

Application Number:	P/OUT/2021/01737
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	LAND AT E 377395 N 118565 KENTISWORTH ROAD MARNHULL
Proposal:	Develop the land by the erection of 4 no. detached dwellings with associated footpath, access, car parking and landscaping. (Outline application to determine access).
Applicant name:	Mr John Shipton
Case Officer:	Emily Jones
Ward Member(s):	Cllr Carr-Jones

- 1.0** The application is to be determined at committee at the behest of the Nominated Officer following the scheme of delegation for the following reason:

“I have considered the responses above from Dorset Council members and I confirm that I wish to refer this application to the planning committee, in light of the concerns raised by the Parish Council and third parties.”

2.0 Summary of recommendation:

Grant, subject to conditions.

3.0 Reason for the recommendation:

The Council is unable to demonstrate a five-year housing land supply. In applying the tilted balance, the development would not result in unacceptable landscape or visual harm, the highway impacts of the scheme are acceptable, and the dwellings could be located far enough away from the existing and extant properties so as not to appear overbearing. The site is considered to be reasonably located to the facilities in the village and provides some limited economic benefit.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site abuts the settlement boundary and the Council is unable to demonstrate a five-year housing land supply. The site is reasonably located to village services and would not result in unacceptable landscape, highways, or neighbour impacts.
Provision of affordable housing	The development provides up to 4 additional dwellings and therefore there is no policy requirement to provide affordable housing. A deliberate attempt to circumvent such policies cannot be demonstrated in this case.

Impact on amenity	Layout and appearance are reserved matters however the indicative layout demonstrates that the development could be delivered without harming neighbouring amenity.
Impact on landscape	There would be some change to the character of the landscape at this point however this would be in the context of being an edge of settlement development with housing to the east and south.
Economic benefits	There would be some limited economic benefit from the provision of 4 additional dwellings, both in providing jobs during the construction phase and from the subsequent occupants use of nearby facilities.
Access and Parking	The proposal utilises the existing agreed access onto Kentisworth Road.

5.0 Description of Site

The site is located to the north of Kentisworth Road. The access to the site would run between number 22 and 23 Kentisworth Road. There is a public right of way that runs along the east of the site. Along the north-western and western boundaries, there are a number of mature trees of significance. The area is currently a field and is bounded to the west by agricultural fields, to the south by the bungalows in Kentisworth Road, and to the east by the dwellings currently under construction.

6.0 Description of Development

The application seeks outline planning permission for 4 detached dwellings on land to the north of Kentisworth Road in Marnhull. Access to the site is to be determined and would be between existing properties in Kentisworth Road and alongside dwellings approved under 2/2018/1436/OUT and 2/2020/0042/REM.

7.0 Relevant Planning History

There is no relevant planning history on the site itself. However, there is relevant history on the land to the east of the site with the development currently being constructed:

Application Ref.	Description	Decision	Decision Date
2/2018/1436/OUT	Develop land by the erection of 9 No. dwellings, form vehicular access. (Outline application to determine access).	Granted	24/05/2020
2/2020/0042/REM	Erect 9 No. dwellings with associated parking and garages. Form vehicular access. (Reserved matters application to determine appearance, landscaping, layout and scale; following grant of Outline Planning Permission No 2/2018/1436).	Granted	27/04/2020

2/2020/1192/NMA	Non material amendment against Planning Permission 2/2020/0042/REM to substitute plans listed on application form to allow amendments to dwelling 5 window head revised, dwelling 6 stone wall finish, dwelling 7 wind head revised, dwelling 8 rear bay window roof unified with porch and dwelling 9 north elevation revised from render to stone.	Granted	17/09/2020
-----------------	--	---------	------------

8.0 List of Constraints

North Dorset Local Plan Part 1 (2011-2031); Adopted; Outside settlement boundaries (countryside); Policy 2, 20; NULL

Adjacent to Settlement Boundary; Marnhull

Type: Neighbourhood Area; Name: Marnhull; Status Designated 17/01/2020;

Right of Way: Footpath N47/9;

9.0 Consultations

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

Consultees

1. W - Stalbridge And Marnhull Ward

No comments received

2. DC - Rights of Way Officer

No comments received

3. DC - Highways

Principle of utilising access acceptable, subject to conditions

4. DC - Dorset Waste Partnership

No comments received

5. P - Marnhull PC

Object:

1. Outside the settlement boundary.

2. The increase in the volume of traffic and the impact on the neighbouring properties.
3. Light pollution.
4. The housing does not meet the needs of the local community.
5. Concerns for access for emergency vehicles on an already congested lane.

6. DC - Land Drainage

No comments received

7. DC - Building Control North Team

No comments received

8. DC - Trees (Team E)

No comments received

9. Open Spaces Society

Object:

Inappropriate development for the area.

ROW adjacent to site should not be subject to any type of closure.

Representations received

Total - Objections	Total - No Objections	Total - Comments
18	0	0

Petitions Objecting	Petitions Supporting
1	0
14 Signatures	0 Signatures

10.0 Relevant 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 2 – Core spatial strategy
- Policy 4 – The natural environment
- Policy 6 – Housing distribution

- Policy 7 – Delivering homes
- Policy 20 – The Countryside
- Policy 25 - Amenity

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 or specific policies in the NPPF indicate development should be restricted.

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 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment' - Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

National Planning Practice Guidance

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. It is not considered that the development would directly impact on those with protected characteristics.

13.0 Planning Assessment

Principle of development and sustainability of the site

The site is located just outside but abutting the settlement boundary of Marnhull. The Council cannot demonstrate a five-year housing land supply; this figure currently stands at 3.3 years for the North Dorset Local Plan area. Therefore paragraph 11 of the NPPF is engaged and it is necessary to apply what is termed the ‘tilted balance’.

The adopted Local Plan aims to divert development pressures away from the countryside and to concentrate new housing growth within the main towns and larger villages. Since the Council does not have a five-year supply of deliverable housing sites, the relevant policies for the supply of housing in the Local Plan are considered to be out of date.

In this case, the development would not result in unacceptable landscape or visual harm, the highway impacts of the scheme are acceptable, and the dwellings could be located far enough away from the existing and extant properties so as not to appear overbearing. The site is considered to be reasonably located to the facilities in the village.

It is important to note that not all sites outside but adjoining a settlement boundary will be an appropriate location for housing. It is important that each case is carefully considered on its merits. Any harm arising must be considered and weighed in the

planning balance. The presumption does not prevent permission being refused in instances where there is conflict with specific policies contained within the Local Plan.

Provision of affordable housing

Policy 8 of the Local Plan relates to the provision of affordable housing. It states that on development of 11 or more dwellings outside of the AONB, 40% affordable housing will be sought in the rural areas. As this development would provide up to 4 additional dwellings there is no policy requirement to provide affordable housing.

Concerns have been raised that the site has been subdivided from that considered to the east under 2/2018/1436/OUT and 2/2018/0084/OUT so as to circumvent the Council's affordable housing policy. Given the intervening time of approximately 3-3.5 years from the original outline and that both that site and this site are in separate ownerships that both differ from that in 2018, it is not considered that it can be demonstrated that a deliberate attempt to avoid an affordable housing contribution was carried out.

Residential amenity

The layout of the development is reserved for later consideration. However, the indicative layout shows how the development could be arranged so as not to give rise to unacceptable impact on the surrounding dwellings.

The proposal is considered to comply with the requirements of policy 25 of the Local Plan and the NPPF. The levels of amenity that are currently enjoyed by properties surrounding the site will not be diminished.

Impacts on highway safety

The highway impacts of the development are considered to be acceptable; the highways officer has no objection to the proposal.

Landscape and visual impact

The development will change the character of the area as the site is currently a field. However, the development will sit at the edge of the built form of Marnhull and to the west of nine dwellings with extant approval.

Attention to the scale of development and landscaping would be important along the western boundary of the site.

There would be immediate views of the development from the footpath that runs to the east of the site. This is not considered to be unacceptable as although the experience of people using the footpath would be altered, this would only be for a short stretch and in the context of being an edge of settlement location.

Other matters

In terms of biodiversity at the site, a biodiversity plan has been submitted and approved by the Natural Environment Team. It will be conditioned to ensure that the measures and recommendations are carried out.

The four dwellings would generate some additional light pollution however the site is not within a designated dark sky area nor within a protected landscape seeking such a designation. Furthermore, the amount generated would be limited and seen against the backdrop of existing light pollution from adjacent development. The development's impact on protected species has been discussed as part of the biodiversity consideration and appropriate recommendations regarding external lighting are within the biodiversity plan to be conditioned. This is therefore considered to be acceptable.

There would be some general disturbance to neighbouring residents during construction however given the temporary nature of such works it would not be reasonable to refuse the application on this ground.

There would be some additional traffic movement associated with the additional four dwellings. Whilst this would generate some additional disturbance to existing properties it is not considered to be of such a scale to warrant refusal of the application.

The site is within flood zone 1 and is therefore sited within a location where there is a lower risk of flooding, complying with the approach for new development as set out within Section 14 of the NPPF. Appropriate drainage of the site would be determined at a later stage in the process.

Issues surrounding loss of privacy and overlooking would need to be considered at the reserved matters stage.

14.0 Conclusion

The Council is unable to demonstrate a five-year housing land supply. The proposal would add four dwellings to the supply of housing and this weighs in favour of the scheme. In applying the tilted balance, the development would not result in unacceptable landscape or visual harm, the highway impacts of the scheme are acceptable, and the dwellings could be located far enough away from the existing and extant properties so as not to appear overbearing. The site is considered to be reasonably located to the facilities in the village and would provide some limited economic benefits, both during the construction phase and once occupied, and social benefits in terms of the provision of four dwellings. Therefore, the recommendation is to grant, subject to conditions.

15.0 Recommendation

Grant, subject to the following conditions:

1. No part of the development hereby approved shall commence until details of all reserved matters (appearance, landscaping, layout, and scale) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

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

Location and Block Plan - drawing no. 19124.01A - dated 14/05/2021

Topographical Survey - drawing no. 19124.03A - dated 14/05/2021

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

5. Notwithstanding the information shown on the plans approved by this application, no development may commence until precise details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority. The development shall be carried out in accordance with the approved details and completed in full prior to the first occupation of the development.

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

6. 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 05 May 2021 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority.

Thereafter approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

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