

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

### **1.0 Reason application is going to committee**

1.1 At the request of the members.

### **2.0 Summary of recommendation**

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

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

Or,

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

### **3.0 Reason for the recommendation**

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

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

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

#### 4.0 Key planning issues

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

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

## **5.0 Description of Site**

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

## **6.0 Description of Development**

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

## **7.0 Relevant Planning History**

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

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

## **8.0 List of Constraints**

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

## **9.0 Consultations**

### **9.1 Marhull Parish Council**

Object to the principle of the proposed development

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

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

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

## 9.2 DC Highways

No objection subject to conditions.

## 9.3 DC Trees

Comments: -

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

#### 9.4 DC Rights of Way

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

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

#### 9.5 DC Waste and Recycling Collection

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

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

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

**9.6 DC Building Control**

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

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

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

**9.8 Other Representations received**

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

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

**Principle/Lack of need**

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

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

### **Highway safety**

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



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

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

### **Flooding**

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

### **Biodiversity and trees**

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

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

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

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

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

### **Loss of residential amenity**

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

### **Other matters**

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

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

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

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

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

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

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

## **10.0 Development Plan policies**

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

The site is outside of the saved settlement limits.

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

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

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

## **11.0 Other material considerations**

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

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

### **11.2 Marnhull Neighbourhood Plan**

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

### **11.3 Appeal decisions**

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

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

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

Noting the following sections :-

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

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

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

#### **12.0 Human rights**

12.1 Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

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

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

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

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

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

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

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

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

## 14.0 Financial benefits

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

## 15.0 Climate Implications

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

## 16.0 Planning Assessment

### Principle

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



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

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

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

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

### **Flood risk**

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

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

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

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

### **Benefits**

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

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

### **Sustainability of location**

16.16 The sustainability of development is still informed by the Council's spatial strategy as set out in Local Plan Policy 2. It is considered consistent with the NPPF insofar as it seeks to direct development to sustainable locations to minimise the need to travel, create sustainable communities rather than commuter towns/villages and address the causes and effects of climate change.

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

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

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

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

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

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

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

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

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

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

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

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

### **Highway safety**

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

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

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

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

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

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

16.27 The exact construction specification of the access will need to be agreed and the visibility splays and access layout secured for the lifetime of the development, but these matters can be secured by conditions as advised by the Highways Officer.

16.28 Musbury Lane is clearly compromised by its width and, in places, restricted visibility. The number of vehicular trips will also significantly increase in relative terms. However, the absolute total number of trips associated with existing trips and those generated as a result of the development will still be acceptably accommodated by this highway with no determinative highway safety implications.

16.29 The speed of motorists is a police enforcement matter and not a material planning consideration.

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

16.30 There has already been a significant change in the character of the site to how it appeared 2 years ago. Then it was characterised by mature landscaping within a large domestic garden setting. A significant proportion of the landscaping was cleared during 2021 but this clearance did not constitute development. Neither was the tree clearance within the controls of the Council as local planning authority; the trees were, at the time of clearance, not protected (they were not the subject of tree preservation orders nor within a conservation area). As a result of reports of the clearances a tree preservation order was made (and subsequently confirmed) to afford protection to the remaining trees.

16.31 Despite the clearances, the site is still very rural and sylvan in character and appearance. It is devoid of development and a number of trees remain, important individually and collectively. The existence of the public right of way traversing the site and Musbury Lane abutting both the southern and eastern boundaries means that all of the site and these trees are visible from public receptors.

16.32 In this context, the development of 7 dwellings and the associated access driveways, parking, boundary treatments etc. can only result in change to this character and appearance. There will, undoubtedly, be landscape harm and an adverse visual impact as result of this development.

16.33 The development of 7 dwellings would result in a net density of circa 22 dwellings to the hectare (dph). The indicative plan shows an average plot ratio (building footprint area to plot area) of 1:5. It is acknowledged that the 3 existing dwellings to the north of the site were developed at a much lower density and plot ratios than this, but members are referred to the location plan and will notice the density of existing development to the south and southwest of the site on Musbury Lane. This mix of older cottages and infill late C20th development (and one very recently constructed dwelling), are at densities and plot ratios that the proposed development references.

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

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

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

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

### **Biodiversity and tree protection**

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

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

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

### **Residential amenity**

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

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

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



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

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

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

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

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

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

### **Other matters**

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

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

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

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

## **17.0 Balance and conclusions**

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

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

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

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

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

## **18.0 Recommendation**

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

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

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

Or,

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

**Conditions:**

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

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

2. An application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

4. This permission is for up to 7 dwellings.

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

9. Before any of the dwellings hereby approved are first occupied the first 10.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

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

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

## **Informatives**

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

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