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

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

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

2.0 Summary of recommendation

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

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

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

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

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

3.0 Reason for the recommendation

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

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

4.0 Key planning issues

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

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

5.0 Description of Site

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

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

6.0 Description of Development

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

7.0 Relevant Planning History

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

8.0 List of Constraints

Tree Preservation Order

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

9.0 Consultations

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

Consultees

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

No comments received.

Marnhull Parish Council

Objections:

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

Highway Authority

Recommend refusal:

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

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

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

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

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

with protected characteristics.

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

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

Flood Risk Management Team

Holding objection:

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

Senior Conservation Officer

No response received.

Senior Landscape Officer

Unable to support:

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

area between Sodom lane and Salisbury street.

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

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

Senior Urban Design Officer

Unable to support:

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

Tree Officer

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

County Archaeologist

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

Planning Policy

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

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

Housing Enabling Team

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

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

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

The affordable homes should be secured through a S106 agreement.

Natural Environment Team (NET)

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

Environmental Health

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

Senior Ranger

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

Lead Project Officer (CIL and Planning Agreements)

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

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

Building Control

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

Dorset Waste Team

No response received at time of determination.

Minerals and Waste Team

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

Wessex Water

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

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

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

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

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

Dorset Wildlife Trust

No response received.

Ramblers Association

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

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

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

Dorset & Wiltshire Fire and Rescue

Recommendations under Building Regulations.

Bournemouth Water

Outside of catchment – no comment.

Dorset Police

No response received at time of determination.

Economic Development and Tourism

No response received at time of determination.

Education

No response received at time of determination.

Libraries

No response received at time of determination.

Outdoor Recreation

No response received at time of determination.

Public Health Dorset

No response received at time of determination.

Assets and Property

No response received at time of determination.

NHS Dorset

No response received at time of determination.

Public Transport

No response received at time of determination.

Representations received

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

The material planning considerations raised in these are summarised below:

Objections

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

Support

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

10.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (2016)

Policy 1 – Presumption in favour of sustainable development
Policy 2 – Core Spatial Strategy
Policy 3 – Climate Change
Policy 4 – The Natural Environment
Policy 5 - The Historic Environment
Policy 6 - Housing Distribution
Policy 7 - Delivering Homes
Policy 8 - Affordable Housing
Policy 13 – Grey Infrastructure
Policy 14 - Social Infrastructure
Policy 15 – Green Infrastructure
Policy 20 - The Countryside
Policy 23 - Parking
Policy 24 - Design
Policy 25 – Amenity

Material Considerations

National Planning Policy Framework (2021)

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

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

- 12.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-
- Removing or minimising disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
 - Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.
- 12.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.
- 12.3 The application site is not located in line with the spatial strategy of the Local Plan. Whilst Marnhull does benefit from some services and facilities to meet day to day needs, it does not have a full repertoire of these. Moreover, access from the site to those that do exist within the village would be inappropriate owing to the lack of footway connection, leaving pedestrians with a hazardous route via the carriageway or narrow grassy verges which would not have regard to occupants with certain protected characteristics i.e. people with disabilities or mobility impairments or pushing buggies are met. There will be a connection with an existing footpath passing through the field to the west of the site, which is subject to an allowed appeal for 72 dwellings and would be enhanced if implemented, however the connection point is on a sharp bend in a narrow country lane and not considered safe for all users, especially the aforementioned groups.
- 12.4 Officers have considered the requirement of the duty, and it is considered that the proposal would likely give rise to specific impacts on persons with protected characteristics.

13.0 Financial benefits

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

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

14.0 Climate implications

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

15.0 Planning Assessment

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

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

Principle of development

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

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

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

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

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

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

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

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

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

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

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

Affordable housing and infrastructure contributions

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

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

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

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

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

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

| | |
|--------------------|-----------------------|
| Affordable Housing | 40% On Site Provision |
|--------------------|-----------------------|

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

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

Heritage impact

Marnhull Conservation Area

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

Setting of listed building – Laburnum Cottage (grade II)

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

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

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

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

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

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

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

Setting of listed building – Nash Court (grade II)

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

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

Setting of listed building – Shaston View (grade II)

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

Heritage conclusion

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

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

Amount of development and consequential visual and landscape impacts

15.49 Policy 4 of the Local Plan states that the landscape character of the District will be protected through retention of the features that characterise the area. Where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme.

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

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

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

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

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

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

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

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

Flood risks and drainage

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

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

Impact on agricultural land

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

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

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

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

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

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

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

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

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

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

Residential amenity

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

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

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

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

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

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

Habitats and biodiversity

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

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

- 15.98 Notwithstanding the above flaws with the biodiversity information that has been submitted with the outline application, it is considered that a finalised BP, containing a clear indication of measurable biodiversity net gain, could be secured by planning condition, should the application be approved.
- 15.99 Thus, subject to conditions to secure a BP, the proposed development would comply with Policy 4 of the Local Plan and paragraph 174 of the NPPF.

Impact on protected trees

- 15.100 As commented by the Council's Tree Officer, there are two trees (Ash and Field Maple) within the south west part of the site subject to a Tree Preservation Order (TPO) on the site (Ref: TPO/2023/0014). The indicative plans submitted indicate these would be retained and form part of the soft landscape for the development. The Tree Survey submitted also indicates these two trees would be retained and also an indication of how they would be protected should the indicative scheme be implemented.
- 15.101 As such, the impact on protected trees i.e. their retention and protection for the lifetime of the development would be acceptable and in accordance with Policies 3, 4 and 15 of the Local Plan.

Highway and transport impacts

- 15.102 The development site would utilise a single vehicular access point off of Salisbury Street onto a relatively straight stretch of the road, some 80 north east of the junction with Tanzey Lane. Plans have been provided to indicate that adequate tracking and visibility splays can be achieved at the access point.
- 15.103 The Highway Authority has been consulted on the application and comment that the baseline traffic data used is the same as that gathered in 2018, but does provide an updated turning count for the junction of Crown Road/Schoolhouse Lane/New Street/Church Hill. In terms of the traffic impact of the proposal, it is considered that, in terms of vehicular movement, this would be acceptable.
- 15.104 The submission is for the effectively the same site and level of development as applied for in the previously withdrawn application (2/2018/0449/OUT refers. The Highway Authority had recommended that that application be refused on the basis on pedestrian connectivity to the settlement's facilities from the site. This issue has not been overcome through the current application.
- 15.105 As mentioned previously, the application suggests that the adjoining appeal site would provide pedestrian routes through the site, connecting to

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

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

Planning balance

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

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

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

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

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

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

16.0 Conclusion

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

17.0 Recommendation

Refuse permission for the following reasons:

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