

Application Number:	P/FUL/2021/02897
Webpage:	Planning application: P/FUL/2021/02897 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Land adjacent 362 Bournemouth Road Charlton Marshall DT11 9NL
Proposal:	Erect 6 No. dwellings, create new vehicular access.
Applicant name:	Mr & Mrs Adcook
Case Officer:	Simon Sharp
Ward Member:	Cllr Kerby

1.0 Reason for referral

- 1.1 The application is being referred to the Committee given the outstanding objections from Parish Council and third parties. Their objections raise matters which are material to the determination of the application and the Chair of this Committee and Ward Member both recommended that the matter be referred to members for their consideration.

2.0 Summary of recommendation:

- 2.1 Grant permission subject to conditions.

3.0 Reason for the recommendation

- 3.1 The application has been considered against the provisions of the development plan in the first instance, the weight afforded to some elements of the development plan, specifically the application of settlement development limits, tempered as a result of other material considerations. These include the provisions of the NPPF and the Housing Delivery Test results. It is within a sustainable location and commensurate to the scale of growth that the settlement can sustain and is expected.
- 3.2 Subject to conditions, there is accordance with other development plan policies such as in relation to landscape and visual impact, design, residential amenity, highway safety, biodiversity flooding and drainage. The benefits of the dwellings are afforded meaningful weight in the overall balance and these benefits are not significantly or demonstrably outweighed by adverse impacts

4.0 Key planning issues

Issue	Conclusion
Principle of development	There is conflict with Local Plan policy 20 insofar as the site is outside of the development plan's boundaries in the countryside. However, it is in a sustainable location and the benefits of providing the homes are not significantly or demonstrably outweighed by adverse impacts.
Residential amenity	The outlook from existing dwellings on May Grove will irrevocably change but, by reason of the sensitive siting and scale of the buildings proposed, the development will not result in a significant loss of residential amenity.
Landscape and visual amenity	The site is bordered by development on two sides and the Trailway on a third. Views of the site from sensitive receptors are very limited and, whilst clearly countryside, the site is not sensitive to change.
Access and Highway Safety	The Highways Authority raise no objection.
Economic benefits	The provision of 6 dwellings is afforded weight in the overall assessment.

5.0 Description of Site

- 5.1 The site adjoins the existing built-up area of Charlton Marshall.
- 5.2 The site is predominantly a paddock characterised by semi-improved grassland. The south-eastern and south-western margins are wilder and of much greater ecological interest.
- 5.3 The land falls towards the northeast, gradually across the site and then there is a much steeper fall between the existing dwelling and the A350.
- 5.4 To the northeast is the existing, large two storey dwelling at 362, Bournemouth Road (owned by the applicant). Beyond this is the A350 linking Blandford to the Poole/Bournemouth/Christchurch conurbation. To the northwest are bungalows on May Grove which feature attic conversions providing first floor accommodation. To the southwest, in a cutting, is the Dorset Trailway (along the track bed of the Somerset & Dorset Joint Railway). To the southeast is countryside.

5.5 A footpath crosses the site diagonally from its northern corner southwards. It appears to connect the rear boundary of dwellings on May Grove to a footbridge over the Trailway and steps down onto this walkway/cycleway. The path is not recorded on the Definitive Map of public rights of way nor is it a public highway and it seems to be the result of an informal agreement between the landowner and local residents.

6.0 Description of Development

- 6.1 The proposal is for the development of six detached dwellinghouses, all with two storeys.
- 6.2 Five of the dwellings are proposed to be accessed off a new private shared drive from the A350. The sixth dwelling would share a private access with the existing dwelling (362, Bournemouth Road).
- 6.3 All of the dwellings would feature front and rear gardens and private on plot parking.
- 6.4 A footpath is proposed to link plot 6 with the Dorset Trailway. It is unclear as to whether this is intended to be for public use (members are referred to the Assessment section of this report for the officer's commentary on this matter).

7.0 Relevant Planning History

- 7.1 Pre-application advice was provided by officers without prejudice in 2020 (ref PRE/2020/0060/PREAPP) for the principle of proposed residential development.

8.0 List of Constraints

- 8.1 The list of mapped constraints is as follows -
- a) "SGN - Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar);
 - b) Wessex Water: High Risk of Foul Sewer Inundation
 - c) EA - Areas Susceptible to Groundwater Flooding; Clearwater; $\geq 50\%$ $<75\%$;
 - d) DERC - Wildlife species: S41 - insect - beetle (Coleoptera) ;
 - e) NE - SSSI impact risk zone;
 - f) NE - SSSI (5km buffer): Bryanston ;
 - g) NE - SSSI (5km buffer): Blandford Camp ;
 - h) Flood Zone 3 (The site is not at increased risk of flooding)
 - i) Flood Zone 2 (The site is not at increased risk of flooding)
 - j) EA - Groundwater Source Protection Zone
 - k) BOURNEMOUTH ROAD, Class: A

9.0 Consultation responses

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

9.2 DC Ward Councillors

Cllr Kerby – Queried whether site notices had been displayed as required. The case officer subsequently clarified that the required publicity had been undertaken.

9.3 Charlton Marshall Parish Council

Unanimous objection

- a) The development would be outside of the settlement boundary.
- b) Development does not satisfy need for additional housing within the village. The Parish Council queries calculations in documents provided by DC in the applicant's submission.
- c) The designs of the houses are out of keeping; they are not sympathetic to The Lodge (front house) or neighbouring properties that are bungalows. The design and materials of the planned houses would make them more visible from the road (large timbers, black timbers and rooms in the roof)
- d) The development would change the look and entrance to the village.
- e) The houses may all impact on the visual amenity from the trailway.
- f) The entry in and out of the site will be inadequate and dangerous (narrowing road, poor visibility and partially 40 limit).
- g) There would be adverse impact on the immediate neighbours in respect of noise, outlook and privacy (being overlooked).
- h) There has been no engagement with the Parish Council and do not appear to have had any interaction or conversations with the neighbouring residents, this being a suggestion from Dorset Council - Pre application letter of July 2020.

9.4 DC – Highways

No objection, subject to conditions securing the following:

- a) Vehicle access construction (first 10.00 metres) to be agreed.
- b) Access gradient to be no greater than 1 in 12 (first 5.00 metres of any access, access crossing and drive).
- c) Existing southern access point onto the A350 must be permanently closed.
- d) Access road construction (private) to be constructed and maintained in accordance with approved plans.
- e) No gates hung so as to form obstruction to the vehicular access serving the site.
- f) Visibility splays implemented.
- g) Construction method statement to be submitted

Also advised a number of informatives including that, before commencement of any works, Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the “guidance notes for residential developments”

9.5 DC Operations Manager (Waste/Recycling)

Concerned about this development as it has no access for a 26t RCV to collect waste; it also looks too far for residents to take their waste to the kerbside.

9.6 Wessex Water

The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather.

Surface water flows, generated by new impermeable areas, must not be connected to the foul water network which will increase the risk of sewer flooding and pollution.

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

9.7 DC Natural Environment Team (NET)

A Biodiversity Plan (BP) was approved on 26th June 2021.

9.8 Other Representations received

Total - Objections	Total - No Objections	Total - Comments
16	0	0

Petitions Objecting	Petitions Supporting
0	0

A precis of the objections: -

- a) Overdevelopment for the settlement - Charlton Marshall already has consent for a further 61 dwellings, there is no need and the site is outside of the settlement limits. The village is slowly becoming as big as a town and is slowly losing the character of a village and the community it used to be.
- b) Strain on infrastructure including National Health and local amenities.
- c) Unsustainable location - The lack of buses and the very small and non-existent pathways for pedestrians in Spetisbury and Charlton Marshall just leads to more risks to pedestrians and no doubt increased car usage as the distance to the nearest shop/surgery is not in walking distance.
- d) Overdevelopment of the site – Prevailing density is 15dph in Meadow Road and May Grove. The site area is 0.4 hectares. (6/0.4=) 15dph, the same as urban location but this is a countryside location.
- e) Residential Amenity (Overlooking) - Huge impact on the privacy and light levels afforded to existing dwellings to the north.
- f) Residential Amenity (Noise) - There would be potentially 22+ extra population in a small confined area leading to an increase in noise levels, number of vehicles and putting strain on existing amenities.

- g) Residential amenity and design – Poor juxtaposition of proposed two storey houses next to existing single storey bungalows.
- h) Visual amenity - Incongruous use of materials out of keeping with the surrounding properties.
- i) Visual amenity and biodiversity – Trees have been removed with none proposed. There will also be lighting in contrast to the rural nature of the site and its surroundings, causing light pollution.
- j) Highway safety (visibility) - The bend and narrowing of the A350 makes access and egress extremely dangerous especially with the change in ground levels from the proposed site. 4 – 4 Bedroom Houses & 2 – 3 Bedroom Houses would attract a least 15-25 extra cars, coupled with the Coach House owners 5 Vehicles, visitors' cars, delivery Vans, Council Lorries etc., etc., all trying to get in & out. Development was refused in the 1960s and traffic is 8x now to what it was then. This is a hazardous point as the traffic is heavy with many HGV`s often have to brake suddenly when attempting to pass another one where the road is on a slight bend.
- k) Highway safety (steep gradient of access) – the access would be extremely steep, narrow, and dangerous with the same problems or worse than the other steep “Southern End Entrance,” particularly in bad weather due to heavy rain, wet leaves, and ice, would become impassable and vehicles would easily lose grip and slide down into the main road.
- l) Wildlife - Regularly see fox, deer, buzzards and other wildlife where these houses are being planned.
- m) Existing sewerage pipe from house (Coachhouse) only 2 metres below ground therefore, slope of drive would not be possible.

10.0 Development Plan policies

10.1 Adopted North Dorset Local Plan Part 1 – 2016

The site is outside of the saved defined development boundaries. 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 23 - Parking
- Policy 24 - Design
- Policy 25 – Amenity

Relevant saved policies from the North Dorset District Wide Local Plan (1st Revision) Adopted 2003, are as follows:

Policy 1.7- Development within Settlement Boundaries

11.0 Other material considerations

11.1 The North Dorset Housing Supply as at 1st April 2021 is 5.17 years.

11.2 The Government's Housing Delivery Test Measurement for North Dorset for 2021 is 69% with the consequence being that the Presumption applies.

11.3 Dorset Council Local Plan

The Options Consultation took place between 18 January and 15 March 2021. The plan is at an early stage of preparation and there are also a substantial number of comments to review following the Options Consultation. Minimal weight of afforded to this Plan as a material consideration.

11.4 National Planning Policy Framework 2021

- a) 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.
- b) 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.
- c) 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.
- d) In Annex 1, paragraph 218 advises that the policies in the NPPF are material considerations which should be taken into account in dealing with applications from the day of its publication. The following paragraph (219) states that development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of NPPF. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

11.5 National Planning Practice Guidance (PPG)

12.0 Human rights

12.1 Human Rights Act 1998: -

- a) Article 6 - Right to a fair trial.
- b) Article 8 - Right to respect for private and family life and home.
- c) The first protocol of Article 1 Protection of property.
- d) 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:-

- 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.

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 Assessment section of this reports details the accessibility of the site to public transport and access to other facilities. It notes some of the limitations posed by the gradients within the site and lack of footway on the site’s side of the A350 but concludes that, on balance, this is a sustainable location for development. The needs of people with protected characteristics have been considered in this assessment as has the ability for them to access services and facilities so they can participate in public life.

14.0 Financial benefits

14.1 There will be Council Tax revenues and New Homes Bonus payments (the latter currently under review) arising from this development.

15.0 Planning Assessment

Principle

15.1 The Parish Council and a number of the third-party representations from neighbours have correctly identified that the site falls completely outside of the development plan's development boundary. The site therefore falls within the countryside hence the citation of policy 20 of the Local Plan in the Development Plan Policies section of this report.

15.2 Policy 20 is clear that housing development should be restricted in countryside locations unless there is an overriding need and/or there is other policy support (the list of such areas of policy support is summarised in table 8.5 of the Local Plan and includes rural exception schemes, occupational dwellings and re-use of heritage assets). The site is located immediately adjacent of the settlement boundary. However, in policy terms the site is within the 'countryside' and development would normally be strictly controlled, unless it is required to enable essential rural needs to be met. Policy 20 Countryside reiterates this and lists two criteria where development would be appropriate outside defined settlement boundaries, a) the type of development set out in local plan policies or b) there is an overriding need for it to be in the countryside

15.3 However, the council's Housing Delivery Test result is at 69%, and so the presumption in favour of sustainable development still applies in North Dorset. Policy 6 of North Dorset Local Plan is the most relevant housing policy. Policy 2 and 20 of the local plan are consistent with the aims of the NPPF. Policy 2 is the Council's Core Spatial Strategy, and follows national planning policy which seek to focus significant development on locations which are or can be made sustainable (NPPF para 105), respond to local circumstances and support housing developments that reflect local needs in rural areas (NPPF para 78) and recognise the intrinsic character and beauty of the countryside (NPPF para 174). In recent appeal decisions the strategy was deemed to be "broadly consistent with the Framework and still of significance", and it is not considered as out of date.

15.4 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. This is clear from judgements such as that of Sir Keith Lindblom's in *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 104; the provisions of the NPPF do not override the development plan's primacy.

15.5 However, there are clear consequences of the Government's 69% Housing Delivery Test Measurement for North Dorset and that the presumption should be applied. The consequences of this, under paragraph 11 of the NPPF, are that the basket of policies most relevant to the determination of the application are considered to be out of date. Paragraph 11 d of 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.

15.6 The spatial strategy in the Local Plan is considered consistent 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. These are therefore important considerations in assessing the level of harm and conflict and are matters to which this assessment now turns.

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

15.8 There are key points to note from this policy and its supporting text. Firstly, it does not provide a ceiling for the number of dwellings that should be accommodated in the 18 larger villages. It also does not place a quantum of development that will be appropriate for each settlement, or indeed, each development; the judgement is on a case by case basis.

15.9 The third and, perhaps most fundamental point, is that the policy explicitly recognises that these settlements provide the level of sustainability to accommodate, along with Stalbridge, at least 825 dwellings. 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.

15.10 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, Charlton Marshall is an appropriate location to meet some of this need.

15.11 Indeed, as will be explained in this succeeding paragraphs of this report, the site is considered to be in a sustainable location and there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits accrued from the delivery of the proposed dwellings.

15.12 The fact that permission was refused for housing development on the site in the 1960s (as referenced in third party submissions) carries no weight in this assessment given the substantial changes in policy context and material considerations since that time.

Locational sustainability

15.13 Charlton Marshall is identified as a sustainable location in the settlement hierarchy. There is a village hall, public house and church.

15.14 The Local Plan specifically provides for growth in the larger villages to sustain and provide potential to enhance their vitality; in other words, the growth is required in part to provide a local population to keep the limited services going for the benefit of existing as well as future residents.

15.15 Unlike the existing developments to the north, the site is not directly connected to existing lit, paved footways. There is such a footway on the east side of the A350 but that on the west side falls short of the site's access by 100m or so. There is also no signal controlled crossing or central refuge for crossing the A350. The accessibility of the village centre and the bus stops served by the hourly X8 (Blandford to Poole) bus service is therefore not ideal for pedestrians from the proposed development (also recognising that one would need to cross the A350 twice to access the northbound bus stop). This is a very finely balanced judgement.

15.16 However, given that, once one has crossed the A350, the access route is conducive to walking (acceptable walking distance along lit, paved, relatively level, segregated footways to the village centre and the Poole-bound bus stop), it is considered that the site's location is sustainable.

15.17 The case officer notes the footpath annotation on the submitted layout plan. At first sight this appears to provide a link to the Trailway but, upon closer inspection, it terminates at plot 6's private drive. It is clearly, therefore, not designed as an access route for pedestrians (other than residents at plot 6 or, possibly 362, Bournemouth Road) to the Trailway. No weight has been afforded to the existence of this path in terms of the sustainability of the location of the site.

Level and mix of dwellings proposed

15.18 The 2011 Census recorded that there were 492 households in Charlton Marshall accommodating a population of 1,193 (2.4 persons per household). This is the latest robust data, the 2021 Census results having not been released at the time of writing. The 6 dwellings proposed would represent a 1% growth. This is considered to be a commensurate level of growth and within the 14% expected over the Plan period even when taking into account all other developments that have been implemented in the Plan period in the settlement or have extant permissions.

15.19 With regards to the mix, policy 7 of the Local Plan advises that, on sites of less than 10 dwellings, it should include a range of house sizes appropriate to each specific site. This full application proposes a single 4-bed detached houses with the remaining plots accommodating 3-bed detached houses. There are no affordable homes, but that is policy compliant for this sub-10 unit scheme. There are also no smaller 1 or 2-bed homes or bungalows. However, there is still a mix of 3 distinct dwelling types and sizes and the locality has a range of types, including bungalows. In this context, the mix is considered to be policy compliant.

Landscape, visual amenity and design

15.20 The Parish Council and a number of the third-party representations raise concerns about the intrusion into the countryside and suggest that the designs of the dwellings are out of character with the area. Policy 24 of the Local Plan is relevant here.

15.21 The site and its surroundings do not carry any landscape or heritage designations; the site is not within an AONB, nor is it within or close to a conservation area or within the setting of other designated heritage assets. The site is also immediately adjacent to C20th suburban housing to the north and east. It is used as a paddock and is not considered to be a landscape particularly sensitive to change. There are also no receptors on definitive public rights of way that afford views into or across the site (The Dorset Trailway is not a public right of way on the Definitive Map).

15.22 The site is screened from view from the A350 due to the boundary planting along this road and the fact that the main body of the application site is elevated and separated from this road by the existing dwelling and its outbuildings. The access to the dwellings will, of course, be visible along the A350, but it will be only one of a number of existing such accesses along this stretch which already define its prevailing character, especially on the western side.

15.23 The Dorset Trailway, along the old Somerset & Dorset Joint Railway, abuts the site to the west. The case officer observed that this is a very popular route for walkers throughout the day. This includes both local residents and those who have come from further afield, attracted by the longer distance, safe, traffic-free route it provides as well as the railway heritage. Having walked along the Trailway alongside the site and 500m or so to the south and north, it was observed that the Trailway does not actually offer views into and across the site i.e. the site is not part of the experience from the Trailway. This is because the Trailway is set within a cutting many metres below the site level. Given that the site profiles are not to be materially altered as a result of this development, the relationship will not change.

15.24 The preservation of the rural experience from the Trailway as one passes the site will also be secured by the inclusion of the proposed 2.5m wide reptilian sanctuary area along the length of the common boundary.

15.25 It is acknowledged that the existence of 6 additional dwellings in relatively close proximity to the Trailway may change the sensory experience in other ways, for example walkers may hear more lawn mowing, pressure hoses, people conversing in gardens etc. but the level of change is not considered to materially alter the experience especially given the location of the Trailway in the cutting.

- 15.26 It was noted that a pathway dissects the site in a diagonal alignment. It connects the northern boundary, adjacent to the existing dwellings, to the old footbridge over the Trailway (built when it was still a railway). The pathway affords private access for existing residents bordering the site to the Trailway via a series of steps alongside the footbridge. This is purely an informal arrangement with no rights and its loss is not a material planning consideration.
- 15.27 The forms of the proposed dwellings are largely traditional; they are simple gabled shapes the silhouettes of which are not out of keeping with the prevailing designs in the area. The use of the external black timber cladding across much of the elevations is a departure from the palette of materials observed in the area, the latter including brick work of various hues, flints, render of various shades and textures, hanging tiles and reconstituted stone.
- 15.28 However, this prevailing eclectic mix provides a context that permits the use of another material without it appearing incongruous or out of keeping. Charlton Marshall is a village of predominantly suburban designs and character. The dwellings proposed will assimilate with this character especially as the black timber and brick combination proposed will not, in principle, appear overly prominent. Nevertheless, it is considered necessary for the exact finish and appearance of these external facing materials to be agreed; a gloss black finish would not be appropriate for the timber and the annotation on the plans in relation to the brickwork currently lacks precision.
- 15.29 Representations have been received raising concerns about two storey dwellings being proposed next to bungalows. May Grove and Meadow Road were clearly built as bungalows, albeit many have been the subject of loft conversions including dormer windows and, in some cases, roof lifts. However, that does not preclude two storey dwellings being developed within the application site.
- 15.30 The layout provides a visual separation between the site and May Grove. It will also be accessed completely separately from the existing dwellings and, so, is not read together or will visually be seen as an incongruous juxtaposition. Furthermore, for 3 of the 6 dwellings, all the first floor accommodation is within the roofspace, not dissimilar at all to the dwellings on May Grove. Of the other 3 dwellings, all of them have at least some of the first floor accommodated within the roofspace; an appropriate response to reduce the mass.
- 15.31 In summary, there will be low landscape harm and visual impact and the design and layout of the dwellings is considered acceptable and development plan policy compliant.

Residential amenity

- 15.32 A number of representations have been received from residents of May Grove bordering the application site. These include concerns about overlooking and overshadowing. Policy 25 of the Local Plan is relevant here.

- 15.33 The layout plan shows that there will be 3 dwellings within the northern half of the application site nearest the May Grove boundary. The nearest proposed dwelling is plot 3. This is one of the one-and-a-half storey dwelling types with the first floor accommodation within the roof space. This results in a ridge height of the gabled roof of 7.6m with an eaves height of 2.6m, which substantially reduces the mass from that compared with a full two storey dwelling.
- 15.34 The separation distance between the building and the closest existing dwelling, 19, May Grove, is 16.5m. The latter sits on slightly lower ground (1.4m lower) but, with the modest scale of plot 3's dwelling and the separation distance proposed, it is considered that there won't be any significant loss of residential amenity to the occupiers of 19, May Grove in terms of overshadowing and overlooking, despite plot 3 having first floor windows serving habitable rooms facing this existing dwelling and being to the southwest of May Grove.
- 15.35 Plot 3's double garage is much nearer to the common boundary with No. 19, May Grove but it is very modest in scale, is of incidental use and has no windows looking towards this existing dwelling.
- 15.36 No other proposed dwellings will be nearer to No. 19, May Grove and so the residential amenity of its occupiers is considered to not be significantly affected. No. 21 May Grove is further away still to the northwest.
- 15.37 Turning to the impact on Nos. 17 and 15, May Grove, the nearest proposed dwelling to these homes is that at Plot 1. The dwelling type proposed includes two and one-and-a-half storey elements, but the overall ridge height is restricted to 7.6m above ground level. The dwelling is a minimum of 18m away from the existing dwellings. It is also of a design that includes a roof slope at the rear that continues down to ground floor level. This reduces the massing of the dwelling significantly and there are no windows serving habitable rooms that afford a view down towards Nos. 15 and 17 May Grove from first floor level at the rear. Given this arrangement, it is considered that there will be no significant impact on the residential amenity currently enjoyed by the occupiers of Nos. 15 and 17, May Grove.
- 15.38 However, it is considered necessary to restrict permitted development rights for plots 1 to 3 nearest the May Grove boundary, specifically for roof extensions and alterations as well as rear extensions that could result in increased overlooking and overshadowing to unacceptable levels. This can be secured by condition.
- 15.39 It is inevitable that the residents of Nos. 15, 17, 19 and 21 May Grove will experience a degree of change. They currently enjoy an open outlook across the land in a relatively tranquil setting (except for the noise of traffic from the A350 and the voices from the Trailway). The private outlook from these gardens will be irrevocably changed as a result of the development. The loss of such a private view is not a planning matter.
- 15.40 The boundaries are currently relatively open, so that residents can enjoy the abovementioned outlook. The proposed layout will see private rear gardens abutting each other and, in the interests of residential amenity, it is both reasonable and necessary to provide a screen fence, wall of hedge along such boundaries. The

submitted layout plan does not include such detail so a condition is considered necessary to require such details to be agreed and implemented prior to the occupation of the new dwellings. As will be detailed in the Biodiversity section of this report, any such enclosures will need to include ground level holes to permit access by small species such as hedgehogs that currently have unrestricted access across the site.

15.41 Finally, it is fully acknowledged that the construction phase of the development could take many months to complete and, given the close proximity of four existing dwellings, there is a need to ensure those residents are protected from noise, dust and other forms of pollution. A Construction Environmental Management Plan is considered necessary. This can be secured by condition. Such a condition is also required for biodiversity reasons.

Highway safety

15.42 A number of third-party representations have raised the issue of highway safety. The concerns include the perceived dangers of exiting the site onto the A350 at a point where visibility is compromised and where the road is considered to be too narrow for HGVs to comfortably pass each other.

15.43 The case officer noted on site that the A350 does carry significant volumes of traffic when compared to other highways in the Council area. It is subject to a 30mph mandatory speed limit at the proposed point of access for 5 of the 6 dwellings proposed. The 6th dwelling and the existing house are proposed to be accessed from a separate, existing driveway further south which exits onto a 40mph stretch of the A350 (the speed limit changes along the site frontage).

15.44 The Council's Highway Manager has advised that the proposed arrangements are acceptable subject to conditions and there is no evidence before the case officer to recommend contrary to that specialist, professional advice.

15.45 The third-party representations have also expressed concerns about the gradient of the proposed shared access for 5 of the 6 dwellings. The case officer has calculated that this gradient is a maximum of 1 in 7 in places, which is steeper than the 1 in 12 for adopted highways. However, the access is to remain private and the Council's Highways Manager has advised that, subject to conditions (including the attainment of the required 1 in 12 for the first section of the access), the development is acceptable. This is achievable without materially altering the development and implementation can be secured by a condition.

15.46 The Operations Manager for the Council's bin collections has raised concerns in relation to the proposed layout which is not appropriate for the Council's refuse and recycling collection vehicles. However, it is understood that private contractors' vehicles can access the site acceptably and, as has occurred elsewhere in the Council's area, there is nothing to prevent future residents of the proposed development using the services of such contractors.

15.47 In this context, it would not be reasonable or relevant to planning to require residents to use the Council's service. There is also a solution that is possible and

the Council's Highway Manager raises no objection. A condition can secure an appropriate waste collection strategy (it is foreseen that such a condition could be partially discharged upon the receipt of an appropriate, private collection contract).

Flood risk and drainage

15.48 The site is in flood zone 1, the land at least probability of fluvial flooding. The constraints plan on the planning record shows part of the site being within flood zone 2, but this in fact the A350 not the site itself. The site is not identified as experiencing surface water flooding problems. The development therefore passes the sequential test.

15.49 The application form indicates that soakaways will be employed to drain surface water. This is acceptable in principle for the main body of the site but, given the existing and proposed gradients as the site access falls to the A350, it is questionable whether soakaways will work there; runoff onto the road needs to be avoided especially as there is a moderate probability of it flooding already. One would expect some form of catch drain and attenuation on site, but it is considered that such a provision can be secured by condition. There is scope within the layout for it to be provided, if required.

Biodiversity and ecology

15.50 Some of the third party representations advise that they have witnessed various species on or above the site including foxes, deer and buzzards. Policy 4 of the Local Plan is relevant.

15.51 The application was accompanied by a Biodiversity Survey and Report and, crucially, a Biodiversity Plan approved in 2021 by the Council's Natural Environment Team (NET). The Plan includes an extensive range of measures necessary during both the construction and operational (post first occupancy) phases of the development. These include controls on working hours during the construction phase as well as lighting and landscaping.

15.52 The necessary measures identified in the Plan relating to mitigation and biodiversity gain, can be secured by condition. This includes the provision of the reptilian sanctuary area, the provision and retention of which can be monitored by officers from the Dorset Trailway (to prevent garden grabbing by future residents). The standard approach in relation to biodiversity matters would be to rely on just the abovementioned condition. Given the lack of detail in the layout plan in relation to landscaping and the fact that certain natural landscape features are necessary for biodiversity mitigation, a further condition is also considered necessary requiring the approval and implementation of a detailed landscaping plan.

15.53 Furthermore, it is also necessary to secure an external lighting condition, given that the acceptability of the scheme, in biodiversity terms, is so predicated on certain lighting being used to preserve the habitat for bats.

- 15.54 A Construction Environmental Management Plan is also considered necessary as detailed in the Biodiversity Plan. The construction phase of the development will inevitably bring, if unregulated, threats to the species that use the site.
- 15.55 The Biodiversity Plan has identified the need for access points for species such as hedgehogs to traverse from plot to plot across the site. The Plan rightly identifies the shortcomings of modern developments with fences tightly sealing garden areas. The condition identified in the Residential Amenity section of this report can cover the inclusion of these access holes.
- 15.56 It is also necessary to restrict permitted development rights for minor operations (means of enclosure). If these rights were not restricted, then future residents could not only replace the biodiversity friendly fences and walls but they could also replace or supplement natural boundary landscaping. In this regard, it is accepted that it is entirely reasonable for future residents to enclose their private gardens for privacy and safety. However, a balance between such considerations and biodiversity is clearly possible and one should not be at the expense of the other.

16.0 Balance and conclusions

- 16.1 There is conflict with the development plan, by reason of the effect of the proposal on the Council's spatial strategy and location of the proposed development outside of a settlement boundary. The presumption must be applied in this instance because the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 16.2 It is accepted that the tilted balance should be applied in the decision-making process on this application, given that the policies referred to in footnote 7 of the NPPF are not engaged. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 8, policies which are most important for determining the application are considered out-of-date, and subsequently planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, Policy 6 of North Dorset Local Plan, which seeks to deliver housing, is tempered. The application needs to be considered 'in the round' weighing all material issues in the planning balance.
- 16.3 Weighing in favour of the proposal is the sites sustainable location. The growth proposed would be commensurate to the scale of growth that the settlement can sustain. Subject to conditions, there is accordance with other development plan policies such as in relation to landscape and visual impact, design, residential amenity, highway safety, biodiversity flooding and drainage. The benefit of the provision of the dwellings is afforded significant weight in the overall balance, and these benefits are not significantly or demonstrably outweighed by adverse impacts.

17.0 Recommendation

Grant permission 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:

20057 P010 Rev G Location and Site Plan

20057 P011 Prepared access and shared surface driveway

20057 P020 House Type 1

20057 P021 House Type 2

20057 P022 House Type 3

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

3. Prior to the commencement of development details of a surface water drainage scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to the completion of the development and retained thereafter for the lifetime of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution and specially to ensure no increase in runoff onto the A350's carriageway in the interests of highway safety.

4. 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 No. 1** below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority. The said access shall be retained thereafter for the lifetime of the development.

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.

5. 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. The gradient for this first 5.00 metres shall not exceed 1 in 12 for the lifetime of the development.

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

6. Before the development is occupied or utilised the existing southern access point onto the A350 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.

7. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number **P010 Rev G** 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.

8. 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.

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

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

10. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:
 - a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials used in constructing the development
 - d) delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

11. 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 11th August 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.

12. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include the following:-

- a) A new native species-rich hedgerow to be planted along the southwest boundary of the site within the reptile receptor area. The hedgerow will comprise a mixture five different native species from the following list: blackthorn (*Prunus spinosa*), hawthorn (*Crataegus monogyna*), spindle (*Euonymus europaea*), field maple (*Acer campestre*), dogwood (*Cornus sanguinea*), elm (*Ulmus procera*), crab apple (*Malus sylvestris*), oak (*Quercus robur*) and hazel *Corylus avellana*).
- b) An area to include semi-improved tussocky grassland and the hedge cited in a. above, measuring not less than 320m² in area along the southwest boundary and southeast boundaries of the site.

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 be accompanied by a Landscape Ecology Management Plan (LEMP) to include provision for the maintenance and replacement as necessary of the trees and shrubs and landscape features for a period of not less than 20 years following commencement of the development. The approved Landscaping shall be managed and maintained in complete accordance with this LEMP for the abovementioned 20 year period.

Reason: In the interest of visual amenity and biodiversity as identified as necessary in the approved Biodiversity Plan.

13. No external lighting shall be installed until details of a lighting strategy and plan for such lighting has been submitted to and agreed in writing by the Local Planning Authority. The strategy and plan shall include the following:-

- a. No external site lighting on the rear western elevations of Plots 3, 4 and 5 and on the southern elevation of Plot 5 and Plot 6;
- b. The luminaire angle of any bollard lighting must not exceed 90°;
- c. Warmer colour temperatures with peak wavelengths greater than 550nm (~3000°K)

Thereafter, for the lifetime of the development, all external lighting shall be in accordance with the lighting scheme which shall have been installed operated and maintained in accordance with the agreed details.

Reason: In the interests of biodiversity as identified as being necessary in the Biodiversity Plan and in the interests of amenity of neighbouring residents.

14. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include details of:

- a) measures to control noise or vibration affecting biodiversity and nearby residents;
- b) artificial illumination;
- c) dust control measures;
- d) pollution incident control and site contact details in case of complaints.

The construction phase of the development hereby approved shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Identified as necessary in the Biodiversity Plan and to protect neighbouring residents from noise, vibration and dust.

15. Prior to the first occupation of any of the dwellings hereby approved, details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall accord with the soft landscaping scheme required by condition 12 and the Biodiversity Plan, the implementation of which is required by condition 11. The boundary treatments shall include at least one hedgehog access point to each boundary. The said boundary treatments shall have been completed prior to the first occupation of the dwelling they serve and retained thereafter with the hedgehog access points for the lifetime of the development.

Reason: In the interests of the visual amenity of the area given the edge of settlement location, the residential amenity of adjoining existing residents, the residential amenity of future residents of the development and in the interests of biodiversity.

16. Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) 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.

17. 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 enlargement(s) or alteration(s) of the dwellinghouse hereby approved for plots 1, 2 and 3, permitted by Classes A, B and C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect the residential amenity of existing residents on May Grove.

18. 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 gate, fence, wall or means of enclosure permitted by Classes A of Schedule 2 Part 2 of the 2015 Order, shall be erected or constructed.

Reason: In the interests of biodiversity as identified as necessary in the Biodiversity Plan.

19. No dwelling shall be occupied until a scheme to include details of refuse/recycling storage facilities for each plot and the collection details for all of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented for the lifetime of the occupational phase of the development.

Reason: A bespoke scheme is required due to the approved layout's incompatibility with the Council's refuse and recycling service and in the interests of residential amenity to minimise odours and visual amenity to minimise unsightly storage of waste and recycling.