

Application Number:	P/OUT/2022/07629		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land At E 377305 N 119775 Strangways Farm Musbury Lane Marnhull		
Proposal:	Outline planning application with all matters reserved except for access for a development of up to nine dwellings and associated infrastructure.		
Applicant name:	Mr. Paul Crocker		
Case Officer:	Simon Sharp		
Ward Member(s):	Cllr Carr-Jones		
Publicity expiry date:	10 March 2023	Officer site visit date:	Various
Decision due date:	7 February 2023	Ext(s) of time:	

1.0 Introduction

- 1.1 This application is now the subject of an appeal against non-determination, 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.
- 1.2 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).
- 1.3 On the 24th May and shortly before the appeal being submitted, the applicant's agent consented to a change in the description of the proposed development. This followed the submission of amended and additional documents on 16th May. However, it has been clarified by the appellant's agent that the appeal is against the Council's failure to determine the application in the statutory timescales for the description of development as detailed on the application form. This report is therefore based on this original description.
- 1.4 Specific additional documents have been considered in relation to the access element of the proposal and the drainage strategy but these have been assessed in the context of the original description of the development and indicative layout plan (that shows 9 dwellings).

2.0 Summary of recommendation

2.1 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 grant planning permission subject to conditions.

3.0 Reason for the recommendation

3.1 The application demonstrates through the indicative layout that up to 9 dwellings can be accommodated within the site with acceptable access, landscaping and drainage arrangements whilst also responding acceptably to the existence of a public right of way (Public Footpath N47/98) that dissects the site and the setting of the grade II listed Pond Farmhouse (the less than substantial harm to the significance of this designated heritage asset being outweighed by the public benefits afforded by the application's contribution to North Dorset's housing supply).

3.2 The proposed development conflicts with some policies of the development plan. However, these policies which are the most important to the determination of the application, are considered to be out of date because the latest Housing Land Supply position statement (published April 2023) sets out that the supply has fallen to 4.87 years. The latest Housing Delivery Test for North Dorset, published January 2022, is also 69%. Applying paragraph 11 of the NPPF (which is a material consideration of determinative weight in this instance), the weight afforded to the development plan policies identified as most important to the determination of the application is therefore tempered. This includes the saved settlement limits.

3.3 In the absence of any Footnote 7 (of the NPPF) reasons for refusal, officers consider that the "tilted balance" detailed in paragraph 11 d) ii) of the NPPF should be engaged.

3.4 The benefits afforded by the proposal during both the construction phase (temporary construction jobs) and the operational phase (homes supplied to meet North Dorset's housing need) are modest but, nonetheless, are not significantly and demonstrably outweighed by the adverse impacts.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable.
Scale, design, impact on character and appearance	Layout, scale, appearance and landscaping are reserved for subsequent approval. However, the indicative plans demonstrate that up to 9 dwellings can be accommodated on the site with the necessary accessways, parking and

	manoeuvring areas, drainage and new soft landscaping.
Public Right of Way	There will clearly be an impact on the experience of using Public Footpath N47/98, albeit the amount of the path's route to be affected is relatively short as a percentage of the overall length. The experience from the footpath is already characterised by late C20th suburban dwellings as well as the countryside and traditional cottages with vernacular architecture.
Heritage	Although layout, scale and landscaping are reserved for subsequent approval, the development of the site per se will result in a degree of harm to the significance of the grade II listed Pond Farmhouse. The significance of this designated heritage asset is derived, in part, from its setting which includes the application site; there is a legible linkage between a dwelling originally built as a farmhouse and undeveloped agricultural land. The harm is considered to be less than substantial and outweighed by the public benefits derived from the supply of housing land for up to 9 dwellings to contribute to North Dorset's housing land supply.
Impact on amenity	The indicative layout plan demonstrate that 9 dwellings can be accommodated within the site with separation distances to prevent significant losses of residential amenity.
Economic benefits	There will be benefits derived from the construction phase as well as the supply of homes.
Access and parking	No determinative highway safety issues.
EIA (if relevant)	The proposal is neither Schedule 1 nor Schedule 2 development; it is not EIA development.
Habitat Regulations	The site is within the River Stour catchment with no current issues in terms of nutrient

	levels. The site is not within the impact risk zones for this scale of development.
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5.0 Description of Site

- 5.1 The site is in the northern part of Marnhull, lying in the Blackmore Vale. Musbury Lane is characterised by an eclectic mix of single and two storey dwellings. The character is distinctly that of a fringe of a rural village, with countryside penetrating to the road's edge, such countryside includes the application site. Musbury Lane is a single lane, adopted highway, devoid of streetlighting and footways.
- 5.2 The site extends to approximately 0.47ha but is part of a larger field in agricultural use, the eastern boundary unmarked. The site is roughly rectangular in shape and elevated approximately 1-1.5m above road level with a fall towards the north-western corner.
- 5.3 A hedge of native field species lines the western boundary to Musbury Lane, beyond which are existing dwellings of traditional appearance, faced in local stone, one of which is thatched. Notably, these dwellings are at the same level as Musbury Lane i.e. 1-1.5m below the site's level. To the north of the site is a late C20th bungalow. To the south is Pond Farmhouse, grade II listed, the listing describing it as:-
- “House, late C17 or early C18. Coursed rubble walls with asbestos slate and pantiled roof. End brick stack towards road and part way in along ridge. 2 storeys, irregular fenestration. Mainly C20 2 and 3- light casements some with full and others with horizontal glazing bars. Internal features (RCHM): fireplace with moulded stone jambs and oak bressummer; heavy stop-chamfered ceiling beams; chamfered plank and muntin partitions.”
- 5.4 Public Footpath N47/98 strikes at an angle across the site from Musbury Lane.

6.0 Description of Development

- 6.1 The application is in outline with only access to be considered at this stage. An indicative plan has been submitted which shows 9 dwellings within the site.
- 6.2 There is a single vehicular access proposed. This is near to the north-western corner of the site and the lowest site levels (above ordnance datum). One of the dwellings on the indicative layout plan lies to the north of this proposed access point. Pedestrian access is proposed to be either via this new vehicular access or at the two points where the public footpath enters the site.

6.3 The indicative layout plan shows how the definitive alignment of the public right of way would be accommodated within the site. It also shows a surface water drainage attenuation pond in the north-eastern corner of the site.

7.0 Relevant Planning History

7.1 None for the site itself. However, members are referred to section 11 of this report for appeal decisions in Marnhull of some relevance.

8.0 On site constraints

8.1 Public Footpath N47/98 strikes eastwards across the site from Musbury Lane. It continues eastwards beyond the site before curving to the southeast, intersecting with public footpaths N47/97 and N27/100 before reaching Love Lane. The trodden line across the field is evidence that N47/98 is regularly used by parishioners and others from further afield as part of a circular route walk in this part of the village and the adjoining countryside.

9.0 Consultations

Marnhull Parish Council

9.1 Object on the following grounds (the objection preceded the submission of the revised plans):-

Submission inaccuracies/omissions

- a) The proposed use has been identified as being particularly vulnerable to the presence of contamination but no contamination assessment has been submitted.
- b) The lack of a topographical survey means that meaningful assessment of building heights (rooflines, overlooking windows etc.) relative to existing properties is not possible.
- c) The lack of topographical information also means that the surface water drainage proposal is not verifiable; as it stands, the siting of the attenuation pond appears to be at a higher elevation than much of the site, which would render it useless.
- d) The indicative layout plan shows the access visibility splay onto Musbury Lane which is very vague. There are multiple lines or boundaries along the lane which are not labelled. The Parish Council are not willing to accept the applicant's version of where the highway boundaries lie solely based on this poorly described plan.

- e) The opportunities and constraints plan shows a superseded layout for the application at Three Acres to the northeast of the site (this application having been refused since the Parish Council's comment).

Conflict with development plan's strategy

- f) Policy 2 of the North Dorset Local Plan 2016, Core Spatial Strategy, states that outside the four main towns, where access and proximity to services is more limited development will be more strictly controlled with an emphasis on meeting local and essential rural needs.
- g) In the last 5 years, there have been 42 dwellings built – about twice the rate experienced in the 10 years between the last two Census dates (2001 – 2011). In the period April 2021 to March 2026, there are already extant consents which mean that the number of homes will increase by 208 dwellings. This rate of growth going forward (34 dwellings per annum) is a significant exponential increase for the village. And this is before the current application is considered, which would increase this further still. It would mean that since 2016 the village (parish) would have grown by 275 dwellings – a 29% increase (an amount comparable to the Gillingham South extension, no less!). This is not what the Local Plan envisaged. The level of housing growth for Stalbridge and the larger villages set out in the Local Plan was based on 825 dwellings over the 20 years from April 2011. Split proportionately (based on settlement size) this would equate to about 80 – 90 dwellings in Marnhull – which is already exceeded just half way through the plan period.
- h) There is nothing in the proposals to suggest that this will improve the current level of service provision, increase options for public transport, or bring businesses to this rural part of the County, that would justify this as a sustainable form of development. It will inevitably increase car-borne trips and undermine the Council's declared climate emergency.

Highway safety and impact

- i) Musbury Lane is a typical, old country lane, consisting of a single carriageway with no passing places. It is a quiet lane, usually used by residents of the lane itself and occasional farm vehicles. On a daily basis, there is probably more cycle, horse and foot traffic than vehicular traffic traversing its length. Nine new properties represent a doubling of properties based on the lane and will likely result in more than a doubling of local traffic onto the lane itself. If Musbury Lane traffic increases as significantly as this development would suggest, the risks for these vulnerable pedestrians would also increase.

Out of character

- j) All of the properties on Musbury Lane have frontages and access directly onto the lane. This proposed development is creating an access road which means

none of the proposed dwellings will have direct access onto the lane and none front onto it. The proposed cul-de-sac is totally out of character and will create the impression of an 'estate', alien to this very rural part of the parish. This area of the village very much has a rural ambience which will be lost with the proposed access arrangement and density of housing proposed.

Overbearing

- k) The proposed site is at a higher elevation than Musbury Lane by 1.5m in places. This immediately places any dwellings to be constructed in a position of dominance over the existing properties. Whilst the indicative site layout is not seeking approval at this stage, it is very likely that there will be issues with overlooking the existing properties.

DC Highways

- 9.2 No objection subject to conditions.

DC Tree

- 9.3 No objection subject to conditions.

DC Rights of Way

- 9.4 Footpath N47/98, will need to be temporarily closed during the works. please apply accordingly. It appears to be on the correct route, on the definitive line and throughout the development. Please confirm what surface will be used and ensure there is a min of 2m width available. Also, at either end please install self closing pedestrian gates to the appropriate BS and construct a ramp up the bank from the Musbury Lane roadside.

Ramblers Association

- 9.5 We are pleased to note that FP N47/98 which runs directly through the site proposed for development is to be maintained across the site and enhanced with open green space on either side. We ask that the developer be reminded not to obstruct it during the building works. Should that be necessary then an appropriate temporary traffic regulation order should be sought from Dorset Council

DC Building Control

- 9.6 Consideration to be given to Building Regulations B5: Access for the fire service.

DC Natural Environment Team (NET)

9.7 The Biodiversity Plan submitted with the application has not been approved.

Other representations

Total - Objections	Total - No Objections	Total - Comments
41	0	0

Petitions Objecting	Petitions Supporting
1	0
114 Signatures	0 Signatures

9.8 Objections on the grounds of: -

Principle/Lack of need

- a) There is no need for more development in Marnhull.
- b) Marnhull has already had many new houses, more than its 'quota'. Marnhull since 2017 (not as far back as 2011) has proposed/granted 417 dwellings. This shows that Marnhull has provided enough development to meet the North Dorset Local Plan Part 1 2011 -2031 targets. If development continues the village will be over developed with no improved or enhanced infrastructure to support it. It is a large village but the vision for development should not be the same as a town and be proportionate to the size of the village, ensuring it remains a village.
- c) The village is at saturation point: the infrastructure required to accommodate all the associated needs of yet more building, simply is not available.
- d) This development is outside the village settlement boundary defined in the adopted Local Plan.
- e) Jobs, Employment – Marnhull is a rural village and does not provide growth within employment areas. The village does not allow many opportunities without travelling or homeworking. The bus service is not a regular one and could not be used for commuting to and from employment. The bus stop is 1.5 miles away from this proposed site.

- f) Contrary to policy 1 of the Local Plan as the increased traffic would discourage people being able to walk, run, cycle or horse ride on this narrow lane to reach local activities and services within the village. This is not a sustainable location and would only encourage people to drive for safety.
- g) There will be no affordable housing within this development (as shown at present) and from past developments approved renewable energy has only been Air Source heat pumps. Other planning applications within the village with better roads, a safer location and proposed affordable housing meets this need, e.g. Burton Street P/RES/2022/05524 by the recreation ground and the Tanzey Lane P/OUT/2023/00627 proposed development under consideration.
- h) Much is made of Marnhull's 'amenities' in the application documents. In reality, there are 2 shops one of which is well over a mile away. They do not sell the full range of groceries needed for an average family. The 2 primary schools again are well over a mile away from this site. Most parents drive to school. The doctors' surgery is only open for half a day a week (and not for doctors' appointments. The surgery is not the 'asset' that developers would have you believe it is. These all point to an unsustainable development which is outside the settlement boundary.
- i) The sewage pumping station is located at the lower end of Musbury Lane; will this cope with the extra strain from the proposed development?

Inaccurate plans

- j) The plans and other documents contain significant inaccuracies. No topographical survey has been submitted – this makes it impossible to assess the true impact and consequence that the proposal has on, at the very least, the following:
 - i. True position of highway boundary and roadside mature hedgerow.
 - ii. Position of private third-party land.
 - iii. Neighbouring amenity.
 - iv. Flood risk from surface water run off.

Highway safety

- k) The plans detailing the proposed access junction and position/course of Musbury Lane appear to be inaccurate. The inaccuracies include: -
 - i. Incorrect statement that embankment is 0.5m high – in reality over 1.2m high
 - ii. Hedgerow incorrectly drawn 7m from western boundary of Musbury Lane on Site
Plan - measured at 4.5-5m (also see photos p.6 Design & Access Statement)

- iii. There appears to be an extra drawn corridor to the east of the drawn road edge, which lies between a third party's grass verge and the road edge. The visibility splay is drawn through this corridor, which does not exist. This imaginary corridor runs along the entire eastside of Musbury Lane and does not show the boundary hedgerow that should lie there on the site plan.

- l) Musbury Lane is completely inadequate for an additional 9 new dwellings which will attract a significant increase in traffic including the owners' cars, friends and family visitors, delivery vehicles (including HGVs), service vehicles (including HGVs), emergency services etc..

- m) Could we have a site visit and demonstrate an articulated truck, or a 6/8 wheeler travelling from the B3092 by the Church and travelling through Marnhull to Musbury Lane during working hours? We then can have another demonstration of it getting down Musbury Lane and back, without resulting in severe damage to either the lane, or severe disruption to other road users? Access to the site from the nearest B Road, over a mile away, is back through the village along narrow rural lanes and roads with many pinch points. How the road infrastructure of Marnhull is supposed to cope with the forecast site traffic beggar's belief and gives the lie to the consultants' spurious claims.

- n) The junctions at both the north and south ends are extremely difficult to both enter and exit, with no good line of sight in either direction at the north end and westerly at the south end. The south end is particularly hazardous to vehicles turning west from Musbury Lane, or those coming from the village and wishing to turn into Musbury Lane. At the north end of the lane, having made the turn, you can quickly come face to face with vehicles (particularly tractors and delivery vehicles) which then involves one or the other reversing around a blind corner.

- o) The narrow width, lack of footway, lack of lighting and substantial increase in vehicular traffic will mean a significant increase in the danger to pedestrians, cyclists and horse riders all of whom regularly use Musbury Lane. Walkers include residents from Iver House, a home for members of the community with learning disabilities.

- p) The access point shown on the proposed development plan is very close to a blind bend in a lane just over 3m wide.

- q) Conflict with farm traffic; The road is regularly used by farmers with tractors and trailers and the frequency increases during harvest season.

Heritage

- r) The scale and extent of the development in an elevated position relative to the old stone cottages and Grade II listed Pond Farm opposite is discordant.
- s) The proposed scheme, by reason of its illustrative design & layout, would result in substantial harm to the setting of the Grade II listed farmhouse at Pond Farm for which the public benefit of the provision of 8 market dwellings, would not outweigh this harm, and is therefore contrary to Policy 5 of the North Dorset Local Plan (Part 1) and paras 199 and 202 of the Framework.

Flooding and drainage

- t) Visually on site, the ground within the site largely slopes downwards in a northwest direction towards the corner of Marlow property and Musbury Lane where flooding towards Nutwood Cottage is a known and regular issue. Perhaps over 50% of the site sits below the attenuation pond.
- u) Significant water run-off after rain from this field site already contributes to overloading the road draining system. This leads to known flooding problems opposite the pumping house, Nutwood Cottage and more recently beyond the left bend near Nutwood Cottage. Surface water collects on our patio adjacent to the site. This development can only increase this problem, especially as the position of the attenuation pond is notably higher than a significant portion of the site.

Biodiversity and trees

- v) The hedgerow separating the proposed plot from the lane supports a variety of wildlife; several sorts of finches and tits, sparrows, robins and wrens, and small mammals such as field mice and voles. Additionally, both green and spotted woodpeckers can be seen in the trees at the very end of Pond Farm garden, where it is separated from the proposed plot. We also see buzzards, foxes and grass snakes on the plot.
- w) Both Knotts Cottage and Sunny Cottage have small wildlife ponds, whilst opposite, at Pond Farm there is a very substantial pond. We have lots of newts, frogs and toads, and if you look at our bank you can see that they obviously migrate between these ponds.

Loss of character, visual amenity and tranquillity

- x) The constant "infill" of the agricultural land, small paddocks and large gardens is destroying the identity of the village.
- y) Marnhull, being such a special, quiet, rural village would undoubtedly lose its unique character if this application went ahead.

- z) Musbury Lane is a single track lane with 12, mainly detached properties. The properties are of a variety of style and age, with most having their own driveway and large established gardens. This planning application seeks to build 8 dwellings within a fairly small area of elevated land. This development would be extremely prominent and incongruous to the surrounding properties and character of Musbury Lane.
- aa) Musbury Lane is a beautiful single track sunken lane of a tranquil character. Such character would be irrevocably lost as a result of this development irrespective of the layout or form it takes.

Loss of residential amenity

- bb) Existing dwellings opposite the site will completely lose any privacy and light due to the elevated nature of the site. The indicative proposed layout provides no assurances that this won't be the case and sees gardens that would run alongside the frontage hedge, meaning that they are at eye level with bedrooms opposite (the hedge does not screen this view). We would completely lose the quiet and privacy we have enjoyed for so many years. The proposed development would completely obscure the view, peace and quiet of the natural environment which is a main asset of our cottage.
- cc) The size of the proposed properties will attract young families and multiple-occupants. The sound pollution of additional cars and people/ children/ animals is something which I have sought to avoid in the situation of my house.

Light pollution

- dd) Existing dwellings would be flooded by outside lamps, indoor lights, and headlights at night.
- ee) This area of Marnhull is devoid of street lighting and characterised by dark skies that would be irrevocably lost if this development is permitted and constructed.

10.0 Development Plan policies

Saved Policies of the District Wide Local Plan (2003)

10.1 The site is outside of the saved settlement limits.

North Dorset Local Plan Part 1 (2016)

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

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

11.0 Other material considerations

Dorset Council Local Plan

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

Marnhull Neighbourhood Plan

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

Appeal decisions

11.3 The dwelling to the northeast of the site was allowed on appeal in 2019 (appeal Ref: APP/N1215/W/19/3222944 Land north of Elmside, Musbury Lane). The development plan was the same and the previous iteration of the NPPF (see below) was in force. The Council's housing supply at the time was 3.3 years for the North Dorset area (it is now published at 4.87). Nevertheless, the appeal inspector's comments are still a material consideration afforded some limited weight in the assessment of this application, particularly in relation to the site's context.

11.4 Similarly, a more recent appeal decision, albeit for a much larger site elsewhere in the parish, is afforded some weight in the assessment. This appeal for land north of Crown Road was allowed in July 2022 (appeal reference APP/D1265/W/21/3289314).

The inspector's comments are relevant in relation to an evaluation of Marnhull's sustainability in terms of services and facilities and the Council's housing land supply position.

National Planning Policy Framework 2021

11.5 Noting the following sections :-

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

Housing Delivery Test and Housing Supply

11.5 The latest Housing Delivery Test (HDT) for North Dorset, published January 2022, is 69%. The current published housing land supply position is 4.87 years (published March 2023). A material consideration in respect of the land supply position is that there have been two recent appeals where it was decided by the Inspector in each case that the supply at the time of the appeals was below 5 years.

12.0 Human rights

12.1 Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

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

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

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

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

14.0 Financial benefits

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

15.0 Climate Implications

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

16.0 Planning Assessment

Accuracy of submission

- 16.1 In light of the representations received, the plans and documents were checked. There are some inaccuracies in the text and annotations. The lack of a full topographical survey is also unhelpful. The applicant provided further detail on the 16th May along with amendments to the indicative plan.

16.2 As explained section 1 of this report, the original description and indicative layout plan are those now for consideration by members and determination by the Planning Inspector, not the development description that followed the 16th May amended/further details submission. However, some of the documents received on the 16th May have been used by the case officer and consultees to assess the acceptability of the proposal in relation to access and drainage. It is important to note the extent of the use of such documents. They do not supersede the original submission but are merely used to inform the assessment that, in principle, the development of up to 9 dwellings could be accommodated on site with appropriate responses to these policy considerations.

Principle

16.3 The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

16.4 The spatial strategy set out within the Local Plan Part 1 seeks to focus development towards 4 main towns of Blandford, Gillingham, Shaftesbury and Sturminster. Beyond those towns, the focus of growth is towards 18 of the larger villages, including Marnhull. As a larger village, the focus is on meeting local rather than strategic needs, and outside of these areas countryside policies apply. Indeed, development is to be strictly controlled unless it is required to enable essential rural needs to be met.

16.5 Policy 4 of the Local Plan Part 1 advises, amongst other things, that landscape character will be protected through retention of the features that characterise the area. Where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme. Policy 5 advises that any development proposal affecting a heritage asset (including its setting) will be assessed having regard to the desirability of sustaining and enhancing the significance of that asset.

16.6 Policy 6, which guides housing distribution, indicates that during the plan period at least 825 dwellings will be provided in the countryside including in the larger villages. The supporting text to Policy 6 confirms that the overall level of housing in the countryside will be the cumulative number of new homes that have been delivered to meet local and essential rural needs as defined by neighbourhood plans, rural exception sites and the functional need for rural workers' dwellings.

16.7 Policy 20 further sets out that in the countryside, development will only be permitted if it is a type appropriate in the countryside, as set out in the relevant policies of the plan; or, for any other type of development, if it can be demonstrated that there is an 'overriding need' for it to be in the countryside.

16.8 In this context, it is noted that there is a conflict with the development plan insofar as the site falls completely outside of the saved settlement limits and the applicant is not claiming to meet any of policy 20's criteria for locating development outside of settlement limits. They are, instead, pointing to the consequences of the Housing Delivery Test result and Housing Land Supply positions for North Dorset.

16.9 Indeed, there are clear consequences of the housing supply being just 4.87 years and the Government's 69% Housing Delivery Test Measurement for North Dorset. Under paragraph 11 of the NPPF, which is afforded significant weight as a material consideration, the basket of policies most important to the determination of the application are considered to be out of date.

16.10 In this instance, it is considered that this basket of policies is 2, 6 and 20 of the Local Plan Part 1 but excludes policies 4 and 5, 23, 24 and 25 as landscape, heritage, amenity and highway safety issues are not the most important to the determination of this case. This will be explained later in this assessment section of this report.

16.11 The consequences of this, are that the NPPF's tilted balance is engaged and planning permission should be granted unless:

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

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

- a) Habitats sites, including Special Areas of Conservation (SACs), Special Protection Areas (SPAs), proposed SACs and SPAs and existing and proposed Ramsar sites, as well as Sites of Special Scientific Interest (SSSI). In this instance, there are no such sites affected (the site falls outside of the drainage catchments for both the Somerset Levels (Ramsar) and Poole Harbour (SAC)).
- b) Green Belt and/or Local Green Space designations – The site is some distance (over 20 miles) from the green belt. It is also not designated as Local Green Space in the Local Plan.

- c) Area of Outstanding Natural Beauty – The site is not within either the Dorset or Cranborne Chase and West Wiltshire Downs AONBs. A development of the modest scale proposed, in this location, will not affect the setting of the AONBs.
- d) National Park – None affected.
- e) Irreplaceable habitats – None affected.
- f) Designated heritage assets such as conservation areas or listed buildings (and other heritage assets of archaeological interest) – This is considered below.
- g) Areas at risk of flooding or coastal change – The site is considered below.

Heritage

- 16.13 Pond Farmhouse is grade II listed and its curtilage borders the site. The significance of this designated heritage asset is derived, in part, from its setting which includes the application site. The significance is also derived from its architectural and historical qualities as described in the listing.
- 16.14 The 1887 Ordnance Survey (25 Inch) map shows the farmhouse and its associated barns surrounding a crewyard. The land to the north (the application site), west, east and south is undeveloped. The nearest dwellings are the cottages to the northwest that line Musbury Lane and survive today on the opposite side of the road to the application site. The footpath across the application site exists as a path on the 1887 map.
- 16.15 At the time of the building's listing this agrarian setting had been diluted by the presence of residential development. This included development to the south (Burton Street), east (Burgess Close) and west (Musbury Close). The barns had also been lost. The legible link between the dwelling's original function as a farmhouse and the farmland is now limited to the land to the north i.e. the application site. The legibility of this setting is enhanced by the fact that the public footpath traversing the site provides clear views of the farmhouse. This footpath is regularly used by walkers which duly increases the weight afforded to the impact on the experience from the series of receptors along its route (the case officer notes that the trodden line and the alignment on the definitive map are the same).
- 16.16 Whilst retaining the footpath's alignment, the indicative layout plan will clearly result in a harmful dilution of this experience. At best, the farmhouse will be able to be

glimpsed between the new dwellings and over boundary treatments. Certainly, the relationship with the farmland will be much more obscure.

- 16.17 It is acknowledged that a different layout to that indicatively proposed could result in the land to the south of the public footpath being undeveloped or less developed. The case officer considers that such scenarios are realistically achievable with a mix of dwelling types. A higher density mix of detached and semi-detached dwellings could be accommodated on the land within the site to the north of the public footpath with reasonable plot ratios, separation distances and a layout that would assimilate with the prevailing character and appearance of the area, as well as allowing for drainage, soft landscaping and vehicular access, parking and manoeuvring spaces. The setting of Pond Farmhouse would be preserved as a result.
- 16.18 It is disappointing that such a policy compliant layout has not been provided by the applicant but, nonetheless, it is achievable in the officer's opinion. This would still result in harm to the significance of Pond Farmhouse but this would be less than substantial given that the architectural and historic qualities of the building would be unaffected and the farmland setting from the public footpath could still be appreciated to a degree.
- 16.19 This conclusion has relevance in three parts. Firstly, as identified previously, policy 5 of the Local Plan Part 1 is not considered to be within the basket of policies most important to the determination of the application. Secondly, the level of harm is considered to be outweighed by the public benefits arising from the housing supply afforded by the proposal. These benefits are modest but nonetheless afforded weight sufficient to outweigh the less than substantial harm. Thirdly, heritage is not considered to be a Footnote 7 (of the NPPF) reason for refusal.

Flood risk and drainage

- 16.20 The site is at low risk of flooding from any source. The application therefore passes the sequential test in terms of flood risk.
- 16.21 Development of the site could have the potential to increase the risk of flooding off-site especially as the road level is below the site level and is recorded as being at risk from pluvial (surface) water flooding.
- 16.22 A number of representations raised concerns about a lack of topographical survey and apparent inaccuracies in the submission documents in relation to the levels within the site and relative to the highway. There is also a specific query in relation to the siting of the attenuation pond on land that is clearly not the lowest point of the site.

16.23 A Drainage Statement was submitted with the application. This did not include levels. An amended Drainage Statement was then submitted which included levels. Unhelpfully, this Statement includes an indicative layout plan that was submitted for determination but, since the lodging of the appeal, has been clarified by the agent as not being part of the suite of application documents. This is not ideal. However, given that the overall alignment of access roads and spaces within the site and the location of the attenuation pond did not change between the plans, the amended document does help inform the assessment that the strategy detailed in the original Statement would work in principle.

16.24 The Council's Flood Risk Management officer has been consulted on this point. They note that, whilst much detail remains missing, for the purposes of this outline application, the principles are sound. The siting of the attenuation pond on land that is not the lowest point of the site does not mean that suitable falls cannot be achieved from gullies within the site to this attenuation and onwards to the watercourse to the north. Likewise, although there is no detail as to how surface water on the sloped access road will not drain onto Musbury Lane, the schematic plan does show how sub-surface attenuation could be located near the access which, in combination with a catch drain (not shown on the plan) could capture and store runoff so it doesn't increase flooding on the existing highway.

16.25 The submitted documentation also demonstrates that the attenuation within the site could, in principle, be sized to ensure that discharges off site are throttled back to an appropriate greenfield runoff rate (although again the detail is lacking).

16.26 Overall, the schematic plans show that a detailed plan could be possible to drain a development of up to 9 dwellings on site, with the necessary falls, on site attenuation (to include the necessary 45% additional allowance for climate change) and discharge to a watercourse. The details can be secured at the reserved matters stage. This is therefore not a reason for refusal.

Paragraph 11 d) of the NPPF

16.27 In the context of the above, the tilted balance of paragraph 11d) ii) is engaged; the assessment is whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

Benefits

16.28 Up to 9 new dwellings would secure benefits in the form of a contribution to future housing provision and a social benefit, given the housing shortfall; there would be an economic investment both from their construction and subsequent occupation. These benefits are modest but still meaningful in the application of the tilted balance.

Sustainability of location

- 16.29 When assessing against criterion (ii), the sustainability of development is still informed by the Council's spatial strategy as set out in Local Plan Policy 2. It is considered consistent with the NPPF insofar as it seeks to direct development to sustainable locations to minimise the need to travel, create sustainable communities rather than commuter towns/villages and address the causes and effects of climate change.
- 16.30 Whilst the majority of housing growth over the local plan period is focused on the four main towns, it does envisage at least 825 dwellings within these larger villages and Stalbridge (policy 6 of the Local Plan Part 1). The focus is on the meeting "local housing needs" (as explained in supporting paragraph 5.9) and the scale will "reflect cumulative local and essential rural needs and local viability considerations" (paragraph 5.11).
- 16.31 There are key points to note, Firstly, the Local Plan does not provide a ceiling for the number of dwellings that should be accommodated in the 18 larger villages. It also does not place a quantum of development that will be appropriate for each settlement, or indeed, each development; the judgement is on a case by case basis. Therefore, in response to one of the Parish Council's and interested parties' concerns, there is no ceiling for Marnhull's growth, the judgement is whether the scale of growth is commensurate to the village's offer of services and facilities and its size.
- 16.32 The third and, perhaps most fundamental point, is that the policy explicitly recognises that these settlements provide the level of sustainability to accommodate, growth. The Local Plan may have envisaged that this need would be identified at the "local level" (paragraph 5.27) via, for example, the neighbourhood planning process, local surveys and assessments to establish the functional need for occupational dwellings. However, the list of sources of evidence is not exhaustive and the fact that the Council needs to boost delivery at a North Dorset level must be afforded substantial weight with regards to this point. It demonstrates the need for the housing and, applying policy 6's distribution, Marnhull is an appropriate location to meet some of this need.
- 16.33 With regards to the site's specific location in relation to Marnhull's services and facilities, it is acknowledged that travel to these destinations via foot or bicycle would need to be along Musbury Lane, lacking in street lighting and segregated footways. There is also a moderate climb. However, this is not materially dissimilar to sites within the settlement limits; it is a characteristic of Marnhull. Furthermore, in paragraph 22 of their decision letter, the inspector for the site to the northeast of this application site commented:

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

Whilst each application must be considered on its own merits, it would fly in the face of logic to conclude any differently in relation to the proposal under consideration.

Scale of growth afforded by the development

16.34 The number of households recorded in the parish in 2011 was 905. It is acknowledged that there has been a supply of dwellings since 2011. 9 dwellings represent less than 1% growth and is considered to be commensurate in scale to the size of the settlement and the services and facilities that it provides.

Housing tenure and type mix

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

16.36 Policy 7 of the Local Plan Part 1 states that, on sites of less than 10 dwellings, a mix of house sizes appropriate to each specific site will be sought. The supporting paragraph 5.30 to the policy advises that national policy encourages local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities. To do this the mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community needs to be planned. However, paragraph 5.44 notes that a more flexible approach will be adopted on smaller sites, where site specific issues and potential impacts on local character may have a strong influence on the size of dwellings that would be appropriate.

16.37 The indicative layout plan shows mostly detached dwelling types with one pair of semi-detached homes. Some third party objectors describe the dwellings as “executive” and not of the types needed to provide a balanced and mixed community.

16.38 Members are reminded that layout, scale and appearance are reserved for subsequent approval. There is no reason why, at reserved matters stage, the space currently occupied by plots 2 and 3 could not be occupied by a terraced row of 3 dwellings and that occupied by plot 7 couldn't be occupied by a pair of semi-detached dwellings. The case officer suggests that there is space for such footprints and the associate incidental gardens and parking spaces to serve these dwellings.

Such a siting of dwellings would mean that the area of the site south of the public footpath need not be developed and 9 dwellings could still be accommodated on the site with an appropriate mix (such a layout also responds to heritage and footpath considerations as detailed earlier in this report).

16.39 There is a balance to be made here; the case officer considers that the current indicative layout results in some discordance with policy 7 of the Local Plan because of the dominance of detached dwelling types. However, given this is an outline application and an appropriate mix is possible responding to other constraints and considerations such as heritage and the public footpath, then this is not a determinative reason for withholding permission.

Highway safety

16.40 This is another policy consideration where the perceived inaccuracies of the plans resulted in representations from third parties being submitted in response to the application's publicity.

16.41 In response to this issue, the Council's Highways Manager advises as follows: -

"It is noted that the visibility splays proposed in the latest Transport Statement (May 2023) on Dwg No 5772/002 Rev C) differ from those shown on the site plan (Dwg No P003 Rev D). The Transport Statement drawing indicates the sight lines that can be provided across highway land, drawn on a survey base, so it's this drawing that I'll will take to be the accurate proposal for this element. On this basis, the suggested access position is acceptable."

16.42 There will be an increase in vehicular use of Musbury Lane as a result of the development. The case officer observed that there are 18 dwellings (including those on Musbury Close), the second access to a farmstead and the access to the pumping station currently served by the Lane. The proposed 9 dwellings would constitute a 50% increase in the number of dwellings served. This is clearly a substantial increase in relative terms.

16.43 Furthermore, Musbury Lane is narrow. The case officer measured the width of the metalled carriageway and, in a number of places, it is less than 4m. This is clearly a single lane with no ability for even cars to pass safely side by side.

16.44 In response to these constraints and increase in vehicular usage of Musbury Lane (and the surrounding highway network) as a result of the proposed development, the Council's Highway Manager has advised: -

"The trip rates used to predict likely traffic movements are satisfactory and I agree that the low level of movements in the peak hour periods are at an acceptable level.

Whilst it is acknowledged that there is no segregated footway from the site to the footway on Burton Street, allowing for the low levels of traffic along Musbury Lane and the distance that needs to be travelled to join the existing footway network to the south, I do not feel that there is sufficient reason to resist the proposal on the lack of pedestrian facilities. The situation for the development site is little different to that currently experienced by residents of Musbury Close. To sum up, the Highway Authority considers that the submitted Transport Statement is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021."

16.45 They raise no objection subject to conditions and, as a result, it is considered that the impacts on highway safety and highway impact are acceptable and not determinative to this application.

Design, Landscape and Visual Impact

16.46 This consideration is linked to that of heritage and the experience from the public right of way that have already been considered in this report.

16.47 The landscape here is characterised as a rural village fringe. Traditional cottages of vernacular architecture sit along Musbury Lane complemented by mature landscaping and the undeveloped, agrarian nature of the site itself. The site undoubtedly contributes positively to the character as one of the undeveloped green lungs that extends the countryside to the highway edge. The existence of the public footpath through the site and its part as one of the circular walks around the village means that this is a landscape character experienced daily by many parishioners and not just those who live directly within the vicinity of the site..

16.48 However, the sensitivity to change is tempered by the existence of C20th suburban development in the locality. The site and its surroundings are also not within a designated conservation area or covered by a landscape designation. Whilst the landscape is clearly of some value to the local community, it is not a Valued Landscape. The sensitivity to change is therefore assessed to be low to moderate at most.

16.49 In terms of impact, the development of the site will inevitably result in irrevocable change. There will be a degree of landscape harm as a result. Policy 4 of the Local Plan Part 1 states that landscape character will be protected through retention of the features that characterise the area. The extension of the agrarian countryside to Musbury Lane giving the village fringe character will be lost.

16.50 The intention to retain most of the frontage hedge (where it is not needed to be removed for visibility) assists in retaining the character from Musbury Lane itself, as

does the fact that the Lane is lower than the application site so one is not readily aware of the existence of the field on the application site. The setback of buildings on the indicative layout plan will also lessen the intrusion of development on the Musbury Lane. These factors limit the landscape impact when experienced from the Lane.

16.51 The change will, of course, be much more apparent when the landscape is experienced from the public footpath, and it is from here that there are clear shortcomings to the indicative layout plan. The sense of village fringe and an agrarian landscape would be lost and the harm associated with this would be moderate and potentially determinative in the overall tilted balance. However, the fact that layout is reserved for subsequent approval and that the case officer considers that a rearrangement of the plots and variation in dwelling type would lessen reduce this impact to a low harm are important considerations (acceptable examples are included in heritage section of this report). Such alterations would not involve the relocation of the access, the drainage attenuation, the alignment of the footpath, or alter the internal road layout. However, they would retain a green lung alongside the public footpath to Musbury Lane. In this context the infrastructural and skeletal arrangement of the indicative layout respond appropriately to the landscape considerations.

16.52 Some representations object to the proposal because it proposes a spur serving multiple dwellings projecting off Musbury Lane. They say that this is out of character with the single line of dwellings along the lane. However, such developments are not without precedent in the area; Musbury Close is one such example on the same lane as the development.

Biodiversity and tree protection

16.53 A number of representations have been received raising concerns that the site's biodiversity value will be irrevocably lost.

16.54 Members will be aware that the Council's protocol for considering biodiversity impacts from developments is for applications to be accompanied by a Biodiversity Plan approved by the Council's Natural Environment Team (NET). In this instance there is no approval from NET but this should not preclude a favourable consideration of the application.

16.55 The unapproved Biodiversity Plan for this application was informed by an Preliminary Ecological Appraisal undertaken by an ecologist on the instruction of the applicant. This concludes that, even in the absence of mitigation, the impacts are considered to be low or negligible.

16.56 The suggested mitigation measures include ecological supervision with precautionary phases of site clearance and protection of the on site and adjacent habitat (e.g. the frontage hedge). Biodiversity enhancements suggested in the Biodiversity Plan include the use of native species planting and installation of bat boxes.

16.57 Given that the site is dominated by arable farming (wheat was being grown at the time of the case officer's site visits) and the habitat confined to the west, north and southern narrow margins (the east being unmarked), the development of the site as indicatively proposed (or as varied to respond to heritage and landscape considerations) would retain the areas of habitat value. In this regard, members may note the Council Tree Officer's comments in relation to area of site frontage where the access is proposed. This is not considered to be a continuation of the frontage hedge but rather a gap characterised by other vegetation. Only a small length of hedge would be lost to provide the visibility splay.

Residential amenity

16.58 The construction phase will undoubtedly result in increases in noise and disturbances in comparison to the current agricultural use of the site. This will include from machinery being used on site as well as vehicles coming and going. The period will be temporary and for up to 9 dwellings and is therefore no likely to be more than a year in duration. As such this impact is not of the magnitude to withhold planning permission. Nevertheless, given the residential uses adjoining the site and the proximity of some of them to Musbury Lane (which is the only available construction access route), it is reasonable to restrict the hours of construction and associated deliveries by condition. Indeed, it would be reasonable to require a detailed Construction Environmental Management Plan to be secured by condition.

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

16.60 In terms of overlooking and overshadowing, the cases officer concurs with third party representations that the elevated nature of the site relative to the road level and level of the homes to the west, provides the potential for overlooking and overshadowing as well as an overbearing presence of the development.

16.61 However, the indicative layout plan shows there are distances of over 22m between existing and proposed dwellings. Assuming that the proposed dwellings are no greater than two storeys in height (a matter that can be controlled at the scale and appearance reserved matters stages), this separation distance is considered acceptable even allowing for the elevation of the site (and the fact that as one heads eastwards into the site, the levels rise further). Furthermore, at the density of

development proposed, there would be gaps between the proposed dwellings (even if one increases the density north of the public footpath to allow for an increase in undeveloped land between it and Pond Farmhouse).

Other matters

16.62 The lack of an assessment of contamination was also a concern of the Parish Council. However, it is noted that, although dwellings are a use that is vulnerable to contamination, there is no record of contaminants being present at the site. An assessment is therefore not required.

17.0 Balance and conclusions

17.1 The application demonstrates through the indicative layout that up to 9 dwellings can be accommodated within the site with acceptable access, landscaping and drainage arrangements whilst also responding acceptably to the existence of a public right of way (Public Footpath N47/98) that dissects the site and the setting of the grade II listed Pond Farmhouse (the less than substantial harm to the significance of this designated heritage asset being outweighed by the public benefits afforded by the application's contribution to North Dorset's housing supply).

17.2 The proposed development conflicts with some policies of the development plan. However, these policies which are the most important to the determination of the application, are considered to be out of date because the latest Housing Land Supply position statement (published April 2023) sets out that the supply has fallen to 4.87 years. The latest Housing Delivery Test for North Dorset, published January 2022, is also 69%. Applying paragraph 11 of the NPPF (which is a material consideration of determinative weight in this instance), the weight afforded to the development plan policies identified as most important to the determination of the application is therefore tempered. This includes the saved settlement limits.

17.3 In the absence of any Footnote 7 (of the NPPF) reasons for refusal, officers consider that the "tilted balance" detailed in paragraph 11 d) ii) of the NPPF should be engaged.

17.4 The benefits afforded by the proposal during both the construction phase (temporary construction jobs) and the operational phase (homes supplied to meet North Dorset's housing need) are modest but, nonetheless, are not significantly and demonstrably outweighed by the adverse impacts.

18.0 Recommendation

18.1 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 grant planning permission subject to conditions.

Conditions:

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

Reason: This is an outline permission with these matters reserved for subsequent approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

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

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

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