noise arising from the village hall. The applicant has submitted an acoustic report, which concludes that the proposals would not be detrimental to the amenity of nearby occupants and the site is suitable for the proposed development. Dorset Council Environmental Protection Team have reviewed the submitted acoustic information and find this to be acceptable subject to condition.

Overall, it is considered that the amenity of adjacent residents can be sufficiently protected.

### *Highways*

Dorset Council Highways Engineers have no objections subject to conditions.

## *Heritage*

The Council has a duty set out in planning law to have special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest. These aims and objectives are also embodied in LPP1 and the NPPF.

Policy 5 (Historic Environment) notes that it is important that heritage assets are protected. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. Any harm to designated and significant undesignated heritage assets will need to be fully justified.

NPPF para. 199 requires that 'great weight' be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require 'clear and convincing justification'.

### *Sandways Farm House – Grade II Listed Building*

The proposals would result in a considerable amount of development on agricultural land which contributes to the setting of the asset insofar as it was historically (until recent years) associated; it illustrates its historic purpose and use; and it demarcates the asset's hamlet edge location between Sandway and Bourton.

The development would result in the loss of the latter. In addition, by virtue of its being undeveloped and in agricultural use, the current setting closely resembles the historic setting and use around the asset, certainly as was in evidence by the mid-19th century, since which time boundary changes have been minimal.

This would therefore result in permanent and irreversible changes to the asset's setting. The scheme is considerably larger than the previous scheme mentioned above and extends new development across the field to the south of the small stream and therefore 'behind' the Sandway plots.

There would also be some changes to the visual experience of the asset through the removal of the complementary (though without architectural and historical interest) barn on the application site. However, there can be no objection to the removal of the farm building in principle and it is felt that the design of the proposed village hall is sufficiently subservient and agricultural in character to permit this loss to be mitigated.

There is also an opportunity for the proposal to improve the historical character of the area through its layout and design as mentioned above.

Taking the above into account, it is considered that the proposals will result in less than substantial harm to this asset's significance.

#### *Sandways, 1-5 Main Road – Grade II Listed Building*

The contributory elements of setting of the asset primarily relate to the spatial relationship with Sandways Farmhouse and the associated visual experience from the road. In this context the surrounding agricultural setting is less relevant as a contributory element of their significance. With that in mind, it is not considered that the development will result in a detrimental impact on these identified elements of setting.

In summary, the proposals would result in less than substantial harm to the significance of a designated heritage asset, meaning that para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal (including, where appropriate, securing optimum viable use), though taking into account the need to give 'great weight' to the asset(s)' conservation. The public benefits of the scheme are the provision of 27no open market houses, 3no affordable houses, and a village hall. However, as set out above the scheme is contrary to the development plan and does not deliver policy compliant affordable housing.

Taking these considerations and the nature and extent of harm set out above, it is not considered that the harm would be outweighed by the public benefits of the scheme. Further regard is given to this in the 'planning balance' section at the end of this report.

#### *Landscape*

Your Landscape Officer has no objection to the proposal subject to conditions. A summary of his comments are as follows: The proposed development site consists of a group of three small pastoral fields to the south of New Road and the settlement of Bourton and the north of the A303. Ground levels rise to the north of the site towards the Cranborne Chase and West Wiltshire Downs AONB.

The majority of the site's boundaries are well treed, however framed and filtered views of the site are possible from adjacent roads, footpaths and bridleways. Middle distant views are also possible from footpaths on the rising slopes to the north of the site. Distant views from footpaths within the AONB are screened by intervening vegetation or diminished by distance.

In marked contrast to the originally submitted Visual Impact Assessment, the amended Landscape and Visual Appraisal complies with current best practice for Landscape and Visual Assessment and the visual representation of development proposals.

He has reviewed this document in detail and would agree with its conclusions that the proposed development would be both visually and physically connected to the existing settlement and would not, as a consequence, dominate or significantly influence landscape and visual character, be out of keeping with its surroundings or dominate key views.

However, he would defer to the Dorset Council Senior Conservation Officer's views that, the proposed development would result in less than substantial harm to the setting of the grade II listed Sandways Farmhouse (LENo.1110352) and as such it would not be sympathetic to local character and history.

He was not convinced that the proposed development would improve the character and quality of the area in which it is located. First because the existing farmland fields do not need 'improvement' per se and second because any associated landscape and visual benefits that would result from the tree, hedgerow and other planting proposed would come at the 'expense' of significant built development and could, in theory be achieved without it.

I would agree that the submitted Landscape Proposals do not include sufficient additional landscape planting to integrate the development into its surroundings or mitigate the proposed developments landscape and visual impact. As such any permission should be conditioned to supply details of hard and soft landscaping prior to commencement in order to meet the aspirations of national and local policy.

### *Flooding/Drainage*

The application site falls within flood zone 1 and is at a low risk of fluvial flooding. However, there is a theoretical flood risk from surface water given the watercourse which is aligned west-east through the centre of the site. The applicant has submitted a combined Flood Risk Assessment & Drainage Strategy (FRA/DS) which has been reviewed by Dorset Council LLFA. The surface water strategy is considered both viable and deliverable, which demonstrates that the proposed development and any adjoining property or infrastructure are not to be placed at increased risk, or worsening.

On the basis of the supporting Flood Risk Assessment & Drainage Strategy (FRA/DS), the LLFA have no in-principle objection to the proposed scheme on flood or surface water management grounds, subject to the attachment of pre-



commencement planning conditions in respect of detailed design and maintenance requirements, and informative.

### *Biodiversity*

The application is within the scope of the Dorset Biodiversity Appraisal Protocol (DBAP) criteria which includes all development sites of 0.1 ha and over or where there are known protected species or important habitats/habitat features.

All Local Authorities have a duty to consider the conservation of biodiversity when determining a planning application. This is in accordance with policies within the local plans and national policy guidance, as well as the duty placed on local authorities under Section 40 of the Natural Environment and Rural Communities Act (2006) to have regard for biodiversity.

Dorset Council Natural Environment Team has assessed the application and has issued a Biodiversity Certificate of Approval. The proposed development would therefore avoid, mitigate and compensate impacts on biodiversity and will provide enhancements and a biodiversity net gain on the site. The proposal is in accordance with Policy ENV2 of The Local Plan, Paragraph 180 of the NPPF and a condition would be needed if permission is granted.

### *Planning Balance*

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

This proposal is driven by the proposed trade-off of affordable homes for a new village hall. We know from representations received that BPC has funding and a program in place to refurbish their existing hall, and that their current village hall is rented from the Diocese of Salisbury with the lease due for renewal in 12 years' time. Bourton has set out through BNP Policy 5 how it aims to deliver a new village hall and noted that this has been a long-standing ambition of the Parish Council.

One particular criteria of BNP Policy 5 that still needs to be reconciled is criteria f) which is predicated on a "plan-led" process. BPC Policy 5 was developed through a plan-led system and went through public examination and placed in their neighbourhood plan to help them achieve their aims of building a new village hall.

The Policy could have been written differently to include additional housing to pay for the entire construction of a new village hall, affordable housing, and the other Policy criteria currently imposed on the site. But, it was not, and, it is questionable whether such a policy would have made it through examination if there was a direct trade-off between a new village hall and a reduced amount of affordable housing.

This is a speculative application that circumvents the “plan-led” process. At the heart of this application are the questions ‘Do you give more weight to the provision of affordable housing?’ or ‘Do you give more weight to the provision of a new village hall?’ Both questions have points that weigh for and against these them, but some of these points are not planning matters and therefore should not be taken into consideration.

The points that come to mind that are material planning matters are:

- There is a great and pressing need for affordable housing in Dorset;
- Bourton PC has a policy to help deliver a new village hall;
- The current village hall is rented and needs refurbishment;

The points that come to mind that are not material planning matters are:

- There are some funds for the village hall to use for either refurbishment or to put toward a new hall;
- The cost of building a new hall will be very expensive and the Parish cannot see how they will be able to finance it;
- The Parish has long-standing ambition to have a new village hall;

On a weighting scale of: significant, moderate, and no weight, it is considered that the where there is a great and pressing need for affordable housing it should be given weight. Your Policy 8 is written to secure the maximum level of affordable housing on the grounds viability; which in this case indicates 10no. dwellings could be provided with a more policy compliant scheme. This is a stated objective of the Council. It is considered that these would be homes for families and people and should not be seen as a bargaining chip in the delivery of more sustainable communities.

BPC’s viewpoint on this matter is noted, “...a sprinkling of ‘affordable housing’ is of less value to the community...”

The provision of 3 affordable housing units can be given some weight in the planning balance. However, as this is substantially less than the policy requirement only moderate weight should be given.

Bourton currently rents their hall and representations received indicate that the Parish has funding in place to refurbish it. Hence, Bourton is not without a hall and

would remain a sustainable location with or without a new hall. That said, a hall, new or old, will always represent some form of a financial burden on a parish. It is noted that the hall lease is due to expire in 12 years but there is no indication that this will not be renewed.

It is understood from a news article sent in, dated Friday 21<sup>st</sup> August 2020, that a three phase refurbishment programme was ready to commence presumably with the blessing of the leaseholder. This article states that the Bourton Village Hall team *"...Having sought professional advice on feasibility, costs and timings we now believe that the present hall with a secure long-term lease, suitably refurbished and with it predictable and low cost-base, is now our preferred way forward..."*. On these points we can ascertain that BPC will not be without a high quality hall. They have a program in place to refurbish the existing hall, subject to a lease extension which presumably was discussed as part and parcel of the refurbishment plans.

The intention of BNP Policy 5 is stated to be "to provide a new village hall with amenity land while respecting the policy requirements for a village in the countryside." Justification for this Policy is stated to be, in part, due to the age of the existing hall and its many limitations. With this clear intention and justification, it is considered that moderate weight could be given to the provision of a new village hall.

It is acknowledged that the cost of building a new village hall will be expensive. It is also acknowledged that Bourton PC has had want of a new village hall for quite some time. However, these two points must be considered separately for rational decision making. Want of an object, no matter how great or long-standing, is not a planning matter.

The expense of having to build a new hall can be great but this needs to be looked at in the round. Funding does come about and Bourton is not the only village that has want of a new hall. Just because funding is not available today does not mean it will not be available tomorrow. The trade-off of building a new hall which would be nice to have but is not absolutely necessary instead of providing more affordable homes is considered to be too steep as it directly effects the lives of those less fortunate. It would also set a poor precedent the ability to use affordable housing as a bargaining tool. On these points it is considered that no weight can be given.

#### *Planning balance - heritage assets*

We have set out above that the proposed development would result in less than substantial harm to the significance of Sandways Farmhouse therefore para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal. In light of BNP Policy 5 the benefits are considered to be: some additional open market housing, and 3no. affordable houses, and the construction of a village hall. Set against would be the harm to the setting of the listed build, a non-

compliant scheme (lacking amenity space, and lacking small family houses) which is also considered to be poorly designed in terms of layout (inefficient use of land) and appearance (not improving the character of the area).

As this is a speculative application it is considered that the open market housing should be given moderate weight as BNP Policy 5 would also be delivering some open market houses on this site.

Para 199 of the NPPF requires 'great weight' to be given to heritage assets' conservation including where there is less than substantial harm to its significance. For the purposes of weighting this harm, significant weight (ie 'great weight') should be given to the less than substantial harm to the significance of Sandways Farmhouse.

There is no justification for a poorly designed, non-complaint scheme. This may seem like simple matters in the overall scheme of things but the harm would be enduring with no recourse. We are encouraged to improve character and appearance of development, and BNP Policy 5 explicitly seeks "measures that protect heritage assets and their setting". Therefore, it is considered that significant weight should be given to each of these matters.

Therefore, in the planning balance on Heritage Assets it is considered that the harm would not be outweighed by the public benefits of the scheme. This provides a clear reason for refusing the application under paragraph 11 footnote 7 of the NPPF where the tilted balance is not engaged.

If members were to come to a different conclusion on the harm to heritage assets or to the level of public benefit, then it would be necessary to engage the 'presumption in favour' and weigh up the benefits and adverse impacts of the proposed development in light of other policy considerations.

*Planning balance - without heritage assets and the tilted balance is engaged*

LPP1 Policies 2, 6 and 20 are consistent with the aims of the NPPF. In recent appeal decisions the Council's spatial strategy was deemed to be broadly consistent with the Framework and still of significance. However, in light of the Council's Housing Delivery, at this time, these should only be given moderate weight.

Other relevant policies that do not restrict the delivery of housing can be given full weight. These include BNP Policy 5 (excluding the housing land element), BNP Policies 3 and 8, and LPP1 Policies 3, 5, 8, 14, 15, and 24.

The proposal conflicts with the Council's spatial strategy particularly with regard to the quantum of proposed housing in countryside without a local need. This could be afforded moderate weight.

As set out above in the appraisal, the proposal is contrary to a number of your development plan policies. These points relate to a non-compliant scheme (lacking amenity space, and lack of small family homes), poor design in terms of layout (inefficient use of land) and appearance (not improving the character of the area). These matters should be given significant weight as the relate policies which help guide these matters are not out-of-date nor do they restrict the development of houses.

The proposal has a number of off-site impacts which need to be mitigated through a s106 legal agreement as set out in section 13 above. The applicant has not provided, nor has the Council offered to enter into, a legal agreement at this time. Therefore, this should also be a reason for refusal. However, the applicant has indicated they are willing to enter into a legal agreement and so this could be overcome.

The development does not comply with the development plan. There are no material considerations which indicate permission should be granted and the harm identified would not be outweighed by benefits.

## **16.0 Conclusion**

There are numerous elements of this scheme which weigh against it. The proposal is not policy compliant particularly when considering: the site is in the countryside, there is a lack of affordable housing being provided, and the proposed layout and design is considered to be poor. Further, the proposed layout and design would also result in harm to the setting of a heritage asset a matter which carries great weight. While the absence of a signed legal agreement to secure affordable housing and community benefits (as set out above) is a reason in itself for refusal. As a result, the application is far from complying with the development plan as a whole and the benefits of the proposal would not outweigh the significant conflict with the Development Plan.

## **17.0 Recommendation**

**Refuse planning permission** for the following reasons:

1. The proposed development would have an adverse impact resulting in less than substantial harm to the setting of Sandways Farmhouse which is not outweighed by public benefits contrary to Bourton Neighbourhood Plan Policy 5, and Policy 5 of the adopted North Dorset Local Plan Part 1 (2016), and section 16 of the National Planning Policy Framework.

2. The proposed development site is located in the countryside adjacent to settlement boundary designated for Bourton in the adopted Local Plan and would greatly exceed the area needed to deliver the aims of the Bourton Neighbourhood Plan Policy 5. As such, the proposed development would create a relatively isolated development which would introduce an unnecessary suburbanising effect into this countryside location and would not be addressing local needs contrary to Policies 2 and 5 of the Bourton Neighbourhood Plan, Policies 2, 6 and 20 of the adopted North Dorset Local Plan Part 1 (2016), and paragraphs 79 and 105 of the National Planning Policy Framework 2021.

3. The proposed layout, appearance, and scale of the development fails to accord with the aims of Policies 5 and 8 of the Bourton Neighbourhood Plan, and is contrary to Policies 3, 7, 15 and 24 of the adopted North Dorset Local Plan Part 1 (2016), and paragraph 125 of the National Planning Policy Framework 2021.

4. In the absence of completed and signed Section 106 legal agreement to secure affordable housing, and community benefits (relating to education, affordable housing, ownership of village hall, parking land, and public amenity area, construction and completion of village hall, libraries, public rights of way, and health care) the proposal would be contrary to Policies 4, 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 (January 2016), and paragraph 55 National Planning Policy Framework (2021).

## **Informatives**

### National Planning Policy Framework

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

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

# Agenda Item 8

<b>Application Number:</b>	P/VOC/2022/06349		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Huntley Down Milborne St Andrew DT11 0LN		
<b>Proposal:</b>	Erect 25 No. dwellings with garages, form vehicular access (with variation of condition 2 of planning permission 2/2018/1240/FUL to amend the approved plans in relation to Plots 19, 20 & 21)		
<b>Applicant name:</b>	Lewis Wyatt (Construction) Ltd.		
<b>Case Officer:</b>	Robert Lennis		
<b>Ward Member(s):</b>	Cllr Parker		
<b>Publicity expiry date:</b>	25 November 2022	<b>Officer site visit date:</b>	17/01/2023
<b>Decision due date:</b>	11 January 2023	<b>Ext(s) of time:</b>	

**1.0** The parish council has raised objection and requested for this application to be determined by the planning committee.

**2.0 Summary of recommendation:**

Grant planning permission.

**3.0 Reason for the recommendation:**

It is considered, after visiting the site and viewing the development from the various interested parties' properties, that the proposed design alterations and change in ground level to plots 19, 20, and 21 would not result in a materially detrimental impact on any of the adjacent neighbours in terms of privacy or noise.

**4.0 Key planning issues**

Issue	Conclusion
Impact on amenity	The degree of overlooking, and noise, does not amount to materially detrimental impact.

**5.0 Description of Site**

The site has a relatively steep slope and is located toward the north-northwest portion of the village. It was granted planning permission in 2018 for the development of 25no. dwellings (ref: 2/2018/1240/FUL).

The development was completed and occupied within the past year; including plots 19, 20, & 21 which are the subject of this application. These plots sit perpendicular to nos. 37 and 39 Coles Lane, and look onto the flank elevation and rear garden of no. 35 Coles Lane.

There is to be a landscaped buffer between the approved development and the dwellings in Coles Lane. Landscaping details approved as part of the development were carried out within the past year. There are trees, shrubs, and other foliage planted in the buffer.

## **6.0 Description of Development**

This application relates to the rear elevations and the ground levels of plots 19, 20, and 21 as they were not built in accordance with the approved plans.

With regard to the rear elevations, plot 21 has been altered by swapping the position of the rear door and windows. While the rear elevation ground floor windows for plots 19 and 20 have been reduced in size from three units to two.

With regard to a change in ground levels, as built the rear gardens were profiled/backfilled to raise the ground level up to the rear doors thereby omitting the need for a landing and steps. For the sake of comparison, the approved plans showed a brick faced landing outside the rear door(s) with steps to provide access to the rear gardens. The landing heights relative to the ground level would have been approximately: 1.3m, 1.2m, and 1.0m respectively.

## **7.0 Relevant Planning History**

2/2017/1871/FUL - Decision: REF - Decision Date: 24/07/2018

Erect 30 No. dwellings with garages, form vehicular access.

2/2018/1240/FUL - Decision: GRA - Decision Date: 01/10/2019

Erect 25 No. dwellings with garages, form vehicular access.

## **8.0 List of Constraints**

There are no constraints which relate to this proposal in light of the approved development.

## **9.0 Consultations and representations**



All consultee responses can be viewed in full on the website.

*Consultees:*

1. Milborne St Andrew PC – consider the changes will cause substantial overlooking concerns and issue for all adjoining neighbours.

*Representations:*

Two representations have been received from neighbouring residents raising concerns with regard to privacy and noise, and general dissatisfaction with the retrospective nature of this application.

## **10.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies and the other material considerations; the application of which does not prejudice the Human Rights of the applicant or any third party.

## **11.0 Relevant Policies**

*North Dorset Local Plan Part 1(2016)*

Policy 1 – Presumption in Favour of Sustainable Development

Policy 2 – Core Spatial Strategy

Policy 24 – Design

Policy 25 – Amenity

*Milborne St Andrew Neighbourhood Plan (2018-2033)*

Policy MSA14 – Character and Design Guidance; “New development should respond...with a high standard of amenity.”

## **12.0 Material considerations**

*National Planning Policy Framework*

Para. 130. “...decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development...”

*National Design Guide*

Para 129. “...Amenity spaces have a reasonable degree of privacy...”

## **13.0 Public Sector Equalities Duty**

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

In this case, the level gardens that are now proposed would help with accessibility through the development by the removal of the previously proposed steps.

## 14.0 Planning Assessment

This is a retrospective application to consider the alterations to the rear elevations and change in ground levels to the rear gardens of plots 19, 20, & 21. It is considered that the main issue is the degree to which privacy would be compromised or lost.

The relevant policies by which to assess this application are set out above. The Neighbourhood Plan states that new development should respond with a high standard of amenity. Whilst in the adopted Local Plan Policy 25, which specifically addresses the issue of amenity, states that “development will be permitted provided that it is designed to protect the privacy of its occupants and those of the neighbouring properties.”

It is important to note that policy does not seek to eliminate overlooking, as some degree of overlooking is inevitable in built-up villages and towns. Hence, the more salient point is brought to the fore in these policies that is: to achieve a ‘reasonable degree of privacy’, ‘quality’ or ‘high standard’, and to minimise overlooking and in-looking to “protect privacy”.

Your Officers have been to the site and stood outside the rear door of plot 21 and considered the views to and from the neighbouring residents. At present, there is intervisibility between the rear door of plot 21 and the first floor bedroom/office windows of nos. 37 and 39 Coles Lane, but no intervisibility at ground level with any of the properties. This would be the case in either scenario: as approved or as proposed.

As built, there is more standing space adjacent to the rear elevation of plot 21 at a similar level to the rear door from which intervisibility can occur with the first floor windows of 37 and 39 Coles Lane. However, this area is relatively small and there is nothing else that would encourage unsocial behaviour. The view stepping away from the rear door of plot 21 into the garden was also considered by crouching down

to imagine the view if the ground level had not been raised. It seemed that the intervisibility would be the same in either scenario for an adult standing in the rear garden in either scenario.

Members should also be aware that the landscaping, specifically tree planting, has not had time to take affect having been planted within the past year. As a result, the ground appears bare and the trees spindly. The trees planted in the buffer zone are: pyrus (pear), carpinus betulus (hornbeam), and 2x malus (apple). These will, in time, provide additional screening of views between the properties here.

Time as a factor will also see the shrub mix planted grow and timber panel fencing weather in appearance.

It was also considered on-site that the degree of overlooking, or intervisibility, from plots 19 and 20 would not materially change in either scenario. Therefore, it is considered that comparatively the proposed design (as built) would not result in a materially detrimental impact on any of the adjacent neighbours in terms of privacy and overlooking.

Noise was also raised as an issue in the representations. Whilst on site it was observed that the degree of noise was typical of a residential area, i.e., very limited and occasional. There was nothing observed on-site that would indicate that the proposed change in design would cause any materially detrimental noise disturbance.

## **16.0 Conclusion**

The proposed design alterations and the change in ground level plots 19, 20, and 21 would not result in a materially detrimental impact on any of the adjacent neighbours in terms of privacy or noise.

## **17.0 Recommendation** Grant planning permission subject to the following conditions and the completion of a deed of variation to tie the S.106 to this application.

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

- 17161.93 C Plots 19, 20 & 21 proposed floor plans & elevations
- Location and block plan (17161.79)
- Proposed Site Plan (17161.22)
- Plots 01 and 02 Plans and Elevations (17161.80)
- Plot 03 Plans and Elevations (17161.81)
- Plots 04 and 05 Plans and Elevations (17161.82)
- Plot 06 Plans and Elevations (17161.83)
- Plot 07 Plans and Elevations (17161.84)
- Plot 08 Plans and Elevations (17161.85)
- Plot 09 Plans and Elevations (17161.86)
- Plots 10 and 11 Plans and Elevations (17161.87)

- Plot 12 Plans and Elevations (17161.88)
- Plot 13 Plans and Elevations (17161.89)
- Plot 14 Plans and Elevations (17161.90)
- Plot 15 Plans and Elevations (17161.91)
- Plot 16, 17, 18 Plans and Elevations (17161.92)
- Plot 19, 20, 21 Plans and Elevations (17161.93)
- Plots 22 and 23 Plans and Elevations (17161.94)
- Plot 24 Plans and Elevations (17161.95)
- Plot 25 Plans and Elevations (17161.96)

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

2. The access, geometric highway layout, turning and parking areas as shown on drawing number 17161.22 shall be maintained, kept free from obstruction and made available for the purposes specified.

Reason: In the interests of highway safety

3. The approved cycle store scheme as shown on the General Arrangement Plan 813.27/08A dated March 2022 shall be maintained and kept free from obstruction, and made available for the purpose specified.

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

4. The approved drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

5. The development shall be carried out in accordance with the approved details for the disposal of foul and surface water drainage. No part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

Reason: To minimise the risk of flooding and/or pollution.

6. The development shall be carried out in full accordance with the approved arboricultural method statement.

Reason: in the interest of public amenity and ecology.

7. Planting approved planting shall be carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting

season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority. In the event of any disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.

Reason: In the interests of public amenity and ecology.

8. The Biodiversity Mitigation Plan submitted with the application (from Clare Bird and Adrien Meurer (Hankinson Duckett Associates) dated 11th December 2017) shall be implemented in full

Reason: To mitigate the potential adverse effects of the development on the local ecology.

9. The development shall be carried out in accordance with the approved details of hard and soft landscaping as approved on the Landscape Planting Plan drawing number 813.27/09 dated March 2022.

Reason: Landscaping is an important feature of the local character. Additionally, unmitigated sound coming from the development hereby approved could result in a detrimental harm to the neighbouring residents.

10. The approved Heathland Infrastructure Project (HIP) of application ref: 2/2019/0843/FUL shall be made available in perpetuity for the purposes set out in the letter from Natural England dated 13 December 2018 adjacent to the site or in an agreed alternative suitable location within the Parish of Milborne St Andrew.

Reason: In the interest of wildlife habitat and ecology.

11. The development shall be carried out in accordance with the LAP layout, planting, implementation and maintenance responsibilities as shown in the approved LAP Implementation and Maintenance Plan.

Reason: In the interest of public amenity and ecology.

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# Agenda Item 9

<b>Application Number:</b>	P/LBC/2022/04251		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	The Little Keep Barrack Road Dorchester Dorset DT1 1SQ		
<b>Proposal:</b>	Works to the Orderly room only. Remove existing end grain wood block flooring and bitumen base. Lay new DPM and limecrete base supply and lay new end grain wood blocks to match removed blocks.		
<b>Applicant name:</b>	Dorset Council		
<b>Case Officer:</b>	Tobias Carleton-Prangnell		
<b>Ward Member(s):</b>	Cllr Biggs		
<b>Publicity expiry date:</b>	4 October 2022	<b>Officer site visit date:</b>	07/10/2022
<b>Decision due date:</b>	25 October 2022	<b>Ext(s) of time:</b>	

**1.0** Dorset Council represent both Applicant and Agent of the application.

**2.0 Summary of recommendation: GRANT**

**3.0 Reason for the recommendation:**

The significant public benefit of enabling the public to use this part of the building, would outweigh the less than substantial harm to the significance of the asset, through the removal of the historic floor.

**4.0 Key issues**

Issue	Conclusion
The impact on the historic fabric	Less than substantial harm, which would be outweigh by public benefit.

**5.0 Description of Site**

**The Little Keep** [NORTH WEST BLOCK OF FORMER INFANTRY BARRACKS]  
(Grade II, 1292324)

Significance

- **architectural interest** - 1876-1877. Architect possibly Major A C Seddon, head of War Office design branch at this date. Rock-faced Portland. Ashlar

dressings. 3-storey gatehouse connected by 1-storey wings to 2-storey end pavilions. Bands. Crenellated parapet to gatehouse. Pitched slate roofs, hipped to pavilions. Gatehouse has 3-centred archway flanked by round-headed lancets: 1st floor has four round-arched sashes with glazing bars, centre two in round-headed relieving arch: 2nd floor has three round-arched sashes with glazing bars. Wings have six round-arched sashes with glazing bars each. End pavilions have three ranges each. All windows linked by hoodmoulds.

- **historic interest** owing its construction in response to the Cardwell Reforms and the localisation of British military forces.
- Elements of **setting** which contribute to its significance include:
  - the spatial and historically functional relationship with encompassing military buildings and The Keep
  - the visual experience from the building and grounds (historically parade grounds) toward the barracks and associated, encompassing buildings

## 6.0 Description of Development

Works to the Orderly room only. Remove existing end grain wood block flooring and bitumen base. Lay new DPM and limecrete base supply and lay new end grain wood blocks to match removed blocks.

## 7.0 Relevant Planning History

N/A

## 8.0 List of Constraints

LB - NORTH WEST BLOCK OF FORMER INFANTRY BARRACKS listed building grade G2. HE Reference: 1292324 - Distance: 0

LB - Grade: II Listed Building: NORTH WEST BLOCK OF FORMER INFANTRY BARRACKS List Entry: 1292324.0; - Distance: 1.77

CON - Application is within a conservation area - Distance: 0

CON - DORC, Dorchester Conservation Area - Distance: 65.79

DESI - Scheduled Monument: Poundbury Camp, associated monuments and section of Roman aqueduct. (List Entry: 1013337); - Distance: 118.79

DESI - Scheduled Monument: Dorchester Roman walls (List Entry: 1002449); - Distance: 274.69

DESI - Scheduled Monument: Colliton Park Roman house (List Entry: 1002721); - Distance: 346.49



Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Within the Dorchester Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

## 9.0 Consultations

All consultee responses can be viewed in full on the website.

### Consultees

#### **Dorchester Town Council**

Considered by Dorchester Town Council at the Planning and Environment Committee meeting held on 3 October 2022.

No objection.

### Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

## 10.0 Relevant Policies

National Planning Policy Framework in particular section 16, paras. 194-208

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Adopted West Dorset and Weymouth & Portland Local Plan:

The following policies are considered to be relevant to this proposal:

- ENV4 – Heritage assets

### **Other material considerations**

National Planning Practice Guidance

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

## **11.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

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

## **12.0 Public Sector Equalities Duty**

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

No adverse impacts on people with protected characteristics have been identified. The replacement floor may be beneficial for people with mobility issues as it would provide a new and improved surface.

## **13.0 Financial benefits**

N/A

## **14.0 Environmental Implications**

N/A

## **15.0 Assessment**

The significance of the historic asset is set out in Section 5 above. The orderly room forms part of a public space within The Little Keep. Historically the room was adopted as a storage facility for ordnance and as a result exhibits a bitumen

impregnated, timber end block floor. Based on this design, the immediate room and, to a lesser extent, neighbouring rooms are filled with an uncomfortably strong smell of bitumen that prevents reasonable use of the room as a public space. The proposal seeks to lift the original timber end block floor, apply a flooring screed to the existing, intact, concrete slab and re-lay a new timber end block floor stained to match the original historic floor finish. This is considered an appropriate intervention, with a view to reclaiming the room as a usable public space, and as such can be considered a positive enhancement to the designated heritage asset.

Officers consider that the works would result in less than substantial harm to the significance of the asset due to the loss of the historic floor. Where proposals result in less than substantial harm to the significance of a designated heritage asset, decision-makers are required to weigh this harm against the public benefits of the proposal including (where appropriate) securing optimum viable use. However, this weighing-up must take into account the need to give 'great weight' to the conservation of designated heritage assets and recognise that any harm to the significance of a designated heritage asset requires 'clear and convincing justification'.

The proposed scheme is perceived to exhibit public benefit as a result of associated, proposed works. The public benefit in this case is the ability for the public to make use of this part of the building. As stated, the current floor and the resulting strong smell, has rendered this part of the building unusable. This benefit is considered to be significant when considering the optimum use of the building and securing its future. The significant public benefit of facilitating the public use of the building is considered to outweigh the less than substantial harm that would result from the loss of the floor. During the removal of the original floor, the process should be recorded/ documented and the retention of a physical collection of example blocks should be retained and stored at the museum. This should be conditioned.

## **16.0 Conclusion**

The proposed works are considered an appropriate intervention, with a view to reclaiming the Orderly room as a usable public space. Furthermore, works are considered to positively contribute toward the enhancement of the designated heritage asset in terms of ensuring that it has a functioning use. In conclusion, it is perceived that the application has been clearly and convincingly justified and there are no lesser measures that could secure this aim.

Officers consider that the significant public benefit in this case would outweigh the less than substantial harm, and that the application has been clearly and convincingly justified.

## **17.0 Recommendation: Grant** listed building consent subject to the following conditions:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The works hereby consented shall be carried out in accordance with the following approved plans:

WD1B Wood Block Floor

Reason: To preserve the architectural and historical qualities of the building.

3. During the removal the original floor, the process shall be recorded/ documented, and a physical collection of example blocks, and the process of recording, shall be retained and stored at the museum.

Reason: To document and preserve the architectural and historical qualities of the building.