



Northern Area Planning Committee

Date: Tuesday, 18 July 2023
Time: 11.00 am
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, Belinda Ridout and David Taylor

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

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
1. APOLOGIES	
To receive any apologies for absence.	
2. DECLARATIONS OF INTEREST	
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 - 8
- To confirm the minutes of the meeting held on Tuesday 13th June 2023.
4. **PUBLIC SPEAKING**
- 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 \(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk/media/1000000/GuidanceforSpeakingatPlanningCommittee.doc.pdf).
- The deadline for notifying a request to speak is Friday 14th July at 8.30am.
5. **PLANNING APPLICATIONS**
- To consider the applications listed below for planning permission.
6. **P/VOC/2022/05646- FROGMORE LANE, SIXPENNY HANDLEY, DORSET** 9 - 24
- Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1). (Variation of Condition Nos. 2 and 10 of Planning Permission No. P/VOC/2022/02389 to substitute approved plans for a revised layout, and revised house and garage types and designs).
7. **P/OUT/2023/00627- LAND AT E 378776 N119064 SALISBURY STREET, MARNHULL** 25 - 66
- Erection of up to 67 dwellings with associated access & drainage attenuation (outline application to determine access only).
8. **P/OUT/2022/07629- MUSBURY LANE, MARNHULL** 67 - 98
- Outline planning application with all matters reserved except for access for a development of up to nine dwellings and associated infrastructure.
9. **P/FUL/2022/07513- FROG LANE, MOTCOMBE** 99 - 118
- Retain the change of use of existing agricultural building to allow the cutting and preparation of building stone, including the siting of a steel container & generator.
10. **P/FUL/2022/02397- FORMER COOP STORE AND CAR PARK, HIGH** 119 -

STREET, GILLINGHAM, SP8 4AG

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Demolition of existing former co-op store & redevelopment of the site to provide 42no. residential units, comprising 4no. houses (C3), 30no. apartments (C3) and 8no. assisted living apartments (C2), 83sqm of commercial space (Class E) allotments, landscaping & other associated works.

11. **P/FUL/2022/06530- MIDDLE FARM, LURMER STREET, FONTMELL MAGNA** 153 - 170

Demolish existing barn and erect dwelling with associated landscaping.

12. **P/FUL/2023/029838- CHESELBOURNE VILLAGE SCHOOL, DRAKES LANE, CHESELBOURNE, DORSET, DT2 7NT** 171 - 180

Demolition of existing prefabricated mobile classroom & the erection of 2 no. detached buildings to be used as a classroom & learning hub along with the formation of a covered decked area.

13. **P/HOU/2023/02594- 35 ALEXANDRA ROAD, DORCHESTER, DT1 2LZ** 181 - 190

Demolish conservatory, erect single storey extension and install rear dormer window.

14. **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.

15. **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.

There are not exempt items scheduled for this meeting.

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NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 13 JUNE 2023

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Les Fry, Emma Parker, Val Potheary, Belinda Ridout and David Taylor

Present remotely: Cllrs

Apologies: Cllrs Jon Andrews, Tim Cook, Brian Heatley, Carole Jones and Stella Jones

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

Steven Banks (Planning Officer), Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Apprentice Democratic Services Officer), Steve Savage (Transport Development Manager), Hannah Smith (Planning Area Manager) and Megan Rochester (Democratic Services Officer)

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

3. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

4. **Minutes**

The minutes of the meeting held on Tuesday 16th May were confirmed and signed.

5. **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.

6. **Planning Applications**

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

7. **P/FUL/2022/05022- Land at Kine Bush Lane, Gillingham**

With the aid of a visual presentation, the Case Officer explained the planning application to members. Details including photographs of the site location, access and roof and floor plans were discussed. The Case Officer also discussed bin and

cycle stores and provided members with details of the proposed site plan and the design of elevations. In addition to this, details regarding sewage and waste collection were also included. Members were informed that access would be created by the small removal of a hedgerow.

The Case Officer's presentation also included details of the key issues of the site which related to the impact of the character and appearance of the area as well as the location of the unit. Members were also informed of two additional conditions which referred to access closure and construction. These conditions read as follows:

Access Closure

Before the development is occupied or utilised the existing access point located at the south-eastern corner of the site must be permanently closed by extending the adjoining highway boundary and removing any gates. The existing highway vehicular crossing must be expunged and reinstated to a specification which must be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.

Construction Method Statement

Prior to the commencement of the development, a method statement that details how the mobile structure will be placed on the site and removed from the site, and details of all deliveries through the construction phase, such as the delivery of construction material, shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved statement.

Reason: To ensure there is no harm to verges, hedges, or highway safety.

Steve Savage, Transport Development Manager, informed members that the site was situated within a typically rural Dorset Road. He clarified access to the site and informed members that visibility splays had been secured from both directions. Mr Savage also discussed the minimised impact on the hedgerow as well as the local cycle route which was situated near the proposed site. He felt as though it was an appropriate site with maximised visibility, there were no objections from highways and supported the recommendation for approval.

Public Participation

Both the Applicant and Agent spoke in favour of the application. They were delighted that the recommendation was for approval and commended the officer's report. Mr U'Dell and Mr Cable-Alexander discussed the environmental benefits of the proposed site as well as informed members of the resources that would be used to encourage biodiversity. Mr U'Dell discussed the photographs previously shown in the officer's presentation and explained that they allowed members to visually see exactly what would be on offer. He described the cabin's as modest and moveable. Mr Cable-Alexander informed members that the business had been built due to a love of the countryside. They also discussed a lack of adverse impacts and hoped the members would grant the officer's recommendation.

The Town Council spoke in objection of the proposal. Cllr R Weeks discussed the impacts that the proposal would have had on the local area. He raised his

concerns regarding the future of the site potentially becoming a brown field site which would have potentially encouraged future developments. Sustainability and character of the area were also discussed. The Town Council also raised their concerns regarding the site being in an isolated and unsupervised location which would be heavily reliant on vehicles. Cllr R Weeks also spoke of the impacts that the proposed site would have on nature and did not feel that there were enough benefits to outweigh the harm. He hoped members would reconsider the officer's recommendation.

Members questions and comments

- Any scheme to reinstate hedging and plantation.
- Clarification regarding use of site access.
- Questions regarding implementation of additional conditions to reduce change of use.
- Clarification regarding permanence and materials used of the proposed cabin.
- No significant planning reasons to object to the application.
- Members praised the proposal.
- Sought clarification from planning officers regarding brown field site concerns.

Cllr Jespersen adjourned the meeting to seek clarification from the agent regarding materials used for the proposed cabin.

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, a motion to **approve the officer's recommendation to grant planning permission as recommended**, was proposed by Cllr Les Fry and seconded by Cllr David Taylor.

Decision: To approve the officer's recommendation to grant subject to conditions.

8. **P/FUL/2022/03360- Former Priory Hospital, Fairfield Bungalows, Blandford Forum**

It was requested that the Former Priory Hospital, Fairfield Bungalows, Blandford Forum application P/FUL/2022/03360 be deferred as officers needed to obtain further information. The deferral would allow time for officers to correlate all information prior to consideration by the committee.

9. **Urgent items**

There were no urgent items.

10. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 2.00 - 2.45 pm

Chairman

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Agenda Item 6

Application Number:	P/VOC/2022/05646		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Frogmore Lane Sixpenny Handley Dorset SP5 5NY		
Proposal:	Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1). (Variation of Condition Nos. 2 and 10 of Planning Permission No. P/VOC/2022/02389 to substitute approved plans for a revised layout, and revised house and garage types and designs).		
Applicant name:	Nord Homes		
Case Officer:	Jim Bennett		
Ward Member(s):	Cllr Brown		
Publicity expiry date:	21 October 2022	Officer site visit date:	
Decision due date:	8 November 2022	Ext(s) of time:	20 July 2023

1.0 The application is presented to committee as the officer recommendation is contrary to the Parish Council's comments.

2.0 Summary of recommendation:

Grant, subject to conditions

3.0 Reason for the recommendation:

Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact and there would not be any significant harm to the landscape character of the AONB or on neighbouring residential amenity. The development can manage its own water run-off and would not increase the risk of flooding elsewhere. The development proposals accord with the development plan

and there are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle was established under the previous planning applications, namely 3/20/1328/FUL.
Flooding	The development can attenuate its own floodwater and not exceed pre-development levels. There would be no increase in the risk of flooding elsewhere.
Access and parking	Parking provision meets the standards and the access onto Red Lane is considered safe.
Impact on landscape and design	The design of the dwellings and proposed materials are appropriate for the area. Where visible, it would be seen against the adjacent existing development and would not harm the character of the AONB.
Impact on neighbour amenity	The layout is considered to be acceptable and not be overbearing or overshadowing on adjacent dwellings. The bungalows would not give rise to undue overlooking.
Biodiversity	A biodiversity mitigation plan has been agreed by the natural environment team.

5.0 Description of Site

The application site is located to the south of the village of Sixpenny Handley and comprises a paddock of land on the edge of the village. The site is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) and is located at a lower level to the rest of the village.

6.0 Description of Development

The application proposes the erection of seven bungalows in a cul-de-sac formation off a new access to be formed on Red Lane.

7.0 Relevant Planning History

Application Ref.	Description	Decision	Decision Date
P/NMA/2022/93774	Non material amendment against planning application P/VOC/2022/02389 to allow	Granted	22/06/2022

	Condition No. 2 drawing numbers to be corrected.		
P/VOC/2022/02389	Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1). (Variation of Condition No. 2 against planning permission 3/20/1328/FUL to allow substitution of plans to include an office over garage to houses 1, 4 and 7).	Granted	17/06/2022
3/20/1328/FUL	Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1).	Granted	11/02/2022
3/19/2047/FUL	Residential development comprising 9 new dwellings with ancillary car parking and drainage improvement works.	Withdrawn	06/08/2020

8.0 List of Constraints

Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural Beauty : (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)

Type: Grade 3

Location: Sixpenny Handley, Policy: CHASE8(SP), LN2

Risk: High Risk of Foul Sewer Inundation

Groundwater Source Protection Zones

9.0 Consultations

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

Consultees

1. **DC - Highways** - No objection
2. **DC - Dorset Waste Team** - No comments received
3. **W - Cranborne Chase Ward** - No comments received
4. **P - Sixpenny Handley & Pentridge Parish Council** - Objection:
 - Significant variation to original plans in layout and property type
 - Change to bungalows – increase in impermeable surfaces
 - Reduces sight lines for two houses in Paddock Close
 - Frogmore Lane predisposed to flooding – previous development avoided flood lines
5. **DC - Building Control North Team** - No comments received
6. **Local Lead Flood Authority** - No objections subject to conditions requiring:
 - a detailed surface water management scheme for the site
 - details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system
 - Dwelling floor levels as per plans
 - A detailed design for the channel and crossing to be submitted to, and approved by, the Local Planning Authority

Representations received

Total - Objections	Total - No Objections	Total - Comments
7	0	0

- Substantial departure from original plans in proposing bungalows
- Flooding and drainage
- Garage now close to culvert
- Changes to layout
- Loss of privacy
- Overbearing impact
- Loss of outlook

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

Christchurch and East Dorset Part 1 Core Strategy (2014)

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

- Policy KS1 – Presumption in favour of sustainable development
- Policy KS2 – Settlement hierarchy
- Policy KS12 – Parking provision
- Policy ME1 – Safeguarding biodiversity and geodiversity
- Policy ME3 – Sustainable development standards for new development
- Policy ME6 – Flood management, mitigation, and defence
- Policy HE2 – Design of new development
- Policy HE3 – Landscape quality
- Policy LN1 – The site and type of new dwellings
- Policy LN2 – Design, layout and density of new housing development

Material Considerations

National Planning Policy Framework (NPPF) 2021:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be refused.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with

applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

National Planning Practice Guidance

The Bournemouth, Poole and Dorset Residential Car Parking Study Residential Car Parking Provision, Local Guidance for Dorset (May 2011)

Cranborne Chase and West Wiltshire Downs AONB Management Plan 2019-2024

12.0 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.

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.

Officers are not aware of any specific impact on persons with protected characteristics.

14.0 Planning Assessment

Principle of development

The principle of residential development totalling 7 dwellings was established under the original planning application ref. 3/20/1328/FUL. Nevertheless, the current submission is subject to the material planning considerations outlined in the following sections.

Flood Risk

A winterbourne stream runs southwards through the site with natural attenuation ponds, a larger pond is found on the opposite side of Back Lane. The area suffers from surface water flooding leading to regular flooding of Back Lane to a height of about 600mm above the road. The land rises to the north-east and as such there is a higher plateau of land within the site, set above the area that floods.

Paragraph 167 of the NPPF requires local planning authorities to ensure that flood risk is not increased elsewhere. Policy ME6 of the Local Plan requires post-development surface water run-off must not exceed pre-development levels. The application is accompanied by a site-specific flood risk assessment and drainage strategy and on 7th June 2023 the applicant submitted the updated and additional

drainage/flooding documents in response to concerns raised by the LLFA, Parish Council and local residents.

The proposed houses are sited in the northern part of the field within Flood Zone 1. The access for the development is also to the north-east of the site onto Red Lane, providing a safe egress for future residents if the surrounding land to the west and south flooded. However, the FRA recognises the western part of the site is shown to be at risk of surface water flooding from the ditch/ordinary watercourse which flows along the west of the site down to the south. To mitigate this, it is proposed to re-align the ditch so it flows along the western boundary before sweeping to the south and tying back into the existing ditch to the south-west. Swales would also be created along the northern and part of the north-eastern boundary, to tie into the realigned watercourse and provide flood defence for the affected plots. The watercourses will not reduce the current capacity post development and a culvert is proposed where the pedestrian access onto Frogmore Lane is.

Having reviewed the drainage and flood information submitted with the application and the updated information received on 6th June, the LLFA have considered the two main issues, being flood risk from and to the site, as follows:

1) Flood risk from the site – channel diversion

- There is no in-principal objection from the LLFA to a channel diversion. This is common practice where a minor drainage line traverses a development site. The applicant has provided a conceptual channel design and supporting calculations. The proposed channel length and gradient are almost the same as the existing channel. The proposed channel has a greater flow conveyance capacity than the existing channel and has an equal capacity for storage of surface water.
- The pedestrian culvert crossing is shown as a box culvert. The upstream culverts discharging runoff into the existing channel are two x 400mm diameter pipes. These have a calculated discharge rate of 270l/s. The proposed channel has a capacity of 933l/s. Therefore, it is reasonably anticipated that a) the proposed channel section will have adequate capacity for the design flow, and 2) that an oversized box culvert can be installed for the pedestrian culvert crossing that will not restrict flow.
- The applicant's technical note provides an analysis of the surface water flood characteristics at the head of the existing channel and area of the western bungalow. They have used a digital terrain model of the surveyed site levels and the levels of Frogmore Lane to facilitate their analysis. They summarise by stating that due to ground and channel levels, this area would not flood to the extents shown on the broadscale mapping and therefore there is no loss of surface water storage in this area (non-worsening). This is not an unusual analysis and outcome as the EA's mapping is based on broadscale LiDAR data

and the applicant's revised mapping is based on more accurate surveyed site levels.

2) Flood risk to the site from surface water

- The applicant's revised surface water flood mapping shows the proposed location of the two western bungalows to be outside of the revised mapped surface water flood risk areas. This area is therefore considered to be at very low risk of surface water flooding (less than 1 in 1,000 probability of flooding in any year), and in the lowest flood risk area. Thus, the sequential approach to the development layout has been observed by locating the built development in the areas of lowest flood risk.
- Design levels shown on the submitted plans are to a local datum. The commentary provided indicates that the local datum point (0m) is at a level of 65.00m AOD. The drawing, 'Proposed Drainage Strategy, shows the proposed floor levels of the bungalows and garages. The western most property, and nearest to the channel, has a proposed floor level of 10.75m (75.75m AOD); this level is 400mm above the estimated upstream (and therefore highest) surface water flood level during the 1 in 1,000 year rainfall event (75.35mAOD). This is acceptable freeboard considering the minimum 16m+ distance from the channel and flood water contained within it. The western most garage has a proposed floor level of 10.60m (75.60m AOD); this level provides 250mm freeboard to the estimated upstream (and therefore highest) surface water flood level during the 1 in 1,000-year rainfall event (75.35mAOD). This is acceptable.

The LLFA raises no objection to the proposal subject to conditions to address surface water management and maintenance, dwelling floor levels and a detailed design for the channel and crossing to be submitted to the Local Planning Authority for approval.

In light of the above the proposal would not result in an increase in the risk of flooding elsewhere, is shown to be appropriately flood resilient and residual risk is safely managed. It thereby accords with the relevant policies,

Impact on highways

Vehicular access would be on to Red Lane and the boundary here would be altered to provide suitable visibility splays. A pedestrian access would be provided onto Frogmore Lane providing a culverted linkage towards the village. There is sufficient off-road parking for each dwelling that meets the residential parking standards. The highways officer has considered the proposal and raises no objection to the scheme on highway safety grounds. Highway conditions from the original application would be reimposed.

Impact on visual amenity and AONB landscape

Section 15 of the NPPF requires that planning decision should contribute to and enhance the local environment by protecting valued landscapes. Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The proposed dwellings are hipped-roof bungalows. The materials vary across the dwellings but are from a mix of brick, brick and flint, and clay tiles for the roofs. These materials provide interest and appeal and are appropriate for the character of the area and the wider AONB landscape. Whilst bungalows are not a feature nearby to the site, with surrounding properties a mix of 1¾ and 2 storeys, they would not appear out of character nor unduly overbearing or bulky.

When viewed from the south/south-east, there would be a line of mature trees within the site that would obscure some of the development. The site is also bounded by a mature hedge that is shown to be reinforced by the vehicular entrance to the site. Nevertheless, where visible, and particularly during the winter months when the leaves have dropped, the proposal would be seen against the backdrop of the existing built development of Sixpenny Handley and would not appear as an incongruous feature.

It is therefore considered that the proposal does would not result in harm to the character of the area or to the AONB landscape, complying with the relevant policies in the Local Plan and AONB management plan.

Impact on neighbour amenity

Much of the development is sited away from neighbouring properties, however plots 6 and 7 abut the boundaries of 12, 14, 25, and 27 Paddock Close. The dwelling for plot 7 would be sited a minimum of 6m from the boundary, with the wall to wall distance approximately 16m. Given that single storey bungalows are being proposed, this is considered to be an acceptable distance, which would not introduce overlooking, overbearing impact, overshadowing or loss of outlook to properties to the north from high level windows. In order to ensure the privacy of dwellings on Paddock Close is maintained, it is proposed to remove permitted development rights, to prevent the insertion of windows in the roofslopes of the approved dwellings. As such there would not be a detrimental impact on neighbour amenity.

Dwellings on Paddock Close have benefitted from the undeveloped nature of the proposal site for some years and consequently have not sought the need for high fencing to the south to preserve privacy. Such fencing is typically found around residential curtilages to define ownership and protect privacy. However, in the interests of maintaining privacy a landscaping and boundary treatment condition is proposed in order to ensure appropriate treatment is forthcoming, particularly in respect of the boundary with Paddock Close.

It is not considered that there would be any significant additional noise or disturbance to the neighbouring properties above typical levels for a residential area and therefore no concerns are raised on this ground.

Biodiversity

A biodiversity mitigation plan has been submitted and agreed by the Natural Environment Team. The biodiversity mitigation and enhancements shall be secured via the reimposition of the condition on the original application.

15.0 Conclusion

The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact and there would not be any significant harm to neighbouring residential amenity. The development can manage its own water run-off and would not increase the risk of flooding elsewhere. The application complies with the relevant national and local policies and there are no material considerations which would warrant refusal of this application.

The applicant agreed to the following pre-commencement conditions on 23/06/2023.

16.0 Recommendation

Grant, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the 11 February 2025.

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

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

9627/110 A Proposed Garages
9627/109 A Indicative Site Scene
9627/100 B Site, Block & Location Plan
9627/104 B Unit 3 Proposed Floor Plans & Elevations
9627/105 B Unit 4 Proposed Floor Plans & Elevations
9627/106 B Unit 5 Proposed Floor Plans & Elevations
9627/107 B Unit 6 Proposed Floor Plans & Elevations
9627/108 B Unit 7 Proposed Floor Plans & Elevations
9627/102 B Unit 1 Proposed Floor Plans & Elevations
9627/103 B Unit 2 Proposed Floor Plans & Elevations
C2391_P2_100 P2 Proposed Drainage Strategy
C2391_P2_200 P2 Proposed Contributing Area
C2391_P2_300 P2 Exceedance Flow Routes
C2391_502 PL2 Alignments and long sections
C2391_503 PL2 Ditch storage and cross sections
C2391 501 PL2 Flood Extent Comparison.

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

3. There shall be no surface water connections into the foul sewer network.

Reason: To prevent the increase of the risk of sewer flooding and pollution.

4. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed. The surface water management scheme is to be generally in accordance with the drawing 'Proposed Drainage Strategy, by cgs civils, ref C2391, drawing no.100, rev P2 and dated 20/02/23'.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

5. The surface water management scheme shall be implemented in accordance with the details contained within section 5 of the Storm and Foul Water Drainage Report Technical Note prepared by Cgs Civils dated 03.01.2023.

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

6. The minimum floor level of dwellings and garages are to be in accordance with the levels shown on the drawing 'Proposed Drainage Strategy, by cgs civils, ref C2391, drawing no.100, rev P2 and dated 20/02/23'.

Reason: To ensure that development is safe from flooding for its intended lifespan.

7. No development shall take place until a detailed design for the channel and crossing is submitted to, and approved by, the Local Planning Authority. The design of the channel and crossing are to be generally in accordance with the drawings, 'Alignments and Longitudinal Sections, by cgs civils, ref C2391, drawing no. 502, rev 2 and dated 06/06/23' & 'Ditch Storage and Cross Sections, by cgs civils, ref C2391, drawing no. 503, rev 2 and dated 06/05/23'.

Reason: To prevent the increased risk of flooding.

8. Before the development is occupied or utilised 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.

9. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 17199.36 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

10. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 17199.36 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

11. 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.

12. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 17199.36 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

13. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 5 November 2021 must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

14. Prior to development above damp proof course level, details and samples of all external facing materials for the walls and roofs (including a sample panel of the flint) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no alterations of the roofs of the dwellinghouses or garages hereby approved, permitted by Classes B and C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character, including the dark skies, of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

16. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme, including means of enclosure shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual and adjoining residential amenity.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

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

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

2. NOTE: An ordinary watercourse crosses your site. If you intend to obstruct the flow in the watercourse (permanently or temporarily and including culverting) you will require prior Land Drainage Consent from Dorset Council as the Lead Local Flood Authority. You are advised to contact the Flood Risk Management team by email at: floodriskmanagement@dorsetcc.gov.uk to discuss requirements.

3. 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, 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.
4. 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.
5. The applicant is reminded of their responsibility to submit evidence of compliance with the Biodiversity Plan to Dorset Natural Environment Team in order to comply fully with requirements of condition 11.
6. Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

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Reference No: P/OUT/2023/00627
Proposal: Erection of up to 67 dwellings with associated access & drainage attenuation (outline application to determine access only)
Address: Land At E 378776 N 119064 Salisbury Street Marnhull
Recommendation: Refuse
Case Officer: Rob McDonald
Ward Members: Cllr Carr-Jones
CIL Liable: N

- 1.0** This application is now the subject of an appeal against non-determination (made under s78(2) of the Town & Country Planning Act 1990 (as amended)), the Council having failed to determine it within the statutory period. This report is therefore brought before members to seek their resolution as to how they would have determined the application if the power to do so still rested with them.

At the time of writing the Council have not been notified by the Planning Inspectorate of a Start Date for the appeal (the Start Date letter triggering the start of the appeal timetable, including notifying interested parties and submitting the Council's Statement of Case).

2.0 Summary of recommendation

To advise the Planning Inspectorate that, if the power to determine the application still rested with the local planning authority, the decision would have been to **refuse** planning permission for the following reasons:

1. The site lies outside the settlement boundary for Marnhull contrary to the spatial strategy of Policies 2, 6 and 20 of the North Dorset Local Plan Part 1. The location of the site has inadequate and unacceptable accessibility for pedestrians and future occupiers with protected characteristics to enable safe access to the majority of services and facilities in Marnhull in terms of walking and cycling, with a lack of sustainable transport alternatives. For those with access to them, there would be reliance on the use of private motor vehicles, leading to harmful exhaust emissions. In the absence of any evidence of essential rural needs or any other 'overriding need' for this type of development, and given number of dwellings proposed, in this location the proposed development would lead to an unsustainable form of development, contrary to Policies 2, 6 and 20 of the North Dorset Local Plan Part 1 2016 and paragraphs 79, 105, 111 and 112 of the National Planning Policy Framework 2021.

2. The proposed drainage strategy fails to indicate the preliminary levels of the attenuation basin and demonstrate that it will be free draining and discharge to a recognised discharge point. The drainage strategy also fails to indicate acceptable

exceedance flow routes to demonstrate where surface water can be directed, should the designed system fail or exceed capacity. It therefore cannot be satisfied that the proposed development would avoid risk of flooding downstream from all sources or seek to mitigate it appropriately. The proposal is contrary to Policy 4 of the North Dorset Local Plan Part 1 2016 and paragraphs 159, 167 and 169 of the National Planning Policy Framework 2021.

3. In absence of a completed Section 106 agreement to secure affordable housing and necessary community benefits (infrastructure: grey, social, green) the proposal would be contrary to Policies 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 2016 and paragraph 54 National Planning Policy Framework.

3.0 Reason for the recommendation

- Due to the lack of a five year housing supply and the failure of the Housing Delivery Test, reduced weight has been given to policies 2, 6 and 20 of the North Dorset Local Plan Part 1 in accordance with paragraph 11(d) of the NPPF, which is afforded significant weight as a material consideration. Whilst it is accepted that these policies will inevitably have to be breached to provide a sufficient housing land supply, these policies, being consistent with the NPPF, still attract moderate weight in the planning balance and in this instance, it is considered that the adverse impacts of the development and the conflict with the North Dorset Local Plan Part 1 significantly and demonstrably outweigh the benefits of the proposal.
- The location of the site has inadequate and unacceptable accessibility for pedestrians and future occupiers with protected characteristics to enable safe access to the majority of services and facilities in Marnhull in terms of walking and cycling, with a lack of sustainable transport alternatives. This is contrary to the NPPF paragraphs 111 and 112. For those with access to them, there would be reliance on the use of private motor vehicles, leading to harmful exhaust emissions.
- The proposed drainage strategy fails to indicate the preliminary levels of the attenuation basin and demonstrate that it will be free draining and discharge to a recognised discharge point. The drainage strategy also fails to indicate acceptable exceedance flow routes to demonstrate where surface water can be directed, should the designed system fail or exceed capacity. It therefore cannot be satisfied that the proposed development would avoid risk of flooding downstream from all sources or seek to mitigate it appropriately.
- The development would have a moderate adverse impact upon the landscape setting, impacting immediate views from around the site, as well as the longer views from the north. The indicative overly suburban layout submitted would not be acceptable in design and visual terms, but officers are satisfied that the site is large enough to accommodate an alternative and more acceptable layout of the same quantum.
- A completed Section 106 agreement to secure affordable housing and necessary community benefits (infrastructure: grey, social, green) has not been provided. No draft Heads of Terms have been submitted to even give any commitments.

- Less than substantial harm would be caused to the settings of designated heritage assets but it is considered that, on balance, the degree of harm would be outweighed by the public benefits in this instance.
- The vehicular access point into the site is acceptable. The pedestrian connection at the corner of Tanzey Lane with the existing right of way is not however as it is on a narrow blind bend and therefore not safe in terms of highway safety.
- Two protected trees on the site would not be affected.
- The development would not result in the permanent loss of the best and most versatile agricultural land.
- The Biodiversity Plan has some uncertainties with regards mitigation and enhancement, including measurable net gain, but it is accepted that, on this occasion, the submission of a finalised BP could be conditioned, should permission be granted.
- Although it cannot be fully realised until the reserved matters stage(s), the impact on neighbouring amenity impact is likely to be acceptable.
- Overall, the material considerations, including the reduced weight given to policies 2, 6 and 20 of the North Dorset Local Plan Part 1, do not indicate that the proposal should be determined other than in accordance with the development plan.

4.0 Key planning issues

Issue	Conclusion
Principle of development	67 dwellings are proposed to meet the shortage of housing land supply. However, the proposed development would be contrary to the spatial strategy of the Local Plan (Policies 2, 6 and 20) and not in a suitable location with regard to accessibility to local services and facilities. The principle of development is not considered to be acceptable.
Visual and landscape impact	The development would have a moderate adverse impact upon the landscape setting, impacting immediate views from around the site, as well as the longer views from the north. The indicative overly suburban layout submitted would not be acceptable in design and visual terms, but officers are satisfied that the site is large enough to accommodate an alternative and more acceptable layout of the same quantum.
Heritage	Less than substantial harm would be caused to the settings of designated heritage assets but it is considered that, on balance, the degree of harm would be outweighed by the public benefits in this instance.
Drainage	Not acceptable as the proposed drainage strategy fails to identify a formal surface water discharge point and acceptable exceedance flow routes to demonstrate

	where surface water can be directed, should the designed system fail or exceed capacity.
Habitats and biodiversity	The Biodiversity Plan has some uncertainties with regards mitigation and enhancement, including measurable net gain, but it is accepted that, on this occasion, the submission of a finalised BP could be conditioned, should permission be granted. The impact on protected trees on site would be acceptable.
Residential amenity	Acceptable.
Highway safety	Vehicular access arrangement is acceptable. However Highway Authority objection has been raised regarding the pedestrian connection at the corner of Tanzey Lane with the existing right of way as it is on a narrow blind bend and therefore not safe in terms of highway safety.
Affordable housing and other contributions	No completed Section 106 agreement to secure affordable housing and necessary community benefits (infrastructure: grey, social, green) has been provided. No draft Heads of Terms have been submitted to even give any commitments.

5.0 Description of Site

- 5.1 The application site forms a 3.23ha parcel of agricultural land in the eastern part of Marnhull and bordered by Salisbury Street to the south east; Tanzey Lane to the south west; Sodom Lane to the north and the Corner Close allotments to the north east.
- 5.2 Marnhull has grown from a number of smaller hamlets and as a consequence the village has a number of hubs; one near the Church, school and Crown public house (to the south), and another can be found by a small cluster of shops, car park, and Blackmore Vale Inn (to the north). It is in these areas that the more historic part of the village can be found, with more modern development expanding the village edges. A large 20th century estate (located to the east) connects the southern and northern strands of the village. Separated from the village, to the east, is an exclave of Marnhull's settlement boundary, comprising two smaller clusters of, mainly modern, housing. The application site would adjoin to this on the western side i.e. in the gap between the settlement boundary lines.
- 5.3 The land slopes down northwards from Salisbury Street to Sodom Lane. The site is mainly enclosed by hedgerows, although this is of a low level around the adjoining neighbouring bungalow 'Wildon'. There are some gaps, including field gates, and thinner areas of hedgerow, especially along Salisbury Street, that allow clearer visibility of the site. The boundary with the adjoining allotment is also far more open, with only a post and wire fence providing a means of boundary. Two trees along the Tanzey Lane boundary are protected by TPO (Refs:).

- 5.4 A grade II listed cottage (Laburnum Cottage) lies adjacent beyond the north west corner of the site. Public footpath N47/110 also passes alongside this listed building, just beyond the north west corner of the site, leading through the adjoining parcel to the west and into Ashley Road. The site is some 480m north east, at nearest points, from the Marnhull Conservation Area.
- 5.5 The site lies within fluvial flood zone 1. There are no surface water flood risks on site, although some medium risks just north of the site long a short stretch of Sodom Lane. There are recognised groundwater susceptibility issues on site however.
- 5.6 The site is within the Limestone Hills landscape character type, but also only 320m from the Clay Vale to the east.
- 5.7 There are no special ecology protections on the site itself, or within close proximity.

6.0 Description of Development

- 6.1 The application seeks outline planning permission to erect up to 67 dwellings with associated access and drainage attenuation. Access is the only matter considered at this stage, with all other matters reserved.

7.0 Relevant Planning History

2/2018/0449/OUT - Decision: WIT - Decision Date: 19/02/2020
Develop land by the erection of up to 67 No. dwellings. Form vehicular and pedestrian access, open space and play area. (Outline application to determine access).

8.0 List of Constraints

Tree Preservation Order

Risk of Groundwater Emergence - Groundwater levels are between <0.025m and 0.5m below the ground surface. Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots.

9.0 Consultations

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

Consultees

Cllr Carr-Jones (Member for Stalbridge and Marnhull Ward)

No comments received.

Marnhull Parish Council

Objections:

1. Conflicts with Local Plan spatial strategy (Policy 2);
2. The amount of proposed development and layout would result in an unsatisfactory form of development not in keeping with the village character;
3. Lack of local housing need for the scale of development;
4. Lack of local employment opportunities to meet the scale of development;
5. Planned population increase will have a negative impact by increasing pressure on village roads, services and amenities;

Highway Authority

Recommend refusal:

The submission is for the effectively the same site and level of development as was applied for in the previous application (2/2018/0449/OUT refers) which was withdrawn in February 2020. The Highway Authority had recommended that that application should be refused.

The current proposal is supported by a Transport Statement that uses baseline traffic data that was gathered in 2018 but does provide an updated turning count for the junction of Crown Road/Schoolhouse Lane/New Street/Church Hill. Notwithstanding the above comment about the baseline data, I feel that the traffic impact of the proposal, in terms of vehicular movement is acceptable, with the proposal utilising a single new access point onto Salisbury Street (the B3092). However, the issue that hasn't been resolved is that of pedestrian connectivity to the settlement's facilities to the west.

The current application suggests that the 72 unit development to the west (2/2018/1124/OUT allowed at Appeal refers) will provide pedestrian routes through the site connecting to existing PRoWs and that once it's built out it will provide pedestrian connection for future residents of the proposed development.

The issue here is that the site has not been built nor are the pedestrian links currently available. In fact, a reserved matters application for that site has yet to be submitted. Hence, judging the current site on its own merits, nothing has changed. It is on this basis that we have to assess the proposal.

The application proposes a footpath connection to the public right- of-way N47/34, created at the northwest corner of the site, crossing Tanzey Lane. No details of the crossing from the site westwards onto the R-O-W have been provided and there are some highway safety issues that would need to be addressed should this option be pursued (with regard to visibility, signage, etc). This right-of-way is unsurfaced and crosses a steeply sloping field which links onto Ashley Road some 265m to the west. The short section of tarmac path linking onto the estate road from the field is partially obstructed by a streetlamp column at its western end. Due to the nature of this link, it will be unsuited for use in bad weather or during the Autumn and Winter months. Its horizontal alignment and surfacing does not make it conducive for use by people

with protected characteristics.

The indicative layout shows an emergency link onto Sodom Lane to the north. If this is provided it could encourage pedestrian to walk along the road into the village centre to west, along a carriageway with no streetlighting or segregated footway, for a distance of around 325m before the footway is reached at the Ashley Road junction.

Bearing the above in mind, it can be argued that the proposal has not had due regard for the guidance provided by Inclusive mobility or the Equalities Act.

Flood Risk Management Team

Holding objection:

- Overall the flood risk to the site is very low;
- An underground tank is proposed to augment the storage provided by a proposed above ground attenuation basin. Underground attenuation tanks do not meet all 4 criteria of the SuDS philosophy. They only meet the water quantity criteria, but they do not meet the water quality, biodiversity and amenity criteria required for SuDS. Underground tank storage should be removed from the plans and additional storage provided (if required) in the proposed attenuation basin.
- A surface water discharge point has not been identified. The surface water management drawing simply shows a blue line from the outlet of the attenuation basin to Sodom Lane. There is not a drainage line, drainage pipe or other drainage system along Sodom Lane. The applicant must provide a formal point of surface water discharge from the site. This is perhaps the most fundamental issue.
- It is not clear how even a shallow attenuation basin with a depth of 1m will have a free draining outlet. The base of the attenuation basin will be lower than any point surrounding it. The applicant must give an indication of the preliminary levels of the attenuation basin and demonstrate that it will be free draining and discharge to a recognised discharge point.
- Exceedance flow routes should be indicated on a plan.

Senior Conservation Officer

No response received.

Senior Landscape Officer

Unable to support:

No objection to principle of development on the site due to context of surrounding existing development which partially separates the site from the wider countryside. It is considered there would be an adverse impact on the local landscape character but wider effects on the LCA would be more limited. In addition, when built, the adjacent approved scheme would extend the existing settlement edge and strengthen this detachment from the wider LCA having a further urbanising effect on the immediate

area between Sodom lane and Salisbury street.

Due to the sloping topography and few internal features, the site is open and visually sensitive, particularly in views from the North, as identified within the Councils Landscape and Heritage Study. Future potential development should respect this sensitivity and be positioned to sit below the skyline in these views. The visual effects are further reaching and more negative than reported. The submitted illustrated layout currently does not respond to the key sensitivities of the site or wider LCA or sufficiently addresses the adverse landscape and visual effects. However, amendments to the indicative layout could improve this.

There is insufficient evidence to convince that the design has been considered in sufficient detail to ensure that the number of dwellings proposed can be sustainably accommodated on site within standards required by national and local policy or the National Design Guide. The current scheme does not demonstrate an appropriate character and design quality, or acceptable SuDs scheme in addition to the area required for the proposed green buffer, play area and required but not shown tree lined streets.

Senior Urban Design Officer

Unable to support:

- Density proposed is higher than surrounding built form, including the adjacent site with permission.
- Cul-de-sacs are not conducive to strong internal permeability.
- Suburban character to proposals conflicts with the edge of rural village settlement location.
- Lack of street trees
- Integration of parking

Tree Officer

Concern that when considered in the context of other proposed developments in the locality that very little “open green space” will be retained, and this has the potential to change the character of the area immeasurably. There is very little by way of tree features on this site and this application is supported by a Tree Survey. TPO has been applied to two of the 3 trees on the boundary of Tansy Lane.

County Archaeologist

Bronze Age round barrow and undated enclosure in part of the site would be impacted by the development. As such, condition recommended re. programme of archaeological work.

Planning Policy

- Does not comply with spatial strategy;
- Paragraph 11d of NPPF engaged in light of five year supply of housing figure and HDT;

- Consider impact on landscape, character and heritage;
- Difficult to argue that this particular application should be refused on sustainability grounds. It is however important to ensure that sustainable development is delivered. Therefore the potential impact of the scheme on local infrastructure (as described by LPP1 Policies 13, 14 and 15) needs to be taken into account, and any identified deficits remedied through planning conditions and/or obligations;
- Should be correct mix of affordable housing;

Housing Enabling Team

The developer has indicated they intend to provide a policy compliant amount of affordable.

The mix of affordable homes consists of two- and three-bedroom houses. While there is a need for this type of housing the inclusion of a small number of one-bedroom and four bedroom homes would help to meet the widest possible housing need.

The affordable housing should be proportionate to the scale and mix of market housing, be wellintegrated and designed to the same high quality, resulting in a balanced community of housing that is 'tenure neutral' where no tenure is disadvantaged.

The affordable homes should be secured through a S106 agreement.

Natural Environment Team (NET)

A signed BP and Certificate of Approval will be required from NET prior to determination.

Environmental Health

Due to the proximity of residential dwellings to the site, a Construction Environment Management Plan (CEMP) shall be submitted in writing. This shall document the anticipated risk to nearby dwellings from noise, dust, light and other potential nuisances from any sources, and strategies to reduce these as far as reasonably practicable.

Senior Ranger

Whilst the development does not direct affect any public rights of way, the knock on effect on the wider network will be considerable. Would appreciate S106 contributions proportionate to the development in the adjacent areas.

Lead Project Officer (CIL and Planning Agreements)

In order to make development acceptable in planning terms, applications for major housing development are expected to maintain and enhance the level of grey, green & social infrastructure as set out in Policies 13, 14 and 15 of the LPP1.

Affordable Housing	40% On Site Provision Policy 8 Affordable Housing North Dorset Local Plan Part 1
Allotment Contribution	£308.16 per dwelling
NHS Contribution	£772 per dwelling
Trailway Contribution & Rights of Way Enhancement	£10,000 - Bridleway Surfacing £3,800 - ROW 10 x stiles to gates
Education (Primary & Secondary)	£6094.34 per dwelling
Pre-School Provision Contribution	£190.50 per dwelling
Community, Leisure and Sports Facilities Contribution	£2,006.97 per dwelling
Informal Open Space	On Site Provision
Informal Open Space Maintenance Contribution	£1,278.80 per dwelling
LAP & LEAP	On Site Provision
LAP & LEAP Maintenance	£359.36 per dwelling
Formal Outdoor Sports Facilities Contribution	£1,318.80 per dwelling
Formal Outdoor Sports Facilities Maintenance Contribution	£128.73 per dwelling
Bus Services & Sustainable Transport Contributions	To be confirmed
Library Contribution	£75 per dwelling – Sturminster Newton Library

Building Control

Requirement of B5 Access and facilities for the fire service to be complied with.

Dorset Waste Team

No response received at time of determination.

Minerals and Waste Team

The proposed development is within the Mineral Safeguarding Area - Policy SG1 of the Mineral Strategy 2014. However, it is largely within an urban area and as such minerals safeguarding requirements are waived and no objection will be raised to this proposal on mineral safeguarding grounds. Please note proximity to Whiteway and Redlands quarries, approx 960m and 980m respectively. With regards to waste, and the provision of facilities for the storage and removal of waste, we would refer you to paragraphs 12.112 to 12.120 and Policy 22 of the Bournemouth Christchurch Poole and Dorset Waste Plan 2019.

Wessex Water

This site is located in the catchment for the Marnhull Common sewage treatment works. The treatment works is approaching capacity and the additional flow from the proposed development is predicted to exceed the existing discharge consent.

All sewage works need to operate within prescribed limits of a discharge consent and where these will be exceeded it will be necessary to plan design and construct treatment capacity and agree new discharge limits to meet catchment growth. Wessex Water has a scheme of improvement works planned for the Marnhull Common works under their AMP7 programme. If we are unable to provide treatment capacity in the short term we advise that we will need to reach agreement with the applicant and the Local Planning Authority upon the timetable for a scheme of works upon any grant of planning permission. In the circumstances the development should not proceed until Wessex Water has confirmed that capacity can be made available for these new connections. This can be managed by a condition.

A connection to the public foul sewer network in Sodom Lane can be agreed. The point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards.

Wessex Water will not accept any surface water discharge into the public foul sewer system either directly or indirectly. We will object to surface water strategy that proposes rainfall runoff to be discharged to the public foul sewer network and Marnhull sewage treatment works. This option should be discounted from the FRA.

Where ground conditions prove unsatisfactory for infiltration, surface water disposal should be discharged to watercourse.

Dorset Wildlife Trust

No response received.

Ramblers Association

There is a gap in the provision of footway/pavement along the B3092, between the exit of N47/35 heading east, and the cross-roads at Tanzey Lane/Stoney Lawn. The southern end of the proposed footpath 'through' link shares access with vehicles along this stretch, therefore walking into the village with pushchairs, mobility scooters etc, would not be safe (especially as the break in footway is on a bend).

The link shown from the site to the junction of N47/110 & 34, off Tanzey Lane is on a blind bend, and Tanzey Lane is very narrow with high hedges and no footway.

No footway along Sodom Lane until the junction with Ashley Road, to the west. Crossing at that point is potentially hazardous.

Dorset & Wiltshire Fire and Rescue

Recommendations under Building Regulations.

Bournemouth Water

Outside of catchment – no comment.

Dorset Police

No response received at time of determination.

Economic Development and Tourism

No response received at time of determination.

Education

No response received at time of determination.

Libraries

No response received at time of determination.

Outdoor Recreation

No response received at time of determination.

Public Health Dorset

No response received at time of determination.

Assets and Property

No response received at time of determination.

NHS Dorset

No response received at time of determination.

Public Transport

No response received at time of determination.

Representations received

13 representations have been received, with 12 of the representations objecting and 1 in support.

The material planning considerations raised in these are summarised below:

Objections

- Alter the character of the village
- No infrastructure or services to support the amount of development – will rely on travel by car
- Loss of agricultural land
- Outside settlement boundary, greenfield site
- Pumping station cannot cope with additional houses
- Impact on highway safety
- Scheme is of little architectural or design merit – suburban in character
- Effect on protected species – bats, badgers, deer
- Loss of privacy to neighbouring properties
- Loss of natural light
- Loss of landscape views
- No visual connection with village
- Harm to setting of listed buildings
- Houses not needed in local area
- Not as many local facilities as the applicant asserts
- Other inaccuracies within the submission
- Pedestrian safety along Crown Road – has not been addressed since previous 2018 application
- Proposed footpath access to Tanzey Lane is on blind corner
- Increased of surface water flooding from new hard surfaces, SuDs not reliable to mitigate run-off
- Lack of tree planting
- Light pollution – effect on wildlife
- High density would detract from character of the village
- Does not bring employment to village – cars will be relied upon to travel
- Vehicular access is inappropriate

Support

- Village needs more people to support local retail outlets and community facilities.

10.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (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 13 – Grey Infrastructure
Policy 14 - Social Infrastructure
Policy 15 – Green Infrastructure
Policy 20 - The Countryside
Policy 23 - Parking
Policy 24 - Design
Policy 25 – Amenity

Material Considerations

National Planning Policy Framework (2021)

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
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

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

- 12.1 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.
- 12.2 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.
- 12.3 The application site is not located in line with the spatial strategy of the Local Plan. Whilst Marnhull does benefit from some services and facilities to meet day to day needs, it does not have a full repertoire of these. Moreover, access from the site to those that do exist within the village would be inappropriate owing to the lack of footway connection, leaving pedestrians with a hazardous route via the carriageway or narrow grassy verges which would not have regard to occupants with certain protected characteristics i.e. people with disabilities or mobility impairments or pushing buggies are met. There will be a connection with an existing footpath passing through the field to the west of the site, which is subject to an allowed appeal for 72 dwellings and would be enhanced if implemented, however the connection point is on a sharp bend in a narrow country lane and not considered safe for all users, especially the aforementioned groups.
- 12.4 Officers have considered the requirement of the duty, and it is considered that the proposal would likely give rise to specific impacts on persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Employment during construction	Support construction sector
Spend in the local economy	Spend from future occupants of the development
S106 financial contributions	Approx. £853,000

Non Material Considerations	
Contributions to Council Tax	As per appropriate charging bands

14.0 Climate implications

- 14.1 In May 2019, Dorset Council declared a Climate Emergency. In November 2019 this was escalated to a Climate and Ecological Emergency. There is a heightened expectation that the planning department will secure reductions in the carbon footprint of developments.
- 14.2 The applicants have provided a very brief Sustainability Statement as part of their submission. It explains that:
- new dwellings will be built to current building regs standards securing their environmental performance;
 - recyclable waste will be sorted from non-recyclable waste;
 - to conserve water a planning condition can be applied to keep water usage in fitted water-goods to within environmental limits;
 - green infrastructure has been incorporated into the scheme;
 - the proposed drainage strategy observes the drainage hierarchy.
- 14.3 There is no mention of design measures for dwellings, renewable energy installation or electric vehicle charging within the submitted documents, although it is appreciated these are details that could be realised at the reserved matters stage. A condition requiring details of a scheme to install infrastructure within the parking areas to facilitate charging for plug-in and other ultra-low emission vehicles could be imposed.
- 14.4 Notwithstanding the above, it is satisfied that there is likely to be sufficient scope within the proposed development to incorporate a wide range of sustainability measures. These will reduce the impacts of the development on the climate in line with Dorset Council Climate and Ecological Emergency Strategy 2020.

15.0 Planning Assessment

The main considerations for this application are considered to relate to be:

- Principle of development;
- Affordable housing and infrastructure contributions;
- Setting of heritage assets;
- Flood risks and drainage;
- Amount of development and consequential visual and landscape impacts;
- Impact on agricultural land;
- Residential amenity;
- Highway and transport safety;
- Biodiversity and ecology;
- Impact on protected trees.

Principle of development

- 15.1 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. Policy 2 of the North Dorset District Local Plan Part 1 sets out the spatial strategy for North Dorset and this identifies the four main market towns: Blandford, Gillingham, Shaftesbury and Sturminster Newton as the focus for future development, in recognition of their population and service provision. Below this, Stalbridge and 18 larger villages are identified based on population, range of services and proximity to services, together with consideration of local issues, as being able to accommodate a degree of growth to meet local and essential needs. Outside of the settlement boundaries of the 4 main towns and larger villages areas, countryside policies apply. Development within the Countryside is to be strictly controlled unless it is required to enable essential rural needs to be met.
- 15.2 Policy 6 of the Local Plan sets out that at least 825 new dwellings should be built in the countryside over the plan period of 2011-2031 to meet local needs, and this should be concentrated within the settlement boundaries of Stalbridge and the 18 larger villages. Of the 18 larger villages, Marnhull is identified as the largest and most well served. Outside of the settlement boundaries, Policy 20 seeks to strictly control development in the countryside by establishing the criteria for appropriate development. This proposal does not meet these criteria. It is not considered to be of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan nor is there an 'overriding need' for it to be located in the countryside.
- 15.3 The proposal is found to be contrary to Policies 2, 6 and 20 of the Development Plan and planning permission should therefore be refused unless other material considerations indicate otherwise.
- 15.4 One such consideration is the NPPF. At present the Council cannot demonstrate a five-year housing land supply in the North Dorset area (current figures show a 4.27 year housing supply) and the Housing Delivery Test Measurement for North Dorset is below the required 75% (currently at 69%). In such circumstances, paragraph 11(d) of the NPPF, which is afforded significant weight as a material consideration, dictates that the basket of policies most important to the determination of the application should be considered to be out of date. For clarity, this refers to policies 2, 6 and 20 of the Local Plan, Part 1. 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.

Criterion (i) are the "footnote 7" reasons detailed in the NPPF. The relevant 'Footnote 7' policies in this case are those that are related to designated

heritage assets. However, as discussed later on in this report, officers do not consider that there is a clear reason under paragraph 11d(i) and Footnote 7 to refuse the development and, thus, it is the balancing exercise under (ii) that is applicable in this instance and is considered in more detail in the 'Planning Balance' subsection of this report.

- 15.5 This subsection will now consider the weight that should be afforded to the Development Plan policies.
- 15.6 The general principle underlying the titled balance is that permission is not refused on the basis of a development plan which has become inconsistent with the NPPF i.e. overtaken by things that have happened since the plan was adopted, either on the ground or in some change in national policy, or for some other reason. Overall, Officers consider that Policy 2, 6 and 20 of the Local Plan, Part 1 remain consistent with the NPPF, in particular paragraphs 78, 105 and 174 insofar as they seek 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. Officers consider that whilst the weight afforded to these policies should be tempered by application of paragraph 11d of the NPPF, they should nevertheless be afforded moderate weight in the planning balance.
- 15.6 It was never anticipated that local needs be met through large-scale housing proposals and, notwithstanding any housing shortfall, it is relevant to have regard to the Council's spatial strategy when considering the appropriate distribution of housing across the District and the scale of development proposed. No housing needs assessment has been carried out for the 18 larger villages, however, consideration of known variables can assist in offering some context and understanding the implications of a development of this scale.
- 15.7 Between 2011 and 2022, 2260 net dwellings have been completed in North Dorset. Of the 2260 net completions, 676 dwellings have been completed in Stalbridge, the larger villages and the countryside and, of those, 56 dwellings have been completed at Marnhull. In terms of the 5 year deliverable supply, 603 dwellings are in Stalbridge, the larger villages and the countryside. In addition to those, there are another 570 dwellings that are anticipated to come forward in 5+ years. Therefore, potentially 1849 dwellings could come forward in Stalbridge, the larger villages and the countryside, well in excess of the minimum Local Plan target of 825 dwellings.
- 15.8 Marnhull itself would see a net increase of 263 dwellings (excluding the current proposal). This includes the allowed outline scheme at Land North of Crown Road for 72 dwellings (Ref: 2/2018/1124/OUT), 61 dwellings at Land North of Burton Street (Ref: 2/2018/1808/OUT) and recently permitted 39 dwellings at Land off Butts Close (Ref: P/OUT/2021/03030).
- 15.9 The 2011 Census recorded 962 dwellings in Marnhull. Marnhull would potentially increase by 27% between 2011 and 2031, or 34% if this proposed scheme was also permitted and developed. Accordingly, consideration should

be given to whether this scale of growth is sustainable, with due regard of the infrastructure, facilities, services, jobs and transport connections available at the village.

- 15.10 In terms of housing numbers within Marnhull and ‘the countryside’, the Planning Inspector for the adjoining Land north of Crown Land allowed appeal recognised that other housing schemes had already been granted planning permission in Marnhull and that the Council’s Local Plan aim of providing no more than 825 dwellings in the countryside settlements has already been exceeded. However, the Inspector also highlighted that there is no cap and the numbers are still relatively low compared with the anticipated long term dwelling completions in the four main towns and there is a pressing need for new housing in the district as a whole.
- 15.11. On this basis, it is accepted that policies 2, 6 and 20 may have to be breached to provide sufficient housing land supply. Nevertheless, it is important to ensure that sustainable development is delivered. The acceptability of this application must be determined by reference to the level of harm and the application of the tests in paragraph 11d(ii) in the NPPF. The potential impact of the scheme on local infrastructure (as described by Policies 13, 14 and 15 of the Local Plan) needs to be taken into account, and any identified deficits remedied through planning conditions and/or obligations to enable the principle of development to be acceptable.
- 15.12 In terms of benefits of the scheme, the proposed development of up to 67 dwellings would provide a useful contribution towards the Council’s five-year housing land supply. Permission and implementation of the scheme would also support the recovery of the Council’s Housing Delivery Test figure. The fact that the Council needs to boost delivery at a North Dorset level must be afforded substantial weight in the planning balance.
- 15.14 Marnhull is the second largest village within the District, by some distance and, for a village, is relatively well served in terms of facilities. Facilities include: a church, two primary schools (although one is outside of the settlement boundary area), two public houses, two convenience stores, a post office, hairdressers and fabric shop, a doctor’s surgery, pharmacy, garage, village hall, children’s play area and an equipped recreation ground.
- 15.15 However, like all villages, Marnhull is not without its constraints and it is important to consider the suitability of the location of the site relative to the village and whether this would deliver sustainable development.
- 15.16 Within the village, routes are restricted in places, creating pinch points for vehicular traffic, and with some services only accessible via unlit village roads with no footway. The application site lies towards the eastern end of Marnhull, with the majority of the facilities and services within the village lying centrally or towards the western side. Most of the facilities, including the schools, shops, and doctor’s surgery, would stretch beyond 800 metres from the site (or a 10 minute walk), which is generally considered a walkable distance from

services and facilities, with all routes lacking footways and street lighting at various stretches.

- 15.17 While walking on roads is a common part of rural life and there are existing dwellings in the eastern end of the village, there are blind bends on the main route into the village where visibility for and of pedestrians and cyclists is restricted. The road characteristics and lack of footway between the site entrance and Crown Road would be a deterrent to pedestrians and with no substantive evidence provided to indicate that there is regular pedestrian traffic along this route, it is considered that routes to access village facilities and services would not be safe or attractive for pedestrians.
- 15.18 The application suggests that the adjoining appeal site would provide pedestrian routes through the site, connecting to existing public rights of way and, once built out, it would provide pedestrian connection for future residents of the proposed development. However, at the time of recommendation, no commencement has taken place on the appeal site, nor have any reserved matters applications or discharge of condition applications been submitted and, thus, the current situation is that there remains no suitable pedestrian links available. With no guarantees that the appeal site will necessarily be implemented, it is the current baseline and status quo that pedestrian connectivity should be assessed against.
- 15.19 It is proposed to connect the development with public footpath N47/34 at the north west corner of the site by crossing Tanzey Lane and a piece of highway land immediately south of Laburnum Cottage. No details of the crossing from the site westwards onto the right of way have been provided. The land piece of land immediately south of Laburnum Cottage does not form part of the red line application area and, thus, there would be no legal mechanism to secure this connectivity.
- 15.20 Notwithstanding this issue, there are also highway safety concerns that would need to be addressed should this connectivity to the public footpath come forward. The proposed connection point has very hindered visibility owing to its position on a tight, narrow country lane bend. This safety concern has also been raised by the Ramblers Association.
- 15.21 Regarding the existing right of way crossing the appeal site, it is currently unsurfaced and crosses a steeply sloping field, before linking onto Ashley Road some 265m to the west. The short section of tarmac path linking onto the estate road from the field is partially obstructed by a streetlamp column at its western end. Due to the nature of this link, it will be unsuitable for use in bad weather or during the Autumn and Winter months. Its horizontal alignment and surfacing does not make it conducive for use by people with protected characteristics.
- 15.22 The indicative layout shows an emergency link onto Sodom Lane to the north. If this was provided it could encourage pedestrians to walk along the road into the village centre to west, along a carriageway with no streetlighting or segregated footway, for a distance of around 325m before the footway is

reached at the Ashley Road junction. Again, this would present significant highway safety risks for all users.

- 15.23 In order to reach a wider range of services, together with a choice of employment, it would be necessary to travel to one of the District's larger settlements. The lack of any arterial routes leading to the village is noteworthy. There is a bus stop at the where Tanzey Lane meets Crown Road, some 80m to the south west of the proposed vehicular access point serving the proposed development. This bus stop serves a bus service that offers access to Yeovil, Stalbridge, Henstridge, Sherborne, Sturminster Newton and Blandford. There is another bus stop north of the site, at the entrance to Corner Close, providing a service to Gillingham. Whilst these do provide alternative means of wider transport, the services are fairly infrequent and do not run in the evenings or at weekends. The opportunities for future occupiers to make sustainable choices in terms of travel are therefore limited and unlikely to provide a realistic alternative for travel, leading to an inevitable reliance on private cars to reach wider services and employment choices. The site, lying further east from the village facilities and services with no safe public footpath connection and intermittent footways along roads, access would be a far greater challenge for pedestrians, especially outside of daylight hours.
- 15.24 With regards to the 'sustainability' of the location of the allowed scheme of 72 dwellings on the adjoining parcel of land to the west, the Planning Inspector recognised that "although services are limited, [Marnhull] is the most well served of the 18 larger villages in the district and benefits from proximity to facilities in nearby Sturminster Newton and Stalbridge... many day-to-day needs can be met locally through relatively short trips." They also recognised that "The site is within walking distance of a post office, a general store and the medical centre. The development would enhance and help to maintain the vitality of Marnhull and nearby villages which share facilities... The allocation in the Local Plan of Marnhull as a location for growth to serve local needs and its location near other villages with a range of services indicates that less weight attaches to this concern than might in other parts of the countryside."
- 15.25 In terms of other modest benefits, the new homes would provide some short-term economic benefits during the house build. The new homes have the potential to contribute to the vitality and viability of the village, offering continued support for existing services and an indication of providing 40% affordable homes. It is clear from previous applications in Marnhull that there is existing pressure on local services and, where an unacceptable impact on services is identified, the proposed development seeks to make contributions to mitigate the impact of the proposed additional housing. This would comprise both on-site provision of additional facilities, including a LEAP and public open space, as well as financial contributions towards off-site provision.
- 15.26 Overall, despite the tempered weight afforded to the Development Plan policies, the principle of development is not considered to be acceptable on

the basis that the development site is not in a suitable location with regard to accessibility.

Affordable housing and infrastructure contributions

15.22 Policy 8 of the Local Plan sets out the Council’s approach to the provision of affordable housing and seeks 40% affordable housing outside of the four main towns. To this end, the applicant has indicated that such a policy compliant provision would be provided on site, equating to 26.8 dwellings (expecting 26 dwellings and residual 0.8 equivalent as a financial contribution) if all 67 dwellings would be developed. The 26 affordable houses would need to be made of an acceptable mix, as per Policy 7 of the Local Plan.

15.23 At the time of recommendation, no Unilateral Undertaking or bilateral s106 agreement has been provided or completed at the time of determination. No draft Heads of Terms have been provided either. Therefore, in the absence of even a draft form of legal agreement, the provision of policy compliant affordable housing on site cannot be guaranteed and secured. The proposal therefore conflicts with Policy 8 of the Local Plan.

15.24 In addition to affordable housing and to ensure the development is acceptable in planning terms, applications for major housing development are expected to maintain and enhance the level of grey, green and social infrastructure through on-site and off-site obligations, as required by Policies 13 (Grey Infrastructure), 14 (Social Infrastructure) and 15 (Green Infrastructure).

15.25 Policy 14 requires development to support the maintenance and enhancement of existing social infrastructure, through provision on site or contributions to provision off site. This includes educational and health facilities and the nature of the proposal would generate a need for additional school places and increased demand for local health services. Financial contributions are therefore necessary to cater for this increased demand. Where CIL is not currently in operation and/or where development is zero-rated from paying CIL, a planning obligation to support the provision of NHS infrastructure will need to be secured.

15.26 Policy 15 requires development to enhance existing and provide new green infrastructure to improve the quality of life of residents and deliver environmental benefits; and to deliver or contribute towards the delivery of a range of measures including open space, enhancement to the functionality, quality and connectivity of green infrastructure and area specific packages that achieve multiple benefits. The application indicates provision of open space on site, the mechanism to secure its future maintenance and management will be addressed by the associated legal agreement.

15.27 In this case the following on-site and off-site contributions would be required:

Affordable Housing	40% On Site Provision
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Allotment Contribution	£308.16 per dwelling
NHS Contribution	£772 per dwelling
Trailway Contribution & Rights of Way Enhancement	£10,000 - Bridleway Surfacing £3,800 - ROW 10 x stiles to gates
Education (Primary & Secondary)	£6094.34 per dwelling
Pre-School Provision Contribution	£190.50 per dwelling
Community, Leisure and Sports Facilities Contribution	£2,006.97 per dwelling
Informal Open Space	On Site Provision
Informal Open Space Maintenance Contribution	£1,278.80 per dwelling
LAP & LEAP	On Site Provision
LAP & LEAP Maintenance	£359.36 per dwelling
Formal Outdoor Sports Facilities Contribution	£1,318.80 per dwelling
Formal Outdoor Sports Facilities Maintenance Contribution	£128.73 per dwelling
Bus Services & Sustainable Transport Contributions	To be confirmed
Library Contribution	£75 per dwelling – Sturminster Newton Library

15.28 However, again, no Unilateral Undertaking or bilateral s106 agreement has been provided or completed at the time of determination and, therefore, with this absence the provision of contributions to make the development acceptable in planning terms cannot be secured. The proposal therefore also conflicts with Policies 13, 14 and 15 of the Local Plan.

Heritage impact

Marnhull Conservation Area

- 15.29 With regards to the two Marnhull Conservation Areas, the applicant's Heritage Statement succinctly considers that the site does not lie within its immediate or close setting and therefore would have no impact upon the setting of this designated heritage asset. Officers do not disagree with this view. From within and immediately around the site there does not appear to be any intervisibility with the conservation area boundaries, largely owing to the distance involved, topography and intervening vegetation/buildings. Within a wider, panoramic village context, such as elevated views from public rights of way around Ashley Farm and through hedgerow gaps along Great Down Lane, parts of the village that lie within the conservation areas are also not readily discernible.
- 15.30 In consideration of the adjoining development at Land north of Crown Road, Council officers recognised that the relationship with the conservation areas was less direct with limited inter-visibility between the areas and, consequently, a limited impact upon the character and historic value of those areas. It was also recognised that development on this adjoining site would also be read in context with modern C20 development, rather than the historic parts of the village within the conservation areas. As such, it was considered that there would be no harm to the setting of the Marnhull Conservation Area. In allowing the subsequent appeal, the Inspector also concluded that "[The site] does not contribute to the significance of either of the Marnhull Conservation Areas".
- 15.31 Whilst each site is assessed on its own merits, even when it adjoins another site, the same conclusion can be reached with the current application site at Salisbury Street as the impact, with respect to setting of the conservation area, would be equivalent i.e. not harmful. Thus, the character, appearance and setting of the Marnhull Conservation Area would be conserved as a result of the proposed development.

Setting of listed building – Laburnum Cottage (grade II)

- 15.32 As with the allowed scheme on the adjoining parcel to the west, the proposed development of up to 67 dwellings would inevitably have an impact on the setting of grade II listed Laburnum Cottage, which lies just beyond the north west corner of the application site.
- 15.33 As the Inspector for Land north of Crown Road recognised, the significance of this listed building derives from its architectural and historical interest as a 17th century coarsed rubble agricultural worker's cottage. The significance of the building is enhanced by its stand-alone location on the opposite side of the adjoining field from the village, enabling its purpose to be understood and appreciated in its original context. The public rights of way crossing the appeal site were regarded as a particularly sensitive receptors whereby the field's contributory element to the setting of the listed building could be appreciated. At the time of this other application, it was considered that less than

substantial harm would be caused to the setting and significance of Laburnum Cottage and the Inspector agreed with this degree of harming by virtue of the proximity of development to the west side of the cottage. However, the Inspector concluded that this harm would be outweighed by the public benefits of this scheme.

- 15.34 The applicant's Heritage Statement considers that, in addition to the field to the west of it, the wider rural setting of Laburnum Cottage also includes the application site, from where it can be viewed. The open field application site forms a foil to this listed building. The indicative layout drawing puts forward a suggested design approach to the layout of the site, whereby views of the listed building will be lost from parts of the site but remain visible from the more open northern parts of the site. The applicant accepts that views from the asset into the application site will affect its rural setting and the loss of part of its wider landscaped setting would inevitably diminish its historic agrarian setting and reduce its relative remoteness within the rural landscape. This would be appreciated from a number of viewpoints surrounding the site, including positions along Sodom Lane and from footpaths to the north of the site. The gap between the nearest proposed dwelling and listed building would not be dissimilar to the equivalent relationship on the appeal site. However, even with a gap and green buffer at the northern end of the site, new housing, sited on the rising land and ridgeline, would still be seen as standing above and behind the listed building, encroaching harmfully upon its open setting.
- 15.35 The applicant considers the effect of the development upon the setting of the listed building to amount to less than substantial harm. As a means of mitigating the effect and maintaining a sense of agrarian setting, the applicant has indicated a layout that would create a landscaped buffer in the north part of the site, comprising a public open space, play areas and the SuDS basin. However, as indicated, this mitigation would only have a limited effect. It is, however, likely that an alternative layout on the site would be able to mitigate the effect.
- 15.36 Officers agree that less than substantial harm would be caused to the setting of Laburnum Cottage. In this instance and in accordance with paragraph 202 of the NPPF, the less than substantial harm needs to be weighed against the public benefits of the proposal (see conclusion to this sub-section).

Setting of listed building – St Gregory's Church (grade I)

- 15.37 As with the adjoining appeal site to the west, views of St Gregory's Church tower together with the site would be most apparent when viewed from the north and north east. However, even in these views, the church tower would remain the dominant feature as a historical landmark and be seen along with and in scale with existing mixed development which surrounds the church. Like the appeal scheme, the proposed development would not impact on the immediate setting of the church.
- 15.38 The Inspector for the allowed Land north of Crown Road appeal considered that the main impact upon the church tower would have been experienced upon approach to the village along footpath N47/34, crossing the appeal site,

whereby the presence of new dwellings would affect the experience. However the Inspector also accepted that, subject to control over heights, the presence of dwellings on the appeal site would not have diminished the architectural and cultural significance of the church tower, nor its function as a way marker. The Inspector nonetheless considered that the appeal scheme would have resulted in a very small degree of less than substantial harm to the significance of the grade I listed church.

- 15.39 With no connecting footpath passing through the application site, the effect from within the site would not be similar. It is possible that towards the lower northern sections of the site the very top of the church tower may be visible if boundary hedgerows were kept low and in winter leaf, but not obvious. In this sense, officers consider that the impact of development from within the site upon the setting of the church would result in no harm in the context of the NPPF.
- 15.40 In consideration of the adjoining appeal site, the Inspector considered the impact from the top of the church tower itself and far-reaching views that can be achieved. The appeal scheme would have been visible from here. The proposed development would also be visible behind the appeal site but to a slightly lesser degree owing to the continuing drop in topography towards the north; those perched on the southern part of the site would be more visible. As the Inspector noted, from the top of the tower the layout of Marnhull, its position within the Vale and its development over centuries can be readily understood and much of the village's 20th century development is also clearly apparent. Even as a cumulative effect with the appeal site, the proposed scheme would represent a small incursion into a broad 360 degree panorama, on the edge of the village in the view to the east. It would represent further development and evolution of the community that supports and is ministered to. As such, it is considered that no harm to heritage significance would arise in this respect.

Setting of listed building – Nash Court (grade II)

- 15.41 The applicant's Heritage Statement does not consider if there would be any impact on the setting and significance of Nash Court, a grade II listed building. Nash Court, Manor House and Nash Lodge, formerly a 16/17th century single house of coursed stone, is listed for its architectural and historic interest and as the home of the Hussey family.
- 15.42 The Inspector for the appeal site recognised that, although 660m distant, it would be visible from the south façade of Nash Court. Adjoining to the appeal site and following the same sloping topography, the current application site would also be similarly visible from within the immediate setting of Nash Court. It is recognised that there are strong historical links to the land around Marnhull and the church. The application site, along with the adjoining appeal site, form part of the field system in the view which historically formed part of the estate including Laburnum Cottage and, as such, the extent of the setting that contributes to the significance of Nash Court is considered to extend to such a distance.

- 15.43 The Inspector for the allowed appeal recognised that the contribution of the estate to heritage significance has been eroded away over many years, to the extent that it is much more difficult now to appreciate it. For the appeal scheme, it was considered that, with new tree planting to mitigate its visual impact and a significant gap between Laburnum Cottage and the nearest proposed dwelling, the effect on heritage significance would be low on the scale of less than substantial harm.
- 15.44 The visual impact and manner in which Laburnum Cottage would be read from Nash Court would, however, be different owing to the position of the application site relative to Laburnum Cottage. Although it is suggested in the indicative plans that there would be somewhat of a gap between Laburnum Cottage and the nearest dwelling proposed (plot 37), this would not be readily apparent when viewed from Nash Court owing to the angle of sight and rising topography. Whereas dwellings in the appeal site would be above but to the side of Laburnum Cottage, the new dwellings on the current application site, set on rising ground, would be read as standing directly behind and above this listed building. Even with a band of tree planting between Laburnum Cottage and the nearest dwelling behind it, the slope is such that dwellings would still be visible rising up the slope towards Salisbury Street when viewed from Nash Court. As such, the effect of the proposed development on the heritage significance of Nash Court would also amount to less than substantial harm.

Setting of listed building – Shaston View (grade II)

- 15.45 Another designated heritage asset that was deemed to be affected by development of the adjoining appeal site was grade II listed Shaston View. Its heritage significance derives mainly from its architectural and historical interest as a dwelling, with its wider historical importance as a farmhouse much diminished due to subsequent disposal of land and 20th century development. Although considered there to be no obvious functional connection between the building and the field subject to appeal, the openness of the field would have allowed appreciation of an old farming connection which would have been diminished further by the appeal scheme, with the harm very low on the scale of 'less than substantial'.
- 15.46 The application site is further east from the appeal site and not to the rear of Shaston View. Owing to the presence of mature trees in and around the property known as The Pines, the listed building would be largely hidden from the application site. as such, it is considered that no harm would be caused to the significance and setting of this listed building.

Heritage conclusion

- 15.47 Great weight is given to the desirability of preserving heritage assets. Less than substantial harm has been found to the respective settings of grade II listed buildings Laburnum Cottage and Nash Court. However, officers consider that the public benefits of the proposal, insofar as boosting the supply of housing when the Council lack a five year supply of housing and doing so within the second largest village in the district, outweighs the less than substantial harm identified to designated heritage assets.

15.48 Accordingly, there is no clear reason to refuse the application under paragraph 11 and footnote 7 of the NPPF on the grounds of impact on designated heritage assets. In consideration of all of these points and having had regard to s66 and s72 of the Planning and Listed Building Act 1990, it is considered that that there would be no conflict with Policy 4 of the Local Plan and section 16 of the NPPF.

Amount of development and consequential visual and landscape impacts

15.49 Policy 4 of the Local Plan states that 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 that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme.

15.50 The site is within the Limestone Hills landscape character type and 320m from the Clay Vale to the east. The site lies within in the Blackmore Vale and Wardour National Character Area which indicates that tranquillity is an important part of the character of the landscape. The Dorset Landscape Character Assessment provides further detail on the key characteristics of the Limestone Hills Landscape Character Type (LCT) which the local area and site reflects. This assessment describes Marnhull as having poorly integrated urban edges. The site sits on the crest and north flank of a gentle ridge extending eastwards from the settlement. The ridge is similar in profile to elsewhere in the village where development has taken place over many years. Despite its size, the village retains strong rural perceptual qualities with high levels of tranquillity.

15.51 The matter of whether the value of the site's landscape setting amounted to a 'valued landscape' for the purposes of paragraph 174 of the NPPF was addressed in the allowed appeal on the adjoining site. In reaching their conclusion that the landscape did not amount to a valued landscape, the Inspector considered that "Its demonstrable physical attributes are not very different to many other fields and slopes around the village and in the locality generally including others crossed by public rights of way. It does not contribute to the wider landscape character any less or more than other similar fields around the settlement." The "negative influence" of the Ashley Road development and the site's proximity to housing at Stoneylawn and Corner Close also played a factor and the fact that the village is predominantly built on connected ridges of higher ground made it less sensitive to residential development, even from longer distances in its wider landscape context such as from Great Down Lane.

15.52 The Strategic Landscape and Heritage Study for North Dorset - Assessment of Land Surrounding the Larger Villages recognises that the existing settlement is low density and laid out in a distinctive and historic linear settlement pattern, with significant linear infilling between the two sections of the conservation area i.e. to the west of the application site. The application site, set further east, would effectively infill and extend the settlement

boundary to the eastern edge at Corner Close/Stoneylawn. If implemented alongside the appeal site, the proposed development would form a proportionately substantial village extension.

- 15.53 Unlike the adjoining appeal site, there are no public rights of way that cross the site. There are several public rights of way near the site, mostly branching out towards the north. Public footpath N47/85 runs north along Ashley Farm Lane where the development would be visible, particularly from sections closest Sodom Lane.
- 15.54 On the north side of Ashley Farm footpath N47/85 branches off in different directions to form N47/81 (the Hardy Way) and N47/86. The network of public rights of way surrounding the village allowing appreciation of the landscape. Viewpoints from both of these footpaths have been recognised in the applicant's LVIA and shows the context of the site adjacent to existing built form. The LVIA identifies that the highest degree of visual effect beyond the most immediate area would be experienced by visual receptors located towards the north. It records a moderate adverse effect on receptors on footpaths including the Hardy Way.
- 15.55 Officers consider that the extent of the site's visibility from the north has been somewhat underplayed as observed visibility extends to Great Down Lane and west to Nash Lane, around 1km to the north east and north west of the site. From these medium distance viewpoints, the proposed development would be seen as extending the village boundary across the slope. However, the development would also be viewed in context with existing built form, such as the semi-detached properties of Stoneylawn, which sit proudly on the skyline above the site. The properties at Corner Close are also visible from within the same views. If built out, the appeal site would also be read alongside the proposed development.
- 15.56 The applicant's LVIA photography shows only summer images and does not show the increased visibility of the site in the winter months. The LVIA assesses the Potential Landscape Effects on the site itself as having an overall effect 'Major-moderate'. It assesses the potential landscape effects on the Limestone Ridge within which it lies and the Blackmore Vale LCA as 'Minimal neutral'.
- 15.57 The settlement boundary exclave area comprising Corner Close/Stoneylawn to the east partially disconnects the site from the wider landscape. This is evident from views through field gate gaps along the eastern section of Great Down Lane. From here, the prominent, sloping topography and intervening arable fields exposes the site. From this wider perspective, the existing development to the east and west of the site physically and visually separate it from the wider LCA. Development of the adjacent appeal site to the west would strengthen this separation, extending the urbanised character. The proposed development would further increase this, leading to an adverse cumulative visual effect on receptors from the north, including from along the Hardy Way.

- 15.58 Much like the adjoining appeal site, the application site is currently open and agricultural in nature. However, adjacent built development reduces the sensitivity of the site to new residential development and the proximity of housing means that the site makes only a limited contribution to the landscape character of the Blackmore Vale locally. In allowing the appeal on the adjoining site, the Inspector considered that, whilst development on the site would be highly visible and adverse, the magnitude of change would only be medium, resulting in a moderate magnitude of change upon the surrounding landscape. However, crucially this was based on the relatively low density of the scheme and incorporation of significant new planting to limit the effect.
- 15.59 In terms of the density of the proposed development, both the Council's Landscape Officer and Urban Design Officer consider that, at 20 dwellings per hectare (dph), the proposed density would fail to sympathetically reflect the edge of settlement location of the site. The proposed density is, however, in line with the 'Potential housing yield (units)' figure and 'potential housing density' within the 2021 Strategic Housing Land Availability Assessment (SHLAA) for this site (reference: LA/MARN/005). In contrast, the adjoining appeal site to the west has permission for a much lower density of 13dph. The density of the post-war suburban estate that makes up Ashley Road/Phillips Road, and is closer to the centre of the village (adjoining to the west of the appeal site), has a slightly higher density of approximately 17dph. Thus, the density of development lowers eastward from Church Hill and towards the village edge in this location.
- 15.60 The 'exclave' comprising Corner Close and Stoneylawn east and south east of the application site do not follow the lower density pattern. These clusters have densities that are similar to the proposed development, at 19dph and 21dph, respectively. Thus, in this context, a proposed density of 20dph would not appear to be grossly out of character or demonstrably inappropriate for development that would effectively infill a gap between the settlement boundary areas.
- 15.61 The Councils' Landscape and Heritage study recommends avoidance of development along upper slopes and that proposals should not detract from landmark views, including views to the church tower. Indicative plans provided suggest dwellings would be no taller than two storeys, heights that would be unlikely to impact on the church as a landmark with the landscape setting. The matter of scale is reserved for a later stage, however the design and heights of dwellings can be controlled by condition to effectively set parameters for the scale matter and, in turn, not affect the prominence of St Gregory's church tower.
- 15.62 Given the landscape sensitivities identified within the LCA's and Landscape & Heritage Study, mitigation of the landscape and visual impacts would need to be carefully addressed.
- 15.63 The applicants have provided plans showing an indicative layout for a proposed scheme of 67 dwellings. The Council's Landscape Officer considers that the indicative layout does not demonstrate that adequate mitigation of the

potential negative visual effects, particularly from viewpoints from the north, could be achieved. The proposal relies on a 10m wide 'green buffer' around the perimeter of the site, which the Landscape Officer considers would be ineffective in reducing the harmful visual effects on a sloping, exposed site. The Landscape Officer suggests that effective visual mitigation should come in the form of internal bands of medium-large sized tree planting running parallel and bisecting the slope. To successfully achieve this effect the layout would need reconsidering.

- 15.64 The indicative layout comprises an excess of housing estate roads snaking across the whole hillside site to form a series of cul-de-sacs, which would be a barrier to a site layout with strong internal permeability. Cul-de-sacs create an introverted layout which fail to integrate with their surroundings and also present issues with refuse and emergency vehicle turning. The indicative layout would be distinctly suburban in nature, with a prominence of frontage parking and street trees, presenting an unsympathetically 'hard' environment within its rural context.
- 15.65 It should be reiterated that such plans would not be approved as part of conditions as the layout is a reserved matter and, thus, could be subject to change at this stage. Whilst these indicative plans illustrate a degree of intention from the applicant/developer, they are not binding to any grant of permission. Thus, reliance on these plans as a means of refusing the application on specific design issues is not appropriate as these could potentially be overcome at the reserved matters stage. Instead, the key consideration in this respect is whether or not a development of a maximum of 67 dwellings could be accommodated on the site without resulting in a significant and demonstrable adverse impact.
- 15.66 Notwithstanding criticism of the indicative layout submitted with this outline application, officers consider that a more acceptable layout of the same quantum of 67 dwellings is achievable within the site. Indicative plans for the previously withdrawn application on the site for the same quantum of development showed a different scheme with design elements that would likely be more acceptable than the current application. An improved layout should consider the use of complete perimeter blocks and utilising courtyard arrangements, whilst maintaining suitable spacing from the Laburnum Cottage and providing sufficient street trees and other necessary green infrastructure.
- 15.67 This does not mean to say that an alternative layout would completely avoid an adverse impact in terms of visual amenity and landscape character; a degree of harm would remain from any form of major housing development on a sloping, edge of rural settlement site and this needs to be weighed in the overall planning balance. However, officers consider that it would be possible to develop the site for a maximum of 67 dwellings without resulting in significant and demonstrable adverse impact.

Flood risks and drainage

- 15.68 The site lies within fluvial flood zone 1 and there are no surface water flood risks on site, although some medium risks just north of the site long a short stretch of Sodom Lane.
- 15.69 There are, however, recognised groundwater susceptibility issues on site. The mapping data that the Council hold indicates that almost the entire site, with the exception of a strip at the southern end, is at risk of groundwater emergence, with groundwater levels between <0.025m and 0.5m below the ground surface. Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots.
- 15.70 The applicant has submitted a site-specific Flood Risk Assessment (FRA). This indicates that the ground conditions of the site are such that it is relatively impermeable. The applicant excavated three trial pits as part of ground investigation on the site. groundwater was encountered at a depth of 2.1m below ground level and not encountered in the other two trial pits. The FRA acknowledges that if groundwater was to emerge on the site, flow paths would follow the existing topography of the site and flow to the north and, on this basis, it would be unlikely that groundwater emergence would lead to areas of standing water within the site. accordingly, the applicant considers the risk of flooding from groundwater to be 'low to medium'. The applicant has also sourced their own groundwater flood mapping data from Blackwells which indicates the site to have a 'negligible' risk of groundwater flooding.
- 15.71 The NPPF and PPG advise that the flood risk sequential test should be applied to major development that is proposed in areas at risk from flooding. In consideration of the applicant's FRA and ground investigations on the site, and with no conclusive evidence to conclude otherwise, it is accepted that the risk from groundwater flooding would be low and not trigger the requirement for the flood risk sequential test to be applied and passed. The LLFA also accept that flood risk to the site is very low.
- 15.72 With regards to the surface water drainage strategy on site, a requirement for major housing developments, the LLFA have raised a number of issues with the information that has been submitted with the application.
- 15.73 One of these concerns the proposal for an underground tank to augment the storage provided by a proposed above ground attenuation basin. Underground attenuation tanks do not meet all four criteria of the SuDS philosophy. As a major development on a greenfield site, all surface water attenuation storage should be provided in above ground features e.g. an attenuation basin. Paragraph 169 of the NPPF also makes it clear that "Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate." It is important to note that paragraph 169 also states that any SuDS used should take account of advice from the LLFA.

- 15.74 Notwithstanding this issue, a fatal flaw in terms of drainage, is that no formal surface water discharge point has been identified. The surface water management drawing simply shows a blue line from the outlet of the attenuation basin to Sodom Lane. There is no drainage line, drainage pipe or other drainage system along Sodom Lane. Thus, this proposal is not feasible. No clarity on this matter has been provided by the applicant.
- 15.75 Another key issue relates to the size of the proposed attenuation basin. The attenuation basin is shown to be at the lowest point of the site with surrounding ground levels of approximately 59.5m-60.0m. The land along Sodom Lane is at a level of approximately 59.5m. It is not clear how even a shallow attenuation basin with a depth of 1m will have a free draining outlet. The base of the attenuation basin will therefore be lower than any point surrounding it. In conjunction with the concern regarding a formal surface water discharge point, the applicant has not given an indication of the preliminary levels of the attenuation basin and demonstrate that it will be free draining and discharge to a recognised discharge point. If it would be necessary to amend the depth of the basin to 0.5m to potentially address this issue then this could consequently necessitate an alternative basin covering a larger ground area, or alternative location for the basin, thereby potentially influencing the final layout.
- 15.76 The LLFA also have concerns that exceedance flow routes have not been indicated on any plans.
- 15.77 None of the above issues have been addressed during the course of the application and, on this basis, officers are not satisfied that the proposed development would be made safe for its lifetime without potentially increasing flood risk elsewhere. There are uncertainties regarding the size and discharge of the attenuation basin which have not been overcome. As such the proposal fails to comply fully with Policies 3 and 15 of the Local Plan, as well as paragraphs 167 and 169 of the NPPF. As this relates to a technical drainage issue, officers do not consider that it amounts to a 'Footnote 7' reason to refuse the application. The issue should be weighed in the overall planning balance.

Impact on agricultural land

- 15.78 Policy 4 of the Local Plan states that the Council will seek to protect the best and most versatile agricultural land from development. As both Policy 4 and Annex 2 in the NPPF confirm, 'best and most versatile agricultural land' is land in grades 1, 2 and 3a of the Agricultural Land Classification. Policy 4 also states that the Council will only approve development which would result in its permanent loss where:
- the site has been allocated for development in either the Local Plan or a neighbourhood plan; or
 - it can be demonstrated that the social or economic benefits of the proposal outweigh the value of the land; or

- there is no appropriate alternative site, including previously developed sites or sites of lower agricultural value; or
- the proposal is small in scale, to support the diversification of an existing agricultural business.

15.79 According to the Natural England 1:250,000 scale Agricultural Land Classification Map for the south west region (2010) the site is identified as undifferentiated Grade 3 'Good to Moderate' land, with Grade 4 just to the north of the site. This data set does, however, not distinguish between grades 3a (good) and 3b (moderate).

15.80 The applicant has not provided a more detailed assessment of the ALC across the site. Their Planning Statement appears to correspond with the Natural England data and states that "In terms of agricultural land, the site is within an area broadly characterised by Grade 3 soils, but bordered by Grade 4. It is possible to conclude that the best and most versatile land Grades 1 and 2 will not be lost as a result of this development". The applicant errs in terms of the grading extent of 'best and most versatile land' as it is clear this also includes Grade 3a, in addition to Grades 1 and 2. With a broader description of 'Grade 3' taken, no further information or evidence has been provided to conclusively rule out that the land could comprise subgrade 3a and therefore best and most versatile land. Thus, it is reasonable to take into account the fact that the site could comprise Grade 3a land as a worst case scenario. It could be argued that this is also supported by the fact that an allotment immediately adjoins to the north east boundary of the site, whereby the soil would have to be of good enough quality to grow crops here. That being said, the land just to the north of the site and allotment is shown to be Grade 4 (poor) quality.

15.81 Taking the worst case scenario of Grade 3a forward, and regarding the criteria of Local Plan Policy 4, the site has not been allocated for development in either the Local Plan or a neighbourhood plan. It is not small in scale to support the diversification of an existing agricultural business. It would therefore rest on either of the two remaining criteria to be met:

- it can be demonstrated that the social or economic benefits of the proposal outweigh the value of the land; or
- there is no appropriate alternative site, including previously developed sites or sites of lower agricultural value.

15.82 In terms of appropriate alternative sites as per the criteria, there are no site on the Brownfield Register within or around Marnhull; the closest being in Stalbridge. There are a number of sites identified in the 2021 SHLAA, including the application site and adjoining appeal site. Of the other SHLAA sites that are regarded as having 'potential' as a reasonable means of alternative to the current site, none of these, from the information available, are clearly sites of lower agricultural value.

15.83 Thus, the acceptability in terms of potential loss of the agricultural land would fall down to whether the social or economic benefits of the proposal would

outweigh the value of the land. In this regard it is accepted that, as a worst case scenario, the permanent loss of 'good' agricultural land (and not the more valuable grades of 'very good' (Grade 2) and 'excellent' (Grade 1)) would be outweighed by the social and economic benefits the additional 67 dwellings would bring to support the local area of Marnhull and wider North Dorset district area.

15.84 On this basis, it is satisfied that the proposed development would not conflict with Policy 4 of the Local Plan and the NPPF.

Residential amenity

15.85 As the application is in outline form the extent of impact upon neighbouring amenity cannot be fully realised until the reserved matter stage(s) when the scale and layout would be considered.

15.86 Notwithstanding this, there can be little despite that the greatest potential impact upon existing neighbouring properties would be to the bungalow Wildon, which the site would wrap around the southern boundary of, and Laburnum Cottage, lying to beyond the north west corner of the site.

15.87 By virtue of the red line and extent of the site, it is possible that there could also be some potential effects on the amenity of 1 Stoneylawn and possibly 2 Stoneylawn as well, and similarly some of the dwellings on the east side of the appeal site. However, dwellings on the application would likely need to be set right up to the red line boundary of the site, effectively as a direct road-fronting dwelling, for there to be some potential detrimental effect to these neighbouring properties.

15.88 Indicative plans have been submitted to show a potential layout; one that is suburban in style, essentially comprising a number of large cul-de-sacs. This would indicate that green buffer zones formed around the boundary of the site (as per the requirements of the Biodiversity Plan), as well as an area of public open space, would ensure dwellings would be set away from the boundaries closest with neighbouring properties.

15.89 In terms of impacts upon Wildon and Laburnum Cottage, is it considered that a reduced scheme would be able to design a layout that would create more generous spacing, in addition to more vegetation screening, between any new dwellings and these most threatened properties to avoid any adverse effect upon amenity.

15.90 With these points in mind, it is considered that the impact upon neighbouring amenity would be unlikely to be considered significantly harmful to warrant a reason for refusal. The proposal would therefore comply with Policy 25 of the Local Plan.

Habitats and biodiversity

- 15.91 The site does not lie within a statutory or non-statutory designated ecology site. However, that does not mean to say it lacks any ecological value.
- 15.92 The applicant has provided an Ecological Impact Assessment and Biodiversity Plan (BP) with the application. The latter has not been signed by the Council's Natural Environment Team (NET) and issued with a Certificate of Approval to verify the information is acceptable, as per the Council's protocol on such matters. During the course of the application NET had engaged with the applicant's ecology consultant with regards to changes required to the BP and further surveys and information required to overcome some concerns. None of these have been forthcoming at the time of recommendation.
- 15.93 In terms of the information submitted, there remain uncertainties with regard to whether the proposed development would adequately avoid adverse impacts on protected species and other wildlife and habitats.
- 15.94 Existing hedgerows are proposed to be removed on site, yet no targeted survey has been carried out to evidence whether Dormice are present within these. If they are, then the removal may require a licence from Natural England. There is no proposal for hedgerow planting to compensate for hedgerow losses.
- 15.95 In fact, there appears to be general lack of targeted surveys for species which the applicant's ecologist considers the site has potential to support. This includes bats, Hazel Dormouse and reptiles. As such, in the absence of data from further surveys, NET would expect to see a 'worst case scenario' approach to ensuring the continued ecological function of boundary habitats by these species. This would assume that all these species were present, and that an assemblage comprising the rarest and most light averse species of bats are using the site, and that the fullest mitigation would be applied. Whilst in this case we felt that this 'worst case scenario' based approach to planning appeared to mean that the mitigation proposed (ecological buffers around the perimeter of the site, retention of habitats within these buffers, and a lighting strategy) could reduce impacts to an acceptable level, this is not something that is best practice or routinely accepted.
- 15.96 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, in part, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Policy 4 of the Local Plan is consistent with this and adds that: "Developments that offer gains in biodiversity whether through the restoration of habitats or the creation of linkages between existing sites, will be looked upon favourably in the decision-making process."
- 15.97 From the information provided (the habitat losses and gains table), it is not clear that measurable net gain would be achieved. This spurs from taking the 'worst case scenario' based approach to mitigation where net gain can only be measured where mitigation ends (i.e. net gain is on top of that baseline). Where the maximum mitigation for something which is not defined by surveys

is being provided, it can be difficult to actually define where net gain begins. In combination with the poor habitat losses/gains table, there is little confidence that the application, as it stands, demonstrates measurable net gain.

15.98 Notwithstanding the above flaws with the biodiversity information that has been submitted with the outline application, it is considered that a finalised BP, containing a clear indication of measurable biodiversity net gain, could be secured by planning condition, should the application be approved.

15.99 Thus, subject to conditions to secure a BP, the proposed development would comply with Policy 4 of the Local Plan and paragraph 174 of the NPPF.

Impact on protected trees

15.100 As commented by the Council's Tree Officer, there are two trees (Ash and Field Maple) within the south west part of the site subject to a Tree Preservation Order (TPO) on the site (Ref: TPO/2023/0014). The indicative plans submitted indicate these would be retained and form part of the soft landscape for the development. The Tree Survey submitted also indicates these two trees would be retained and also an indication of how they would be protected should the indicative scheme be implemented.

15.101 As such, the impact on protected trees i.e. their retention and protection for the lifetime of the development would be acceptable and in accordance with Policies 3, 4 and 15 of the Local Plan.

Highway and transport impacts

15.102 The development site would utilise a single vehicular access point off of Salisbury Street onto a relatively straight stretch of the road, some 80 north east of the junction with Tanzey Lane. Plans have been provided to indicate that adequate tracking and visibility splays can be achieved at the access point.

15.103 The Highway Authority has been consulted on the application and comment that the baseline traffic data used is the same as that gathered in 2018, but does provide an updated turning count for the junction of Crown Road/Schoolhouse Lane/New Street/Church Hill. In terms of the traffic impact of the proposal, it is considered that, in terms of vehicular movement, this would be acceptable.

15.104 The submission is for the effectively the same site and level of development as applied for in the previously withdrawn application (2/2018/0449/OUT refers. The Highway Authority had recommended that that application be refused on the basis on pedestrian connectivity to the settlement's facilities from the site. This issue has not been overcome through the current application.

15.105 As mentioned previously, the application suggests that the adjoining appeal site would provide pedestrian routes through the site, connecting to

existing public rights of way and, once built out, it would provide pedestrian connection for future residents of the proposed development. However, at the time of recommendation, no commencement has taken place on the appeal site, nor have any reserved matters applications or discharge of condition applications been submitted and, thus, the current situation is that there remains no suitable pedestrian links available. With no guarantees that the appeal site will necessarily be implemented, it is the current baseline and status quo that pedestrian connectivity should be assessed against.

- 15.106 The application proposes a footpath connection to public footpath N47/34, created at the north west corner of the site, crossing Tanzey Lane and a corner piece of highway land immediately south of Laburnum Cottage. No details of the crossing from the site westwards onto the right of way have been provided. This land also does not form part of the red line application area and thus there would be no legal mechanism to secure this connectivity. Notwithstanding this issue, there are also highway safety concerns that would need to be addressed should this connectivity to the public footpath come forward; mainly focusing on the very hindered visibility on a tight, narrow country lane bend, subject to national speed limit. This concern has also been raised by the Ramblers Association.
- 15.107 Regarding the existing right of way crossing the appeal site, it is currently unsurfaced and crosses a steeply sloping field, before linking onto Ashley Road some 265m to the west. The short section of tarmac path linking onto the estate road from the field is partially obstructed by a streetlamp column at its western end. Due to the nature of this link, it will be unsuited for use in bad weather or during the Autumn and Winter months. Its horizontal alignment and surfacing does not make it conducive for use by people with protected characteristics.
- 15.108 The indicative layout shows an emergency link onto Sodom Lane to the north. If this was provided it could encourage pedestrians to walk along the road into the village centre to west, along a carriageway with no streetlighting or segregated footway, for a distance of around 325m before the footway is reached at the Ashley Road junction. Again, this would present significant highway safety risks for all users.
- 15.109 With the above points in mind, the proposal does not have due regard for the guidance provided by Inclusive Mobility or the Equalities Act. The proposed development would, therefore, not provide safe cycling and walking routes in to the village to access the available community facilities and services.
- 15.110 The NPPF indicates that the planning system should actively manage patterns of growth so that, amongst other things, development should be focussed on where the need to travel is limited and a genuine choice of transport modes are available. Policies 2 and 20 of the Local Plan direct residential development to within settlement boundaries as a means of limiting the amount of development in less accessible places and those that do not present or exacerbate highway safety issues.

Planning balance

- 15.111 At the time of this application The Council's published five-year housing land supply is 4.27 years. The Council's Housing Delivery Test is also just 69%. Accordingly, paragraph 11 and footnote 8 of the NPPF indicates that the relevant housing policies of the development plan should be considered out of date in this situation. For this case, those policies are considered to be Policies 2, 6 and 20 of the Local Plan.
- 15.112 Both Policy 1 of the Local Plan and paragraph 11(d) of the NPPF state that where the relevant policies are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. The relevant 'Footnote 7' policies in this case are those that are related to designated heritage assets.
- 15.113 In terms of benefits, the provision of up to 67 dwellings would help to boost the supply of housing in the district area and make a significant contribution towards the Council's five year housing land supply shortage. If delivered, the scheme would also assist with the Council's Housing Delivery Test. These points attract substantial weight in the overall planning balance.
- 15.114 Owing to the relative proximity of the two sites, a number of parallels are drawn between the application site and adjoining appeal site, which similarly lies outside of the settlement boundary. Whilst there are similarities in terms of the number of dwellings proposed, it should not be assumed that the degree of public benefits are equal. The current application involves 5 fewer dwellings and also does not make provision for a new pre-school and separate community facility, which would have provided far more benefit to the appeal scheme in the overall planning balance. That does not mean to say the current application is bereft of other public benefits; indication has been made that a play area will be provided on this site. A LEAP would be provided on the appeal site so it is likely that only a LAP would be appropriate on the site subject to the current application. Notwithstanding the type of provision that should be provided, no legal agreement or even draft heads of terms have been provided with the application to give reassurance that such benefits would be secured and delivered, should the application be permitted and implemented.
- 15.115 There would be some very modest economic benefits in the form of employment in the construction industry during the construction phase of the development. The additional population would also likely utilise genuinely accessible local services and facilities, including retail, to support the local economy and enhance the vitality of the area. This modest benefit also weighs moderately in favour of supporting the application.

- 15.116 It has also been concluded that the proposed new vehicular access point would not result in a severe impact on highway safety and the highway network in general. Impact on neighbouring amenity is also, subject to an appropriate final layout, likely to be acceptable and not cause significant adverse effect. These points provide neutral benefits, affording limited weight in the balance.
- 15.117 The proposed development would not affect the two protected trees on the site, subject to conditions securing their protection during the construction phase. The development would not result in the permanent loss of the best and most versatile agricultural land. Again, these points provide neutral benefits, affording limited weight in the balance.
- 15.118 A Biodiversity Plan has been submitted with the application and whilst this has not been signed off by NET and leaves some uncertainties with regards mitigation and enhancement, including measurable net gain, it is accepted that a final BP could be conditioned, should permission be granted. However with no certainty on measurable net gain for biodiversity this can only be afforded limited weight in the planning balance.
- 15.119 With regard to the 'Footnote 7' policies that could provide clear reasons for refusing the development proposed in this case, officers consider that the less than substantial harm that would be caused to the setting of designated heritage assets would be outweighed by the public benefit of boosting the supply of housing when the Council currently has a shortage of housing land supply and housing delivery. There is no clear reason to refuse the application under the footnote on these grounds.
- 15.120 Thus, it is the balancing exercise under paragraph 11d(ii) that is applicable in this instance, whereby permission should be granted unless 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.
- 15.121 In terms of the adverse impacts resulting from the proposed development, whilst the less than substantial harm caused to designated heritage assets would not outweigh the benefits of the scheme in isolation, there is harm nonetheless and this harm should be taken into account and weighed against benefits alongside any other adverse impacts.
- 15.122 The proposal would be in conflict with the Council's spatial strategy as a site located outside the settlement boundary of Marnhull and not, otherwise, comprise an exceptional form of development in the countryside. As the second largest village in the district area, Marnhull does benefit from a number of local services and facilities towards its centre and on the west side of the village. However, accessibility to these for pedestrians and especially those with protected characteristics would be significantly challenging owing to the distances involved, along with a lack of footways and street lighting, as well as blind bends. Connection via an existing right of way to the north west of the site would occur on a narrow blind bend on a country lane and present

significant highway safety issues. Even with connection to this footpath which crosses the adjoining parcel of land, it is currently in an unsurfaced condition that is unsuitable for all users to navigate and, with no guarantees that the appeal scheme would be implemented to improve this route, it is the current baseline and status quo that pedestrian connectivity should be assessed against. Thus, routes to access village facilities and services would not be safe or attractive for pedestrians and those with protected characteristics. This lies close to a bus route but it has a limited service, with no operation during the evening and at weekends. Opportunities for future occupiers to make sustainable choices in terms of travel are therefore limited and unlikely to provide a realistic alternative for travel, leading to an inevitable reliance on private cars to reach wider services and employment choices. For those without access to a car the location of the site is such that it may effectively isolate some residents. The location of the site is therefore unsuitable. Residential development of the site would not represent sustainable development according to national and local planning policy. Together, these factors substantially weight against the proposed development.

15.123 A proposed development of 67 dwellings on the site would result in a degree of harm to visual amenity and landscape character of the area, particularly from views to the north, such as the Hardy Way. Current indicative plans show a scheme that is made up of an overly suburban layout with cul-de-sacs and not adequate mitigation to effectively soften the visual impact. However, bearing in mind the context of the site relative to existing built form and how it would read in relation to it, the adverse impact would not amount to significant and demonstrable.

15.124 Whilst it has been indicated that the site would contain a sustainable drainage system (in the form of an attenuation basin), a formal surface water discharge point has not been identified and there is no information provided to indicate the outlet would connect with an existing drainage system on Sodom Lane. It has also not been demonstrated that the preliminary levels of the attenuation basin would be free draining and discharge to a recognised discharge point. Exceedance flow routes have not been indicated to indicate that exceedance flows would be managed to minimise the flood risk to downstream properties. It therefore cannot be satisfied that the proposed development would be made safe for its lifetime without potentially increasing flood risk elsewhere or seek to mitigate it appropriately.

15.125 Whilst it has been indicated that a policy-compliant number of affordable houses would be provided on the site, based on the countryside location (40%), this obligation has not been secured by s106 agreement. In addition to this, a legal agreement has also not been completed to secure other necessary infrastructure contributions to make the development acceptable. Without a legal agreement or even draft heads of terms to show a meaningful commitment, such benefits cannot be taken until account is weighed in favour of supporting the application.

16.0 Conclusion

- 16.1 The issues raised above provide substantial reasons to refuse the application. In the overall planning balance, the benefit of providing up to 67 dwellings towards the Council's housing land supply shortage would be significantly and demonstrably outweighed by the fact the site would have inadequate and unacceptable accessibility for pedestrians and future occupiers with protected characteristics to enable safe access to the majority of services and facilities in Marnhull. Furthermore, there is an unacceptable drainage strategy and failure to secure the necessary infrastructure contributions to make the development acceptable. The proposal would not represent sustainable development in accordance with Policy 1 of the Local Plan and the NPPF as a whole.
- 16.2 The application does not comply with Policies 1, 2, 4, 5, 6, 7, 8, 13, 14, 15, 20 and 24 of the adopted North Dorset Local Plan 2016, as well as paragraphs 130, 167, 169 and 174 of the NPPF and is therefore recommended for refusal.

17.0 Recommendation

Refuse permission for the following reasons:

1. The site lies outside the settlement boundary for Marnhull and would lead to an unsustainable form of development, contrary to the spatial strategy of Policy 2 of the adopted Local Plan. The location of the site has inadequate and unacceptable accessibility for pedestrians and future occupiers with protected characteristics to enable safe access to the majority of services and facilities in Marnhull in terms of walking and cycling, with a lack of sustainable transport alternatives. For those with access to them, there would be reliance on the use of private motor vehicles, leading to harmful exhaust emissions. In the absence of any evidence of essential rural needs or any other 'overriding need' for this type of development, and given number of dwellings proposed, in this location the proposed development the proposal would be contrary to Policies 2, 6 and 20 of the North Dorset Local Plan Part 1 2016 and paragraphs 79, 105, 111 and 112 of the National Planning Policy Framework 2021.
2. The proposed drainage strategy fails to indicate the preliminary levels of the attenuation basin and demonstrate that it will be free draining and discharge to a recognised discharge point. The drainage strategy also fails to indicate acceptable exceedance flow routes to demonstrate where surface water can be directed, should the designed system fail or exceed capacity. It therefore cannot be satisfied that the proposed development would avoid risk of flooding downstream from all sources or seek to mitigate it appropriately. The proposal is contrary to Policy 4 of the North Dorset Local Plan Part 1 2016 and paragraphs 159, 167 and 169 of the National Planning Policy Framework 2021.
3. In absence of a completed Section 106 agreement to secure affordable housing and necessary community benefits (infrastructure: grey, social, green) the proposal would be contrary to Policies 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 2016 and paragraph 54 National Planning Policy Framework.

Agenda Item 8

Application Number:	P/OUT/2022/07629		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land At E 377305 N 119775 Strangways Farm Musbury Lane Marnhull		
Proposal:	Outline planning application with all matters reserved except for access for a development of up to nine dwellings and associated infrastructure.		
Applicant name:	Mr. Paul Crocker		
Case Officer:	Simon Sharp		
Ward Member(s):	Cllr Carr-Jones		
Publicity expiry date:	10 March 2023	Officer site visit date:	Various
Decision due date:	7 February 2023	Ext(s) of time:	

1.0 Introduction

- 1.1 This application is now the subject of an appeal against non-determination, the Council having failed to determine it within the statutory period. This report is therefore brought before members to seek their resolution as to how they would have determined the application if the power to do so still rested with them.
- 1.2 At the time of writing the Council have not been notified by the Planning Inspectorate of a Start Date for the appeal (the Start Date letter triggering the start of the appeal timetable, including notifying interested parties and submitting the Council's Statement of Case).
- 1.3 On the 24th May and shortly before the appeal being submitted, the applicant's agent consented to a change in the description of the proposed development. This followed the submission of amended and additional documents on 16th May. However, it has been clarified by the appellant's agent that the appeal is against the Council's failure to determine the application in the statutory timescales for the description of development as detailed on the application form. This report is therefore based on this original description.
- 1.4 Specific additional documents have been considered in relation to the access element of the proposal and the drainage strategy but these have been assessed in the context of the original description of the development and indicative layout plan (that shows 9 dwellings).

2.0 Summary of recommendation

2.1 To advise the Planning Inspectorate that, if the power to determine the application still rested with the local planning authority, the decision would have been to grant planning permission subject to conditions.

3.0 Reason for the recommendation

3.1 The application demonstrates through the indicative layout that up to 9 dwellings can be accommodated within the site with acceptable access, landscaping and drainage arrangements whilst also responding acceptably to the existence of a public right of way (Public Footpath N47/98) that dissects the site and the setting of the grade II listed Pond Farmhouse (the less than substantial harm to the significance of this designated heritage asset being outweighed by the public benefits afforded by the application’s contribution to North Dorset’s housing supply).

3.2 The proposed development conflicts with some policies of the development plan. However, these policies which are the most important to the determination of the application, are considered to be out of date because the latest Housing Land Supply position statement (published April 2023) sets out that the supply has fallen to 4.87 years. The latest Housing Delivery Test for North Dorset, published January 2022, is also 69%. Applying paragraph 11 of the NPPF (which is a material consideration of determinative weight in this instance), the weight afforded to the development plan policies identified as most important to the determination of the application is therefore tempered. This includes the saved settlement limits.

3.3 In the absence of any Footnote 7 (of the NPPF) reasons for refusal, officers consider that the “tilted balance” detailed in paragraph 11 d) ii) of the NPPF should be engaged.

3.4 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, are not significantly and demonstrably outweighed by the adverse impacts.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable.
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 9 dwellings can be accommodated on the site with the necessary accessways, parking and

	manoeuvring areas, drainage and new soft landscaping.
Public Right of Way	There will clearly be an impact on the experience of using Public Footpath N47/98, albeit the amount of the path's route to be affected is relatively short as a percentage of the overall length. The experience from the footpath is already characterised by late C20th suburban dwellings as well as the countryside and traditional cottages with vernacular architecture.
Heritage	Although layout, scale and landscaping are reserved for subsequent approval, the development of the site per se will result in a degree of harm to the significance of the grade II listed Pond Farmhouse. The significance of this designated heritage asset is derived, in part, from its setting which includes the application site; there is a legible linkage between a dwelling originally built as a farmhouse and undeveloped agricultural land. The harm is considered to be less than substantial and outweighed by the public benefits derived from the supply of housing land for up to 9 dwellings to contribute to North Dorset's housing land supply.
Impact on amenity	The indicative layout plan demonstrate that 9 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.
EIA (if relevant)	The proposal is neither Schedule 1 nor Schedule 2 development; it 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.
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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. The character is distinctly that of a fringe of a rural village, with countryside penetrating to the road's edge, such countryside includes the application site. Musbury Lane is a single lane, adopted highway, devoid of streetlighting and footways.
- 5.2 The site extends to approximately 0.47ha but is part of a larger field in agricultural use, the eastern boundary unmarked. The site is roughly rectangular in shape and elevated approximately 1-1.5m above road level with a fall towards the north-western corner.
- 5.3 A hedge of native field species lines the western boundary to Musbury Lane, beyond which are existing dwellings of traditional appearance, faced in local stone, one of which is thatched. Notably, these dwellings are at the same level as Musbury Lane i.e. 1-1.5m below the site's level. To the north of the site is a late C20th bungalow. To the south is Pond Farmhouse, grade II listed, the listing describing it as:-
- “House, late C17 or early C18. Coursed rubble walls with asbestos slate and pantiled roof. End brick stack towards road and part way in along ridge. 2 storeys, irregular fenestration. Mainly C20 2 and 3- light casements some with full and others with horizontal glazing bars. Internal features (RCHM): fireplace with moulded stone jambs and oak bressummer; heavy stop-chamfered ceiling beams; chamfered plank and muntin partitions.”
- 5.4 Public Footpath N47/98 strikes at an angle across the site from Musbury Lane.

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 which shows 9 dwellings within the site.
- 6.2 There is a single vehicular access proposed. This is near to the north-western corner of the site and the lowest site levels (above ordnance datum). One of the dwellings on the indicative layout plan lies to the north of this proposed access point. Pedestrian access is proposed to be either via this new vehicular access or at the two points where the public footpath enters the site.

6.3 The indicative layout plan shows how the definitive alignment of the public right of way would be accommodated within the site. It also shows a surface water drainage attenuation pond in the north-eastern corner of the site.

7.0 Relevant Planning History

7.1 None for the site itself. However, members are referred to section 11 of this report for appeal decisions in Marnhull of some relevance.

8.0 On site constraints

8.1 Public Footpath N47/98 strikes eastwards across the site from Musbury Lane. It continues eastwards beyond the site before curving to the southeast, intersecting with public footpaths N47/97 and N27/100 before reaching Love Lane. The trodden line across the field is evidence that N47/98 is regularly used by parishioners and others from further afield as part of a circular route walk in this part of the village and the adjoining countryside.

9.0 Consultations

Marnhull Parish Council

9.1 Object on the following grounds (the objection preceded the submission of the revised plans):-

Submission inaccuracies/omissions

- a) The proposed use has been identified as being particularly vulnerable to the presence of contamination but no contamination assessment has been submitted.
- b) The lack of a topographical survey means that meaningful assessment of building heights (rooflines, overlooking windows etc.) relative to existing properties is not possible.
- c) The lack of topographical information also means that the surface water drainage proposal is not verifiable; as it stands, the siting of the attenuation pond appears to be at a higher elevation than much of the site, which would render it useless.
- d) The indicative layout plan shows the access visibility splay onto Musbury Lane which is very vague. There are multiple lines or boundaries along the lane which are not labelled. The Parish Council are not willing to accept the applicant's version of where the highway boundaries lie solely based on this poorly described plan.

- e) The opportunities and constraints plan shows a superseded layout for the application at Three Acres to the northeast of the site (this application having been refused since the Parish Council's comment).

Conflict with development plan's strategy

- f) Policy 2 of the North Dorset Local Plan 2016, Core Spatial Strategy, states that outside the four main towns, where access and proximity to services is more limited development will be more strictly controlled with an emphasis on meeting local and essential rural needs.
- g) 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 208 dwellings. This rate of growth going forward (34 dwellings per annum) is a significant exponential increase for the village. And this is before the current application is considered, which would increase this further still. It would mean that since 2016 the village (parish) would have grown by 275 dwellings – a 29% increase (an amount comparable to the Gillingham South extension, no less!). 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.
- h) 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.

Highway safety and impact

- i) 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. Nine new properties represent a doubling of properties based on the lane and will likely result in more than a doubling of local traffic onto the lane itself. If Musbury Lane traffic increases as significantly as this development would suggest, the risks for these vulnerable pedestrians would also increase.

Out of character

- j) 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 none front onto it. The proposed cul-de-sac is totally out of character and will create the impression of an 'estate', alien to this very rural part of the parish. 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.

Overbearing

- k) The proposed site is at a higher elevation than Musbury Lane by 1.5m in places. This immediately places any dwellings to be constructed in a position of dominance over the existing properties. Whilst the indicative site layout is not seeking approval at this stage, it is very likely that there will be issues with overlooking the existing properties.

DC Highways

- 9.2 No objection subject to conditions.

DC Tree

- 9.3 No objection subject to conditions.

DC Rights of Way

- 9.4 Footpath N47/98, will need to be temporarily closed during the works. please apply accordingly. It appears to be on the correct route, on the definitive line and throughout the development. Please confirm what surface will be used and ensure there is a min of 2m width available. Also, at either end please install self closing pedestrian gates to the appropriate BS and construct a ramp up the bank from the Musbury Lane roadside.

Ramblers Association

- 9.5 We are pleased to note that FP N47/98 which runs directly through the site proposed for development is to be maintained across the site and enhanced with open green space on either side. We ask that the developer be reminded not to obstruct it during the building works. Should that be necessary then an appropriate temporary traffic regulation order should be sought from Dorset Council

DC Building Control

- 9.6 Consideration to be given to Building Regulations B5: Access for the fire service.

DC Natural Environment Team (NET)

9.7 The Biodiversity Plan submitted with the application has not been approved.

Other representations

Total - Objections	Total - No Objections	Total - Comments
41	0	0

Petitions Objecting	Petitions Supporting
1	0
114 Signatures	0 Signatures

9.8 Objections on the grounds of: -

Principle/Lack of need

- a) There is no need for more development in Marnhull.
- b) Marnhull has already had many new houses, more than its 'quota'. Marnhull since 2017 (not as far back as 2011) has proposed/granted 417 dwellings. This shows that Marnhull has provided enough development to meet the North Dorset Local Plan Part 1 2011 -2031 targets. If development continues the village will be over developed with no improved or enhanced infrastructure to support it. It is a large village but the vision for development should not be the same as a town and be proportionate to the size of the village, ensuring it remains a village.
- c) The village is at saturation point: the infrastructure required to accommodate all the associated needs of yet more building, simply is not available.
- d) This development is outside the village settlement boundary defined in the adopted Local Plan.
- e) Jobs, Employment – Marnhull is a rural village and does not provide growth within employment areas. The village does not allow many opportunities without travelling or homeworking. The bus service is not a regular one and could not be used for commuting to and from employment. The bus stop is 1.5 miles away from this proposed site.

- f) Contrary to policy 1 of the Local Plan as the increased traffic would discourage people being able to walk, run, cycle or horse ride on this narrow lane to reach local activities and services within the village. This is not a sustainable location and would only encourage people to drive for safety.
- g) There will be no affordable housing within this development (as shown at present) and from past developments approved renewable energy has only been Air Source heat pumps. Other planning applications within the village with better roads, a safer location and proposed affordable housing meets this need, e.g. Burton Street P/RES/2022/05524 by the recreation ground and the Tanzey Lane P/OUT/2023/00627 proposed development under consideration.
- h) Much is made of Marnhull's 'amenities' in the application documents. In reality, there are 2 shops one of which is well over a mile away. They do not sell the full range of groceries needed for an average family. The 2 primary schools again are well over a mile away from this site. Most parents drive to school. The doctors' surgery is only open for half a day a week (and not for doctors' appointments. The surgery is not the 'asset' that developers would have you believe it is. These all point to an unsustainable development which is outside the settlement boundary.
- i) The sewage pumping station is located at the lower end of Musbury Lane; will this cope with the extra strain from the proposed development?

Inaccurate plans

- j) The plans and other documents contain significant inaccuracies. No topographical survey has been submitted – this makes it impossible to assess the true impact and consequence that the proposal has on, at the very least, the following:
 - i. True position of highway boundary and roadside mature hedgerow.
 - ii. Position of private third-party land.
 - iii. Neighbouring amenity.
 - iv. Flood risk from surface water run off.

Highway safety

- k) The plans detailing the proposed access junction and position/course of Musbury Lane appear to be inaccurate. The inaccuracies include: -
 - i. Incorrect statement that embankment is 0.5m high – in reality over 1.2m high
 - ii. Hedgerow incorrectly drawn 7m from western boundary of Musbury Lane on Site Plan - measured at 4.5-5m (also see photos p.6 Design & Access Statement)

- iii. There appears to be an extra drawn corridor to the east of the drawn road edge, which lies between a third party's grass verge and the road edge. The visibility splay is drawn through this corridor, which does not exist. This imaginary corridor runs along the entire eastside of Musbury Lane and does not show the boundary hedgerow that should lie there on the site plan.

- l) Musbury Lane is completely inadequate for an additional 9 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..

- m) Could we have a site visit and demonstrate an articulated truck, or a 6/8 wheeler travelling from the B3092 by the Church and travelling through Marnhull to Musbury Lane during working hours? We then can have another demonstration of it getting down Musbury Lane and back, without resulting in severe damage to either the lane, or severe disruption to other road users? Access to the site from the nearest B Road, over a mile away, is back through the village along narrow rural lanes and roads with many pinch points. How the road infrastructure of Marnhull is supposed to cope with the forecast site traffic beggar's belief and gives the lie to the consultants' spurious claims.

- n) The junctions at both the north and south ends are extremely difficult to both enter and exit, with no good line of sight in either direction at the north end and westerly at the south end. The south end is particularly hazardous to vehicles turning west from Musbury Lane, or those coming from the village and wishing to turn into Musbury Lane. At the north end of the lane, having made the turn, you can quickly come face to face with vehicles (particularly tractors and delivery vehicles) which then involves one or the other reversing around a blind corner.

- o) 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.

- p) The access point shown on the proposed development plan is very close to a blind bend in a lane just over 3m wide.

- q) Conflict with farm traffic; The road is regularly used by farmers with tractors and trailers and the frequency increases during harvest season.

Heritage

- r) The scale and extent of the development in an elevated position relative to the old stone cottages and Grade II listed Pond Farm opposite is discordant.
- s) The proposed scheme, by reason of its illustrative design & layout, would result in substantial harm to the setting of the Grade II listed farmhouse at Pond Farm for which the public benefit of the provision of 8 market dwellings, would not outweigh this harm, and is therefore contrary to Policy 5 of the North Dorset Local Plan (Part 1) and paras 199 and 202 of the Framework.

Flooding and drainage

- t) Visually on site, the ground within the site largely slopes downwards in a northwest direction towards the corner of Marlow property and Musbury Lane where flooding towards Nutwood Cottage is a known and regular issue. Perhaps over 50% of the site sits below the attenuation pond.
- u) Significant water run-off after rain from this field site already contributes to overloading the road draining system. This leads to known flooding problems opposite the pumping house, Nutwood Cottage and more recently beyond the left bend near Nutwood Cottage. Surface water collects on our patio adjacent to the site. This development can only increase this problem, especially as the position of the attenuation pond is notably higher than a significant portion of the site.

Biodiversity and trees

- v) The hedgerow separating the proposed plot from the lane supports a variety of wildlife; several sorts of finches and tits, sparrows, robins and wrens, and small mammals such as field mice and voles. Additionally, both green and spotted woodpeckers can be seen in the trees at the very end of Pond Farm garden, where it is separated from the proposed plot. We also see buzzards, foxes and grass snakes on the plot.
- w) Both Knotts Cottage and Sunny Cottage have small wildlife ponds, whilst opposite, at Pond Farm there is a very substantial pond. We have lots of newts, frogs and toads, and if you look at our bank you can see that they obviously migrate between these ponds.

Loss of character, visual amenity and tranquillity

- x) The constant “infill” of the agricultural land, small paddocks and large gardens is destroying the identity of the village.
- y) Marnhull, being such a special, quiet, rural village would undoubtedly lose its unique character if this application went ahead.

- z) 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 elevated land. This development would be extremely prominent and incongruous to the surrounding properties and character of Musbury Lane.
- aa) Musbury Lane is a beautiful single track sunken lane of a tranquil character. Such character would be irrevocably lost as a result of this development irrespective of the layout or form it takes.

Loss of residential amenity

- bb) Existing dwellings opposite the site will completely lose any privacy and light due to the elevated nature of the site. The indicative proposed layout provides no assurances that this won't be the case and sees gardens that would run alongside the frontage hedge, meaning that they are at eye level with bedrooms opposite (the hedge does not screen this view). We would completely lose the quiet and privacy we have enjoyed for so many years. The proposed development would completely obscure the view, peace and quiet of the natural environment which is a main asset of our cottage.
- cc) The size of the proposed properties will attract young families and multiple-occupants. The sound pollution of additional cars and people/ children/ animals is something which I have sought to avoid in the situation of my house.

Light pollution

- dd) Existing dwellings would be flooded by outside lamps, indoor lights, and headlights at night.
- ee) This area of Marnhull is devoid of street lighting and characterised by dark skies that would be irrevocably lost if this development is permitted and constructed.

10.0 Development Plan policies

Saved Policies of the District Wide Local Plan (2003)

10.1 The site is outside of the saved settlement limits.

North Dorset Local Plan Part 1 (2016)

10.2 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
- 5 – Heritage
- 6 – Housing Distribution
- 7 – Delivering Homes
- 20 – The Countryside
- 23 – Parking
- 24 – Design Policy
- 25 – Amenity

11.0 Other material considerations

Dorset Council Local Plan

11.1 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.

Marnhull Neighbourhood Plan

11.2 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.

Appeal decisions

11.3 The dwelling to the northeast 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 4.87). 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.

11.4 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.

National Planning Policy Framework 2021

11.5 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.

Housing Delivery Test and Housing Supply

11.5 The latest Housing Delivery Test (HDT) for North Dorset, published January 2022, is 69%. The current published housing land supply position is 4.87 years (published March 2023). 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

Accuracy of submission

- 16.1 In light of the representations received, the plans and documents were checked. There are some inaccuracies in the text and annotations. The lack of a full topographical survey is also unhelpful. The applicant provided further detail on the 16th May along with amendments to the indicative plan.

16.2 As explained section 1 of this report, the original description and indicative layout plan are those now for consideration by members and determination by the Planning Inspector, not the development description that followed the 16th May amended/further details submission. However, some of the documents received on the 16th May have been used by the case officer and consultees to assess the acceptability of the proposal in relation to access and drainage. It is important to note the extent of the use of such documents. They do not supersede the original submission but are merely used to inform the assessment that, in principle, the development of up to 9 dwellings could be accommodated on site with appropriate responses to these policy considerations.

Principle

16.3 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.

16.4 The spatial strategy set out within the Local Plan Part 1 seeks to focus development towards 4 main towns of Blandford, Gillingham, Shaftesbury and Sturminster. Beyond those towns, the focus of growth is towards 18 of the larger villages, including Marnhull. As a larger village, the focus is on meeting local rather than strategic needs, and outside of these areas countryside policies apply. Indeed, development is to be strictly controlled unless it is required to enable essential rural needs to be met.

16.5 Policy 4 of the Local Plan Part 1 advises, amongst other things, that landscape character 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. Policy 5 advises that any development proposal affecting a heritage asset (including its setting) will be assessed having regard to the desirability of sustaining and enhancing the significance of that asset.

16.6 Policy 6, which guides housing distribution, indicates that during the plan period at least 825 dwellings will be provided in the countryside including in the larger villages. The supporting text to Policy 6 confirms that the overall level of housing in the countryside will be the cumulative number of new homes that have been delivered to meet local and essential rural needs as defined by neighbourhood plans, rural exception sites and the functional need for rural workers' dwellings.

- 16.7 Policy 20 further sets out that in the countryside, development will only be permitted if it is a type appropriate in the countryside, as set out in the relevant policies of the plan; or, for any other type of development, if it can be demonstrated that there is an 'overriding need' for it to be in the countryside.
- 16.8 In this context, it is noted that there is a conflict with the development plan insofar as the site falls completely outside of the saved settlement limits and the applicant is not claiming to meet any of policy 20's criteria for locating development outside of settlement limits. They are, instead, pointing to the consequences of the Housing Delivery Test result and Housing Land Supply positions for North Dorset.
- 16.9 Indeed, there are clear consequences of the housing supply being just 4.87 years and the Government's 69% Housing Delivery Test Measurement for North Dorset. Under paragraph 11 of the NPPF, which is afforded significant weight as a material consideration, the basket of policies most important to the determination of the application are considered to be out of date.
- 16.10 In this instance, it is considered that this basket of policies is 2, 6 and 20 of the Local Plan Part 1 but excludes policies 4 and 5, 23, 24 and 25 as landscape, heritage, amenity and highway safety issues are not the most important to the determination of this case. This will be explained later in this assessment section of this report.
- 16.11 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.
- 16.12 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 (over 20 miles) from the green belt. It is also not designated as Local Green Space in the Local Plan.

- 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) – This is considered below.
- g) Areas at risk of flooding or coastal change – The site is considered below.

Heritage

- 16.13 Pond Farmhouse is grade II listed and its curtilage borders the site. The significance of this designated heritage asset is derived, in part, from its setting which includes the application site. The significance is also derived from its architectural and historical qualities as described in the listing.
- 16.14 The 1887 Ordnance Survey (25 Inch) map shows the farmhouse and its associated barns surrounding a crewyard. The land to the north (the application site), west, east and south is undeveloped. The nearest dwellings are the cottages to the northwest that line Musbury Lane and survive today on the opposite side of the road to the application site. The footpath across the application site exists as a path on the 1887 map.
- 16.15 At the time of the building's listing this agrarian setting had been diluted by the presence of residential development. This included development to the south (Burton Street), east (Burgess Close) and west (Musbury Close). The barns had also been lost. The legible link between the dwelling's original function as a farmhouse and the farmland is now limited to the land to the north i.e. the application site. The legibility of this setting is enhanced by the fact that the public footpath traversing the site provides clear views of the farmhouse. This footpath is regularly used by walkers which duly increases the weight afforded to the impact on the experience from the series of receptors along its route (the case officer notes that the trodden line and the alignment on the definitive map are the same).
- 16.16 Whilst retaining the footpath's alignment, the indicative layout plan will clearly result in a harmful dilution of this experience. At best, the farmhouse will be able to be

glimpsed between the new dwellings and over boundary treatments. Certainly, the relationship with the farmland will be much more obscure.

16.17 It is acknowledged that a different layout to that indicatively proposed could result in the land to the south of the public footpath being undeveloped or less developed. The case officer considers that such scenarios are realistically achievable with a mix of dwelling types. A higher density mix of detached and semi-detached dwellings could be accommodated on the land within the site to the north of the public footpath with reasonable plot ratios, separation distances and a layout that would assimilate with the prevailing character and appearance of the area, as well as allowing for drainage, soft landscaping and vehicular access, parking and manoeuvring spaces. The setting of Pond Farmhouse would be preserved as a result.

16.18 It is disappointing that such a policy compliant layout has not been provided by the applicant but, nonetheless, it is achievable in the officer's opinion. This would still result in harm to the significance of Pond Farmhouse but this would be less than substantial given that the architectural and historic qualities of the building would be unaffected and the farmland setting from the public footpath could still be appreciated to a degree.

16.19 This conclusion has relevance in three parts. Firstly, as identified previously, policy 5 of the Local Plan Part 1 is not considered to be within the basket of policies most important to the determination of the application. Secondly, the level of harm is considered to be outweighed by the public benefits arising from the housing supply afforded by the proposal. These benefits are modest but nonetheless afforded weight sufficient to outweigh the less than substantial harm. Thirdly, heritage is not considered to be a Footnote 7 (of the NPPF) reason for refusal.

Flood risk and drainage

16.20 The site is at low risk of flooding from any source. The application therefore passes the sequential test in terms of flood risk.

16.21 Development of the site could have the potential to increase the risk of flooding off-site especially as the road level is below the site level and is recorded as being at risk from pluvial (surface) water flooding.

16.22 A number of representations raised concerns about a lack of topographical survey and apparent inaccuracies in the submission documents in relation to the levels within the site and relative to the highway. There is also a specific query in relation to the siting of the attenuation pond on land that is clearly not the lowest point of the site.

16.23 A Drainage Statement was submitted with the application. This did not include levels. An amended Drainage Statement was then submitted which included levels. Unhelpfully, this Statement includes an indicative layout plan that was submitted for determination but, since the lodging of the appeal, has been clarified by the agent as not being part of the suite of application documents. This is not ideal. However, given that the overall alignment of access roads and spaces within the site and the location of the attenuation pond did not change between the plans, the amended document does help inform the assessment that the strategy detailed in the original Statement would work in principle.

16.24 The Council's Flood Risk Management officer has been consulted on this point. They note that, whilst much detail remains missing, for the purposes of this outline application, the principles are sound. The siting of the attenuation pond on land that is not the lowest point of the site does not mean that suitable falls cannot be achieved from gullies within the site to this attenuation and onwards to the watercourse to the north. Likewise, although there is no detail as to how surface water on the sloped access road will not drain onto Musbury Lane, the schematic plan does show how sub-surface attenuation could be located near the access which, in combination with a catch drain (not shown on the plan) could capture and store runoff so it doesn't increase flooding on the existing highway.

16.25 The submitted documentation also demonstrates that the attenuation within the site could, in principle, be sized to ensure that discharges off site are throttled back to an appropriate greenfield runoff rate (although again the detail is lacking).

16.26 Overall, the schematic plans show that a detailed plan could be possible to drain a development of up to 9 dwellings on site, with the necessary falls, on site attenuation (to include the necessary 45% additional allowance for climate change) and discharge to a watercourse. The details can be secured at the reserved matters stage. This is therefore not a reason for refusal.

Paragraph 11 d) of the NPPF

16.27 In the context of the above, the tilted balance of paragraph 11d) ii) is engaged; the assessment is whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

Benefits

16.28 Up to 9 new dwellings would secure benefits in the form of a 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

- 16.29 When assessing against criterion (ii), 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.
- 16.30 Whilst the majority of housing growth over the local plan period is focused on the four main towns, it does envisage at least 825 dwellings within these larger villages and Stalbridge (policy 6 of the Local Plan Part 1). 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).
- 16.31 There are key points to note, Firstly, the Local Plan 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 and interested parties' concerns, 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.
- 16.32 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.
- 16.33 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 site to the northeast of this application 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, it would fly in the face of logic to conclude any differently in relation to the proposal under consideration.

Scale of growth afforded by the development

16.34 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. 9 dwellings represent 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

16.35 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.

16.36 Policy 7 of the Local Plan Part 1 states that, on sites of less than 10 dwellings, a mix of house sizes appropriate to each specific site will be sought. The supporting paragraph 5.30 to the policy advises that national policy encourages local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities. To do this the mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community needs to be planned. However, paragraph 5.44 notes that a more flexible approach will be adopted on smaller sites, where site specific issues and potential impacts on local character may have a strong influence on the size of dwellings that would be appropriate.

16.37 The indicative layout plan shows mostly detached dwelling types with one pair of semi-detached homes. Some third party objectors describe the dwellings as “executive” and not of the types needed to provide a balanced and mixed community.

16.38 Members are reminded that layout, scale and appearance are reserved for subsequent approval. There is no reason why, at reserved matters stage, the space currently occupied by plots 2 and 3 could not be occupied by a terraced row of 3 dwellings and that occupied by plot 7 couldn't be occupied by a pair of semi-detached dwellings. The case officer suggests that there is space for such footprints and the associate incidental gardens and parking spaces to serve these dwellings.

Such a siting of dwellings would mean that the area of the site south of the public footpath need not be developed and 9 dwellings could still be accommodated on the site with an appropriate mix (such a layout also responds to heritage and footpath considerations as detailed earlier in this report).

16.39 There is a balance to be made here; the case officer considers that the current indicative layout results in some discordance with policy 7 of the Local Plan because of the dominance of detached dwelling types. However, given this is an outline application and an appropriate mix is possible responding to other constraints and considerations such as heritage and the public footpath, then this is not a determinative reason for withholding permission.

Highway safety

16.40 This is another policy consideration where the perceived inaccuracies of the plans resulted in representations from third parties being submitted in response to the application's publicity.

16.41 In response to this issue, the Council's Highways Manager advises as follows: -

"It is noted that the visibility splays proposed in the latest Transport Statement (May 2023) on Dwg No 5772/002 Rev C) differ from those shown on the site plan (Dwg No P003 Rev D). The Transport Statement drawing indicates the sight lines that can be provided across highway land, drawn on a survey base, so it's this drawing that I'll will take to be the accurate proposal for this element. On this basis, the suggested access position is acceptable."

16.42 There will be an 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 9 dwellings would constitute a 50% increase in the number of dwellings served. This is clearly a substantial increase in relative terms.

16.43 Furthermore, Musbury Lane is narrow. 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.

16.44 In response to these constraints and increase in vehicular usage of Musbury Lane (and the surrounding highway network) as a result of the proposed development, the Council's Highway Manager has advised: -

"The trip rates used to predict likely traffic movements are satisfactory and I agree that the low level of movements in the peak hour periods are at an acceptable level.

Whilst it is acknowledged that there is no segregated footway from the site to the footway on Burton Street, allowing for the low levels of traffic along Musbury Lane and the distance that needs to be travelled to join the existing footway network to the south, I do not feel that there is sufficient reason to resist the proposal on the lack of pedestrian facilities. The situation for the development site is little different to that currently experienced by residents of Musbury Close. To sum up, the Highway Authority considers that the submitted Transport Statement is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021."

16.45 They raise no objection subject to conditions and, as a result, it is considered that the impacts on highway safety and highway impact are acceptable and not determinative to this application.

Design, Landscape and Visual Impact

16.46 This consideration is linked to that of heritage and the experience from the public right of way that have already been considered in this report.

16.47 The landscape here is characterised as a rural village fringe. Traditional cottages of vernacular architecture sit along Musbury Lane complemented by mature landscaping and the undeveloped, agrarian nature of the site itself. The site undoubtedly contributes positively to the character as one of the undeveloped green lungs that extends the countryside to the highway edge. The existence of the public footpath through the site and its part as one of the circular walks around the village means that this is a landscape character experienced daily by many parishioners and not just those who live directly within the vicinity of the site..

16.48 However, the sensitivity to change is tempered by the existence of C20th suburban development in the locality. The site and its surroundings are also not within a designated conservation area or covered by a landscape designation. Whilst the landscape is clearly of some value to the local community, it is not a Valued Landscape. The sensitivity to change is therefore assessed to be low to moderate at most.

16.49 In terms of impact, the development of the site will inevitably result in irrevocable change. There will be a degree of landscape harm as a result. Policy 4 of the Local Plan Part 1 states that landscape character will be protected through retention of the features that characterise the area. The extension of the agrarian countryside to Musbury Lane giving the village fringe character will be lost.

16.50 The intention to retain most of the frontage hedge (where it is not needed to be removed for visibility) assists in retaining the character from Musbury Lane itself, as

does the fact that the Lane is lower than the application site so one is not readily aware of the existence of the field on the application site. The setback of buildings on the indicative layout plan will also lessen the intrusion of development on the Musbury Lane. These factors limit the landscape impact when experienced from the Lane.

16.51 The change will, of course, be much more apparent when the landscape is experienced from the public footpath, and it is from here that there are clear shortcomings to the indicative layout plan. The sense of village fringe and an agrarian landscape would be lost and the harm associated with this would be moderate and potentially determinative in the overall tilted balance. However, the fact that layout is reserved for subsequent approval and that the case officer considers that a rearrangement of the plots and variation in dwelling type would lessen reduce this impact to a low harm are important considerations (acceptable examples are included in heritage section of this report). Such alterations would not involve the relocation of the access, the drainage attenuation, the alignment of the footpath, or alter the internal road layout. However, they would retain a green lung alongside the public footpath to Musbury Lane. In this context the infrastructural and skeletal arrangement of the indicative layout respond appropriately to the landscape considerations.

16.52 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.

Biodiversity and tree protection

16.53 A number of representations have been received raising concerns that the site's biodiversity value will be irrevocably lost.

16.54 Members will be aware that the Council's protocol for considering biodiversity impacts from developments is for applications to be accompanied by a Biodiversity Plan approved by the Council's Natural Environment Team (NET). In this instance there is no approval from NET but this should not preclude a favourable consideration of the application.

16.55 The unapproved Biodiversity Plan for this application was informed by an Preliminary Ecological Appraisal undertaken by an ecologist on the instruction of the applicant. This concludes that, even in the absence of mitigation, the impacts are considered to be low or negligible.

16.56 The suggested mitigation measures include ecological supervision with precautionary phases of site clearance and protection of the on site and adjacent habitat (e.g. the frontage hedge). Biodiversity enhancements suggested in the Biodiversity Plan include the use of native species planting and installation of bat boxes.

16.57 Given that the site is dominated by arable farming (wheat was being grown at the time of the case officer's site visits) and the habitat confined to the west, north and southern narrow margins (the east being unmarked), the development of the site as indicatively proposed (or as varied to respond to heritage and landscape considerations) would retain the areas of habitat value. In this regard, members may note the Council Tree Officer's comments in relation to area of site frontage where the access is proposed. This is not considered to be a continuation of the frontage hedge but rather a gap characterised by other vegetation. Only a small length of hedge would be lost to provide the visibility splay.

Residential amenity

16.58 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 up to 9 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.

16.59 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.

16.60 In terms of overlooking and overshadowing, the cases officer concurs with third party representations that the elevated nature of the site relative to the road level and level of the homes to the west, provides the potential for overlooking and overshadowing as well as an overbearing presence of the development.

16.61 However, the indicative layout plan shows there are distances of over 22m between existing and proposed dwellings. Assuming that the proposed dwellings are no greater than two storeys in height (a matter that can be controlled at the scale and appearance reserved matters stages), this separation distance is considered acceptable even allowing for the elevation of the site (and the fact that as one heads eastwards into the site, the levels rise further). Furthermore, at the density of

development proposed, there would be gaps between the proposed dwellings (even if one increases the density north of the public footpath to allow for an increase in undeveloped land between it and Pond Farmhouse).

Other matters

16.62 The lack of an assessment of contamination was also a concern of the Parish Council. However, it is noted that, although dwellings are a use that is vulnerable to contamination, there is no record of contaminants being present at the site. An assessment is therefore not required.

17.0 Balance and conclusions

17.1 The application demonstrates through the indicative layout that up to 9 dwellings can be accommodated within the site with acceptable access, landscaping and drainage arrangements whilst also responding acceptably to the existence of a public right of way (Public Footpath N47/98) that dissects the site and the setting of the grade II listed Pond Farmhouse (the less than substantial harm to the significance of this designated heritage asset being outweighed by the public benefits afforded by the application's contribution to North Dorset's housing supply).

17.2 The proposed development conflicts with some policies of the development plan. However, these policies which are the most important to the determination of the application, are considered to be out of date because the latest Housing Land Supply position statement (published April 2023) sets out that the supply has fallen to 4.87 years. The latest Housing Delivery Test for North Dorset, published January 2022, is also 69%. Applying paragraph 11 of the NPPF (which is a material consideration of determinative weight in this instance), the weight afforded to the development plan policies identified as most important to the determination of the application is therefore tempered. This includes the saved settlement limits.

17.3 In the absence of any Footnote 7 (of the NPPF) reasons for refusal, officers consider that the "tilted balance" detailed in paragraph 11 d) ii) of the NPPF should be engaged.

17.4 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, are not significantly and demonstrably outweighed by the adverse impacts.

18.0 Recommendation

18.1 To advise the Planning Inspectorate that, if the power to determine the application still rested with the local planning authority, the decision would have been to grant planning permission subject to conditions.

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.

Reason: This is an outline permission with these matters reserved for subsequent approval.

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. 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.

5. 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.

6. 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.

7. Before any of the dwellings hereby approved are first occupied, the access including the visibility splay detailed on the approved plans 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.

8. 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.

9. 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.

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Agenda Item 9

Application Number:	P/FUL/2022/07513		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Frog Lane Farm Frog Lane Motcombe SP7 9NY		
Proposal:	Retain the change of use of existing agricultural building to allow the cutting and preparation of building stone, including the siting of a steel container & generator		
Applicant name:	M B Crocker Ltd		
Case Officer:	Simon Sharp		
Ward Member(s):	Cllrs Pothercary, Ridout and Walsh		
Publicity expiry date:	29 March 2023	Officer site visit date:	Various including 5 th January 26 th , January and 2 nd February
Decision due date:	19 th May 2023	Ext(s) of time:	19 th May 2023

1.0 Introduction and Update

1.1 This application was considered at the 16th May 2023 meeting of this Committee. Members resolved: -

“To defer the item to allow for further information regarding conditions to limit noise from the development, and the resultant impact on the amenity of the countryside, in this location.”

1.2 The applicant subsequently submitted an Acoustic Note that assessed the impact of the development on users of routes that “may be adversely affected by the noise generated by the development’s activities”. This included public rights of way in the vicinity of the site as well as Frog Lane.

1.3 The Acoustic Note stated: -

- a) “(The World Health Organisation’s (WHO’s) ‘Guidelines for Community Noise’ advises that for ‘outdoors in parkland’ and ‘conservation areas’ disruption of existing tranquillity should be minimised. Due to the transient nature of the use of public footpaths/public highway, we do not consider they fall within these categories.”
- b) “With regard to the perceived annoyance to noise, WHO advises that for outdoor areas during the daytime few people are seriously annoyed with

ambient levels below LAeq 55 dB; or moderately annoyed with levels below LAeq 50dB. We therefore conclude that for the 'average' person noise levels < LAeq 50dB are not expected to result in annoyance and moderate annoyance for levels between LAeq 50 – 55dB.”

- c) “Taking the above into consideration we consider suitable noise limits are:
- i. Public footpaths outside of the farm: <LAeq 50dB. This limit takes into consideration the transient use of the footpaths. Compliance with this limit would indicate that the noise emissions are unlikely to result in annoyance to passing walkers
 - ii. Public footpath within the farm yard: We do not consider noise limits for this section of the footpath is appropriate; it is reasonable to expect walkers passing through the farm to be exposed to activity/plant noise, be it from the stone cutting process or other farm related activities.
 - iii. Frog Lane: <LAeq 55dB. This limit takes into consideration the context that walkers would already be exposed to noise from passing traffic, the transient use of the public highway and that general farm activity noise would affect the adjacent section of the road.”

1.4 The Acoustic Note concludes: -

“Noise emissions from the stone cutting processes and generator at Frog Lane Farm have been calculated at 8 receptor locations (3 on Frog Lane and 5 on nearby public footpaths. In all cases the aggregate noise emissions comply with our suggested noise limits, which are based on guidance given in WHO’s ‘Guidelines for Community Noise’. We therefore conclude that walkers using the public footpaths in the near vicinity of the development would not be exposed to noise emissions that would result in annoyance for the average person. The highest noise emissions on Frog Lane directly adjacent to the development have the potential for moderate annoyance; this is considered acceptable when taking into account the transient nature of walkers using the public highway, and that noise emissions from general farm activities at this location are to be expected.”

1.5 Whilst the Acoustic Note concludes the no mitigation is required, it does note the following measures could be implemented if the Council deemed them necessary:-

- a) Noise barrier to the north of generator: A noise barrier of equal height or greater than the generator between the north-east corner of the barn and the existing concrete block wall will reduce the generator noise emissions to the north by up to 10dB. The noise barrier must be of solid construction, with a minimum surface density of 10kg/m².
- b) Acoustic absorption: Acoustic absorption within the barn will reduce the noise build-up, with a potential 3 – 5dB reduction in overall noise emissions.

Recommend any absorbers are located at high level or suspended from the roof. Commercially available acoustic absorbers could be used or alternatively 25– 50mm mineral fibre which can be held in place using hit and miss timber battens or similar. The potential disadvantage is that performance will reduce over time.

- c) Reduce open gable end area: Reducing the open area of the east gable end will reduce the noise emissions; a 50% reduction will result in approximately 3dB lower noise emissions. There is potential for greater reductions if higher noise producing equipment is shielded by the closed element of the gable end.

1.6 This Acoustic Note was placed on the public file and was the subject of further consultation. Representations were received from the Council's Environmental Protection Officer and the Parish Council. These are outlined in Section 9 of this report.

1.7 The Council's Environmental Protection Officer advises:-

“Environmental Protection's recommendation are limited to concerns regarding statutory noise nuisance. Statutory noise nuisance legislation specifically mentions “interfering with the enjoyment of one's property.” The same guidance and reasoning cannot be put on annoyance caused by noise when walking along a public footpath. The World Health Organisation (WHO) guidance referred to in this additional note is what we would apply to outdoor amenity space such as someone's garden. We would not apply it to open parkland. There is no guidance for acceptable noise levels for these situations that I am aware of.”

1.8 In this context, members are advised that additional sound attenuation measures could not be robustly justified; the original officer's report assessed the impact on the character of the area given the baseline of relative tranquillity and concluded that, on balance, the development is acceptable.

1.9 Members are advised to determine the application as it stands with the same officer's recommendation as that for the May meeting of this Committee.

1.10 The report that follows is therefore unaltered from that produced for the May meeting with the exception of additional representations from the Parish Council and Dorset Council's Environmental Protection officer.

2.0 Summary of recommendation

2.1 Grant permission subject to conditions, the latter relating to delivery and collection routes to and from the site and hours of working.

3.0 Reason for the recommendation

- 3.1 The development involves the reuse of an existing rural building to support economic development. In that respect it gains support for the principle of the use from policies 11, 20 and 29 of the North Dorset Local Plan Part 1 (2016).
- 3.2 Following the assessment of the noise report and further information supplied in relation to the highways impact, the development is considered to be acceptable.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The development involves the reuse of an existing rural building to support economic development. In that respect it gains support for the principle of the use from policies 11, 20 and 29 of the North Dorset Local Plan Part 1 (2016).
Scale, design, impact on character and appearance	<p>No visual or landscape impact from the stone cutting use contained within an existing building. The other ancillary structures are visually contained within the farmstead.</p> <p>There is some adverse change to the tranquil character of the area experienced by walkers and cyclists using Frog Lane and the nearby public rights of way.</p>
Impact on amenity	There is an impact in terms of noise as a result of the use, but the noise report evidences that this is not to the degree that it is determinative in the overall balance.
Impact on landscape or heritage assets	No landscape harm or harm to the significance of designated and non-designated heritage assets.
Economic benefits	There is direct employment (2 Full time equivalents) provided by the use .The cutting of local stone for use in local buildings also has economic sustainability benefits.
Access and Parking	The on-site arrangements and access are acceptable with no detriment to highway safety subject to conditions.
EIA (if relevant)	It is neither within Schedule 1 nor Schedule 2 and, as such, is not EIA development.

5.0 Description of Site

- 5.1 The building in use is at the northern edge of the farmstead. It is rectangular in plan (26.25m x 14.7m) and is steel framed. The infill panels of the external envelope are pre-cast concrete up to 2m in height above ground level. Above this there is fibre cement cladding. The building rises to a height of 5.5m (eaves) and 7.5m (ridge) above ground level.
- 5.2 The ancillary generator and container are already on site and sit immediately to the east of the building. The container is rectangular in plan (6.1m x 2.4m) and 2.4m high. The generator is 2.4m x 1.2m in plan.
- 5.3 To the north is open pasture used for grazing livestock. There is an attenuation pond in the first field close to the site's boundary. Surface water from the site was observed draining to this pond. Beyond the first field is a broken hedge line adjacent to which (on its north side) is a public footpath (N69/2) that strikes north-eastwards over open countryside from Frog Lane. This footpath affords views southwards to the site. Another public footpath, N69(4), dissects this same landscape too, crossing N69/2 to the east of Frog Lane.
- 5.4 To the west is Frog Lane, a metalled, adopted highway of a single lane's width, popular with walkers and cyclists. It is infrequently used by motor vehicles but is used by vehicles accessing the application site. The rest of the buildings have an extant agricultural use and Frog Lane would be used to access this farmstead. Beyond this is open farmland with the rear of the main body of residential development fronting The Street, Motcombe clearly visible.
- 5.5 To the south is the rest of the farmstead, with an extant agricultural use. The farmhouse beyond the other farm buildings is tenanted but not in association with the farmland or the development under consideration. A Bridleway (N69/3) cuts eastwards through the farmstead immediately to the north of the farmhouse before striking east across open farmland.
- 5.6 To the east is a larger building with an extant agricultural use, beyond which the farmland rises up to higher ground. A dwelling is visible on this higher ground.

6.0 Description of Development

- 6.1 The use, it is understood, commenced in 2022. It occupies one of the former farm buildings as described in section 5 above. It involves the cutting of Shaftesbury Greenstone, Portland Stone, Bath Stone, Purbeck Stone, Stalbridge Stone and Marnhull Stone.
- 6.2 The uncut stone is delivered to site, cut using a water cooled saw within the building and then collected for use in the construction industry (new buildings or restorations).
- 6.3 The business employs 2 full time employees who work 8am to 4pm Mondays to Fridays inclusive. The saw can be operational at any time during these periods as can the generator. The case officer observed that the building is open on its eastern side.
- 6.4 The following vehicular movements are associated with the use:-
 - a) One articulated lorry (2 two-way movement) once a month associated with the delivery of stone to the site.

- b) 8 tractor & trailer movements (16 two-way movement) per month to transport stone.
- c) Collections by builder's vans 1-2 per week.
- d) Staff movements – 2 cars per day (4 movements per day)

6.5 Members are advised that the application was amended following the officer's site visit and comments from the Parish Council. It was originally described as light industrial but was amended to a general industrial use.

7.0 Relevant Planning History

7.1 There is no relevant planning history.

8.0 List of Constraints

8.1 The ground upon which the container and the generator sit is recorded as being at 1 in 1000 year risk from surface water flooding. The building is outside of this risk zone.

9.0 Consultations

Ward members

9.1 Both Cllr Potheary and Cllr Ridout noted the comments made by third parties but did not express an opinion themselves. In light of the comments made by third parties, which include a number of material planning considerations, Cllr Potheary requested that the matter be referred to the Planning Committee in the event of an officer recommendation to grant.

Motcombe Parish Council

9.3 In response to the post-deferral submission of the Acoustic Note, they advise "Motcombe PC has noted the report on possible noise reduction measures, however this does not address the reasons for the original objection to this application. Motcombe PC therefore maintains its objection to this proposal."

9.4 In their original response, the Parish Council object on the following grounds:-

- a) The village road infrastructure is not suitable for the operation involving large heavy transport. Any route through the village, from whichever direction, is totally unsuitable. In particular Frog Lane and Shorts Green Lane are too narrow with no provisions for pedestrians.
- b) The document on transport movements recently submitted on behalf of the applicant quotes transport movements when Frog Farm was a dairy farm. This information is 25 years out of date as Frog Farm has not been a dairy farm since that time. Any vehicle movements from that time cannot realistically be compared to current ones where maximum permitted loads are substantially higher.
- c) The tractors being used are far bigger than would be required for the current or previous agricultural operation. The movements associated with the stone cutting operation are in addition to the current agricultural use.

- d) In the four months of this operation there has been substantial damage to the roadside verges, in particular in Frog Lane, where there is a deep groove immediately along one edge of the tarmac for a considerable length. Any normal vehicle getting a wheel into this would incur serious damage.
- e) This is a very popular walking route for the villagers because of the views in all directions. The part of Shorts Green Lane leading to the Farm is designated as an Open Green Space in the Neighbourhood Plan.
- f) During the noise survey the wind speed was 0 m/s i.e. there was no wind, so no assessment was made for the effect of different wind directions. No measurements were published for areas accessible to the public via the three adjacent rights of way.
- g) No provision for the removal of waste has been mentioned in the application, which means one of two possibilities, either waste stone will be deposited on site spoiling the views or will be removed causing more transport movements. Neither of these solutions are acceptable.
- h) It is believed that cutting operations have already taken place outside of the hours recommended by Environmental Protection.

DC Highways

- 9.5 The transport note expands on both the historic and proposed use of the site. It confirms that large HGVs have visited the farm, negotiating the approach roads to do so without issue.
- 9.6 Allowing for this fact and the relatively low numbers of vehicle movements associated with the development proposal, the Highway Authority considers that residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021.
- 9.7 Hence, the Highway Authority raises no objection subject to a condition securing the retention of the parking and manoeuvring areas.

DC Environmental Protection

- 9.8 In response to the post-deferral submission of the Acoustic Note, they advise: -
 "Environmental Protection's recommendation are limited to concerns regarding statutory noise nuisance. Statutory noise nuisance legislation specifically mentions "interfering with the enjoyment of ones property." The same guidance and reasoning cannot be put on annoyance caused by noise when walking along a public footpath. The World Health Organisation (WHO) guidance referred to in this additional note is what we would apply to outdoor amenity space such as someone's garden. We would not apply it to open parkland. There is no guidance for acceptable noise levels for these situations that I am aware of."
- 9.9 In their original, pre-deferral, response they advised that the activity is inherently noisy. However, the Noise Impact Assessment (NIA) demonstrates that there is no meaningful increase in noise level at the nearest residential dwellings. The Proposed operating hours are 08:30 – 16:30hrs Monday – Friday. The NIA is based on this. Therefore, recommend a condition that the operating hours are the same as proposed.

Other representations received

Total - Objections	Total - No Objections	Total - Comments
29	0	0

9.10 The objections can be summarised as follows: -

Highway safety: -

- a) It is not possible to bring a 16.5m articulated lorry to and from the site without compromising on road safety.
- b) Approaching from the north, a lorry would have to negotiate several miles of country lanes unsuitable for the purpose before making a tight turn from The Street onto Shorts Green Lane in the centre of the village. It would then have to negotiate approximately a kilometre of single-track road with houses on both sides for approximately half its length.
- c) To approach from the south, a lorry would have to come through a narrow, congested area by the primary school, an area that is on record as being of significant concern to the village already. It would then have to pass through a choke point on Bittles Green before making a tight left turn onto Frog Lane; it is doubtful that a lorry could make this turn in one attempt. It would then have to go approximately 500m up a single track road with no footway.
- d) Frog Lane is popular with pedestrians and riders and has no walkway.
- e) There has not been a swept path analysis submitted for vehicle access and vehicle egress.
- f) The verges along the route to the site are not suitable for HGVs and they are already heavily rutted in places. There are limited passing places along Frog Lane.

Residential amenity: -

- g) There will also be intrusive noise from the stone cutting.
- h) The increase in traffic will increase the level of noise in the village which will impact people working from home, children's concentration at school and the local wildlife.
- i) It would have quite an impact on mental health if people were working all day.

Character and landscape: -

- j) The development is inconsistent with the Motcombe Neighbourhood Plan. Frog Lane Avenue was designated a Local Green Space. The Plan states "The planted verges to either side of the northern section of Frog Lane are also proposed for designation. The oak trees to either side are owned and maintained by the owners of Frog Lane Farm, and form a distinctive avenue, and were donated to Motcombe. The lane is well used by walkers and provides extensive views out over the countryside to both the east and west, as well as a local wildlife corridor."
- k) MOT4 - Local Green Spaces. Policy MOT4 states that "The local green spaces listed in Table 2 and shown in the Policies Map will be given special protection. Development within these areas will only be supported where it would enhance the enjoyment of the space and not undermine its importance. Development adjoining these areas must respect their reason for designation and should not significantly detract from their enjoyment."

Waste and air pollution: -

- l) No provision for the removal of waste has been mentioned in the application, which means one of two possibilities, either waste stone will be deposited on site spoiling the views or will be removed causing more transport movements. Neither of these solutions are acceptable.
- m) No information has been about the treatment of dust/slurry created and its safe disposal.
- n) There is also the problem of air pollution and the impact it would have on grazing animals.

Flooding:-

- o) The development will increase the flooding risk in the village, which is already a huge problem where many residents have been forced to leave their homes due to flooding damage over the last 2-5 years.

Planning application after the development: -

- p) So far there has been a blatant disregard for Planning Procedures, in that it would have been well known that Planning Permission would be required, yet the operation was started anyway.

10.0 Duties

10.1 s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise. This provides for the primacy of the development plan in decision making.

11.0 Development Plan policies

North Dorset Local Plan (2003) saved policies

11.1 The site is outside of settlement limits in the countryside.

North Dorset Local Plan Part 1 (2016)

11.2 The following policies are considered relevant: -

- 1 – Presumption in favour of sustainable development.
- 2 – Core spatial strategy
- 4 – The Natural Environment
- 5 – The Historic Environment
- 11 – The Economy
- 20 – The Countryside
- 23 – Parking
- 24 – Design
- 25 – Amenity
- 29 – The re-use of existing buildings in the countryside

Motcombe Neighbourhood Plan (2019)

11.3 The site is outside of the settlement limits. Frog Lane's avenue of trees is designated as a Local Green Space (LGS3). Two local views identified by the Plan have the potential to be affected by the development. These are:-

- c) the view along Frog Lane's avenue of trees;
- d) the view looking east from Frog Lane (including footpaths N69/2 and N69/4) across the fields towards Kingsettle Wood;

The following policies are considered relevant: -

- MOT4 - Local Green Spaces
- MOT6 - Protecting and Enhancing Local Biodiversity
- MOT7 - Local views
- MOT8 - Dark Skies
- MOT10 - Locational criteria for new development
- MOT15 - Meeting the area's employment needs.

12.0 Other material considerations

Dorset Council Local Plan

12.1 The 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.

National Planning Policy Framework 2021

12.2 Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

12.3 Other relevant NPPF sections include:

- 4 - Decision taking
- 6 - Building a strong, competitive economy,
- 14 - Meeting the challenges of climate change etc.
- 15 - Conserving and Enhancing the Natural Environment'

13.0 Human Rights

13.1 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.

14.0 Public Sector Equalities Duty

14.1 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:-

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

14.2 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.

14.3 The Duty has been considered in the assessment of this application. No specific persons with protected characteristics would be directly impacted by the proposal.

15.0 Financial benefits

What	Amount / value
Material Considerations	
Employment provision	2 Full time equivalent (FTE)
Non Material Considerations	
Business rates	As per charging bands

16.0 Climate Implications

- 16.1 The trips to and from the site are all by vehicles with internal combustion engines. These include HGVs as well as tractors. These journeys are predominantly local; the stone for cutting is sourced locally and then, when cut, delivered locally too.
- 16.2 There are inevitably contributions to climate change from these movements, albeit the sourcing of stone from further afield would have more implications.
- 16.3 The cutting process itself is dependent on electricity and water. The case officer observed that the use of water for cooling was ever present in the cutting process.

17.0 Planning Assessment

Principle

- 17.1 The development involves the reuse of an existing rural building to support economic development. In that respect it gains support for the principle of the use from policies 11, 20 and 29 of the North Dorset Local Plan Part 1 (2016).

Residential amenity

- 17.2 There are two main considerations here; the noise from the cutting process, and that derived from the vehicular comings and goings associated with the use.
- 17.3 The cutting process is, as the Council's Environmental Health Officer describes, "inherently noisy". This is not just the case inside the building but also outside; the noise emissions are such that the case officer had difficulty conversing with the applicant when standing next to the open east end of the building (they had to move about 10m away from the building to be heard and to hear).
- 17.4 The case officer also noted that, in addition to the open eastern end of the building, there were other opening and holes within the external envelope. This is acknowledged in the applicant's Noise Impact Assessment.

17.5 The Noise Impact Assessment recorded the following noise levels within the building and near to it:-

From the cutting process	
Location	Noise (dB)
Inside the building	94
10m from west end of building	62
3m from north side of building	77
95m from east side of building	49
45m at a 45° from the east side of the building	58
From the generator	
Location	Noise (dB)
2m west	76
10m east	67

17.6 The Assessment assessed the impact of both the generator and the cutting process itself on five sensitive receptors. These are all dwellings:-

- A. The last dwelling on Frog Lane (Woodpeckers) (approx. 350m north-northwest near to where Frog Lane becomes Shorts Green Lane)
- B. Kingsettle Farmhouse (approx. 750m east on the higher ground).
- C. The next dwelling south of Frog Lane Farm on the west side of Frog Lane (approx. 200m south).
- D. Dwellings on The Street to the north of Motcombe Memorial Hall (approx. 450m west)
- E. Frog Lane Farmhouse (approx. 65m south)

17.7 Points were used adjacent to these homes; point 1 being adjacent to dwelling A, point 2, being adjacent to dwelling B and so on. Adjustments were also made for tonality, intermittency and impulsivity in accordance with British Standard BS4142 (2014 (amended 2019)). Tonality is the psycho-acoustic character of the sound where the tone of the noise emission is identifiable over background noise. Impulsivity is sharp changes in volume.

17.8 The Assessment found that the stone cutting/preparation equipment did not contain impulsive elements and was not considered tonal. It's dominant noise emissions however were noted to be within the higher frequencies. Generator noise emissions were characterised by a low frequency rumble. Activity/generator noise emission from the development at Positions 1 and 2 were just audible. At Positions 2 and 3 the noise emissions were inaudible. At Position 5 the noise emissions were audible at a low level; they were however not considered to be intrusive. The main general environmental noise source consisted of road traffic on the local roads, and in the case of Position 4 notably from the A350. The dominant noise leakage from the barn

was noted to be from the gaps in the construction, notably the gap between the fibre cement sheets and block walls.

- 17.9 The Assessment noted that commonly occurring background noise level at Positions 1 – 4 was between LA90 36 – 37dB, with the former taken as a robust baseline position for dwellings A to E. LA90 is a measurement of the average level over a 90 min period.
- 17.10 The Assessment concluded that the noise levels at Dwellings A – D are below the representative background noise level, which according to BS4142 indicate a low noise impact. At Dwelling E the Rating Level is 1dB above the representative background noise level but this is imperceptible, and the difference would need to be at least 5dB to indicate an 'adverse' impact.
- 17.11 The Council's Environmental Health Officer is noted to conclude that this is a robust assessment and raises no objection.
- 17.12 A number of comments, including from the Parish Council, note that the assessment was confined to the impact on dwellings and not the experience from public rights of way or adopted highways such as Frog Lane.
- 17.13 The case officer noted from his site visits that the use, specifically the cutting process, could be heard from Frog Lane, from Public Footpath N69/1 at points both east and west of Frog Lane, from Bridleway N69/2 in the vicinity of the Farm and from Public Footpath N/69/4 close to its intersection with N69/1. These site visits were undertaken when there was both a light easterly wind (the Met Office had forecast it to be circa 5 mph) and a stronger south-westerly (around 15mph) on dry days.
- 17.14 The points along these public rights of ways and highways are considered to be sensitive receptors given their use (the case officer passed walkers on all of his site visits on these routes). The noise was distinctly more noticeable and higher than the background noise from these receptors. However, members are advised that the Noise Impact Assessment being limited to the impact on the dwellings has been endorsed by the Council's Environmental Officer and is considered robust. The case officer has considered the impact of the noise on the character of the area when experienced from the public rights of way and Frog Lane as a separate consideration later in this report.
- 17.15 Comments from third parties also raise the concern that the assessment was undertaken when there wasn't any wind to carry the noise, the inference being that windy conditions would carry the noise more; a south-westerly carrying the noise towards Kingsettle Farmhouse and easterlies and south-easterlies taking it to the main body of the village. Again, members are advised that the Council's Environmental Health Officer considers that the applicant's Assessment is robust.
- 17.16 Their conclusions are based on specific operating times, acknowledging that the assessment was based on these times and that the background noise levels will fall during the evenings, nights and weekends. Therefore, as a consequence, there is likely to be a greater difference in the background noise levels and those

experienced when the cutting process takes place (with the generator on). As such, a condition is necessary to restrict the use to weekday daytimes.

- 17.17 Turning to noise and disturbance from vehicles, it must be emphasised that the baseline, extant use of the building is for agriculture. In this context, a building of this size could generate farm traffic not materially different to the tractor and light vehicle (the cars of employees) to the stone cutting use.
- 17.18 The HGV trips are, in the case officer's opinion, a variance to an agricultural use of the building, even accepting that there could be bulk feed delivered by HGV or livestock.
- 17.19 However, the movements as evidenced in the Transport Note are not considered to result in a material adverse impact on residential amenity given their infrequency. This conclusion acknowledges that routes would pass close to existing dwellings.
- 17.20 There are no other relevant residential amenity considerations e.g. overshadowing or overlooking, given that the development involves the use of an existing building screened from the Farmhouse by other existing buildings.

Highway safety

- 17.21 The applicant's stated traffic movements associated with the use are detailed in paragraph 6.4 of this report. Some third party representations suggest that the trip rates are higher but no evidence is provided of this nor has the case officer witnessed movements on and off site during his unannounced visits to the area which would suggest that there are higher trip rates than stated.
- 17.22 A Note was prepared on behalf of the applicant in response to the Highway Authority's interim response. Members will note the comments of the Authority summarised in paragraphs 9.3 to 9.5 of this report; they raise no objection following receipt and assessment of the Note.
- 17.23 The following route is used, and is proposed to continue to be used by HGVs to access the site:-
- B3081 – Motcombe Turnpike – Church Road – Bittles Green – Frog Lane
- This is because, as third parties state, approaching or leaving the site via the Hollow to Shaftesbury is inappropriate due that route's restrictions. Likewise, heading north from the site onto Shorts Green Lane and into the heart of the northern part of the village is also not reflective of the destinations and sources of vehicular trips from the Shaftesbury and Marnhull directions.
- 17.24 A number of third parties advise that that the route used is also not appropriate. This is because of its restricted width in places; the lack of segregated footways; conflict with pedestrians, cyclists, horse-riders, pets and wildlife; the turns that need to be made e.g into Frog Lane from Bittles Green; and the fact that the route passes the village primary school.

- 17.25 The Transport Note does assume the cessation of all of Frog Lane Farm's agricultural activities whereas, of course, most of the buildings at the farmstead still have an extant agricultural use and could still be used in the future. Nevertheless, the case officer's observations of movements to and from the site corroborate the Note's conclusions that there isn't and will not be a significant increase in movements from the site than if the building was to remain in its previous agricultural use.
- 17.26 One articulated lorry (2 two-way movement) once a month associated with the delivery of stone to the site and 8 tractor & trailer movements (16 two-way movement) are not significant. As per the Highway Authority's comments, allowing for this fact and the relatively low numbers of vehicle movements associated with the development proposal, the Highway Authority considers that residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021.
- 17.27 Such a conclusion is reached acknowledging the route passes the primary school on Church Road.
- 17.28 The case officer noted that the geometry of the mini-roundabout at the intersection of Church Road, The Street and Bittles Green would not impede the occasional safe passage of HGVs travelling to and from the site. The intersection of Frog Lane and Bittles Green results in a relatively tight turn having to be negotiated and the case officer noted that large vehicle tyre tracks were evident on the bell mouth to the field access opposite, suggesting its use by HGVs as they sweep into and out of Frog Lane. However, the width of metalled carriageway, geometry of the junction and visibility afforded means that its use by the low levels of traffic associated with the use is safe.

Character and appearance

- 17.29 These considerations are limited to the change in character brought about by the use rather than operational development. This is because the cutting process utilises an existing building and the container and generator are considered to have minimal landscape and visual impact given their modest scale and visual containment within the existing complex of buildings. They are visible from the public rights of way to the north but only in the context of much larger modern structures i.e the two much larger buildings to their immediate east and west.
- 17.30 Turning to the use, the character of the area has changed as a result of the development. Frog Lane is clearly used by walkers, cyclists and horseriders and, when the stone cutting is not in progress, there is a distinct rural tranquillity to the experience in contrast to, say, the traffic and activities within the village's main built-up envelope. The case officer fully acknowledges that Frog Lane, including the avenue of trees and fields that flank it, are not only a visual experience but an aural one too and locals and visitors alike will seek out the Frog Lane area for this tranquillity.

- 17.31 There is background noise perceptible when one lingers at points on Frog Lane and the public rights of way, but it is distant and not intrusive. When the cutting commences the experience changes particularly when one is close to the site on Frog Lane within the avenue of trees recognised as the Local Green Space and referenced in policies MOT4 (local green space) and MOT7 (view c) of the local views) of the Neighbourhood Plan. The noise is also clearly heard when one is tracking eastwards along footpath N69/2 from Frog Lane to the intersection with footpath N69/4 and beyond to a point where one starts climbing onto higher ground.
- 17.31 Undoubtedly the experience of the landscape changes when the development is in use. The change in the aural experience affects one's visual enjoyment of the landscape, this not being a Valued Landscape falling within the NPPF's definition, but nevertheless a landscape of value recognised in the Neighbourhood Plan's designations.
- 17.32 Indeed, there is harm arising from the change in the aural experience of this landscape as a result of this development and a degree of discordance with policies MOT4 and MOT7 of the Neighbourhood Plan.
- 17.33 This is a very finely balanced matter and one that the case officer has considered for a significant period of time. On balance it is advised that the level of harm is not of the significance to be determinative, but it is recognised that the way each person experiences the landscape is different as is the value that they will place on it. As such members may conclude differently to the case officer and afford greater or less weight to the impact in their balancing exercise.

Flood and drainage

- 17.34 The site is at low risk of fluvial, pluvial and groundwater flooding. The generator and container are structures mounted on areas of existing hardstanding with no increases in impermeable area on the site as a result.
- 17.35 Water is used for cooling purposes in the cutting process and this water drains to the existing pond to the north of the site. The case officer noted that there was a constant flow of this water in a gulley in the hardstanding. The pond includes an area of high and medium risk of surface water flooding, as does some of the field within which it is situated.
- 17.36 The case officer visited the site during and following a period of heavy rainfall and noted that there was no overtopping of the pond following a number of hours of stone cutting. It is not considered to be a determinative issue but, nevertheless, given the recorded constraint on this adjoining land, it is reasonable and necessary for evidence to be submitted that the existing arrangements function without increasing flooding on this adjoining land and, if not, that attenuation can be provided to ensure that it doesn't.

Air pollution and biodiversity impact

- 17.37 There is no evidence before the local planning authority to indicate that there are significant levels of air pollution as result of the development causing adverse

impacts to human health or wildlife. Of note is that there was no airborne dust or stone particle emissions evident outside of the building when the cutting process is taking place. The case officer observed that the cooling water also has the effect of suppressing such emissions.

Process

17.38 It is unfortunate that the development proceeded the application for planning permission. However, it is not illegal; no formal enforcement action has been pursued by the Council. The case officer understands from the applicant that they were unaware of the need to apply for permission and there is no evidence before us to suggest otherwise. The application must be considered on its own merits against development plan policies in the first instance as with any other application. The only difference here is that one is able to experience the effects of the development for real rather than having to calculate what they may be.

Other matters

17.39 The Parish Council and other third parties raise an issue about waste from the site, such as stone. The case officer notes that this does not appear to be an issue – on unannounced visits, there was no evidence of stone or other waste on site. There was discolouration of the water runoff but this drainage can be dealt with through the drainage condition.

18.0 Conclusion

18.1 As detailed in paragraph 17.32, there is a degree of discordance with neighbourhood plan policies due to the harmful impact of the development on the aural experience of the landscape from sensitive receptors along public rights of way and on Frog Lane. The sensitivity of these receptors is recognised in the Neighbourhood Plan policies, specifically MOT4 and MOT7.

18.2 In other respects there is accordance with development plan policies subject to the imposition of conditions in relation to HGV routes, the hours of operation and surface water drainage.

18.3 There are also benefits arising from the employment provision, albeit very modest given only 2 full-time employees are employed, and the use's contribution to the use of local building stone for developments in the local area. There are sustainability benefits in keeping this part of the process local although, again, this benefit is relatively small.

18.4 The case officer finds that this is finely balanced matter. However, the harm it is not considered determinative and, when balanced against the benefits and the accordance with policy considerations such as highway safety and residential amenity, it is recommended that permission be granted subject to conditions.

19.0 Recommendation

19.1 Grant planning permission subject to the following conditions.

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - IP/MBC/01 Location plan
 - IP/MBC/02 Proposed site plan
 - IP/MBC/03 Proposed floor plans & elevations

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

2. No preparation of the equipment using powered machinery for the stone cutting use hereby approved, or use of the generator shall take place outside of the hours 08:30 – 16:30hrs Monday – Friday (excluding Bank and Public Holidays).

Reason: In the interests of residential amenity.

3. The areas shown on Drawing Number IP/MBC/02 for the manoeuvring, parking, loading and unloading of vehicles must be maintained, kept free from obstruction and available for the purposes specified.

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

4. Deliveries to and collections from the site for the use hereby approved shall be via Church Road, Bittles Green and the part of Frog Lane from the site southwards only, unless there are road closures in place affecting this route.

Reason: In the interests of highway safety.

5. Within 3 months of the date of this permission details of a surface water drainage scheme shall be submitted to the local planning authority. The scheme shall be implemented in full within 3 months from the approval in writing by the local planning authority of this scheme and retained thereafter for the remaining lifetime of the development.

Reason: To ensure no increase in the risk of flooding.

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Agenda Item 10

Application Number:	P/FUL/2022/02397		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Former Coop Store and Car Park High Street Gillingham SP8 4AG		
Proposal:	Demolition of existing former co-op store & redevelopment of the site to provide 42no. residential units, comprising 4no. houses (C3), 30no. apartments (C3) and 8no. assisted living apartments (C2), 83sqm of commercial space (Class E) allotments, landscaping & other associated works		
Applicant name:	Hopkins Estates Ltd		
Case Officer:	Jim Bennett		
Ward Member(s):	Cllr Potheary, Cllr Ridout, Cllr Walsh		
Publicity expiry date:	10 June 2022	Officer site visit date:	06/05/2022
Decision due date:	11 July 2022	Ext(s) of time:	31/08/2023

1.0 The application is presented to Committee as Gillingham Town Council object to the proposal and have requested the application be reported to Committee if the officer recommendation is contrary to their view.

2.0 Summary of recommendation:

Recommendation A: Minded to **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure primary & secondary education contributions, off-site open space maintenance, outdoor open space provision, healthcare contribution and arrangements for management of open space and landscaping on site.

Recommendation B; **Refuse** permission for failing to secure the obligations above if the agreement is not completed by 31st August 2023 or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation:

While there is conflict with the development plan, by reason of the loss of retail floorspace, lack of any affordable housing offer and reduced contributions towards local infrastructure, the application needs to be considered 'in the round' weighing all

material issues in the planning balance. Considering the lack of an identifiable 5 year housing land supply and the presumption in favour of sustainable development, there are significant public benefits derived from the proposed development including:

- Delivery of 34 homes and 8 extra care units in a sustainable town centre location.
- Delivery of 82 sq.m of commercial floorspace
- Reduction in the need to travel by car due to the site’s sustainable location within walking distance of shops, services and transport modes
- Increased spending and support of the local shops and services within the town through regular visits by residents
- Regeneration of a prominent and vacant brownfield site
- Financial benefits through construction and the creation of local jobs
- Open space provision in the village square, village green and green link
- Section 106 agreement to secure financial contributions towards education, open space and healthcare
- New Home Bonus payments and increased Council tax revenue
- Bio-diversity gains from greening of the site

In considering the balance, the proposal is acceptable in its design, scale, layout and landscaping and there are no adverse impacts which would significantly and demonstrably outweigh the benefits identified above. There are no fundamental concerns with regard to the impact on the character and appearance of the area, highway safety, residential amenity, ecology, land contamination or drainage and the water environment. Therefore, in this case there are no considerations of specific policies in the NPPF that weigh against the balance towards housing provision.

Therefore, in this case there are no specific policies in the NPPF that provide a clear reason for refusing the development proposed nor would the adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed the against the policies in the NPPF as a whole.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is acceptable in light of the latest housing delivery test results in which the presumption in favour of sustainable development still applies. The site is located within a sustainable location and no material considerations which would warrant refusal of this application.
Impact on the character of the area and landscape	The proposal is acceptable in terms of layout, design and scale. It would provide an appropriate setting, including landscaping, natural surveillance, relationships between

	dwellings and parking areas and footpath linkage. The revised scheme provides additional street trees and no important trees will be lost.
Highway safety	The Highway Authority raise no objections on highway safety, policy or capacity grounds.
Residential amenity	The proposal would not lead to adverse impacts on the residential amenity of surrounding neighbours or future occupiers.
Affordable Housing	The development fails to provide a policy compliant affordable housing offer of 25%, which weighs against the proposal.
Ecology	Surveys have been undertaken and impact upon protected species can be mitigated to avoid adverse effects. Significant areas of ecological enhancement are proposed and will be secured via Dorset's Biodiversity Appraisal Protocol.
Housing Delivery	The development will provide 42 dwellings making a valuable contribution to the housing land supply.
Drainage and the water environment	Flooding/Drainage The site is wholly in Flood Zone 1 (low risk). Surface water drainage details can be adequately secured by condition.
Economic benefits	Notwithstanding loss of the retail floor space, benefits would be derived from delivery of this scheme, including the provision of jobs during construction, operation of the commercial unit, future residential expenditure and income from Council Tax and Business Rates

5.0 Description of Site

The site lies within Gillingham Town Centre. Gillingham is identified in the North Dorset Local Plan as one of the four main towns and one of the most sustainable locations for housing development. Gillingham is situated in the Blackmore Vale and is the most northerly town in Dorset. It sits east of the Cranborne Chase Area of Outstanding Natural Beauty. The town centre is a predominately characterised by a mix of retail and residential buildings, typically 2-3 stories tall, often with commercial at ground level and residential or office above.

The former Co-op is situated just off Gillingham Town High Street and has been vacant for 10 years following fire damage to the building. The site extends to 0.496 hectares and is currently disused, in poor condition and was last used as a store and car park. The site is bound to the east by a four storey residential development; Paris Court and to the South by Buckingham Road, characterised by two storey houses. It lies within the settlement boundary of Gillingham. A tree protected by TPO is located at the south west extent of the site on Buckingham Road.

The site is not subject to Area of Outstanding Natural Beauty (AONB), Conservation Area, Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), or Flood Zone and there are not any listed buildings in close proximity. There are no Public Rights of Way (PRoW) running across the site, and while the site used to be partly used for car parking connected to the Co-op store, this is private land and no longer publicly accessible.

The site is identified in the Gillingham Neighbourhood Plan as being within the Station Road Mixed Use Area, which seeks to provide comprehensive mixed use redevelopment of underutilised land, to comprise a mix of town centre uses including retail, cafés, restaurants, a new hotel, office space, land for informal recreation and around 200 new homes.

6.0 Description of Development

The application is made for full planning permission. It is proposed to demolish the vacant Co-op store and redevelop the site to provide 42 residential units, comprising 4 houses (C3), 30 apartments (C3) and 8 assisted living apartments (C2), 83sqm of commercial space (Class E), landscaping, vehicular accesses and other associated works. The primary access to the site (to 22 parking spaces and the commercial unit) will be via the existing access, from the High Street. This was previously used to access the Co-op and its car park and would be a shared surface to assist with the creation of a 'village square'. A secondary access to a further ten car parking spaces is proposed from Buckingham Road.

Built form would comprise four mews houses and two blocks; one larger block housing 30 homes with commercial space at ground floor level and a smaller block including 8 assisted living units and 4 detached mews dwellings. The height of the development ranges from two to four storeys. The proposals show a mixed palette of materials, with predominantly red brick (Block A), local stone and lime render stone/brick banding, derived from analysis of local materials.

A small play area, planters, planted borders, trees and green roofs will cover approximately a third of the site. Green roofs will accommodate drainage, however, some bio-retention areas have also been identified in the mews houses and the parking area to the north. Down pipes from the roofs of the mews houses will allow for discharge into these features, as well as a raised planter arrangement at or below ground level. In addition to these SUDs features, an attenuation tank is proposed in the southern parking area that lies adjacent to Block B. A new 'village square' will be located adjacent to the High Street and a greened pedestrian route will run through the site to linking with a 'village green' and with Buckingham Road to the south.

7.0 Relevant Planning History

There is no planning history of direct relevance to the current submission.

8.0 List of Constraints

EA – Risk of Surface Water Flooding Extent 1 in 1000

EA - Areas Susceptible to Groundwater Flooding; Superficial Deposits Flooding

NE - SSSI impact risk zone

HSE - Zone: Outer and Middle

TPO

9.0 Consultations

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

Gillingham Town Council: The amended application was considered by Gillingham Town Council at their Planning Committee meeting on 9 January 2023. Refusal was recommended for the following reasons:

- Failure to bring forward a policy compliant level of affordable housing.
- Inadequate number of parking spaces for the number of proposed residential units which will result in an overspill of parking in neighbouring roads.
- 6 electric vehicle charging points are considered to be inadequate.
- Fails to provide the required parking of 1 space per 20m² retail floor space plus 1 per 100m² for staff, contrary to Policy 23
- Increased traffic and an increased danger to highway users at Buckingham Road, which is not considered suitable as an access road, due to its restricted width, lack of turning head, parked vehicles, poor visibility at junction with Station Road and pedestrian conflicts
- The proposed development is out of scale with its surroundings and will have a poor relationship with neighbouring properties. The size and scale will have an overbearing, overshadowing and damaging effect on the neighbouring properties.
- The design is unsympathetic to the neighbouring properties in Buckingham Road, contrary to Policies 24 and 25 and to the aims of the NPPF
- Loss of Primary Shopping Frontage, contrary to Policy 12 and Policy 7 of the Gillingham Neighbourhood Plan which states that the loss of retail outlets to residential use on the ground floor in areas of primary and secondary shopping frontages will be resisted.
- If the Case Officer is mindful to approve the application, the application should be considered by the Dorset Council Northern Area Planning Committee.

District Valuer – In order to be delivered there must be either a substantial flex in the landowners' expectation, or the target profit level, or a combination of both. In this case, a scheme with no s106 contributions, the target profit would need to be less than 9%, considerably less than the indicated level required to incentivise a scheme. The applicant's assessment is materially worse in terms of viability, concluding that there will be no profit, together with a scheme deficit. The combination of factors that would give way to a viable scheme are considered very remote at the date of this assessment, and the scheme as currently proposed. This may raise wider concern over the deliverability of the scheme. A review clause might

be appropriate as a condition any permission, in line with paragraph 009 of the PPG Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. Alternatively, and possibly additionally, the Council may consider it appropriate to make it a pre commencement condition that viability is reviewed if construction does not start within a prescribed period of time.

Economic Development - From an economic development perspective as regards jobs and business expansion support this planning application. There appears to be a good amount of Class E in the application and that should suffice. From a retail perspective Gillingham has a very large Waitrose, a Lidl and an Aldi plus it has a good Mole Valley Farmers. The High Street is poorly accessed as the new road bypasses the town centre, giving direct access to Waitrose, Lidl and Mole Valley. Aldi slightly further out of town on the main road to Shaftesbury and therefore offers good parking as do the others. The High Street has been affected by years of poor retail performance, there are still a couple of independents plus the usual opticians, solicitors, accountants etc. This property has been listed as available for many years on Property Pilot Dorset with various agents from 3 June 2015 to 18 October 2021.

Wessex Water – no objection, but raised a query over removal of an existing 300mm diameter surface water sewer. Also give informatives.

DC Archaeologist - Red River Archaeology Evaluation of the site has been undertaken to an appropriate standard. Based on the results (which are clearly negative) it is advised that archaeology is not a constraint that needs to be taken into account when this application is determined.

DC - Environmental Services: No objection, subject to contamination and hours of construction conditions.

DC – Landscape: No objection, subject to additional planting and conditions to ensure Construction Environmental Management Plan, a Landscape Ecological Management Plan and details of hard landscaping including the provision of street furniture are provided.

DC - Natural Environment Team: The applicant is in the process of completing an agreement with NET in accordance with the Dorset Biodiversity Appraisal Protocol to deliver biodiversity enhancements on the site.

DC – Highways: Following receipt of amended plans and information - no objections, subject to conditions and informatives to address highway layout, vehicle access construction (High Street), vehicle access construction (Buckingham Road), access gradients, cycle parking, EV charging points, CTMP and outline Travel Plan.

DC Policy - The proposal is contrary to key policy considerations, namely the loss of retail floorspace in a town centre location and lack of affordable housing being

proposed on site. When making the planning balance, these policy conflicts should be considered against the benefits of the scheme.

DC Urban Design – The massing is considered, with the existing built form taken account of, tallest structures located to the centre of the site and massing broken up through use of architectural devices. The positioning of the built form would see the creation of convivial spaces in the form of the village green and the village square, bound by built form, to provide good natural surveillance to public spaces. The development would promote walking and cycling by providing a “green link” within the town centre. The materials palette is appropriate to Gillingham, although there is some concern over the colour of the brick shown for Block A on the visualisations. However, a materials condition could be applied to any grant of any planning permission to cover this. The proposed dwelling floor plans meet nationally described space standards, though bathrooms and en-suites should be afforded a window where possible. In conclusion, the proposals are supported, as the scheme can create a high quality development, subject (where possible) to the introduction of bathroom fenestration and conditions address materials and the inclusion of street furniture within the open spaces.

DC Housing Enabling Team - No affordable housing contribution is proposed by the applicant for viability reasons (a Financial Viability Appraisal accompanies the application). LPP1 Policy 8 Affordable Housing states that in Gillingham “a development for 11 or more net additional dwellings will be expected to contribute 25% affordable housing.” The Housing Enabling Team would expect this development to bring forward a policy compliant level of affordable housing of and therefore expect the Financial Viability Appraisal to be independently assessed.

DC Trees – One tree on site is protected by Tree Preservation Order ref. TPO/2022/0033, which covers a Norway Maple and was made effective on 24th June 2022. Concerns are raised over the works proposed to the tree to get it to fit into the development and consider it will be under constant pressure from excessive tree surgery works once the development is complete and occupied. The tree will be constrained within a small area of soft landscaping and the lack of water and nutrient availability will restrict gaseous exchange, putting the tree under stress, particularly when coupled with likely tree surgery operations. Also concerned that living conditions for residents located to the north of the dense canopy of the tree will be reliant on artificial light for much of the day.

DC Flood Team - Following the in-principal approval of Wessex Water that they have no objection to the proposed surface water sewer diversion, no objections are raised, subject to surface water management conditions and informatives.

Representations received

Objections received from two neighbours, raising the following concerns:

- Only offering 1 unit for E Class use is poor in the High Street.
- The site should be used to create a hub for the town, akin to Brewery Square in Dorchester, which will bring jobs and town centre foot fall
- Undergrounded car parking should be provided to maximise open space on site

- The main block at four levels tall is excessive, and not in keeping with any other buildings in town. They should be limited to three levels
- Development is out of keeping with the character of Buckingham Road
- Buckingham Road will be overlooked
- Buckingham Road is already an over used and poorly maintained road and the additional traffic would exacerbate its poor condition
- Buckingham Road is a small single file no through road, with no passing spaces and should not be used for access
- Traffic flow will be greatly affected in a negative way in various locations around the town centre lead to an increase in localised pollution
- Emergency services would not be able to access Buckingham Road to reach existing properties.
- Access to/from the development should feed from the High Street, with a large open junction from the old car park already in place.
- Parking on Buckingham Road is already at a premium, the development will only make this situation worse unless more parking spaces are provided.
- Limits should be applied on the hours and days that construction and deliveries are carried out, with no construction traffic using Buckingham Road at any time
- The plans do not specify if units are to be private or social accommodation.

10.0 Relevant Policies

Local Plan: The North Dorset Local Plan Part 1 (LPP1) was adopted on 15 January 2016. It, along with policies retained from the 2003 North Dorset District-Wide Local Plan, and the 'made' Gillingham Neighbourhood Plan, form the development plan for North Dorset. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant applicable policies in the adopted LPP1 are as follow:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Core Spatial Strategy

Policy 3: Climate Change

Policy 4: The Natural Environment

Policy 6: Housing Distribution

Policy 7: Delivering Homes

Policy 8: Affordable Housing

Policy 11: The Economy

Policy 12 - Retail Leisure Comm

Policy 13: Grey Infrastructure

Policy 14: Social Infrastructure

Policy 15: Green Infrastructure

Policy 17: Gillingham

Policy 23: Parking

Policy 24: Design

Policy 25: Amenity

Gillingham Neighbourhood Plan

The Gillingham Neighbourhood Plan was 'made' on 27 July, 2018 and forms part of the Development Plan for North Dorset. Relevant policies applicable to this outline applications are:

Policy 3:

Policy 7: Development within the Town Centre

Policy 8: Station Road Mixed Use Area

Policy 12. Pedestrian and cycle links

Policy 14. New and improved health and social care provision

Policy 16. New and improved community, leisure and cultural venues

Policy 18. Equipped play areas and informal recreation / amenity spaces

Policy 19. Allotments

Policy 20. Accessible natural green space and river corridors

Policy 22. Protecting important green spaces

Policy 23. The pattern and shape of development

Policy 24. Plots and buildings

Policy 25. Hard and soft landscaping

Material Considerations:

National Planning Policy Framework (NPPF):

The NPPF has been updated with a revised version published July 2021. The following sections and paragraphs are relevant to this application:

2. Achieving sustainable development
4. Decision-making
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

Supplementary Planning Document/Guidance

Gillingham Town Design Statement (adopted 2012)

Dorset Residential Car Parking Study (DRCPS)

North Dorset Housing Land Supply Report 2021 (version 2, published 1 March 2022)

Dorset and BCP Local Housing Needs Assessment (November 2021)

Joint Retail and Commercial Leisure Study (March 2018)

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

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.

The site is located in an extremely sustainable location, within walking distance of a wide range of facilities and services in the town centre. The proposed development will not result in any disadvantage to people due to their protected characteristics. Provision is made for 8 no. assisted living units specifically for those with protected characteristics and the form of development proposed will provide housing, retail space, new open space and additional permeability, to ensure the needs of people with disabilities or mobility impairments or pushing buggies are met. Access

arrangements to the new housing, buildings and open space will be subject to the requisite standards upon construction.

Officers have considered the requirement of the duty, and it is not considered that the proposal would give rise to specific impacts on persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Quantum of greenspace	Open space including provision of LAP, secured by s.106
Contributions	Contributions for open space, education and healthcare all secured by s.106
Employment created during construction phase	The proposal will support jobs in construction and will bring about 'added value' in the local area through associated spending and economic activity.
Spending in local economy by residents of proposed dwellings	The proposed housing will support the local economy and growth in the area with new residents spending on goods and services as they move in.
Employment generated	From retail unit
Non-Material Considerations	
Contributions to Council Tax Revenue	According to the appropriate charging bands
Business Rates	Income from retail unit

14.0 Climate Implications

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. The Climate Change Statement addresses the Council's current planning policy requirements and advises that electrical vehicle charging points will be provided. A planning condition is proposed to ensure they are located in appropriate locations and to an appropriate standard. The following sustainability measures are proposed for the development:

- Green roofs
- Native planting and biodiversity enhancements
- Photovoltaic Panels
- Six Electric Vehicle charging points
- Rainwater collection, attenuation SUDs
- Cycle storage
- Provision of a footpath link through the site to promote walking

It is considered that there is sufficient scope within the proposed development to incorporate a wide range of sustainability measures to reduce the impacts of the development on the climate in line with Climate Change Statement.

15.0 Planning Assessment

The main issues of this case are considered to relate to:

- Principle of development
- Loss of Retail Floorspace from the Town Centre
- Impact on the character and appearance of the area
- Highway safety
- Residential Amenity Impacts
- Affordable housing
- Ecology
- Housing Land Supply
- Land contamination
- Drainage and the water environment
- Other matters

The principle of development

The site is identified in the Gillingham Neighbourhood Plan as being within the Station Road Mixed Use Area, which seeks to provide comprehensive mixed use redevelopment of underutilised land, to comprise a mix of town centre uses including retail, cafés, restaurants, a new hotel, office space, land for informal recreation and around 200 new homes. The principle of development is considered to be acceptable, subject to the material planning considerations outlined below.

Loss of Retail Floorspace from the Town Centre

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.

The Local Plan (LP) and Gillingham Neighbourhood Plan (GNP) show the frontage of the former Co-op store being Primary Shopping Frontage (PSF). The site is also within the Station Road Area and the Town Centre.

The application proposes demolition of a building with 1427 sqm floorspace, last used for A1 (retail) by the Co-op. The building would be replaced with 83 sqm unit for E class use (commercial, business and service) and 42 residential units. It therefore proposes a substantial net loss of retail floor space from a defined PSF, which is noted by the Town Council to be contrary to Policy 12 of the LP and Policy 7 of the GNP. These policies state that the loss of retail outlets to residential use on the ground floor in shopping frontages will be resisted.

Policy 12 states that within the PSFs of town centres, development resulting in the change of use from an existing ground floor A1 Class use, within a unit fronting a street or pedestrian thoroughfare, will not be permitted where this would result in any loss of retail frontage or ground floor net retail floorspace. It is arguable whether the

site is covered by Policy 12, as while it is within the PSF, it does not directly front a street or existing pedestrian thoroughfare. However, it is contrary to GNP Policy 7, which states that retail uses should be focused along the PSFs and the loss of retail outlets to residential use on the ground floor in shopping frontages will be resisted.

The proposal would be compliant with aspects GNP Policy 3 insofar as residential accommodation on upper floor levels in the town centre is concerned. GNP Policy 7 supports new residential dwellings on upper floors or as part of a mix use scheme with other town centre uses, or on sites away from the main pedestrian routes and shopping frontages, to provide a suitably vibrant mix of uses. GNP Policy 8 suggests development should be compatible with the main aims for mixed-use regeneration, which should comprise of town centre uses including retail, cafes, restaurants, offices, informal recreation, around 200 new homes and improved pedestrian linkages. The proposal is also covered by a number of Local Plan policies, specifically Policy 11 which points to economic development opportunities through mixed-use regeneration of sites on the edge of existing town centres. Policy 12 encourages retail and other main town centre uses on sites identified for mixed-use regeneration on the edge of Gillingham town centre. Policy 17 encourages mixed-use regeneration of the Station Road Area to help maintain and enhance Gillingham's role as a main service centre; considering additional retail or office floorspace, with a focus on comparison retail as suitable; together with new homes, particularly flats above shops.

The proposal could provide all of these policy aspirations, albeit with a significantly reduced retail offer. For example, there is support for new residential uses in the Town Centre and Station Road Areas for around 200 new homes, albeit on upper floors, leaving the ground floors available for town centre uses. The proposed E class unit is compatible with the policies, as this will permit retail and offices which are recognised as town centre uses. However, the substantial net loss of retail floorspace in this location is clearly contrary to many of the development plan policies. A mixed-use scheme which provided more town centre uses on the ground floor would better accord with policy, but whether providing additional ground floor commercial units within the scheme would be viable in the current economic climate must be queried.

Since adoption of LPP1 and the GNP, Carter Jonas completed a Joint Retail and Commercial Leisure Study for North Dorset in March 2018. It found that Gillingham had a relatively good and diverse representation of food and convenience stores, but was under-performing as a comparison goods shopping destination in terms of the scale, range and quality of its overall offer. These comments are reflected in the consultation response of the Council's Economic Development Section. It also considered that the PSF drawn around the former Co-op store should be re-defined as a Secondary Frontage. However, it should be noted that the Carter Jonas study is now more than 4 years old and pre-dates the Covid-19 pandemic. It is widely recognised by most retail experts that the pandemic has accelerated various retail trends, particularly the increase in internet shopping and the decline of many traditional high street stores.

The emphasis of the retail protection policies is to ensure that the commercial vitality and function of town centres is retained and where appropriate enhanced. The

existing premises could attract a wide range of appropriate main town centre uses, although the applicant's submitted marketing assessment suggests otherwise, there being little interest in re-using the building. It is therefore questionable whether the amount of floorspace offered by the existing building is in fact needed and unlikely that a convenience retailer would occupy premises of this scale, particularly in light of more modern ASDA, Lidl and Waitrose convenience retail offers, all within a 5 minute walk of the site.

The proposal relates to a building with a very large footprint by comparison with retail units about it. While the proposal would result in a significant loss of town centre retail space, 83 sq.m of commercial floorspace would be provided, which would comply with aspirations to respect the PSF. It could also provide additional comparison retail floorspace, as well as frame the 'village square' element of the proposal with retail units, to provide what would be an enhancement to the setting of the High Street, if executed well.

Paragraphs 119 and 120 of NPPF promote making effective use of land, particularly through mixed-use schemes and using suitable brownfield land. Paragraphs 122 and 123 are also instructive in that they encourage different uses on land in order to meet identified needs. For example, paragraph 123(a) encourages the use of retail land for homes in areas of high housing demand providing this would not undermine key economic sectors or sites or the vitality and viability of town centres. The applicant has put forward the case that the site has been unused for almost ten years despite it being actively marketed for most of that time, which is confirmed by the comments of the Council's Economic Development Section. Officers consider the site has been genuinely marketed for several years without finding an occupier, lending weight to the argument that an alternative use should be accepted in order to bring a brownfield site in a sustainable location back into use.

It is pertinent that from 1st August 2021 new permitted development rights were introduced under Class MA, allowing a change of use of building under 1500 sq.m from Use Class E (retail) to residential, even within key shopping frontages, without a requirement for planning permission. While this proposal is not for a change of use and a building of this ilk is unlikely to be converted successfully to residential, Class MA demonstrates the Government's direction of travel on the future of town centres, where alternative uses need to be sought for land and buildings following the contraction of traditional town centre uses in light of edge of centre developments, rise of internet shopping and pandemic impacts. The principle of this development is fundamentally acceptable under Class MA. Furthermore, the changing circumstances for town centres are highlighted by NPPF paragraph 86, which states that planning decisions "should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation." The paragraph also says that planning policies should promote the long-term vitality and viability of town centres, by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. Furthermore, importantly in this case, there has been a genuine period of marketing over several years.

Overall, while there is a presumption against the loss of retail floorspace from town centres, the site is earmarked for mixed use regeneration and the proposal represents a significant urban renewal opportunity. It would retain an active retail frontage to the High Street, result in enhancements to the setting of the High Street through provision of public space and green pedestrian link and result in additional footfall within the town centre from future occupiers of dwellings. On balance, the benefits of the proposal are significant, and officers consider that the mix of uses proposed would be complementary to the retailing function and would enhance the overall vitality and viability of the town centre.

Impact on the character and appearance of the area

The site is currently of very limited visual merit, consisting of a fire damaged building of circa 1970's construction surrounded by a hardstanded car park, with peripheral vegetation, which did not form part of any cohesive landscaping scheme. The proposal constitutes an opportunity, through provision of attractive buildings and landscaping to enhance the town centre.

The scheme demonstrates how 42 residential units, 83 sq.m of commercial floorspace, associated infrastructure, network of open space and a greened pedestrian link, connecting to Buckingham Road, library and retailing beyond to the south, would be accommodated on the site.

The Urban Design Officer considers that massing is appropriate. The tallest building would be situated to the centre of the site with scale reducing closer to the site's boundaries where existing built form lies beyond the site. The articulated ridge heights of flat, green roofed buildings throughout the scheme will not be heavily massed and are not considered disproportionate in scale, by comparison with existing built form in the locality, particularly Paris Court, which is in fact higher than the tallest element of the proposal. Massing of the proposed scheme would be broken up through a series of devices such as brick banding, recessed brick panels, recessed balconies, grey metal cladding, recessed downpipes, and the use of maisonettes with dedicated entrance doors.

The proposals show a mixed palette with predominantly red brick (Block A), light brick and render (Block B) with local stone and brick detailing, derived from analysis of local materials. The aerial visualisation in the introduction of the Design and Access Statement is appropriate to Gillingham and shows how slate tile proposed for the mews houses would coalesce with the roof tiling of existing built form within the area. The visualisation depicting the "Proposed Village Link View" illustrates the importance of the type of buff brick used for the mews houses. In this visualisation the brickwork tone has an appearance akin to stonework which provides an aesthetically pleasing street scene. The materials palette is appropriate to Gillingham. While some concern was raised over the colour of the brick shown, submission of specific materials can be addressed by condition.

GNP Policy 8 suggests development should be compatible with the main aims for mixed-use regeneration, which should comprise town centre uses, informal recreation, new homes and improved pedestrian linkages. The proposal is broadly compliant with these aspirations, as the layout would promote walking and cycling by

providing a green link and open spaces within the town centre. The National Design Guide describes well-designed public space as; *“connected into the movement network, preferably so that people naturally pass through it as they move around”*. The Urban Design Officer considers this description can certainly be applied to the design of this scheme. The layout is complicit with Policy 24 of the LP which states; *“Layouts should be designed to promote accessibility and local permeability making connections with neighbouring areas and reinforcing existing connections”*.

Concerns were raised by the Council’s Landscape Officer, in respect of planting. It was suggested more trees be planted in car parking areas, to further increase the amount of green infrastructure, help integrate the development into its setting, provide an enhanced outlook for the assisted living units and enhance the amenity of neighbouring properties. Additional tree and shrub planting and seating in the area of the ‘Town Square’ was also requested to enhance what could be an overtly functional space, and contribute to the street scene along the High Street. The applicant submitted revised plans in response to these comments, which show an increased level of tree planting, particularly on the eastern boundary. Full details of landscaping arrangements including details of street furniture and the Town Square would be finalised by landscaping condition.

The Tree Officer does not have any issues with the removal of peripheral trees and vegetation from the site, although notes that one tree (Norway Maple) is protected by Tree Preservation Order ref. TPO/2022/0033, at the south west extent of the site, which was made effective on 24th June 2022. This is the only tree considered worthy of statutory protection and the only one scheduled for retention within the development as the rest are of poor quality. The Tree Officer was unable to support the initial proposal due to concerns over the proximity of groundworks to the tree, likely pressure from tree surgery works once the development is occupied and that it will restrict light to the development. It was therefore requested the design be amended to reduce pressure on the tree. To this effect Block B was moved by 2.5m to the north and two car parking spaces deleted to give the tree more space and a better medium for healthy growth. Unfortunately, the Tree Officer was unable to support the amended scheme as the RPA was still impacted and due to the limited space afforded the tree by the development.

In this instance a view needs to be taken by the Council by balancing the health of the tree against the benefits of the proposal. It is considered the applicant has gone to reasonable lengths to secure the continued health of the tree by moving Block B and reducing the amount of hardstanding around the tree. The impact of parking space no. 1 on the RPA may be addressed through use of appropriate groundworks, i.e., permeable paving and a cellular confinement system, details of which would be finalised by condition. Overall, the benefits of the scheme, in terms of urban renewal, extent of tree planting across the site, housing provision and provision of a green and pleasant pedestrian link through the site, outweigh the potential harm to the retained tree. If the health of the tree suffers, a further condition is proposed, to ensure its replacement, as well as a condition to ensure the continued health of newly planted trees is addressed.

Provision of and long-term maintenance of the landscaping, along with play area will be ensured by the section 106 agreement and conditions.

In light of the above, the proposed layout, scale and appearance as amended would be acceptable, in compliance with Policy 24 of the LP and the NPPF.

Highway Safety

Vehicular access to the site would be from two points; from the existing point of access to the Co-op from High Street and from Buckingham Road to ten parking spaces. Parking for 32 cars would be provided for occupiers of the development.

The Dorset Parking Standards suggest the optimum level of residential car parking provision for this scheme would be a total of 37 parking spaces. The proposed layout would provide 10 allocated parking spaces for the extra care units and mews dwellings, with 22 unallocated spaces for the remainder of the residential occupiers. No parking provision is made for the commercial element. Total on site parking provision would be 32 spaces, some 5 spaces short of the required standard. While parking is under the requisite standard, the under-provision would not significantly impact highway safety, considering the site's accessibility to town centre jobs, amenities and services by modes other than the private motor car. This view is reflected in the consultation response of the Highway Authority. Consequently under-provision of car parking is not considered sufficient to substantiate a reason for refusal. The proposed parking, for both cycles and cars is appropriate.

The development site is within the town centre and therefore represents a good opportunity to support a sustainable development with amenities and services easily accessible. A key pedestrian/cycle link is also proposed as part of the scheme, from the High Street linking with Buckingham Road. This will be a green link and facilitate attractive walking opportunities from the site between the town centre and the river, library and retail opportunities to the south. Provision of the link would meet the aims of GNP Policy 8 and paragraph 105 of the NPPF by focusing development in sustainable locations, thereby limiting the need to travel by motor car.

In response to the initial concerns of the Highway Authority, amended plans and information were provided. The Highway Authority note that the submitted Transport Statement compares the historic use of the site as a food superstore with the proposed use in terms of traffic movements. The conclusion is that there is predicted to be a net reduction during the peak periods, which is accepted by the Highway Authority. The fall-back position, ie for retail use of the site would therefore result in more vehicle movements than the proposed use. Whilst the internal road layout is to remain private, swept path analysis shows that refuse vehicles and cars could circulate readily within its confines. An acceptable level of on-site car parking would be provided. A suitable number of electric vehicle charging points (six) would be provided, along with appropriate cycle parking, details and provision of which will be ensured by condition.

The proposal would result in a net traffic reduction during the peak periods, when compared to the fall-back position and the residual cumulative impact of the development in relation to highway and parking impacts would not be severe when consideration is given to paragraphs 110 and 111 of the NPPF. This would be subject to conditions to address highway layout, vehicle access construction (High

Street), vehicle access construction (Buckingham Road), access gradients, cycle parking, EV charging points, CTMP and an outline Travel Plan.

Residential Amenity Impacts

The existing Co-op building directly abuts the boundary of properties on Paris Court. The Co-op building is a large and unattractive building, poorly separated from existing dwellings. The footprint of Block A has been moved away from the western elevation of Paris Court by comparison with the footprint of the existing building. While Block A would be higher than the existing building the separation introduced would be a net benefit to occupiers of Paris Court in terms of reducing oppressive impacts. The proposed development would be set back from the Paris Court, providing a degree of separation between new and existing properties to ensure no overshadowing and overbearing impacts can occur. On this basis, the amenity of many of the residents of Paris Court will be improved due to removal of the Co-op store. The east elevation on Block A is largely un-fenestrated and the fenestration in the rear elevation of Paris Court is secondary, so loss of privacy will not be encountered. Additional fenestration was requested in this elevation to provide ventilation for bathrooms, but this will be obscure glazed, ensured by condition.

There is potential for overlooking where new buildings are in closer proximity to existing flats to the south, however Block A is at an oblique angle to the existing properties to remove any direct window to window overlooking. Windows would overlook a parking area to the rear here and some rear garden curtilages, but overall, the degree of separation in this urban area is acceptable and any intervisibility can be reduced by bolstered boundary planting, to be finalised by condition.

Block B is reduced in scale compared to Block A, to respect the reduced scale of properties on Buckingham Road. Additionally, the block is set back within the site to provide sufficient separation distances which help prevent overlooking/overbearing impact. The location of this new building relative to the existing properties to the south means that no significant overshadowing will occur either. Additional planting around the car parking area here will soften any impacts.

Other than the four mews dwellings, the flats would not have private outdoor amenity space. However, most would benefit from balconies and the occupiers would be afforded with an appropriate level of communal and public open space and green link through the site. Private outdoor space arrangements are typical of flatted developments in tightly grained town centre locations. The positioning of built form would see the creation of convivial spaces in the form of the village green and the village square. These spaces would be bound by built form, to provide good natural surveillance. Provision of the open space, including a play area is consistent with GNP Policies 8 and 12 which supports “land for information recreation including an equipped play area”. The Gillingham Neighbourhood Plan includes a list of places where the pedestrian and cycle network could be improved in the town including to “Establish a footpath right of way from the west end of Buckingham Road across the “Co-op” car park to the High Street.” This application provides such a link, which should be seen as a benefit.

The proposed dwellings meet nationally described space standards which is a further positive of the scheme, although light and ventilation should be provided for bathrooms and en-suites by introducing windows where possible. The applicant provided appropriately amended plans to address these matters.

The proposal includes provision of raised communal planting beds. Allotments were originally proposed in line with GNP Policy 19 and while this may have been in line with policy, the extent to which they would be overshadowed by surrounding buildings and poor accessibility to anyone other than occupiers of the development dictated they should come forward as communal beds for use by future occupiers.

The Environmental Health Team recommend that due to the close proximity of existing residential dwellings to this site, demolition and construction works should be subject to a condition to restrict the days and hours of operation to protect residents from nuisance.

Overall, the proposal would afford existing and future occupiers with sufficient light, outlook, privacy, and open space in accordance with the amenity provisions of Policy 25 of the Local Plan.

Viability and Affordable Housing

Studies show that the need across Dorset is largely for affordable rented or social rented housing. This high level of housing need is reflected by the current number of households registered on Dorset Home Choice. The register demonstrates, not only that there is a high level of recorded housing need across the area, but that a variety of dwelling sizes is required across the range of sizes, with a high need for family homes.

The Council's Housing Enabling Team note that no affordable housing contribution is proposed by the applicant for viability reasons (a Financial Viability Appraisal accompanies the application). LP Policy 8 Affordable Housing states that in Gillingham "a development for 11 or more net additional dwellings will be expected to contribute 25% affordable housing." The Housing Enabling Team would expect this development to bring forward a policy compliant level of affordable housing and therefore expect the Financial Viability Appraisal to be independently assessed.

Paragraph 58 of the NPPF states that 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

National Planning Policy Guidance (PPG) Paragraph: 007 Reference ID: 10-007-20190509 explains with regard to changes in site circumstances that 'Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.'

Due to the age of the plan and the brownfield nature of the site, it is considered appropriate to consider the viability of the proposal through a site-specific viability assessment.

The site is occupied by a vacant building, where 'vacant building credit' is pertinent to consideration of the affordable housing situation. NPPF paragraph 64 states: "To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. Vacant building credit is calculated using a formula based on existing and proposed floorspace. The full policy compliant affordable housing contribution is 10.5 units. The applicant suggested the affordable housing offer should be 3.9 units, the Council's view is that 6.6 units should be sought, having taken account of vacant building credit.

In light of the applicant's submitted viability assessment, the District Valuer was appointed to independently assess its content and to give the Council their view as to the deliverability of the proposal, if the full suite of contributions was required. The District Valuer took it that 6.6 affordable units should be provided on the basis of vacant building credit.

The DV concluded that in order to be delivered there must be either a substantial flex in the landowners' expectation, or the target profit level, or a combination of both. In this case, a scheme with no s.106 contributions, the target profit would need to be less than 9%, considerably below the standard rule of thumb of between 15% and 20% and considerably less than the indicated level required to incentivise a scheme. The applicant's assessment is materially worse in terms of viability, concluding that there will be no profit, together with a scheme deficit.

In respect of the applicant's forecast of limited profit and deliverability concerns, the applicant states that the developer is the owner of the land, so they will see a small return from the land. Furthermore, the store is currently a financial liability in terms of maintenance and security and still attracts business rates. Even if there is little profit, the site needs to be reused to avoid this liability, or the building will need to be demolished, the site levelled and mothballed which is not considered an appropriate outcome for the town centre. In respect to the S106 contributions, the scheme cannot bare these in full because, as the DV sets out, profit margins are almost non-existent. However, the applicant is aware of the need to provide a reasonable degree of supporting infrastructure to ensure the development does not generate unacceptable adverse effects and, notwithstanding the viability situation, have offered contributions in respect of the following:

- Education - Primary & Secondary, £22,078.10
- Off-site open space maintenance - £9,124.92
- Outdoor open space provision - £16,450.24, Gillingham Town Council request funding for the Garden of Remembrance renovation and funding for a new cemetery.
- Health - £722 per dwelling, totalling £30,324
- Arrangements for management of LAP and Landscaping on site

The DV considers that a review clause might be appropriate as a condition on any permission, in line with paragraph 009 of the PPG Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. This approach would ensure that if the development overperforms, following the developer successfully arguing for lower levels of affordable housing, then planning authorities can attach a 'clawback' mechanism. It is considered that this would more appropriately applied to the associated S106 agreement. The clawback captures the financial gains of overperformance to spend on affordable housing. Not only does this encourage developers to be accurate in their initial viability assessments, but it also protects against S106s based on unrealistic assumptions.

In light of the above and the conclusion of the District Valuer, officers accept that the proposed development cannot viably support any affordable housing. However, contributions in respect of education, open space and healthcare have been offered and will be incorporated into a Section 106 agreement, prior to any decision for approval being issued.

Ecology

The development would result in the loss of some shrubs, urban habitat, and a total of 8 trees, all considered to be of low ecological value. However overall, the development would compensate by increasing the amount of ecological habitats on the site through the provision of a play area, amenity grassland, planted beds, green roofs and the planting of native trees. The planting of trees, inclusion of plant beds and green roofs (which cover 1/3 of the site) results in a scheme that provides a net gain in biodiversity of 230.10%. The Preliminary Ecological Appraisal confirms this and a BMEP is in the process of being finalised with the Council's Natural Environment Team.

In light of these mitigation and enhancement measures to be secured through a LEMP and S.106 agreement, conditions for biodiversity and protected species will be adequately safeguarded and enhanced in compliance with Policy 4.

Housing Land Supply

The Housing Land Supply Report 2021 shows that between 2011 and 2031, an estimated 7,012 dwellings are likely to be completed in North Dorset. Of those, 1,452 dwellings are likely to be in Gillingham. This is through a combination of known completions, extant consents, and local/neighbourhood plan allocations. Therefore, the Local Plan 5,700 homes target is likely to be exceeded, however the projected number of completions for Gillingham is estimated to be below the local plan target.

The Housing Land Supply Report shows that between 2011 and 2021, there were 101 net completions at Gillingham, or approximately 10 every year. The 'deliverable' 5-year housing land supply at Gillingham on 1st April 2021 was estimated to be 435 dwellings, however the recent Stalbridge appeal decision reduces this by 150 units, so the latest estimate is now 285 dwellings. Our latest monitoring work suggests that there were 30 dwelling completions in Gillingham between 1st April 2021 and 31 March 2022, which although is higher than previous years, is still well below the level needed to achieve 2,200 homes during the local plan period.

NPPF paragraph 74 tells us that "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. At present the Council cannot demonstrate a five-year housing land supply in the North Dorset area (current figures show a 4.87 year housing supply) and the Housing Delivery Test Measurement for North Dorset is below the required 75% (currently at 69%). In such circumstances, paragraph 11(d) of the NPPF, which is afforded significant weight as a material consideration, dictates that the basket of policies most important to the determination of the application should be 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.

Criterion (i) are the "footnote 7" reasons detailed in the NPPF. None of these protective policies are engaged in respect of this application. The matter therefore falls to be considered under criteria (ii) of paragraph 11d permission should be granted unless 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.

There has been an undersupply of new homes delivered in North Dorset and Gillingham specifically. At present, the Council cannot demonstrate a 5-year housing land supply for North Dorset. This should be given great weight in the planning balance in order to support the Government's objective of significantly boosting the supply of homes (NPPF para 60).

Land contamination

Public Health's records indicate that the proposed development lies within 250m the material consideration zone of an area identified with historic potentially contaminative land uses. Conditions are therefore suggested by the Environmental Health Team, requiring development to be undertaken in accordance with the submitted remediation scheme and requiring remedial action, should unidentified contamination be experienced, in accordance with the NPPF.

Drainage and the Water Environment

A Flood Risk Assessment, incorporating a Drainage Strategy for the site, accompanies the application. The assessment confirms that the site is within Flood Zone 1 (lowest probability of flooding) and concludes that drainage on the site can be suitably managed and would not create any increase in flood risk to existing properties within the catchment area or the proposed development.

The surface water drainage strategy includes five green roofs, bio-retention systems and an attenuation tank. The D&A Statement indicates that the proposals will result in a significant betterment compared to existing runoff rates generated by the site, which is largely hardstanded, and that the development will appropriately manage water and deliver improvements when compared with the existing situation.

The Council's Flood Risk Management Team initially raised a holding objection pending confirmation from Wessex Water that they have no objection to the proposed surface water sewer diversion. This was provided in Wessex Water's correspondence to the applicant dated 11 November 2022, providing in-principal approval for the proposed sewer diversion. Wessex Water raise no objections, following resolution of their query over diversion of the existing 300mm diameter surface water sewer, which must be subject to formal approval, where the developer must prove satisfactory hydraulic conditions and that there will be no loss in capacity within the diverted sewer. No objections are raised by the Flood Risk Team, subject to surface water management conditions and informatives.

16.0 Conclusion and the Planning Balance

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental, which give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

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 Development Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

There is conflict with the development plan, by reason of the loss of retail floorspace, lack of any affordable housing offer and reduced contributions towards local infrastructure. However, the Council's policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development. It is accepted that the tilted balance should be applied in the decision-making process on this application, given the shortage of housing land supply. This is where the need to boost housing land supply is prioritised when weighing up the planning balance for proposals. The application needs to be considered 'in the round' weighing all material issues in the planning balance. Considering the lack of an identifiable 5 year housing land supply and the presumption in favour of sustainable development, officers note that there are significant public benefits derived from the proposed development and include the following:

- Delivery of 42 homes in a sustainable town centre location.
- Delivery of extra care units.
- Delivery of 82 sq.m of commercial floorspace
- Reduction in the need to travel by car due to the site's sustainable location within walking distance of shops, services and transport modes
- The increased spending and support of the local shops and services within the town through regular visits by residents
- Regeneration of a prominent and vacant brownfield site
- Financial benefits through construction and the creation of local jobs
- Open space provision in the village square, village green and green link
- Section 106 agreement to secure financial contributions towards education, open space and healthcare
- New Home Bonus payments and increased Council tax revenue
- Bio-diversity gains from greening of the site

In considering the balance, there are no adverse impacts which would significantly and demonstrably outweigh the benefits identified above. There are no fundamental concerns with regard to the impact on the character and appearance of the area, highway safety, residential amenity, ecology, land contamination or drainage and the water environment. Therefore, in this case there are no considerations of specific policies in the NPPF that weigh against the balance towards housing provision.

The applicant has amended the details of the original submission to take account of concerns and comments raised in during consultation.

17.0 Recommendation

Recommendation A: **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure; primary & secondary education contributions, off-site open space maintenance, outdoor open space provision, healthcare contribution and arrangements for management of open space and landscaping on site.

And the conditions (and their reasons) listed at the end of the report.

Recommendation B; **Refuse** permission for failing to secure the obligations above if the agreement is not completed by 31st August 2023 or such extended time as agreed by the Head of Planning.

Recommendation: Approve subject to the following conditions:

1. The development to which this permission relates must be begun 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 91 of the Town and Country Planning Act 1990 (as amended).

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

21035-0100-P Rev 2 - Location Plan
21035-0100-P Rev 2 - Site Plan
21035-2100-P Rev F - Masterplan Ground Floor Plan – Proposed
21035-2101-P Rev C - Masterplan First Floor Plan – Proposed
21035-2102-P Rev C - Masterplan Second Floor Plan – Proposed
21035-2103-P Rev C - Masterplan Third Floor Plan – Proposed
21035-2104-P Rev C - Masterplan Fourth Floor Plan - Proposed
21035-2201-P Rev 2 - Masterplan Section/Elevation - Proposed
21035-2110-P Rev B - Block A - Ground Floor Plan – Proposed
21035-2111-P Rev B - Block A - First Floor Plan – Proposed
21035-2112-P Rev B - Block A - Second Floor Plan – Proposed
21035-2113-P Rev B - Block A - Third Floor Plan – Proposed
21035-2114-P Rev B - Block A - Fourth Floor Plan - Proposed
21035-2211-P Rev 1 - Block A - Section A1/C1 – Proposed
21035-2212-P Rev 1 - Block A - Section A2 – Proposed
21035-2213-P Rev 1 - Block A - Section A3/C4 – Proposed
21035-2214-P Rev 1 - Block A - Section A4/C3 – Proposed
21035-2215-P Rev 1 - Block A - Section A5/C5 – Proposed
21035-2216-P Rev 1 - Block A - Section A6 – Proposed
21035-2311-P Rev C - Block A - North Elevation – Proposed
21035-2312-P Rev C - Block A - East Elevation – Proposed
21035-2313-P Rev C - Block A - South Elevation – Proposed
21035-2314-P Rev C - Block A - West Elevation - Proposed
21035-2120-P Rev A - Block B - Floor Plans – Proposed
21035-2217-P Rev 1 - Block B - Section B1 – Proposed
21035-2218-P Rev 1 - Block B - Section B2 - Proposed
21035-2219-P Rev 1 - Block B - Section B3 – Proposed
21035-2321-P Rev 1 - Block B - North and East Elevation – Proposed
21035-2323-P Rev 1 - Block B - South and West Elevation – Proposed
21035-2130-P Rev A - Block C - Floor Plans – Proposed
21035-2220-P Rev 1 - Block C - Section C2 – Proposed

21035-2331-P Rev A - Block C - North, East, South and West Elevation –
Proposed
21035-5000 - Proposed Bin Store 1
21035-5001 - Proposed Bin Store 2
21035-5002 - Proposed Cycle Store

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

3. Prior to development above damp proof course level, details and samples of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

4. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 21035-2100-P Rev D must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

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

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

6. Before the development is occupied or utilised the first 5.00 metres of each vehicle access from Buckingham Road, 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 suitably surfaced and constructed accesses to the site are provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

7. Before the development is occupied or utilised, the first 5.00 metres of any access, access crossing and drive must be constructed to a gradient not exceeding 1 in 12.

Reason: To ensure that the public highway can be entered safely.

8. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Numbers 21035-2100-P Rev D and 21035-5002 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

9. The development hereby permitted must not be occupied or utilised until the precise technical details of the electric vehicle charging points and parking bays shown on Drawing Number 21035- 2100-P Rev D are submitted to the Planning Authority. These details require approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development is occupied or utilised and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of plugin and ultra-low emission vehicles.

10. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

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

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

11. Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:

- Targets for sustainable travel arrangements.
- Effective measures for the on-going monitoring of the Travel Plan.
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development

The development must be implemented only in accordance with the approved Travel Plan.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

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

REASON - To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

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

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

- 14.The development hereby approved must be carried out in full accordance with the terms and findings of the Phase 1 Desk Study by AG Geo-Consultants Ltd dated 7th March 2022, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

16. Due to the close vicinity of existing residential dwellings to this site, demolition and construction works should have regard to the following to protect residents from nuisance:

- Hours of work are to be limited to Monday – Friday 0700 – 1900, Saturday 0800 – 1300 and no noisy activity on Sundays or Bank Holidays. No bonfires

Reason: To protect the amenity of adjoining residents during the course of construction

17. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on XX must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

18. Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) (Biodiversity) must be submitted to and approved in writing by the local Planning Authority. The CEMP must include the following:

a) Risk assessment of potentially damaging construction activities.

- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs

The development shall take place strictly in accordance with the approved CEMP.

Reason: To protect biodiversity during the construction phase.

19. Prior to the commencement of any development hereby approved, above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include where relevant:

- (i) proposed finished levels or contours;
- (ii) means of enclosure;
- (iii) car parking layouts;
- (iv) other vehicle and pedestrian access and circulation areas;
- (v) hard surfacing materials;
- (vi) minor artefacts and structures (eg street furniture, play equipment, refuse or other storage units, signs, lighting, etc);
- (vii) proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines, etc indicating lines, manholes, supports, etc);
- (viii) the species, size, number and spacing of planting, including heavy standards, raised planters and details of the green roofs
- (ix) retained landscape features and proposals for their continued retention.

If within a period of 5 years from the date of completion of the development any tree or plant is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

20. A Landscape Management Plan, including long term design objectives, management responsibilities, maintenance schedules and a timetable for

implementation and/or phasing; for all landscape areas (other than small, privately owned domestic gardens,) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. Thereafter the Landscape Management Plan shall be implemented as approved.

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

Informative Notes:

1. The applicant is advised that, notwithstanding this consent, the Town Police Clauses Act 1847 requires that the projecting sign must be not less than 2.44 metres above ground level. Provision of the sign at a lesser height could give rise to complaint, inconvenience or actual injury and, furthermore, might render the owner of the site and/or the sign liable to prosecution.
2. As the new road layout does not meet with the Highway Authority's road adoption standards it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
3. Dorset Highways advise that 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, 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.
4. The Council's Lead Flood Authority advise the applicant that the following items should be updated/addressed for future detailed design and discharge of conditions.
 - The latest climate uplift for the upper end 2070s epoch is 45%. This allowance should be used for the detailed design (discharge of conditions stage) of the attenuation feature.
 - At discharge of conditions stage we will expect to see evidence of infiltration testing and whether the ground conditions will support infiltration. If infiltration testing alone proves that a soakaway is unfeasible, then this will be adequate information. If infiltration testing indicates that a soakaway may be feasible then the applicant should go onto to undertake groundwater testing and monitoring to determine if ground water conditions will also support infiltration. If this additional information is not provided at detailed design stage, then we will request it at that time; it should be noted that the testing required may have a significant lead in time.
 - If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.

5. Wessex Water offers the following informatives:

Existing Services

The following Wessex Water Assets are located within the proposed site boundary: -

225mm diameter public foul sewer

225mm diameter public surface water sewer

300mm diameter public surface water sewer

150mm diameter private surface water sewer.

In accordance with Wessex Water Policy, there must be no buildings within a minimum of 3m either side of the public foul and surface water sewers and no tree planting within a minimum of 6m. This includes no surface water attenuation features and associated earthworks in the easement strip. The public sewers must not run through enclosed private rear gardens, they must be within a 6m (3m either side) open access easement strip or roads. Wessex Water require unrestricted access to maintain and repair our apparatus. The applicant will need to agree protection arrangements for the existing public foul and surface water sewers which crosses the site (easement requirements detailed above). Any damage to our apparatus by third parties will result in a compensation claim. All apparatus must be accurately located on site and marked on deposited drawings.

A map showing all known Wessex Water Assets within the area of the proposed site is available to view on the Council's website. Additional maps can be obtained from our website Mapping enquiries (wessexwater.co.uk)

Foul Drainage

Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest 'size for size' sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development. We fund this through our infrastructure charging arrangements.

Wessex water has capacity to accept the proposed domestic type flows into the public network. Connection should be made to the network located on High Street to the north of the site. The point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the

local development team development.south@wessexwater.co.uk to agree proposals for the Section 104 adoption and submit details for technical review prior to construction. Please Note: No surface water runoff or land drainage will be accepted into the foul sewer either directly or indirectly.

Surface Water Drainage

The applicant has proposed a connection to the existing public surface water sewer and has agreed a discharge rate of 46.2 l/s for all storm events up to and including the 1 in 100 year event plus CC, with Wessex Water.

Adoption

Wessex Water can adopt SuDS features as part of a surface water sewer network, SuDS schemes will be required to have full S104 technical approval and full planning approval before construction work begins. All drainage design requirements for the site (discharge rates, attenuation, climate change etc.) must be agreed, in consultation with the Local Planning Authority / Lead Local Flood Authority, prior to the submission of a formal S104 application. Adoption is by agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. More detailed information and guidance for adoptable standards can be found on our Developer Services Web Pages Sector guidance on sewerage and water adoption agreements (wessexwater.co.uk) Please Note: No surface water runoff or land drainage will be accepted into the public foul sewer either directly or indirectly.

Water Infrastructure

Wessex Water will provide a point of connection for new water mains to be laid into the development site, either through a Section 41 agreement or a self-lay arrangement. Developers may connect to our water network on a size for size basis at their cost and Wessex Water will undertake any network reinforcement that may be required to accommodate granted development, this is funded through our infrastructure charging arrangements. Upon grant of planning Wessex Water will undertake a modelling exercise to determine the impact on our network and manage any necessary improvements.

Please note: On site private storage and pump systems will be required for buildings greater than 2 storeys high. No guarantee can be given on a specific pressure or to maintaining that pressure. Normally it will be no less than 10m head of water. (1 bar pressure at 9 litres a minute) on the property boundary. For more details and guidance for applying to connect to our networks please see our website:

<https://www.wessexwater.co.uk/services/building-and-developing/building-multiple-properties-or-largedependments>

Case Officer Signature:	Jim Bennett	Authorising Officer Signature:	
Date:	10/07/2023	Date:	

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Reference No: P/FUL/2022/06530
Proposal: Demolish existing barn and erect dwelling with associated landscaping
Address: Middle Farm Lurmer Street Fontmell Magna Shaftesbury SP7 0NT
Recommendation: Grant
Case Officer: Philip Longhurst
Ward Members: Cllr Somper
CIL Liable: N

Fee Paid:	£462.00		
Publicity expiry date:	28 April 2023	Officer site visit date:	
Decision due date:	20 March 2023	Ext(s) of time:	
Where Scheme of Delegation consultation required under constitution:			
SoD Constitutional trigger:	Parish Council Objection		
Nominated officer agreement to delegated decision		Date agreed:	

1.0 Reason for Committee referral:

Objection from Fontmell Magna Parish Council.

2.0 Summary of recommendation:

GRANT, subject to conditions

3.0 Reason for the recommendation:

- Paragraph 11(d) of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF provide a clear reason for refusal or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.
- The proposal is acceptable in its design and general visual impact and there is no significant harm to the setting of the AONB.

- There would be no harm to the character and appearance of the Conservation Area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The drainage and ecology impacts of the proposal would be acceptable.

- **4.0 Key planning issues**

Issue	Conclusion
Principle of development	Whilst the dwelling would be located outside of the settlement boundary, the site is in an accessible location on the edge of the village.
Scale, design, impact on character and appearance of the area including the Fontmell Magna Conservation Area and AONB	The proposed development would not have an adverse impact on the visual amenities of the site, nor would there be harm to the character and appearance of the Conservation Area. The proposal has been revised to lessen the impact on the surroundings and it would not detract from the setting of the AONB.
Impact on amenity	The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties.
Impact on trees & biodiversity	The proposed development will have no detrimental impact on trees and a proportionate level of biodiversity enhancement is proposed.
Parking	The proposed development would provide sufficient parking and access arrangements.

5.0 Description of Site

To the south and west of the site is the village of Fontmell Magna comprising residential housing, The Fontmell Hotel and St Andrew's CE Primary School. To the north and east of the site lies the Cranborne Chase AONB at approximately 100m. the site is just within the Fontmell Magna Conservation Area.

The site is located on the edge of the settlement and would be accessed from Lurmer Street via Mill Street to the South of the site. The entrance to the site would be along the South boundary providing a new road, extending Collyer's Rise Road.

6.0 Description of Development

The proposal is for the demolition of an existing agricultural barn and the erection of 1no. dwellinghouse.

7.0 Relevant Planning History

2/2017/1856/FUL - Decision: GRA - Decision Date: 14/08/2018
Erect 2 No. dwellings, convert and extend existing single storey stables to form 1 No. dwelling, and erect garage/car port. Modify vehicular access.

P/PAP/2022/00364 - Decision: RES - Decision Date: 17/08/2022
Changes to existing planning approval

P/VOC/2022/05525 - Decision: GRA - Decision Date: 30/01/2023
Erect 2 No. dwellings, convert and extend existing single storey stables to form 1 No. dwelling, and erect garage/car port. Modify vehicular access (with variation of condition 2 of 2/2017/1856/FUL to amend approved plans)

P/NMA/2022/05526 - Decision: WIT - Decision Date: 06/10/2022
Non-material amendment - plot 1 - omit dormer window from bedroom 3, amend proportions of the dormer to bedroom 2, window size amendments (to brick dims), obscure escape window to bedroom 3, various conservations rooflights. Plot 2 - relocate existing dormer to east elevation (with amended proportions), new dormer to bedroom 2, conservation rooflights added, chimney breast relocated, new window to kitchen, double doors to bedroom 4, window sizes adjusted to brick dims to planning permission 2/2017/1856/FUL (Erect 2 No. dwellings, convert and extend existing single storey stables to form 1 No. dwelling, and erect garage/car port. Modify vehicular access.)

8.0 Constraints

PROW - Right of Way: Footpath N63/9; - Distance: 11.19

Area of Outstanding Natural Beauty (AONB): Cranborne Chase & West Wiltshire Downs; - Distance: 102.27

Site of Special Scientific Interest (SSSI) impact risk zone

9.0 Consultation Responses

Fontmell Magna Parish Council Object:

“The application conflicts with 10 policies in the Neighbourhood Plan. In particular, the site for the proposed dwelling lies outside the village’s Settlement Boundary, contrary to Policy FM18 of the Neighbourhood Plan, and will consequently cause significant harm to the setting of the AONB; this should provide sufficient reason in itself to decline the planning application.”

Further concerns raised in regard to the design of the proposal, the impact upon the conservation area, accessibility to the village, drainage, housing type and sustainability.

Parish council was re-consulted on the revised design and wished to retain their original objection.

Highway Authority: No objection subject to conditions

Tree Officer: Supports the introduction of new trees and the retention of existing trees. Any works to existing trees would require planning permission or a tree works notification due to being located within a conservation area.

Concerns were raised in regard to other material planning matters, however these did not relate to trees.

Conservation Officer: Objection,

Comments received on revised design.

LESS THAN SUBSTANTIAL HARM (No public benefit and not acceptable)

“Concerns over the scale, design, materials and amount of glazing of the proposed dwelling have been addressed and are now better in keeping with the special character and distinctiveness of the conservation area.

However, the principle of a new dwelling in this location can still not be supported for the following reasons:

- A dwelling in this location would not only create a denser development which would not respect development characteristics of the conservation area but also set a precedent for back land development.*
- The loss of the historic green space in this location will result in harm to the setting of the conservation area.*
- Views towards the conservation area from the surrounding hills within the AONB contribute to its significance. A dwelling in this location will harm the rural character of the conservation area and therefore its setting.”*

Building Control:

Consideration to be given to:

B5 Access for the fire rescue service, potential raised level of radon, depth of foundation subject to existing and proposed trees.

Representations Received:

Total - Objections	Total - No Objections	Total - Comments
12	0	0

Comments received object to the proposal on the following grounds:

- Contradiction with local housing needs
- High density of development, overdevelopment of the site.
- Detrimental impact upon the setting of heritage assets
- Detrimental impact upon the setting of the conservation area
- Detrimental impact upon the setting of the AONB
- Light pollution
- In appropriate size and design (comments made on original scheme)

- Loss of amenity
- Impact on ecology
- Conflict with neighbourhood plan
- Impact upon the rural nature of the site and locality
- Impact upon the highway
- Outside of settlement boundary
- Previous developments not commenced

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Section 85 of the Countryside and Rights of Way Act (2000) requires that regard is had to the purpose of conserving and enhancing the natural beauty of the AONB

11.0 Development Plan Policies

Adopted North Dorset Local Plan:

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

Policy 1	-	Presumption in Favour of Sustainable Development
Policy 23	-	Parking
Policy 24	-	Design
Policy 25	-	Amenity
Policy 4	-	The Natural Environment
Policy 5	-	The Historic Environment
Policy 20	-	The Countryside

Made Neighbourhood Plans:

Fontmell Magna Neighbourhood plan

Policy FM4. The setting of the AONB

Policy FM5. Local Landscape Features

Policy FM6. Dark Skies

Policy FM7. The Conservation Area and Locally Important Features

Policy FM8. Development layout

Policy FM9. Building design

Policy FM10. Creating safer roads and pedestrian routes

Policy FM11. Sustainable drainage

Project P4. Local Housing Needs Assessment Review

Policy FM16. Housing Types

Policy FM17. Spatial strategy for new development

Policy FM18. Settlement boundary

Other Material Considerations

Emerging Dorset Council Local Plan:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

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.

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.

- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

12.0 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.

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.

Officers do not consider there to be an impact on specific groups with protected characteristics in this case.

14.0 Financial implications

None

15.0 Environmental Implications

None

16.0 Planning Assessment

Principle of development

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.

The spatial strategy set out within the Local Plan Part 1 and in particular policies 2 and 6, seeks to focus development towards the 4 main towns of Blandford, Gillingham, Shaftesbury and Sturminster Newton. Beyond those towns, the focus of growth is towards 18 of the larger villages, including Fontmell Magna. These larger villages are intended to be the focus point for development to meet local (rather than strategic need). Outside of the settlement boundaries of the 4 main towns and larger villages areas, countryside policies apply. Development within the Countryside is to be strictly controlled unless it is required to enable essential rural needs to be met.

The proposal is for the demolition of an existing agricultural barn and the erection of 1 no. dwellinghouse at Middle Farm, Fontmell Magna. The proposed dwellinghouse would fall outside of the Fontmell Magna Settlement Boundary and should be determined against policy 20 of the Local Plan Part 1 which establishes the criteria for Countryside development. This proposal does not meet these criteria. It is not considered to be of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan nor is there an overriding need for it to be located in the countryside.

The Fontmell Magna Neighbourhood Plan Policy FM17 similarly provides that *“unless a countryside location is essential, new open-market housing development*

should take place within the defined settlement boundary, on allocated sites, or through the re-use of the existing buildings in line with national policy where their existing use is no longer required.

The proposal is therefore contrary to both the Local and Neighbourhood Plan and planning permission should be refused unless material considerations indicate otherwise.

One such consideration is the NPPF. At present the Council cannot demonstrate a five-year housing land supply in the North Dorset area (current figures show a 4.87 year housing supply) and the Housing Delivery Test Measurement for North Dorset is below the required 75% (currently at 69%). In such circumstances, paragraph 11(d) of the NPPF, which is afforded significant weight as a material consideration, dictates that the basket of policies most important to the determination of the application should be considered to be out of date. For clarity, this refers to policies 2, 6 and 20 of the Local Plan, Part 1. 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.

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 not within the green belt. It is also not designated as Local Green Space in the Local Plan.
- c) Area of Outstanding Natural Beauty – The site is not within the AONB but is within its setting. This is considered below.
- 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) – This is considered below.

Areas at risk of flooding or coastal change – The site is not at risk of flooding or coastal change.

The general principle underlying the titled balance is that permission is not refused on the basis of a development plan which has become inconsistent with the NPPF i.e. overtaken by things that have happened since the plan was adopted, either on the ground or in some change in national policy, or for some other reason.

Officers consider that Policy 2, 6 and 20 of the Local Plan, Part 1 remain consistent with the NPPF, in particular paragraphs 78, 105 and 174 and whilst the weight afforded to these policies has been tempered, they have still been afforded weight in the planning balance.

As to criteria (ii) of paragraph 11(d) of the NPPF, paragraph 14 provides that where the titled balance applies to applications involving the provision of housing the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites; and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

In this case the neighbourhood plan became part of the development plan over two years ago. Whilst criteria b-c of paragraph 14 are met criteria a is not and therefore the provisions of paragraph 14 do not apply to this current proposal.

Giving further consideration to the criteria of (ii), paragraph 11(d), paragraph 7 of the NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF identifies that achieving sustainable development means that the planning system has three, interdependent, overarching objectives. These are identified as being economic, social and environmental. The proposal shall be considered, amongst other things, against these objectives.

The proposed development, by reason of its nature and scale, would: support and require a modest amount of labour from the construction industry during the phases of development; house a small number of people who would, in turn, make a small contribution, through expenditure, to the viability of local retailers and service providers. Therefore, the proposal, by reason of its nature and scale, would make a small but still beneficial contribution to the economy.

The proposal, by reason of its scale and nature, would make a small contribution to ensuring that a sufficient number and range of homes are provided to meet the

needs of present and future generations. The proposal, by reason of its location in close proximity to green infrastructure, would support the health and social and cultural well-being of the occupants. Therefore, the proposal, by reason of its location and nature would support the strength and health of the community.

Where the site directly abuts the settlement boundary future occupants would be easily capable of accessing the existing amenities within the village by foot. Fontmell Magna is served by buses running to Blandford and Shaftesbury. Therefore, although the proposal lies outside of the settlement boundary, it is therefore considered that occupiers of the proposed dwelling would not have to be solely dependent on the private motor vehicle in order to reach services and facilities.

The case officer also notes that the principle of residential dwellings being located outside of the Fontmell Magna Settlement Boundary, and in this area was accepted in previous planning approvals 2/2017/1856/FUL and P/VOC/2022/05525, Planning permission 2/2017/1856/FUL permits the construction of 2no new dwellings and the conversion of an existing stable into a dwelling at Middle Farm. This scheme has been varied by permission P/VOC/2022/05525 to permit this undetermined application to be built in conjunction with these approved dwellings if approved.

These extant permissions have been given [significant] weight in the planning balance in two regards. Firstly as establishing the acceptability of residential development at Middle Farm and outside of the Fontmell Magna Settlement Boundary but also as a fallback position for the applicant should this application be refused.

Scale, design, impact on character and appearance

The original design proposed a modern structure which although of high quality was not considered to adhere to the historic and natural constraints of the site. The revised scheme proposes a traditionally styled 1 ½ storey brick structure with a contemporary styled aluminium clad addition to the east. The overall scale of the proposal has also been reduced from the original scheme which in turn reduces its visual impact within the landscape.

The revised design is considered to be far more in-keeping with the character of the area whilst the proposed materials are largely consistent with that of the material palette found within the village. The conservation officer was consulted on the revised design and made the following assessment regarding the design and scale:

“Concerns over the scale, design, materials and amount of glazing of the proposed dwelling have been addressed and are now better in keeping with the special character and distinctiveness of the conservation area.”

The scheme proposed the introduction of significant tree and hedge screening along the east and north boundaries whilst the southern boundary would retain the existing trees and hedgerow therefore establishing a natural separation between the open countryside and the built environment of the village whilst also masking the development from within the public realm.

Concerns have been raised in regard to overdevelopment and density of the site and surroundings, the site is of generous proportions and whilst it would result in a reduction of garden land to the converted stables under applications

2/2017/1856/FUL and P/VOC/2022/05525 it is not considered that this would constitute overdevelopment of a level of density that is unacceptable in this location.

The proposed garage/carport building is modest in its design/scale and would be in keeping with the existing and approved development on the site and within the vicinity.

Impact on amenity

Given the modest height of the proposal and its positioning on the site it is considered that the new dwelling would result in little impact upon residential amenity in terms of overlooking, overshadowing or noise levels. Concerns have been raised over the intensification of the access to the site and the impact this may have upon residential amenity to the existing dwellings within Collyer's Rise. Whilst the provision of 1no. dwelling would increase the usage of this access road it is not considered that this would have a significant impact on the residential amenity currently enjoyed by the residents of Collyer's Rise.

Impact on landscape and heritage assets

The development site falls roughly 117m outside of the AONB and is situated within the [name] conservation area. A Designated Heritage Asset is located approximately 90m to the west of the development site. Each of these issues are considered in turn.

AONB

Although the development site is outside of the AONB, it is located within the setting of the AONB.

Paragraph 176 of the NPPF that "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues*" and that development within the setting of the AONB must be "*sensitively be located and designed to avoid or minimise adverse impacts*".

The original scheme was considered to result in harm to the AONB due to the extensive amount of glazing upon the east elevation, this revised design significantly reduces the overall amount of glazing and therefore its impact upon views of the site from within the AONB. It is therefore considered that although the building maybe visible from the AONB it would not result in harm to its setting.

Due to the International Dark Night Sky Reserve designation of the AONB a condition shall be imposed to ensure that no additional rooflights can be installed via permitted development rights. A further condition shall be imposed to ensure no external lighting can be installed without approval from the LPA.

To conclude, there is no harm to the setting of the AONB and no clear reason for refusal on these grounds under criteria (i) of paragraph 11(d) of the NPPF.

Conservation Area

The development is also located within the Fontmell Magna Conservation Area. The Conservation Area is a designated heritage asset for the purposes of section 16 of the NPPF.

The Council's Conservation Officer was consulted on the application and whilst they considered that: "*Concerns over the scale, design, materials and amount of glazing of the proposed dwelling have been addressed and are now better in keeping with the special character and distinctiveness of the conservation area*" they consider that the proposal would result in less than substantial harm with no public benefit.

The main concerns raised by the conservation officer are as follows with officer commentary:

"• A dwelling in this location would not only create a denser development which would not respect development characteristics of the conservation area but also set a precedent for back land development."

As detailed above, whilst the proposal would increase the density of development within the site this is not considered to be to an unacceptable level. The resultant plots within this site and the previous permissions would be roughly consistent with the density of development within the surrounding area and conservation area. Each site is assessed on its individual merits, it is not considered that the granting of this permission would provide precedent for development elsewhere within the village.

"• The loss of the historic green space in this location will result in harm to the setting of the conservation area."

Permission had previously been granted for the conversion of this section of land from agricultural to residential with the erection of a garage building under application 2/2017/1856/FUL, therefore the use of this site for residential purposes had already been established. The improved design in the opinion of officers would not result in harm to the conservation or its setting.

"• Views towards the conservation area from the surrounding hills within the AONB contribute to its significance. A dwelling in this location will harm the rural character of the conservation area and therefore its setting."

The views available from the surrounding hills within the AONB are from a significant distance where the building would be seen in conjunction with the existing built environment. The use of darker materials and the reduction of the overall glazing would also assist in the building's recession into the background. Therefore officers do not consider that the proposal would harm the rural character or setting of the AONB.

A number of concerns have been raised in regard to the impact the building would have upon the character and appearance and the setting of the conservation area. One of the characteristic features of the Fontmell Magna Conservation Area is the surrounding fields/landscape which contributes towards the rural vistas in and out of the village. The proposed dwelling would be located on land previously approved for

residential development therefore the principle of the conversion of this land with residential structures has been previously established. Furthermore, the development when viewed from the north and east would simply form part of the backdrop of the village and be seen in conjunction with the new and existing dwellings within “Middle Farm”. Views from within the village conservation area towards the site are limited and few therefore resulting in a negligible impact upon the rural vistas towards the surrounding countryside.

In conclusion, the revised design is considered to result in no harm to the character and appearance of the Conservation Area or its setting. The formation of an additional open market dwellinghouse would support current housing requirements where there is currently a shortfall. Furthermore, the previously granted permission on the site establishes an acceptability of the principle for residential development within this location.

Listed Building

It is also noted that a Grade II listed building lies approximately 90m to the west. Given the distancing between the proposed building and the designated heritage asset in conjunction with the existing stables building and unlisted cottage that sit in-between the two sites, it is considered that the proposed dwelling would not result in a detrimental impact upon the setting of this building.

Access and Parking

The council’s highway officer was consulted on the application and raised no objections to the proposal subject to conditions.

Trees and Landscaping

The proposal looks to retain all existing trees with the planting of new trees/hedges on the eastern and northern boundaries. The council’s tree officer was consulted on the application and raised no objections on tree grounds. The introduction of new hedging and trees would not only mask the building from near and distant public views but would also provide a clear separation between the building environment and the surrounding natural landscape.

Protected Species

Whilst concerns regarding ecology on the site have been noted, having had regard to the submitted and signed biodiversity plan it is considered that the scheme would not have an adverse impact upon any protected species.

Flooding and drainage

The parish council have raised concern in regard to the use of soakaways for drainage due to ground water levels. The LPA’s systems note no increased levels of flooding from fluvial, groundwater or surface water. Therefore, the use of soakaways for rainwater drainage is considered to be acceptable.

17.0 Conclusion

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental, which give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

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 Development Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

There is conflict with the development plan, by reason of the location of the proposed dwelling outside of the settlement boundary. However, the Council's policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development. It is accepted that the tilted balance should be applied in the decision-making process on this application, given the shortage of housing land supply. This is where the need to boost housing land supply is prioritised when weighing up the planning balance for proposals. The application needs to be considered 'in the round' weighing all material issues in the planning balance. Considering the lack of an identifiable 5 year housing land supply and the presumption in favour of sustainable development, there is a benefit albeit modest to the contribution of a single dwelling towards the supply which is lacking. The protective policies within the NPPF are not engaged and therefore the applications falls to be determined against criteria (ii) of paragraph 11 (d) of the NPPF and permission should only be refused if the adverse impacts of allowing the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

In considering the balance, there are no adverse impacts which would significantly and demonstrably outweigh the benefits identified above. There are no fundamental concerns regarding the impact on the character and appearance of the area and the AONB, the conservation area or setting of listed buildings, highway safety, residential amenity, ecology, land contamination or drainage and the water environment. Therefore, in this case there are no considerations of specific policies in the NPPF that weigh against the balance towards housing provision.

18.0 Recommendation: Grant, subject to the following conditions:

1. The development to which this permission relates must be begun 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 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
P22-023 02-02-001 A Location Plan

P22-023-02-02-02 A Proposed site plan
P22-023-02-03-01 A Proposed ground floor plan
P22-023-02-03-02 A Proposed first floor plan
1049-MP-01 A Landscape Masterplan
P22-023-01-03-03 Proposed Garage
P22-023-01-05-01 A Proposed Front Elevation
P22-023-01-05-02 A Proposed Elevations

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

3. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on 10/05/2023 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

4. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on approved plan P22-023-02-02-02 Rev A to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity

5. The soft landscaping works detailed on approved drawing 1049-MP-01 Rev A must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

6. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no roof enlargement(s) or alteration(s) of the dwellinghouse hereby approved, permitted by Class B and Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

8. No external lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

9. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number P22-023 02-02-02 A must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

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

In this case:

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

- The applicant was provided with pre-application advice.

Application Number:	P/FUL/2023/02983		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Cheselbourne Village School Drakes Lane Cheselbourne Dorset DT2 7NT		
Proposal:	Demolition of existing prefabricated mobile classroom & the erection of 2 no. detached buildings to be used as a classroom & learning hub along with the formation of a covered decked area.		
Applicant name:	Dorset Council		
Case Officer:	Emma Ralphs		
Ward Member(s):	Cllr Haynes		
Publicity expiry date:	7 July 2023	Officer site visit date:	27 June 2023
Decision due date:	25 July 2023	Ext(s) of time:	-

1.0 Reason for Committee Referral: Applicant is Dorset Council

2.0 Summary of recommendation:

Grant, subject to conditions

3.0 Reason for the recommendation: as set out in paras 15 at end

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application
- The proposal has been designed appropriately to accommodate better educational facilities and learning environment above the existing structures.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of demolishing two existing buildings on an existing site and replacing them with two, more modern buildings is acceptable in principle (Policy ENV15). The development would occur within the existing curtilage of the school and therefore would comply to Policy SUS2.
Scale, design, impact on character and appearance	The proposal would remain subservient to the main school building and would not significantly appear within the street scene (Policy ENV10). The development would not harm the landscape character of the AONB. The proposed appearance of the buildings would provide a visual improvement to the character of the area, preserving the wider landscape (Policy ENV1).
Impact on amenity	The placement of these building away from the shared boundary of Campion Cottage helps mitigate any overbearing or overlooking impact that the development may have on these residents causing no harm to neighbouring amenity (Policy ENV16).
Impact on heritage assets	The proposed development would not harm the setting of the listed building, Campion Cottage as the proposal will remain single storey behind the timber fencing along the northern boundary.
Impact on noise, trees and flooding	No new air source heat pumps are proposed and therefore, the noise levels for the site as a children's playground would not be increased above the existing levels. The trees and their roots located around the periphery of the site will not be significantly impacted by the development to cause adverse harm. The impact of surface water and groundwater would be minimised (Policy ENV9).
Access	The pedestrian access between the new buildings will be altered slightly however, no concern is raised.

5.0 Description of Site

Cheselbourne is situated c. 8 miles to the northeast of Dorchester, within the Dorset Area of Outstanding Natural Beauty (AONB). The site is located near the centre of the village at the corner of Drakes Lane and the main road going through Cheselbourne. There is a slight slope in the land from Drakes Lane down to the south-east with the topography becoming steeper north of the site. To the north and

south-east there are a number of residential properties along with the village hall to the east.

The school comprises of one main, brick-built building with its principle elevation facing south. The rear of the building mainly consists of brick walls with a single storey conservatory style extension on the north-western corner of the main building. The boundary treatments have hedges along the southern and western side of the building and metal fencing along the eastern boundary. The northern boundary is delineated by timber fencing and abuts the boundary of the Grade II listed property Campion Cottage.

The proposed site is used for a village school, providing education for 4 – 9 year olds with roughly 50 students in attendance.

6.0 Description of Development

The proposal is to demolish the existing pre-fabricated building and single storey conservatory attached to the main building and erect a new classroom and separate teaching hub to the rear of the school. The proposal also includes the formation of the covered decked area linking the two buildings together. The proposed two new buildings would have an area of c.61sqm, which would be roughly the same size as the existing buildings to be demolished.

7.0 Relevant Planning History

P/FUL/2021/03534 - Decision: GRA - Decision Date: 11/01/2022

Installation of roof mounted solar photovoltaics (PV) equipment and associated

8.0 List of Constraints

- Within setting of Grade II listed building – Campion Cottage (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Within Dorset Area of Outstanding Natural Beauty: (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)
- Site is partially within Flood Zone 2 and 3
- Risk of surface and ground water flooding
- Public Right of Way S15/12 (leading south-west off Drakes Lane)

9.0 Consultations

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

Consultees

1. W - Chalk Valleys Ward

Cllr Haynes: Support: Very pleased to support this much needed replacement of a very old classroom and also for the works to the school building. It will make a huge difference to the quality of the teaching space of this excellent first school.

2. DC - Rights of Way Officer

No comments received.

3. DC - Trees (North West Weymouth)

No comments received.

4. P - Cheselbourne PC

Support

5. DC - Early years

No comments received.

6. Dorset Wildlife Trust

No comments received.

7. Ramblers Association

No comments received.

8. Wessex Water

No comments received.

9. DC - Asset & Property- Abigail Brooks

No comments received.

Representations received

No neighbour objections have been received for this application.

47 representations of support have been received, summarised as follows:

- Desperate need to modernise facilities to create learning environment for current and future needs.
- Proposed buildings will provide more suitable learning space for current and future children.
- Much needed infrastructure investment and improvement for pupils and staff.
- More suitable space for pre-schoolers.

- Suitable screened by vegetation but more visible during winter, asks that the buildings are finished in natural colours. No details of heat pumps given; noise must be assessed so it would not cause problems.
- School needs additional space and critically more toilet facilities
- Proposal would provide a better space than the existing, old, leaking, cold (in the winter) and hot (in the summer).
- Hopefully DC will ensure it is ecologically sound as well as educationally excellent.
- Proposal would not only improve the space and experience of the children within the school, it will also improve the look of the school and thus the centre of the village.
- Support the use of the building as a community asset. Valuable resource for the whole community.
- Building will enhance the children's learning space, provide for their wellbeing and allow staff to deliver the curriculum more efficiently.
- Would provide much needed indoor and outdoor learning space.

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 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.

11.0 Relevant Policies

West Dorset, Weymouth & Portland Local Plan 2015

Policy INT1	- Presumption in Favour of Sustainable Development
Policy ENV1	- Landscape, Seascape and sites of Geological Interest
Policy ENV4	- Heritage Assets
Policy ENV5	- Flood Risk
Policy ENV9	- Pollution and Contaminated Land
Policy ENV10	- The Landscape and Townscape Setting
Policy ENV12	- The Design and Positioning of Buildings
Policy ENV15	- Efficient and Appropriate Use of Land
Policy ENV16	- Amenity
Policy SUS2	- Distribution of Development
Policy COM6	- The Provision of Education and Training Facilities

Other material considerations

National Planning Policy Framework

12.0 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.

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.

This proposal provides additional educational facilities to individuals with protected characteristics as the students will be 4-9 year old at pre-school education. The proposal includes ramps onto the covered deck area to allow for individuals with limited mobility to access the educational facilities. In addition, the building would be modern and insulated, providing a suitable environment for learning.

15.0 Planning Assessment

Principle of Development

The principle of demolishing two existing buildings on an existing site and replacing them with two, more modern buildings is acceptable in principle (Policy ENV15). The proposal would provide social and economic benefit for the school by allowing better educational facilities for the children and potentially creating more employment opportunities (Policy COM6). The development would be sited within the existing curtilage of the school and therefore would comply with Policy SUS2.

Scale, Design and impact on character and appearance

The proposal would remain subservient to the main school building and would not appear obtrusive within the street scene (Policy ENV10). The proposed building would appear as a modern addition to the bricked building and its use of timber

would further support the buildings subservience. The proposed buildings would consist of a lightweight modular structure with highly insulated timber framed panels on an insulated raft foundation to allow for efficient construction. The windows and doors would be aluminium and standing seam roofing is proposed for the roof. The design of the new classrooms is acceptable and would utilise floor to ceiling windows on the north and southwestern elevations to maximise natural light into the buildings (Policy ENV12).

The development would not harm the landscape character of the AONB considering that the proposal replaces an existing mobile unit and single storey extension, with a single storey building, partially screened by boundary treatments and a vegetation belt along the western side of the site. The proposed appearance of the buildings would provide a visual improvement to the character of the area, preserving the wider landscape (Policy ENV1).

Impact on amenity

The placement of these building away from the shared boundary of Campion Cottage helps to mitigate any overbearing or overlooking impact that the development may have on these residents (Policy ENV16). Only two windows are proposed on the northern elevation for the W/C's, reducing direct views into Campion Cottage's private amenity space. The rest of the windows on the east, west and southern sides of the proposed buildings will remain at ground floor looking over the playground and main building, causing no harm to neighbouring amenity (Policy ENV16).

Impact on heritage

Campion Cottage is an early 18th Century cottage built of cob with rendered walls over a brick and flint plinth with a thatch roof. The listed building is therefore known for its architectural significance. The proposed development would not harm the setting of the listed building, Campion Cottage as the proposal will remain single storey behind the timber fencing along the northern boundary. The proposed modern building would not detract from the overall setting of listed building as the proposal would respect the architectural details of Campion Cottage and would be screened by the main school building and two storey height of the listed building, complying with Policy ENV4.

Impact on noise, trees and flooding

The air source heat pumps are to remain in the same location as the existing. No new air source heat pumps are proposed and therefore, the noise levels for the site as a children's playground would not be increased above the existing levels.

The tree on the existing site plan has been removed before the planning application was submitted. Additionally, the lightweighted structure would site on top of the existing hard surfacing (playground) and therefore, would not require any foundations or digging to erect the structures. As such, the trees and their roots located around the periphery of the site would not be significantly impacted by the development.

Whilst there is a small proportion of the site within Flood Zone 2 and 3, the school building itself lies outside the flood zone. The proposed new buildings will be located

outside Flood Zones 2 and 3 and raised slightly above the existing playground. The proposed building would be situated on the existing, hard surfaced playground and therefore, would not adversely impact surface water runoff (Policy ENV5). As stated on page 3 of the applicants Flood Risk Assessment by WSP, the finished floor levels of the new classroom will be 0.3m above the existing main school (100.650mAOD), meaning that the impact of surface water and groundwater would be minimised (Policy ENV9).

Access

The current access routes into the site will remain as existing. The pedestrian access between the new buildings would be altered slightly however, this raises no concerns in terms of access provision.

16.0 Conclusion

The proposed modern classroom and learning hub would provide for better facilities within the school and this is supported by policy. The proposal is subservient to the main bricked building and would appear in keeping with the wider character and preserve the AONB. The scheme would have no detrimental impact upon neighbouring amenity, especially at Campion Cottage. The development would not harm the architectural significance of the adjacent listed building. The proposal has been designed to minimise flood risk and due to the development being a lightweight structure, no foundations are required, and would not therefore harm the nearby root systems of the trees.

17.0 Recommendation

Grant, subject to conditions

Recommendation: Approve subject to the following conditions:

1. The development to which this permission relates must be begun 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 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
4788-BB-XX-XXX-DR-A-P001 2 Location plan
4788-BB-XX-XXX-DR-A-P001 1 Proposed site plan
4788-BB-XX-XXX-DR-A-P003 3 Proposed floor plan & roof plan
4788-BB-XX-XXX-DR-A-P004 3 Proposed elevations
4788 P010 1 Existing site plan

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

3. Prior to first use the development shall be completed in accordance with the proposed works detailed in the Flood Risk Assessment on page 17 of the Flood

Risk Assessment submitted by WSP dated April 2023 and shall be maintained as such thereafter.

Reason: In order to safeguard the buildings from unnecessary flood risk.

4. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Biodiversity Mitigation Plan in section H and section I agreed by the Dorset Natural Environment Team dated 16.05.2023 shall be completed in full. Thereafter, the mitigation measures shall be maintained and retained for the perpetuity of the development.

Reason: To minimise impacts on biodiversity.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

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

In this case:

-The application was acceptable as submitted and no further assistance was required.

2. The applicant is advised that bats are protected in the UK by Schedule 5 of the Wildlife and Countryside Act 1981 and Part 3 of Conservation of Habitats and Species Regulations 2017 (as amended). Work should proceed with caution and if any bats are found, all work should cease, the area in which the bats have been found should be made secure and advice sought from Natural England (tel: 0300 060 3900), website www.naturalengland.org.uk before proceeding.

Further information about the law and bats may be found on the following website <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

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Application Number:	P/HOU/2023/02594		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	35 Alexandra Road Dorchester DT1 2LZ		
Proposal:	Demolish conservatory, erect single storey extension and install rear dormer window		
Applicant name:	Mr and Mrs A Collins		
Case Officer:	Emma Macdonald		
Ward Member(s):	Cllr Fry and Cllr Canning		
Publicity expiry date:	10 June 2023	Officer site visit date:	10 July 2023
Decision due date:	6 July 2023	Ext(s) of time:	TBC

1.0 Reason application is going to committee: The applicants are Ann Collins, Development Management Area Manager South/West Team and Andrew Collins, Development Management Team Leader Northern Team.

2.0 Summary of recommendation:

GRANT, subject to conditions

3.0 Reason for the recommendation: as set out in paras 16 and 17 at end

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal is acceptable in its design and general visual impact and there is no significant harm to the Dorchester Conservation Area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
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Principle of development	The principle of extending the property is acceptable.
Scale, design, impact on character and appearance of the area including the Dorchester Conservation Area	The proposed development would not have an adverse impact on the visual amenities of the site or locality. The proposal would not have an adverse impact on the Dorchester Conservation Area
Impact on amenity	The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties.
Impact on trees & biodiversity	The proposed development will have no detrimental impact on trees and a proportionate level of biodiversity enhancement is proposed.
Parking	The proposed development does not result in any alterations to existing parking and access arrangements.

5.0 Description of Site

- 5.1 35 Alexandra Road is located on the east side of Alexandra Road, within a residential area comprising traditional terraced properties. The application site is situated within the defined development boundary for Dorchester and also within Dorchester's Conservation Area.
- 5.2 The existing dwelling is a two-storey mid terraced, Edwardian dwelling, constructed of brick with projecting bay window and porch to the front and a conservatory to the rear. The dwelling is sat in a level rectangular plot with garden to the rear and a small, paved area to the front. The rear garden is bounded on both sides and rear with vertical close board fences. There is a gate to the rear leading to an alleyway which runs along the length of Alexandra Road to the rear of the properties.
- 5.3 To the north and south are attached neighbouring dwellings, opposite is a row of larger semidetached traditional properties and to the rear is a block of flats on the former railway sidings of Poets Way. These flats are of modern design and their construction is significantly greater in height and mass than the properties along Alexandra Road.

6.0 Description of Development

- 6.1 There are two elements to this application for planning permission. The first is the demolition of the existing rear conservatory and erection of a replacement single storey extension. The existing conservatory has a dwarf brick wall with a timber frame and plastic roof structure. The applicant has explained that this conservatory has come to the end of its life. Previous owners also removed the wall between the kitchen and the conservatory and as such the rear space is understood to get very cold, especially in the winter.
- 6.2 The proposed replacement extension would be marginally larger at 5m long as opposed to the existing conservatory at 3m long. The replacement extension will be constructed of brick with a solid wall along the boundary with number 37 and a single

window facing towards the boundary with number 33. A glass lantern is proposed to provide natural light to the extension, with a GRP flat roof and UPVC windows. A pair of French windows are proposed at the eastern end to gain access to the garden, with 2 single panes of glass over a dwarf brick wall. The existing boundary fence with No 37 is proposed to be retained.

- 6.3 The second element of the application is the erection of a dormer window on the rear elevation to provide for additional room in a loft conversion. There is currently a roof light window over the stairwell. The proposed dormer would be above this but below the ridge height. The dormer is proposed to be 4m in length across the roof, 1.5m in height and project out a maximum of 1.8m. Two white UPVC windows are proposed, a single window and double casement. The roof is proposed to be finished in GRP, with dark cedar cladding to the sides.

7.0 Relevant Planning History

1/D/08/001297 - Decision: WIT - Decision Date: 19/01/2009

Install external lift, including alterations to existing front garden steps

8.0 List of Constraints

ENV 2; Poole Harbour Nutrient Catchment Area; Poole Harbour

Site of Special Scientific Interest (SSSI) impact risk zone

JBA - Risk of Groundwater Emergence; Groundwater levels are between 0.5m and 5m below the ground surface.; There is a risk of flooding to subsurface assets but surface manifestation of groundwater is unlikely

Scheduled Monument: Henge, Romano-British amphitheatre and Civil War fieldworks known collectively as Maumbury Rings (List Entry: 1003204); - Distance: 240.44

Scheduled Monument: Dorchester Roman walls (List Entry: 1002449); - Distance: 233.8

9.0 Consultations

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

Consultees

1. P - Dorchester Town Council – No objection
2. W - Dorchester West 1 – No comment received
3. W - Dorchester West 2 – No comment received
4. DC – Conservation Officer – No Objection

Representations received

No letters of representation have been received.

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

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

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). Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

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

INT1	- Presumption in favour of Sustainable Development
ENV1	- Landscape, seascape & sites of other geological interest
ENV 2	- Wildlife and habitats
ENV4	- Heritage assets
ENV10	- The landscape and townscape setting
ENV12	- The design and positioning of buildings
ENV12	- The design and positioning of buildings
ENV16	- Amenity
SUS2	- Distribution of Development

National Planning Policy Framework

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

- Part 2 - Achieving sustainable development.
- Part 4 - Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental

conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Part 12 - Achieving well-designed places.
- Part 15 – Conserving and enhancing the natural environment
- Part 16 - Conserving and enhancing the historic environment

Statutory duty under section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Other material considerations

Dorchester Conservation Area Appraisal adopted 29 July 2003
WDDC Design & Sustainable Development Planning Guidelines (2009)

12.0 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.

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.

No implications for this proposal.

14.0 Financial implications

None

15.0 Environmental Implications

None

16.0 Planning Assessment

Principle of development

The application site is situated within the defined development boundary for Dorchester which sits at the top of the settlement hierarchy, the highest priority location for new development as set out in Policy SUS2 'Distribution of Development'. Development within the defined development hierarchy will normally be permitted.

The principle of extending the property is therefore acceptable subject to other material considerations considered below.

Scale, design, impact on character and appearance of the area including the Dorchester Conservation Area

There are a number of single storey extensions to the rear of properties within the road, all of slightly different size and designs. The proposed extension, shown in the elevation drawing below, would be constructed of brick to match the existing brick at the rear of the property. The wall to the south of the proposed extension is proposed to be solid brick, and the existing boundary fence would remain.

The single storey extension will not be visible from the street scene. The proposed design and scale of this extension is considered in keeping with the character of the existing dwelling, appearing as a subservient addition, and replacing, in part, the existing rear conservatory. There will be no detrimental impact to the overall pattern of development seen within the local area as a result of the proposed extension. The proposed materials are considered appropriate.

The proposed dormer window would also not be visible from the street scene and is smaller in scale than the dormer on the neighbouring dwelling at Number 27, as shown on the photograph below. There are also other examples of dormer windows within the area. For example, it is noted that a large dormer window was recently permitted at No. 47 Olga road (WD/D/18/001070) situated within the same character area of the Conservation Area. This dormer window extension is visible in the street scene from Olga Road and from the rear at the Edward Road Play Area.



EAST ELEVATION



The design and scale of the proposed dormer is considered modest in scale and will not adversely affect the character and appearance of the area.

Dorset Council's Conservation Officer has been consulted on these proposals and has raised no objection in relation to the impacts on the Dorchester Conservation Area from the proposed works.

The proposal would result in no harm and is considered to preserve the character and appearance of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) policies ENV4, ENV10 and ENV12 of the adopted West Dorset, Weymouth and Portland Local Plan 2015.

Amenity

The proposed single storey extension is on the boundary with the adjacent property to the south but due to its scale and design it is not considered overbearing or inappropriate in its setting. The existing fence is proposed to be retained, thereby giving rise to no impacts in terms of overlooking.

Although the proposed rear dormer window will introduce new windows on the rear elevation at the second floor, there is not considered to be any increase in impacts in terms of overlooking or loss of privacy with regards to neighbouring properties or the flats to the rear than from the existing windows on the first-floor rear elevation.

Overall, it is considered that the proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties in accordance with Policy ENV16 'Amenity'.

Impact on trees & biodiversity

There is one ornamental tree in the rear garden, located approximately 10m from the proposed extension. The tree is protected due to its size and being within a Conservation Area.

The impact from the development on the tree has been discussed with Dorset Council's Tree Officer who does not consider that there will be any adverse impact given the distances involved.

It is a requirement of all development to protect and where possible enhance the natural environment, as stated in the NPPF, paragraphs 8, 174 and 180. The applicant has suggested that a bird box will be attached to the tree. It is reasonable to secure this through condition to ensure a proportionate level of biodiversity enhancement is provided by the development.

Parking

The proposed development does not result in any alterations to existing parking and access arrangements.

17.0 Conclusion

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as already listed.

18.0 Recommendation

GRANT, subject to conditions

1. The development to which this permission relates must be begun 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 91 of the Town and Country Planning Act 1990 (as amended).

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

TQRQM23114174205654 Location Plan

TQRQM23114174346698 Block Plan

21 100 08 Proposed Floor Plans

21 100 09 Proposed Elevations and Section - Option C.pdf

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

3. At least one bird box shall be erected, and thereafter retained, prior to first occupation or use of the development hereby approved.

Reason: To enhance or protect biodiversity.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

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

In this case:

- The application was acceptable as submitted and no further assistance was required.

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