

Application Number:	2/2020/0610/OUT
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Greenfields , Sodom Lane, Marnhull, DT10 1HR
Proposal:	Develop the land by the erection of 4 No. dwellings, parking spaces and creation of a new access (demolish existing dwelling and garage), (outline application to determine layout and access).
Applicant name:	Gary Adlem
Case Officer:	Cass Worman
Ward Member(s):	Cllr Graham Carr-Jones

1.0 Following Scheme of Delegation Consultation, at request of Nominated Officer

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation:

- Principle of development on the site has been established via a previous consent
- The site lies within the defined settlement boundary
- The proposal is considered to be acceptable with regards to neighbouring amenity
- There are no concerns with regards to access or Highways safety

4.0 Key planning issues

Issue	Conclusion
Principle of development	Principle of development on the site has been established via a previous consent. The site lies within the defined settlement boundary, where the principle of infill development is supported
Scale, design, impact on character and appearance	The application is in outline considering layout and access; the indicative site plan is considered to be of an appropriate density which reflects the edge of settlement location
Impact on amenity	The proposed development would preserve the amenity of existing occupiers of neighbouring properties as well as the living conditions of the future occupiers of the proposed dwellings

Economic benefits	The new dwellings would secure a contribution to future housing provision and a social benefit, given the housing shortfall; there would be economic investment both from their construction and subsequent occupation
Access and Parking	The proposal would not give rise to significant additional traffic movements on the existing road. The Highway Authority has considered the proposal and has raised no objections
Trees	The significant trees on the site will remain. The Tree Officer is satisfied with the arborcultural information, a detailed method statement will be secured via condition
Biodiversity	The application is accompanied by a Biodiversity Mitigation and Enhancement Plan, currently awaiting approval by the Dorset Council Natural Environment Team

5.0 Description of Site

The application site is located in the north half of an exclave of the Marnhull settlement boundary, to the east of the main village.

Corner Close is a small cul-de-sac of semi-detached exception housing, located immediately to the east of the site. Salisbury Cottage is located to the south west of the existing bungalow.

The site is accessed from the south of Sodom Lane.

The site currently contains a detached bungalow which is located centrally in the plot, in generous grounds.

Mature Trees border the site, a Tree Preservation Order has been made previously due to the significance of the trees and their contribution to the street scene.

6.0 Description of Development

The scheme proposes to demolish the existing bungalow and erect 4 detached dwellings, making a net gain of three dwellings. The application is in outline with access and layout for determination at this stage.

7.0 Relevant Planning History

2/2017/0353/OUT. Demolish existing dwelling and develop the land by the erection of 4 No. dwellings (outline application to determine access and layout). Approved: 24.05.2017

8.0 List of Constraints

TPO Point:: The Marnhull TPO 574-2017 Individual - Silver Birch

TPO Point:: The Marnhull TPO 574-2017, Individual Acer sp

TPO Point:: The Marnhull TPO 574-2017, Individual Silver Birch

Grade: GRADE 3

Ward Name: Stalbridge & Marnhull
Settlement Boundary: Marnhull

9.0 Consultations

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

Consultees

Dorset Council Tree Officer South

No objection subject to conditions

Dorset Council Transport Development Management

No objection subject to conditions

Marnhull Parish Council

Received 14 July 2020: OBJECT:

- Overdevelopment of the site.
- Overbearing on neighbouring cottage.
- This is a rural area and this application is not in keeping with the surrounding area.

Representations received

The letter of representation raises the following summarised points:

- Concern over the proximity of Salisbury Cottage,
- Concern over any proposal to remove vegetation,
- Possible noise from cars starting early,
- Boundary may be incorrect, and an oil tank is sited over the boundary with the neighbouring property
- Trees shown on the plans don't exist

Total Objections	Total No Objections	Total Comments
0	0	1

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Relevant Policies

North Dorset Local Plan Part 1 2011-2031

Policy 1 - Sustainable Devt.
Policy 2 - C Spatial Strategy
Policy 6 - Housing Distribution
Policy 7 - Delivering Homes
Policy 23 - Parking
Policy 24 – Design
Policy 25 – Amenity

NPPF 2019:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting Sustainable transport
12. Achieving well-designed places
15. Conserving and enhancing the natural 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

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.

13.0 Financial benefits

The new dwellings would secure a contribution to future housing provision and a social benefit, given the housing shortfall; there would be economic investment both from their construction and subsequent occupation.

14.0 Climate Implications

The development is within the defined development boundary. The new dwellings would accord with the current requirements of Building Regulations. There are a number of local facilities which any future residents of the proposed development would be able to access by foot as they are within walking distance of the site including shops, post office, school, doctors, places of worship, pubs. As such the proposed housing development is considered to be in a sustainable and accessible location.

15.0 Planning Assessment

PLANNING ISSUES

- o Principle of development
- o Impact on Neighbouring Amenity
- o Design
- o Access and parking
- o Protected trees
- o Biodiversity

15.1 Principle of development

This is a resubmission of previously approved application 2/2017/0353/OUT. This proposal is the same as the 2017 application, including the change which was made during the course of the 2017 application where the garage on proposed plot 4 was moved to the other side of this proposed dwelling, reducing any possibility of overbearing to the neighbouring dwelling Salisbury Cottage.

The scheme proposes to demolish the existing bungalow and erect 4 detached dwellings, making a net gain of three dwellings. The application is in outline with access and layout for determination at this stage.

In terms of location, the spatial approach outlined in the Local Plan as to the distribution of dwellings within the former North Dorset District Area, seeks to locate the majority of housing growth in the main towns and larger villages.

Marnhull has been categorised as one of the larger settlements that will accommodate additional growth over the new plan period. Policy 2 of the Local Plan, allows for small-scale infilling within defined settlements, and therefore the small-scale infilling within the settlement boundary of Marnhull therefore accords with the relevant policies of the Local Plan: Policies 2, 6 and 7 of Local Plan Part 1 indicate that infill development within defined settlement boundaries will be allowed in principle, providing it is sensitively designed within its local context and respects the amenity of neighbouring properties.

The principle of the development is therefore established as acceptable.

15.2 Impact Upon Neighbouring Amenity

The properties that border the site are Salisbury Cottage to the south west of the site and properties in Corner Close to the east.

Consideration of the appearance of the dwellings is reserved. Subject to a sensitive design at the reserved matters stage, (for example by omitting first floor windows on the gables of properties facing nearby dwellings), a sensitive design that responds to the proximity of neighbours to the proposed development would not give rise to overlooking of adjacent properties.

During the course of the 2017 application, the layout of the scheme was altered so that the garage associated with the proposed dwelling at Plot 4 was placed at the western boundary of the site, so as to move the mass of the dwelling's full height gable end further away from Salisbury Cottage; this alteration in layout has been maintained in this resubmitted application, and with this layout, any issues of overbearing to this neighbouring property are mitigated against.

There is sufficient distance between the existing surrounding properties and the development site so as not to give rise to any other concerns with regards to overlooking, overshadowing or overlooking, with a suitable design presented at reserved matters.

Access driveways would be sited in the southwest corner of the site, serving Plots 2 and 4, and some concerns have been raised that comings and goings from the new driveways and parking areas could result in disturbance to neighbouring properties. The proposed driveways are orientated so they would not face into neighbouring properties, and they are not located tight to the site boundary. There is some existing planting along the boundary between the site and Salisbury Cottage to the southwest. It is considered that due to this layout and separation, in combination with existing & reinforced boundary planting, (which would be further reinforced by a suitable landscaping and planting plan secured at reserved matters as discussed below), that any impact to neighbouring properties would not result in unacceptable disturbance by noise or light to these neighbouring dwellings.

As discussed above, the retention of the significant trees and additional planting is required to ensure that the development assimilates into the locality and so that the amenity of the occupiers of the existing dwellings surrounding the site is maintained. Various conditions are recommended by the Tree Officer to ensure that the existing trees are protected and that there is adequate maintenance of proposed new planting, further discussed below.

General noise and disturbance from a residential use of this scale (net increase in three dwellings) is unlikely to give rise to an adverse impact upon the living conditions of neighbours.

In view of the above, it is Officer opinion that the proposals would not give rise to unacceptable impact on the living conditions of the occupiers of the surrounding properties.

15.3 Character and Appearance of the Area

The proposed layout is a simple cul-de-sac which is reflective of the Corner Close development. Two dwellings would face onto the road at the entrance to the site, with an access road between, and two houses behind.

The design of the dwellings is reserved, however indicative drawings have been provided showing simple vernacular styled two storey stone and brick cottages under pitched roofs, which would reflect and respect the prevailing form of development at Corner Close.

There is sufficient distance between the proposed dwellings and the boundary of the site, so as not to result in any sense of overcrowding; each dwelling being well set off from the east and western side boundaries by at least 2 metres.

All dwellings have ample amenity space to front, side and rear, and it is considered that sufficient garden space is allocated to each of the dwellings.

Each dwelling has allocated parking spaces and private driveways. The dwellings are well spaced apart from each other over the site, and the degree of plot coverage is not at odds with the general settlement pattern in this part of the village.

In view of this, the proposals are not considered to be overdevelopment of the site.

With appropriate landscaping & planting to assimilate the development site into the edge of settlement location, it is considered that this infill scheme within the settlement boundary, adjacent to an existing 90s housing scheme, is not at odds with local landscape character. It is considered that with appropriate design and landscaping presented at reserved matters, the development would have an acceptable impact on the visual amenities of the immediate locality.

15.4 Highway Considerations

There is no adverse highway impact associated with this scheme; the Highway Authority has no objection to the scheme subject to conditions. Off road parking for two cars per dwelling is provided.

15.5 Trees

Arborcultural information has been submitted in support of the application, which details that all the significant trees on the site would remain. The Tree Officer has assessed the application and comments that any new planting to mitigate the loss of existing vegetation and trees on site would need to be attractively and sensitively designed so to successfully integrate the new development into the local landscape. The Tree Officer highlights that the inclusion of native species including native hedging to soften the approach into the shared access will be important in the forthcoming reserved matters application, which should include a detailed hard and soft landscaping scheme, supported by a 5 year

management and maintenance plan clearly outlining the long-term management objectives, management responsibilities and maintenance schedule.

A tree protection condition would be sought to ensure quality existing trees are retained and appropriately protected throughout the development, in addition to detailed methodology of the proposed pile foundations to protect tree roots to also be submitted as part of the reserved matters, alongside a Tree Survey, Arboricultural Impacts Assessment, and detailed Arboricultural Method Statement.

With these further details secured by condition, the Tree Officer has no objection to the proposed scheme, and confirms that with suitable landscaping the proposals would assimilate satisfactorily into this edge of settlement location.

15.6 Biodiversity

The application is accompanied by a Biodiversity Mitigation and Enhancement Plan which has been submitted to the Dorset Council Natural Environment Team for their approval. With the implementation of an approved Biodiversity Mitigation and Enhancement Plan, it is considered that the proposals would have no adverse impacts on biodiversity interests

15.7 Other Issues

Foul and surface water drainage can be appropriately dealt with through conditions. There is the opportunity to reduce potential runoff from the site through the use of soakaways within the site.

As per Local Plan Policy 7, as the proposal is for less than 10 dwellings, affordable housing provision is not required.

Concerns with regards to the site boundary and the location of an existing oil tank are noted, these issues would be dealt with by negotiation with the interested parties and are not considered to be an unsurmountable constraint to the proposals.

16.0 Conclusion

The site is within a sustainable location, within the defined settlement boundary within walking distance of the village's facilities and services. The proposal is considered to be acceptable with regards to neighbouring amenity, issues of design and landscaping would be agreed at reserved matters; the proposed layout is considered to be acceptable. There are no concerns with regards to access or Highways safety.

17.0 Recommendation Grant, subject to the following conditions,

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means

of access to the building(s), or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

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

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

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

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

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

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: 17-01-A, 17-02-A, Tree Plan Rooting After Removals, Tree Plan Constraints Proposed forming the approved application.

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

5. Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 17.01 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.

6. Any entrance gates must be set back a minimum distance of 5.00 metres from the edge of the carriageway and hung so that the gates can only open inwards.

Reason: To enable a vehicle to be parked clear of the public highway whilst the gates are opened or closed, preventing possible interruption to the free flow of traffic.

7. Before the development hereby approved is occupied or utilised any railings or fencing erected along the highway boundary of the site must be set back a minimum of 0.50m from the nearside carriageway edge.

Reason: To prevent the overhang of passing vehicles from colliding with the railings or fencing.

8. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 17.02 A 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.

9. No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the

Local Planning Authority. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

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

10. Before any works commence on site a detailed Arboricultural Method Statement shall be produced, submitted to and approved in writing by the Local Planning Authority. The statement will include details of how the existing trees are to be protected and managed before, during and after development and include details of the specialist foundation methodology and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter accord with the approved Statement.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

11. All existing trees and hedges shown on approved plan 'Rooting constraints after proposed removals on proposed layout' dated the 5th May', to be retained, shall be fully safeguarded during the course of site works and building operations. No works shall commence on site until the Local Planning Authority has confirmed in writing that all trees to be protected on and immediately adjoining the site have been protected from damage for the duration of works in accordance with BS 5837:2012 (Trees in relation to construction - recommendations) or any new Standard that may be in force at the time that development commences. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s). Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

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.

12. No works above damp course level shall commence on site until full details of both hard and soft landscape proposals shall, by reference to site layout drawings of an appropriate scale, be submitted to and approved in writing by the Local Planning Authority. The details shall include, as appropriate, the following information:

- (a) Proposed finished levels or contours.
- (b) Car parking layouts.
- (c) Means of enclosure.
- (d) Vehicle and pedestrian access and circulation.
- (e) Hard surfacing materials.
- (f) Proposed and existing functional services above and below ground.
- (g) Minor artefacts and structures.
- (h) Planting plans.
- (i) Historic landscape features and proposal for restoration where relevant.
- (j) Written specifications.
- (k) Schedule of plants, species, size, proposed numbers and densities.

(l) Implementation timetables.

The development shall thereafter accord with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

13. No development above damp course level shall commence until a landscape management plan shall, by reference to site layout drawings of an appropriate scale, be submitted to and approved in writing by the Local Planning Authority and shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The subsequent management of the development's landscaping shall accord with the approved management plan.

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

14. Before the development is first 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.

15. The biodiversity mitigation and enhancement proposals set out in the approved Biodiversity Mitigation and Enhancement Plan <INSERT DATE>; shall be undertaken in full before the development hereby approved is first brought into use and shall be maintained in the approved condition permanently thereafter.

Reason: To ensure adequate habitat is provided and protected to accommodate protected species and in the interests of biodiversity enhancement