

Planning and Retail Statement 'Tess Square'



and Butts Close



Planning, Sustainability, and Lighting Statement
supporting a hybrid planning application consisting
of

A full planning application for a mixed-use development comprising a food store, office space, café, and mixed-use space for E class uses (e.g. estate agents, hairdresser, funeral care, dentist, vet), and 2x 2-bed flats. Demolition of redundant agricultural sheds. Plus, a new parking area with 30 parking spaces for St. Gregory's Church and St Gregory's Primary School. Associated landscaping and engineering operations, access arrangements, on land west of church hill, Marnhull.

Outline planning application with all matters reserved except for access for up to 120 dwellings on land off Butts Close and Schoolhouse Lane, Marnhull

October 2023

Contents:

1. Introduction
2. The applicant, proposal, site and surrounds
3. Sustainability Statement
4. Lighting Statement
5. Development plan
6. Material considerations
7. Planning obligations
8. Conclusion

Version: 1

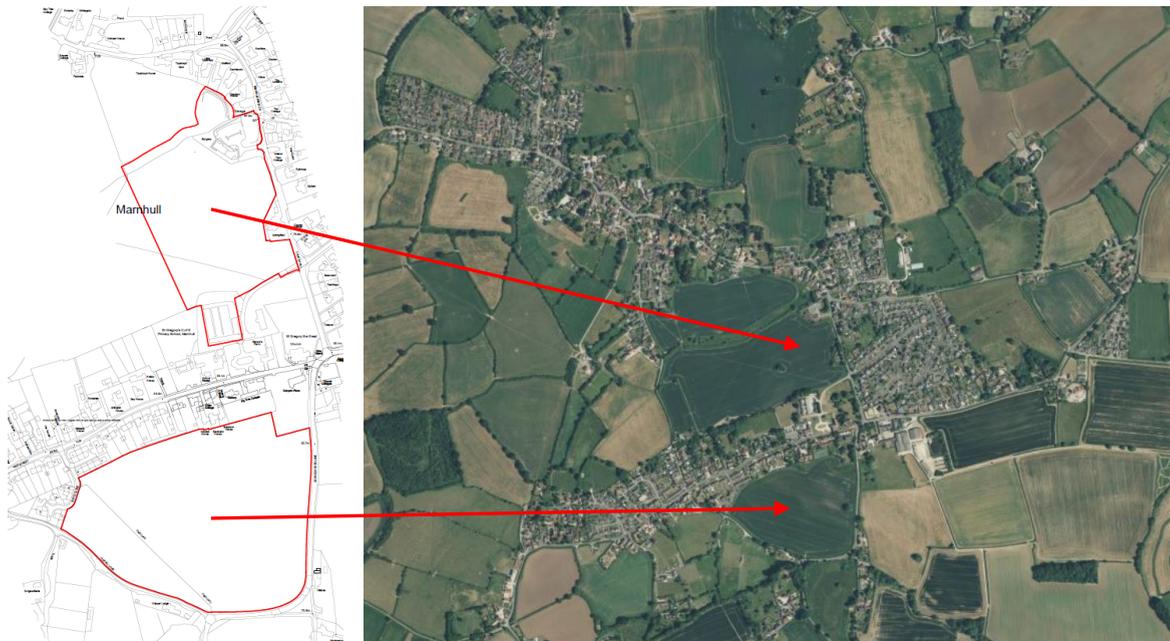
Version control	Name	Date
Report author:	Steven Bainbridge BSc (Hons) MSc MRTPI	October 2023
Checked by:	Brett Spiller BA (Hons) BTP MRTPI MCIWM	October 2023

1. Introduction

- 1.1 This Planning Statement has been prepared on behalf of P and D Crocker Ltd (the Applicant) and is submitted in support of a hybrid planning application consisting of:
- a full planning application for a mixed-use development comprising a food store, office space, café, and mixed-use space for E class uses (e.g. estate agents, hairdresser, funeral care, dentist, vet), and 2x 2-bed flats. Demolition of redundant agricultural sheds. Plus, a new parking area with 30 parking spaces for St. Gregory's Church and St Gregory's Primary School. Associated landscaping and engineering operations, access arrangements, on land west of church hill, Marnhull, and
 - an outline planning application with all matters reserved except for access for up to 120 dwellings on land off Butts Close and Schoolhouse Lane, Marnhull.
- 1.2 To be referred to in this application respectively and colloquially in part as 'Tess Square' invoking the Thomas Hardy novel Tess of the D'Urbervilles, set in the fictional village of Marlott (based on the village of Marnhull), and 'Butts Close'.
- 1.3 Marnhull is growing, as all settlements do, and local commentary has centred around a perceived lack of local services to support the growth that is happening. This planning application provides a range of commercial units that will compensate for the perceived imbalance in growth in the village, ensuring a balanced community for the future.
- 1.4 The outline planning element, or 'Butts Close', focusses on the land between Butts Close and Schoolhouse Lane, recently the subject of an outline planning permission for up to 39 dwellings on the western 1/3 of the field. This is an outline planning application. Only the principle of development and details of the access are being considered at this stage; all other matters including appearance, layout, scale and landscaping will be included in future planning applications. With that principle of development part-established, the planning-assessment will focus on the 'uplift' in dwelling numbers and site-specific impacts, if any.
- 1.5 The full planning element or 'Tess Square' is provided with full detail in order to provide the local community and decision makers with the requisite level of information needed, but also to convey the applicant's resolve to provide this boost to the village's evolution.
- 1.6 The Main Issues in this proposal will be:
- Whether the presumption in favour of sustainable development is engaged by policies being out of date.
 - The effect of material considerations (planning benefits and extant planning permission etc.) in the planning balance.
 - The economic, social and environmental aspects of the proposal in the pursuit of three-dimensional sustainable development.
- 1.7 The planning policy context to this proposal could be considered complex; there is an aged local plan and a potential lack of housing land supply and delivery. There is also an over-arching national policy context to consider. However, the National Planning Policy Framework (NPPF) is clear that in this circumstance planning permission should be granted for sustainable development unless there are clear reasons not to do so. This planning application is commended to the community and the planning authority for positive consideration.

2. The Applicant, Proposal, Site and Surrounds

- 2.1 This planning application has been submitted on behalf of P and D Crocker Ltd, a family farming business and local landowner¹. The applicant has a keen interest in seeing the village evolve and grow sustainably, having contributed in the past through the provision of land, for example, the village surgery.
- 2.2 The two parts of the application are edged in red and shown on the location plan, inset below for ease of reference, alongside an aerial photo of the village for context:



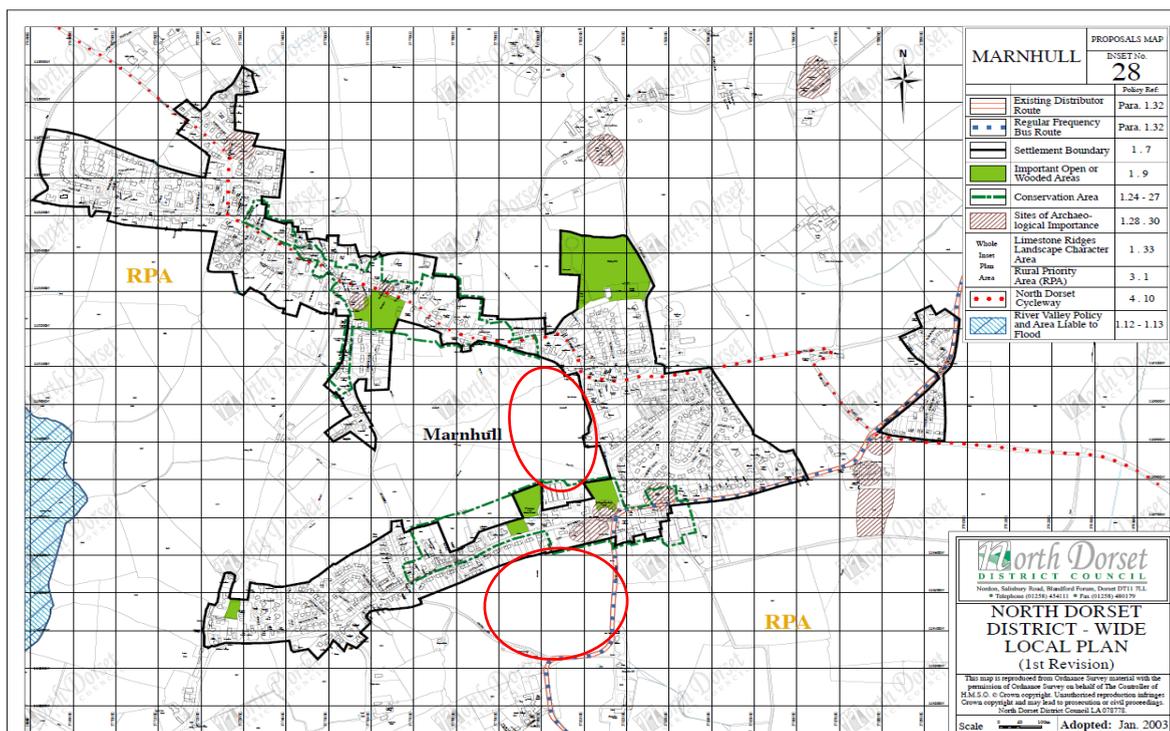
- 2.3 The sites are currently in agricultural use and constitute Grade 3 agricultural land.
- 2.4 According to the [Dorset Explorer](#) the sites are outside of Flood Zones 2 and 3, and inside Flood Zone 1. The Tess Square site is shown to be potentially affected by surface water flooding and this is dealt with in the submitted flood and drainage report.
- 2.5 In heritage terms, the Tess Square site sits between the two conservation areas in Marnhull, overlapping the designation in the location of the agricultural sheds being demolished. There are a number of listed buildings proximate to both sites and the effect of these proposals on all the relevant heritage assets is discussed in the submitted heritage report.
- 2.6 The following footpaths are located on the sites:
- N47/30
 - N47/31
 - N47/28
- 2.7 The proposed site layouts take these rights of way into account and propose no physical changes to their routes. The rights of way are shown indicatively on submitted drawings and reference should be had to the Definitive Map for their precise routes.
- 2.8 Access to Tess Square for vehicles will be via the existing vehicular access onto Church Hill. For vehicles accessing the new car parking area will be via a new access just north of the

¹ <https://www.mbcrocker.co.uk/about-us-1>

junction of Church Hill and Philips Road. Pedestrian access into Tess Square and the new car parking area can be via the primary school (via gated access, details of which can be secured by planning condition), the existing access to the surgery and via internal informal routes which will link up all elements and local footpaths. The parameters and highways acceptability of these vehicular and pedestrian accesses are discussed in the submitted Highways report.

2.9 The submitted illustrative layout plan shows how the potential 67 dwellings could be accommodated within a developable area of around 1.6ha, leaving around a hectare to open space and landscaping. The resultant low density allows for the integration of the built form into the village to the west, south and east whilst presenting a sensitive rural edge to the more open countryside to the north.

2.10 The local plan map for Marnhull is inset below, with the broad location of the application site indicated in red. The inset plan serves to affirm the fact that the sites adjoin the settlement boundary and that both the sites and the immediate area are relatively unencumbered by planning and environmental designations:



2.11 Both sites are outside of but adjacent to the village settlement boundary. That settlement boundary is established and 'enforced' through the local plan; a local plan that is out of date because its strategic objective to provide sufficient housing to meet needs has failed. For practical purposes the policies which guide development, one side of that boundary or the other, do not hold as much weight in decision making as they otherwise would.

3. Sustainability Statement

3.1 Dorset planning validation requires applicants to demonstrate how sustainable design and construction have been addressed, including reducing energy consumption and carbon emissions, minimising waste and increasing recycling, conserving water resources, incorporating green infrastructure and sustainable drainage minimising pollution, maximising the use of sustainable materials and adaptation to Climate Change.

- 3.2 The new dwellings and commercial buildings will be built to the relevant current standards securing their environmental performance.
- 3.3 When the sites are cleared and the dwellings/buildings constructed, the developer will operate a waste minimisation exercise by sorting recyclable waste from non-recyclable on site.
- 3.4 In order to conserve water a planning condition can be applied to keep water usage in fitted water-goods to within environmental limits.
- 3.5 Following the advice of the project-ecologist, green infrastructure has been incorporated into the scheme to the extent that is relevant to each element of the proposals.
- 3.6 The proposed drainage strategy observes the drainage hierarchy.
- 3.7 The accumulation of these measures will aid the development's adaptation to climate change in compliance with the policy. A planning condition can be applied to the grant of planning permission to secure further details and implementation in compliance with this policy.

4. Lighting Statement

- 4.1 Dorset planning validation requires applicants to provide a lighting statement for all applications that propose external or free-standing lighting in dark sky areas within the open countryside, that are in or would affect an AONB or World Heritage site, that would spill light into a designated habitat or affect a protected species, in urban/residential areas that are within the vicinity of residential property, conservation areas or the setting of listed buildings or that would spill light onto a transport network.
- 4.2 No external lighting is proposed at this stage and a planning condition can be applied to reflect this, requiring the submission of a lighting assessment concurrently with the reserved matters on the residential element and either in a pre-commencement or pre-occupation manner for the commercial element at Tess Square, enabling the local planning authority to retain control and to allow development to go ahead in compliance with the policy and the NPPF in terms of the use of planning conditions.

5. Development Plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

Development Plan Context

5.2 In this instance, the Development Plan comprises:

- North Dorset Local Plan Part 1 January 2016
- Saved policies of the North Dorset Local Plan 1st Revision January 2003

Development Plan Strategic Objectives

5.3 The plan's strategic objectives include:

- Meeting the challenge of climate change
- Conserving and enhancing the historic and natural environment
- Supporting sustainable rural communities
- Meeting the District's housing needs
- Improving the quality of life.



Development Plan Status

5.4 The National Planning Policy Framework (September 2023) sets out, at paragraph 11(d) the presumption in favour of Sustainable Development and what this means for decision making. Owing to the fact that the plan is more than five years old and has yet to be reviewed, it is appropriate to consider the extent to which the policies of the plan align to the NPPF.

5.5 Policy 12 is out of date because policy requires satisfaction of the sequential test set out in national policy, but the NPPF is clear at paragraph 89 that "This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development". The NPPF included comparable wording in 2012, before the 2016 Local Plan Part 1 was written. Both versions of the NPPF (2021 and 2012) included no definition of the term "small scale rural offices" or "small scale rural development". The 2016 Local Plan Part 1 did not take the opportunity of defining this term. Similarly, the emerging Dorset Local Plan (which is at an early stage) is also not taking the opportunity to define the term. The absence of such a definition in the NPPF finds support in the thrust of paragraph 84 which seeks:

- "The sustainable growth of all types of business in rural areas".
- "The development of accessible local services and community facilities such as local shops" etc.

5.6 Neither of these aims include or imply any restrictions on size. The term "local shops" is not defined. In this case "sustainable growth" could be said to be the provision of the facilities and services to support the residential expansion of the village.

5.7 Paragraph 11.d)i) is clear that the application of policies in the NPPF can have the effect of disapplying the tilted balance where the policy provides a clear reason to refuse. In our opinion, the approach of NPPF paragraph 177 is an example of a 'clear reason to refuse', as is paragraph 201.

5.8 It is therefore necessary to consider the application of the 'Footnote 7 policies' of the NPPF:

Footnote 7 policy	Potentially provides "clear reason for refusal"?	Applicable on this site?
Habitats sites and para 180 sites?	Yes. Para 180a.	No.
SSSI?	No.	No.
Green belt?	Yes.	No.
Local green space?	No.	No.
AONB and National Park?	Yes. Para 177 is an example of a 'clear reason for refusal.	No.
Heritage coast?	No.	No.
Irreplaceable habitats?	Yes. NPPF 180c	No. None affected.
Designated heritage assets?	Yes in NPPF 201 but not in para 202.	No, less than substantial harm and therefore paragraph 202 applies.
Footnote 67 archaeological assets?	No.	No.
Flood risk / coastal change?	No.	No.

5.9 In this instance, 'Footnote 7' would have no bearing upon the presumption in favour of sustainable development.

5.10 Because *"the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making"* this planning statement will first start by assessing accordance or otherwise with the development plan, then consider whether any material considerations are relevant to decision making and then conclude whether *"any adverse impacts of doing so [granting planning permission] would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"*.

Development Plan Policies Relating to the Principle of Development

5.11 The following development plan policies relate to the principle of development; housing numbers and distribution:

- Policy 1 – Presumption in favour of sustainable development
- Policy 2 – Core spatial strategy
- Policy 6 – Housing distribution
- Policy 12 – Retail, Leisure and Other Commercial Developments
- Policy 20 – The countryside

5.12 **Strategic Policy 1** is an informative policy echoing the presumption in favour of sustainable development in the NPPF which, as discussed above, is already triggered in this case. According to Policy 1, Dorset Council will take a positive approach to decision making in this case. This is an imperative on the decision maker.

5.13 **Strategic Policy 2** is a strategic policy which directs housing development towards the Main Towns and Larger Villages, with development within smaller villages and the Countryside tightly controlled. The policy attributes a settlement boundary to Marnhull, being one of 18

larger villages. The village is therefore a sustainable settlement capable of accommodating development. Nevertheless, the policy talks of a focus on meeting local needs rather than strategic ones. The lack of progress with the local plan part 2, meant that the settlements never received development allocations. The result is that the settlement boundary for Marnhull, retained from 2003, is drawn tightly with no obvious or planned locations for the necessary growth in the village for the nearly two decades which have passed since its inception. The approach taken under the policy sub-heading of ‘The Countryside’ is out of compliance with the NPPF 9(not least because the expectation set out in Local Plan Part 1 paragraph 3.50 about Local Plan Part 2 further explaining ‘essential needs’ never came forward) by not reflecting more modern nuanced policy on support rural economy and development beyond the somewhat ‘old fashioned’ idea that essential rural needs are only farm and forestry workers.

5.14 **Strategic Policy 6** is a strategic policy more than five years old, which apportioned the former district’s housing need to identified settlements. The weight to be give to the policy should be lowered due to its age. Compounding this, the local plan part 2 was never progressed and no sites were allocated to deliver Policy 6. Notwithstanding this, the policy attributes a local need figure of 825 dwellings across the villages over the plan period and thus far the Council are failing in delivering these themselves.

5.15 **Strategic Policy 12** sets a hierarchical approach to the location of retail, leisure and other commercial developments. The policy does not define what is meant by ‘other commercial uses’ but at paragraph 7.68 the local plan describes “a range of commercial community facilities” including “shops, cafes, bars and other activities”, “village shops, post offices and public houses” are also mentioned. These are what it is assumed the policy means by “Other commercial developments”. Despite this the policy goes on to focus on main town centre uses (MTCU: the local plan defers to the NPPF for a definition of this term²).

5.16 The table below set out how we consider the elements of the proposals relate to the MTCU definition which highlights the extent of the proposals not covered by policy 12:

Proposals:	Class E uses / other commercial developments in Policy 12?							
	Food store	Offices	Cafe	Estate agent	Hairdresser	Funeral care	Dentist	Vet
MTCU:								
Retail								
Leisure								
Entertainment, intensive sport and recreation uses								

² Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Offices								
Arts, culture and tourism development								

5.17 There is evidently a misfit between the policy and what it may be aiming to encapsulate, and the ‘lean’ it has towards MTCU which is constituted differently. For the purposes of policy analysis, we take two approaches reflecting the uncertainty created by the local plan policy:

- A precautionary approach - That the MTCU and other elements of the proposal are all captured by the intention, if not the detail of the part of Policy 12 that relates to ‘Town Centre Uses Outside Town Centres’
- A narrow approach - That the MTCU elements of the proposal (food store and offices) are covered by the part of Policy 12 that relates to ‘Town Centre Uses Outside Town Centres’, and the other elements are not captured by this policy, or any policy in the local plan and therefore it will be necessary to consider the NPPF as a material consideration later on in this statement.

5.18 Taking the precautionary approach detailed above, we find the Tess Square part of the proposal conflicts with policy 12h) insofar as no sequential test has been provided, but as stated further above, the spatial strategy is out of date and the applicant contends this is a small-scale rural development to support the organic growth that the village is seeing, therefore the weight to the conflict is reduced. Regarding policy 12i) and j) the applicant takes the view that, by definition, a small-scale rural development could not have a significant adverse impact on existing or planned investment in centres or on town centre vitality and viability because it is short of the NPPF threshold of 2,500 sqm meaning no impact assessment is reasonably required and the policy implication is neutral.

5.19 Taking the narrow approach detailed above, we find the MTCU part of the Tess Square part of the proposal conflicts with policy 12h) insofar as no sequential test has been provided, but as stated further above, the spatial strategy is out of date and the applicant contends this is a small-scale rural development³ to support the organic growth that the village is seeing, therefore the weight to the conflict is reduced. Regarding policy 12i) and j) the applicant takes the view that, by definition, a small-scale rural development could not have a significant adverse impact on existing or planned investment in centres or on town centre vitality and viability because it is short of the NPPF threshold of 2,500 sqm meaning no impact assessment is reasonably required and the policy implication is neutral. In relation to the non-MTCU elements of the Tess Square these will improve the facilities and services available to the growing village.

5.20 Going beyond the policy position stated above, the Applicant has submitted a Retail Technical Note which concludes that:

“Resident’s total retail and food/beverage expenditure within Marnhull (0 to 2km area) is £15.87 million, which is projected to increase by £2.52 million between 2023 to 2035. Additional residents within proposed residential developments will generate a further £8.01 million of new expenditure by 2035, which would not otherwise be available.

³ See paragraph 89 of the NPPF

Retail and service provision in Marnhull is currently limited. The expected turnover of existing retail and food/beverage facilities is estimated to be about £3.5 million, only 22% of total expenditure generated by existing residents within Marnhull (0 to 2km area).

The scale of new retail and floorspace proposed at Marnhull has an expected turnover of about £9.1 million, which is lower than the projected growth in expenditure between 2023 and 2035 (£10.53 million).

There is significant potential for Marnhull to increase its retention of expenditure within the local catchment area if new facilities are provided. Based on realistic increases in market share, the floorspace capacity projections indicate 1,038 sq.m net of retail and food/beverage sales floorspace can be supported by 2035, over and above existing provision, compared with 964 sq.m net proposed."

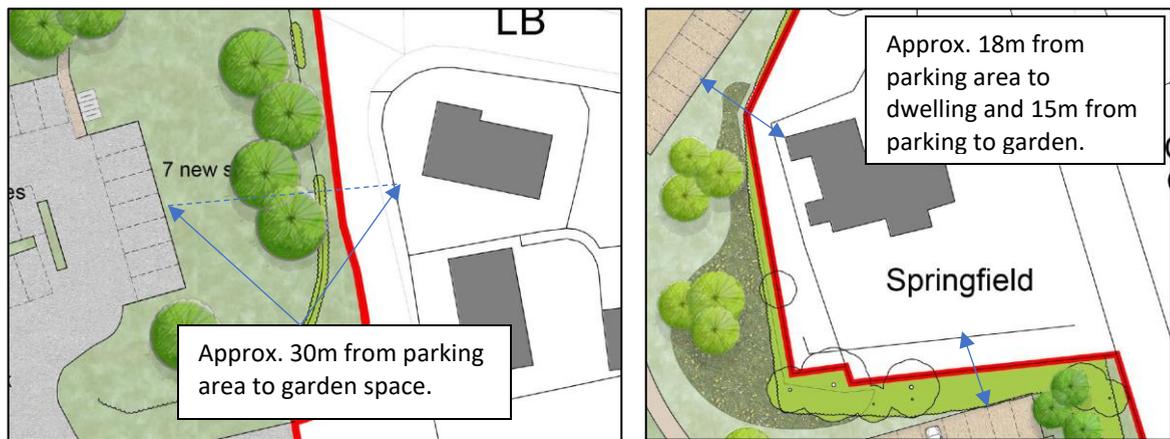
- 5.21 **Strategic Policy 20** continues to espouse the 'focussed' approach towards Stalbridge and the 18 larger villages (for which no sites were allocated because the local plan part 2 was never progressed) and takes a strict approach to proposals outside of settlement boundaries. In the current situation of the fact that the plan is more than five years old and has yet to be reviewed, the 'integrity' of the settlement boundary is lessened in decision making. This sites are in the countryside by virtue of a settlement boundary conceived in 2003 but are both immediately adjacent to it and therefore sustainably located which must be approached positively in the context of the lessened weight to be given to Policy 20.
- 5.22 The development plan intended there to be a focus on the main towns where the vast majority of development was intended to go. The development plan countenanced the idea of development in the countryside outside of settlement boundaries through policy 6. In any event, owing to the fact that the plan is more than five years old and has yet to be reviewed, the weight to be given to the policies which dictate the principle of development either side of a settlement boundary are of diminished weight in decision making.
- 5.23 The standout points that should inform decision making on the principal of development in this context is that the application site is located adjacent to a settlement boundary of a sustainable settlement and within short travel times by sustainable travel modes within the village.

Development Plan Policies Relating to Matters of Detail

- 5.24 The following development plan policies relate to matters of detail which, on the whole, are not relevant to this outline planning application because they will be dealt with at the later reserved matters stage:
- Policy 3 – Climate change
 - Policy 8 – Affordable housing
 - Policy 13 – Grey infrastructure
 - Policy 14 – Social infrastructure
 - Policy 15 – Green infrastructure
 - Policy 23 – Parking
 - Policy 24 – Design
 - Policy 25 - Amenity

- 5.25 **Strategic Policy 3** requires development to reduce climate change impacts through site specific and design matters which will be covered at reserved matters stage for Butts Close, but also through location in accordance with policy 2. As discussed above the site is sustainably located in relation to policy 2 and therefore, insofar as this policy is relevant to the outline element of this planning application, it is compliant with it. Criterion 3a) looks to locate new buildings in areas served by a good range of everyday facilities. Tess Square will enhance the everyday facilities available to the expanding village of Marnhull, and therefore should find favour from the policy because providing enhanced services and facilities in Marnhull will reduce out-travelling and aid climate change aims.
- 5.26 **Strategic Policy 7** concerns housing mix and type; detailed matters which the outline element of this planning application does not cover. Compliance or otherwise with policy 7 will be determined at the reserved matters stage. However, the illustrative layout plan shows that a variety of types and sizes of dwelling are capable of being accommodated on the site and, in time, reflecting likely local needs, provision of affordable and accessible homes will add to the local mix and facilitate dynamism within the local housing market whereby other housing is freed up.
- 5.27 **Strategic Policy 8** sets the affordable housing provision for development in North Dorset. In this location the development plan aims for an affordable housing provision of 40%. This planning application proposes a policy-compliant 40% affordable housing likely/intended to be constituted by 17% affordable rent, 52% first homes and 31% shared ownership.
- 5.28 Where there is a shortage of affordable housing, the weight to be given to this aspect of the development increases accordingly and should be given at least the “great weight” suggested in paragraph 69(c) of the NPPF. The applicant is keen to investigate the provision of first homes reflecting recent government moves towards facilitating routes into home ownership.
- 5.29 **Strategic Policy 13** concerns grey infrastructure provision and sets out Dorset Council’s strategic approach to grey infrastructure provision. It provides no development management decision making criteria. The Butts Close element of this planning application is in outline and consultees can respond on the matters covered by policy 13, when the reserved matters submission(s) is made, at that stage providing the necessary detail for a final determination on infrastructure provision and plan compliance when the final quantum of development is known. For decision making the submitted utilities statement and other submission documents such as the transport assessment, provide information on the infrastructure potential of the proposal. Any infrastructure required to support the development will be provided via s106 contributions because North Dorset does not operate the Community Infrastructure Levy (CIL).
- 5.30 **Strategic Policy 14** concerns social infrastructure provision and sets out the Council’s strategic approach to social infrastructure provision. It provides no development management decision making criteria. The Butts Close element of this planning application is in outline and consultees will respond on the matters covered by policy 14, at the reserved matters stage providing the necessary detail for a final determination on infrastructure provision and plan compliance when the final quantum of development is known. Any social infrastructure required to support the development will be provided via s106 contributions because North Dorset does not operate the Community Infrastructure Levy (CIL).

- 5.31 **Strategic Policy 15** concerns green infrastructure provision and sets out Dorset Council's strategic approach to green infrastructure provision. 'Criteria' a to f set out the Council's strategic approach at the plan-level. The remainder of the policy provides decision making criteria that will be relevant to the reserved matters stage of the process for Butts Close. However, the indicative layout plan provides comfort that Butts Close will be able to accede to the policy requirements at the reserved matters stage when the final quantum of development is known. In relation to Tess Square, the detailed layout provides a significant area of public open space and pedestrian connectivity between the school, the new parking area and Tess Square and the rights of way crossing the area. This is a significant benefit deriving from this hybrid planning application in green infrastructure terms.
- 5.32 **Development Management Policy 23** sets the parking requirements for development. The Butts Close element of this planning application is in outline at this stage, compliance or otherwise cannot yet be judged until the reserved matters submissions have been made and when the final quantum of development is known. The indicative layout plan provides comfort that Butts Close, should easily be able to adhere to Dorset Council's parking requirements. In relation to Tess Square the parking 'requirement' generated by reference to the "initial, pragmatic county-wide guide" is around 141 car parking spaces. Tess Square provides 137 spaces (plus the additional 30 spaces intended to aid school drop off in the village. We look forward to discussing the parking proposals in the context of the sustainability credentials of the scheme and the short walking and cycling times; a significant proportion of the village's population live within 800m (manual for streets walkable distance) of Tess Square.
- 5.33 **Development Management Policy 24** is a development management policy which sets the design requirements for development. The submitted design and access statements for both elements of the scheme sets out the design rationale and response to both sites insofar as it relevant to each level of detail.
- 5.34 **Development Management Policy 25** is a development management policy which sets the amenity requirements of development. The Butts Close element of this proposal is in outline at this stage, compliance or otherwise cannot yet be judged until the reserved matters submissions have been made and when the layout, scale and design of development is known. The indicative layout plan provides a level of comfort that a development of this nature, on this site, should be deliverable in terms of privacy, private open space, sunlight and daylight, light intrusion, noise and emissions at the reserved matters stage. The recent outline planning permission for the western portion of this site demonstrates that the amenity matters were acceptable in planning terms and are not necessarily or logically exacerbated by an increase in size of proposal. Tess Square is centred on an area of land west of the existing surgery building and car park. New areas of parking are proposed in proximity to the dwelling Springfield, and this spatial relationship will be comparable to and not materially different from the relationship between the existing surgery and its car park and, in particular, the two properties relatively recently built on the corner of Church Hill and Pilwell:



Development Plan Policies Relating to Specific Topics Aside from Principle and Design

5.35 The following development plan policies relate to topic-specific matters for which a number of supporting reports and surveys have been provided with this outline planning application:

- Policy 3 – Climate Change
- Policy 4 – The natural environment
- Policy 5 – The historic environment
- Policy 1.16 Groundwater source protection
- Policy 1.20 Contaminated land

5.36 **Strategic Policy 3** includes a requirement for development to seek to minimise the impacts of climate change through avoidance of areas at risk of flooding and incorporation of measures to reduce overall flood risk. The submitted flood risk and drainage report provides the evidence necessary to demonstrate the compliance of this outline planning application with this policy.

5.37 **Strategic Policy 4** concerns the natural environment. It is clear that development offering biodiversity gains will be looked upon favourably and that developments which seek to conserve or enhance the natural environment should be permitted unless significant impacts are likely to arise. In both cases the baseline situation is one of arable fields, intensively cropped and supplemented by the application of energy intensive nitrogen-based fertilisers. Field margins are lain to grass with few notable boundary features or green corridors. Thus, the existing site presents a biodiversity-poor environment. This planning application is a hybrid mixture of outline and full and therefore the full extent of impacts and gains cannot yet be known, however for the full element a clear biodiversity net gain has been demonstrated, and for the outline element the capacity for a clear biodiversity net gain (in excess of 10% when relevant at reserved matters stage in the future) is clearly possible and is therefore more than sufficient to satisfy the policy.

5.38 On landscape, Policy 4 states:

“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 in to the development scheme”.

- 5.39 The submitted landscape and visual impact assessment is clear that outside of the confines of the sites the landscape effects are predicted to be no more than 'moderate/slight adverse'.
- 5.40 In terms of visual effects, the assessment is clear that in relation to Butts Close, the visual envelope has been assessed to be limited to an area within approximately 0.5km from the site in the south and west, and up to about 2.5km in the east. There are predicted to be no further significant visual negative effects from further afield. Significant adverse effects are limited to the immediate context of the site only, experienced by footpath users and nearby residents. In relation to Tess Square, visual effects are localised and show minimal adverse effects. Users of footpaths across the site and homes that overlook the site itself will experience larger changes with adverse visual effects.
- 5.41 The visual effect to individual residential receptors must be balanced against the planning principle that no one is entitled to a view and that all housing is new at first; new residential development is a customary aspect of life. The LVIA results for Butts Close need to be considered in the context of permissible impacts in the recently granted planning permission on the western portion of the site.
- 5.42 The submitted tree constraints plan is clear that Arboricultural impacts from this proposal are highly unlikely at the detailed matters stage for Butts Close and at this stage for Tess Square.
- 5.43 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.
- 5.44 To the extent that policy 4 is relevant to the elements of this hybrid planning application, the supporting documents clearly show that the principle and/or detail of development is acceptable and that any site-specific issues are clearly identified in advance of future detailed design proposals where relevant.
- 5.45 **Strategic Policy 5** concerns the historic environment. It is clear that development causing harm to heritage assets will require clear and convincing justification. The submitted heritage assessment is clear that:

"In terms of known archaeology, the proposals would not pose any threat to existing designated or recorded areas in the Historic Environment Record.

With regard to non-designated heritage assets (monuments) no unacceptable harm will result as described.

With regard to statutory listed buildings it would appear that only the Parish Church (the tower) and Conyers Place and adjacent structures are likely to be affected to any degree by the development of land to their south-west. There is no direct impact upon the assets and given the proximity of the assets to the application site and any harm, as described would be less than substantial and at the lower end of the scale. Applying a simple arithmetic test, substantial harm would be deemed 10 with less than substantial ranging from 9 to 1. 0 would be no harm. Given the redevelopment of Butts Close will not result in any direct harm and given the careful planning of the proposed layout with the creation of open space adjacent to those assets, and limited scale of buildings on the eastern boundary of the site, any harm would range between 1 and 2.

A similar stance can be adopted in terms of the conservation area. There would not be any direct harm to the significance of the asset as a result of the development site falling outside of but adjacent to the conservation area but there will inevitably be a degree of harm caused to a very small part of its setting within the proximity of the Parish Church and Conyers Place. Given the scale of the conservation area and the limited connectivity with the proposed development together with the mitigation proposed, any harm to its setting would be slight and again be at the lower end of the scale (1-2).

However slight, any harm must be judged against demonstrable public benefits arising from the proposals. Although not a matter for this report, it is evident that the proposals make a significant contribution to housing provision within the county and will contribute towards the sustainability of the settlement, illustrated by the proposed commercial centre which demonstrates the confidence that Marnhull has a viable future as a settlement. Furthermore, and to a degree, any harm has been mitigated through the sensitive layout of the sites as illustrated by the submitted plans which demonstrate an awareness and response to the significance of heritage assets within proximity of the proposed developments.”

5.46 The submitted archaeological evaluation report is also clear that:

“Both Site A and B are considered to have archaeological interest. Any potential interest is mainly derived from the medieval and post medieval agricultural activity identified within both Site’s A and B. Site B also has archaeological interest associated with the WWII plane crash that occurred in 1940. There is also some potential for prehistoric (Bronze Age onwards) and Roman activity, based on evidence recorded in the surrounding landscape; however this potential is considered to be relatively low.

Overall, there are no indications that, if present, any archaeological remains within the Site would be so complex, rare, and well-preserved so as to elevate its significance and preclude development therein. However, if archaeological remains are present then they may contribute to regional research questions in understanding medieval, post-medieval farming practices. Due to the lack of previous archaeological investigation, the presence, location and significance of any buried archaeological remains within the east of Site A and all of Site B cannot be confirmed on the basis of the available information. Further archaeological investigations may be required to refine the archaeological potential of the Sites. The need for, scope and nature of any further assessments and/or archaeological works should be agreed through consultation with the statutory authorities.

However, it is considered that, due to the previous evaluation trenching in the western half of Site A and the results obtained from that investigation, that archaeology monitoring during groundworks would be an appropriate mitigation strategy for this area, considering the low potential and significance of remains identified”.

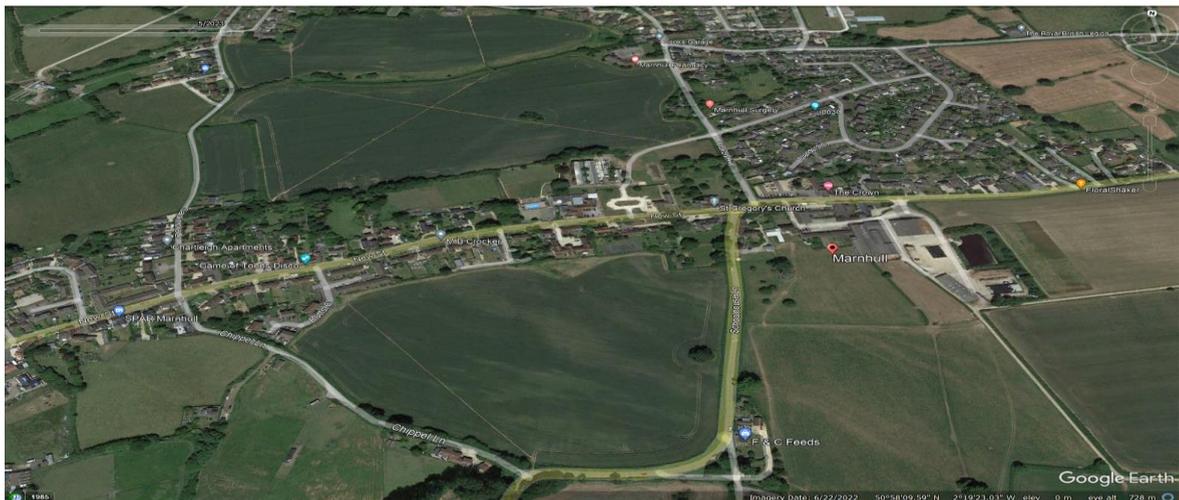
5.47 Planning conditions attached to a planning permission would be sufficient to secure the recording and archiving of the archaeological information prior to the commencement of development.

5.48 To the extent that policy 5 is relevant to the elements of this planning application, the supporting documents clearly show that the principle of development is or can be made

acceptable and that any site-specific issues are clearly identified in advance of future detailed design proposals where relevant.

5.49 **Saved Policy 1.16** is clear that developments which would have an unacceptable risk upon groundwater will not be permitted. The submitted drainage technical note provides evidence for the proposal's compliance with this policy.

5.50 **Saved Policy 1.20** is clear that development will not be permitted on or near contaminated land unless remediation measures are taken. The site has no known history of land use other than agriculture, and this is clear from a cursory review of historic mapping (reproduced with the permission of the National Library of Scotland) and aerial photography from Dorset Explorer:



5.51 Dorset Council are free to apply a standard 'unexpected contamination' planning condition to any grant of outline planning permission to satisfy the requirements of this policy.

Development Plan Conclusion

5.52 This hybrid planning application has been assessed against the policies of the development plan, insofar as they are relevant.

5.53 The sites are not allocated for development and are outside of the settlement boundary for Marnhull; they are therefore in the countryside in planning terms. Policies 2 and 6 countenance development in the countryside to meet local need. The development plan is clear that local needs are not strategic needs, however it is material that whilst the Council established figures for housing need for the villages and countryside, it failed to ground them in allocated sites to meet housing need because the local plan part 2 was not written.

5.54 Whilst the proposal finds no direct site-specific strategic policy support from the development plan, the most important policies for determining the planning application are out of date and therefore the apparent conflict with the development plan is an academic one; the presumption in favour of sustainable development having triggered the 'tilted balance'.

5.55 An interrogation on other policies of the development plan has not identified any adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission. However, the NPPF goes further and extends this 'test' to an assessment of the policies in the NPPF when read as a whole.

5.56 We now move to consider the material considerations which support the grant of planning permission on this case.

6. Material Considerations

6.1 Having demonstrated that any development plan conflicts are outweighed by the presumption in favour of sustainable development and the engagement of the tilted balance, it is necessary to review material considerations both for further support and to check for any conflicting material considerations which might over-tip an already strong presumption in favour of planning permission being granted.

6.2 In doing so we will interrogate the National Planning Policy Framework and any relevant local and national supplementary planning policy or guidance.

National Planning Policy and Guidance

6.3 The National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, defined as encompassing economic, social, and environmental dimensions:

- An **economic** objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A **social** objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with

accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- An **environmental** objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.4 The following sections of the NPPF are considered relevant to the assessment of the application:

- Achieving sustainable development (2)
- Boosting supply of homes (5)
- Promoting healthy and safe communities (8)
- Promoting sustainable transport (9)
- Making effective use of land (11)
- Achieving well designed places (12)
- Meeting the challenge of climate change, flooding and coastal change (14)
- Conserving and enhancing the natural environment (15)
- Conserving and enhancing the historic environment (16)

6.5 At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 explains that for decision-taking this means:

- *'approving development proposals that accord with the development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in the Framework 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 in the Framework taken as a whole'.*

6.6 Paragraph 9 confirms that *'decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'.*

6.7 Paragraph 38 requires councils to *'approach decisions on proposed development in a positive and creative way... and work proactively with applicants to secure development that will improve the economic, social and environmental conditions of the area. Decision makers at every level should seek to approve applications for sustainable development where possible'.*

6.8 The NPPF encourages the delivery of a wide choice of high-quality homes and widening the opportunity for home ownership and the creation of sustainable, inclusive and mixed communities (chapter 5).

6.9 Paragraph 60 of the NPPF supports the Government's objective of *"significantly boosting the supply of housing"*, stating that *"it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing*

requirements are addressed and that land with permission is developed without unnecessary delay”.

6.10 Paragraph 69 promotes the development of small and medium-sized sites, which ‘*can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly... local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’.*

6.11 Paragraph 84 supports a prosperous rural economy:

“84. Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”

6.12 Paragraph 110 states that:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.

6.13 Beyond this Paragraph 111 is very clear that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

6.14 The NPPF makes clear that planning decisions should promote an effective use of land, encouraging multiple benefits, where possible. Development should take place at appropriate densities, making ‘*as much use as possible of... brownfield land’* (paragraph 124) and making ‘*optimal use of the potential of each site’* (paragraph 125).

6.15 Paragraph 79 indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning

policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements development in one village may support services in a village nearby.

- 6.16 Paragraph 162 requires that local planning authorities direct development away from areas at highest risk of flooding. It obligates Local Plans and decisions to apply a sequential, risk-based approach to the location of development, avoiding wherever possible flood risk to people and property whilst taking account the impacts of climate change.
- 6.17 Paragraph 180 of the NPPF refers to biodiversity interests and states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. The ecological assessment and biodiversity mitigation plan submitted with the application demonstrates how the proposed development would be mitigated and lead to ecological and biodiversity enhancement.
- 6.18 Part 16 of the NPPF sets out national policy in respect of conserving and enhancing the historic environment. Paragraph 194 requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraphs 202, 206 and 207 are clear on the need to consider heritage assets and weigh harms against benefits. The submitted heritage report is clear that the balance falls in favour of granting planning permission.

Emerging Marnhull Neighbourhood Plan

- 6.19 Dorset Council website implies that a neighbourhood plan has been commenced for Marnhull and a neighbourhood plan area designated. Dorset Council's website is not clear whether this relates to an area application or area designation because no documentation, other than a relatively informal⁴ designated area map, is included. There are no other neighbourhood plan documents available from Dorset Council.
- 6.20 Referring to the Parish Council's website⁵ there are no neighbourhood planning pages there. However, the Marnhull Messenger website⁶, linked from the Parish Council website⁷, provides the following 'update' on neighbourhood plan progress (our emphasis):

"Marnhull has been invited to provide inputs to North Dorset District Council on the detailed planning decisions being made about the village where we live and work. A Neighbourhood Planning Group has been set up by the Marnhull Parish Council to develop ideas and suggestions which represent the best interests of our village. These will be fed back to the North Dorset District Council [...] North Dorset District Council has established a framework for local development plans and this means that Marnhull is now able to work with the District

⁴ When compared to other NP area maps available from the Dorset Council website which have more formal looking maps and area designation dates etc. the Marnhull designated area map is somewhat informal in appearance.

⁵ <https://marnhull-pc.org.uk/>

⁶ https://www.marnhullmessenger.org.uk/marnhull-neighbourhood-planning-group/?long_events=1&mo=11&yr=2020

⁷ <https://marnhull-pc.org.uk/the-parish/useful-information/>

*Council to produce its own local plan. The village can **either propose a Neighbourhood Development Plan or provide inputs to Part 2 of the North Dorset District Council Plan.***

*The way we work with NDDC, **be it producing a Neighbourhood Development Plan or through Part 2 of the District Plan**, will depend on the extent of the changes proposed for Marnhull through to 2026. If it is decided that a Neighbourhood Development Plan is required, then there will be a referendum of the whole village before it can be adopted. Once in place, the village plan will provide the framework for change in Marnhull for the next fifteen years or so. [...] Finally, a significant majority expressed a wish to follow the work of the MNPG through the pages of the Marnhull Messenger, so we will continue to keep you up to date with our work here in this magazine”.*

- 6.21 Whilst a neighbourhood plan may be prepared, there are few if any documents easily publicly available and therefore in line with NPPF paragraph 48 minimal weight can be attributed to any neighbourhood plan at this stage.

Emerging Dorset Local Plan

- 6.22 Dorset Council is in the early stages of a Dorset-wide local plan, replacing the area’s various local plans, including that of North Dorset. The local plan timetable anticipates adoption of the Dorset local plan in 2026. At this early stage the plan has categorised Marnhull as a Tier 3 village which retains a settlement boundary and at least some facilities enabling some day to day needs to be met locally, where small-scale infilling to meet local needs is considered an appropriate scale of development.
- 6.23 In line with NPPF paragraph 48, minimal weight can be attributed to the emerging plan at this stage.

Material Considerations Conclusion

- 6.24 Having due regard to the local and national planning policies, it is considered that the proposed application is supported by the presumption in favour of sustainable development contained in the NPPF. As development plan policy 12 is out of date and there are no policies in the Framework that provide a clear reason for refusing the development proposed, a ‘tilted balance’ in favour of sustainable housing development applies, in accordance with Paragraph 11 of the NPPF.
- 6.25 We have found no material considerations which would indicate other than a presumption in favour of granting planning permission in accordance with the development plan.
- 6.26 The material considerations we have covered support the grant of planning permission.

7. Planning conditions and obligations

- 7.1 The NPPF provides overarching guidance on the topic of planning conditions and obligations. It states:

“Planning conditions and obligations

55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

57. Planning obligations must only be sought where they meet all of the following tests:

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.”

7.2 Within that framework guidance, the applicant acknowledges the likely need for the development to contribute towards local infrastructure needs or demands created by the development. These will include:

- Securing the provision of affordable housing in a legal agreement
- Public open space provision and management

7.3 But may also include:

- Education contributions
- Healthcare contributions
- Landscaping requirements
- Biodiversity enhancements

8. Conclusion

8.1 This planning application, submitted on behalf of P and D Crocker Ltd. a proven and conscientious landowner and developer, is for up to 120 dwellings on land west of Schoolhouse Lane and east of Butts Close, and for a range of retail and commercial units in the village centre referred to as Tess Square. The application is in hybrid format, with the residential being in outline and the commercial in full. The latter is in full in order to give the local planning authority and the community comfort with regard to the applicant’s resolve to deliver facilities and services to the village to balance organic growth.

8.2 The development will deliver a policy-compliant 40% affordable housing. The proposal also includes a large proportion of open space which will benefit both the development and the wider village.

8.3 Occupants of the new dwellings will help support local facilities via increased patronage and will add to the viability and vitality of the growing community.

8.4 In planning terms, the village has already been classified as ‘sustainable’ and the wider district is suffering a severe housing shortage. This limits people’s ability to live or remain living in Marnhull, it limits people’s ability to choose the right size property for them and it limit’s people’s ability to afford a home in the village. It also prevents monetary injections from development into local infrastructure needs.

- 8.5 The Council has not actively planned development for this village for decades. This lack of proactivity means rural communities cannot grow and their fortunes reverse as local facilities and services are lost.
- 8.6 This planning application represents a vital injection of long-overdue life and investment into Marnhull.
- 8.7 We have assessed the proposal against the development plan and are content that the proposal complies with all relevant policies. The local plan and the national planning policy framework are both clear that planning applications which perform this way constitute sustainable development and should be approved without delay unless material considerations indicate otherwise.
- 8.8 We have reviewed a range of material considerations relevant to the proposal and have found no adverse issues which would counter the presumption in favour of sustainable development and the grant of planning permission.
- 8.9 The planning application includes a suite of supporting reports and surveys all of which confirm that relevant standards are met or exceeded and therefore no adverse development impact are expected in relation to flood and drainage, highways, trees, or ecology.
- 8.10 We therefore respectfully request that the local planning authority grant planning permission for this important sustainable development without delay.









