

Officer Report

Reference No: P/OUT/2023/02644			
Proposal: Hybrid planning application consisting of: Full planning permission - for a mixed-use development to erect a food store with cafe, plus office space and 2 No. flats above. Erect building for mixed commercial, business and service uses (Class E), (e.g. estate agents, hairdresser, funeral care, dentist, vet). Form vehicular and pedestrian accesses and parking. Form parking area for St. Gregory's Church and St Gregory's Primary School. Carry out landscaping works and associated engineering operations. (Demolish redundant agricultural buildings). Land west of Church Hill. Outline planning permission (to determine access) to erect up to 120 dwellings. Land off Butts Close and Schoolhouse Lane.			
Address: Land west of Church Hill, and Land off Butts Close and Schoolhouse Lane, Marnhull			
Recommendation: Refuse planning permission			
Case Officer: Robert Lennis			
Ward Members: Cllr Vitali			
Publicity expiry date:	9 January 2024	Officer site visit date:	11 December 2023
Decision due date:	14 June 2024	Ext(s) of time:	14 June 2024

Relevant Planning History

P/OUT/2021/03030 - Decision: GRA - Decision Date: 02/03/2023
Develop land by the erection of up to 39 No. dwellings, form vehicular and pedestrian access, and public open space. (Outline application to determine access).

Constraints

Application is within a conservation area - Distance: 0

Marnhull Conservation Area - Distance: 0

TPO - Distance: 0

LP - 5; Settlement Boundary; Marnhull - Distance: 0

PROW - Right of Way: Footpath N47/29; - Distance: 0

PROW - Right of Way: Footpath N47/31; - Distance: 0

Officer Report

Right of Way: Footpath N47/27; - Distance: 11.41
Right of Way: Footpath N47/33; - Distance: 0
Right of Way: Footpath N47/28; - Distance: 0
Right of Way: Footpath N47/39; - Distance: 38.39
Right of Way: Footpath N47/30; - Distance: 0
Right of Way: Footpath N47/22; - Distance: 12.99
Risk of Surface Water Flooding Extent 1 in 30 - Distance: 0
Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0
Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0
JBA Groundwater Consultation Areas- Distance: 0
Wildlife Present: Hemlock ; - Distance: 0
Wildlife Present: Eurasian Badger ; - Distance: 3.58
Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0
Minerals and Waste Safeguarding Area - ID: 6334; - Distance: 0
Radon: Class: Less than 1% - Distance: 0
Radon: Class: 1 - 3% - Distance: 0
Contaminated Land - Distance: 0

Duties

- s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.
- Planning (Listed Buildings and Conservation Areas) Act 1990
 - o Section 66 sets out a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
 - o Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape.

Development Plan Policies

Adopted North Dorset Local Plan:

The following policies are considered to be relevant to this proposal:

Officer Report

Policy 1	-	Presumption in Favour of Sustainable Development
Policy 2	-	Core Spatial Strategy
Policy 3	-	Climate Change
Policy 4	-	The Natural Environment
Policy 5	-	The Historic Environment
Policy 6	-	Housing Distribution
Policy 7	-	Delivering Homes
Policy 8	-	Affordable Housing
Policy 11	-	The Economy
Policy 12	-	Retail, Leisure, and Other Commercial Developments
Policy 13	-	Grey Infrastructure
Policy 14	-	Social Infrastructure
Policy 15	-	Green Infrastructure
Policy 20	-	The Countryside
Policy 23	-	Parking
Policy 24	-	Design
Policy 25	-	Amenity
Policy 28	-	Existing Dwellings in the Countryside

Minerals Strategy (Bournemouth, Dorset and Poole) adopted 6 May 2014

Policy SG1 – Minerals Safeguarding Area, generally speaking this policy seeks to resist proposals for non-mineral development. Where there is a clear and demonstrable need, prior extraction will be sought where practicable.

Material Considerations

Neighbourhood Area; Name: Marnhull; Status Designated 17/01/2020

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

Officer Report

- Section 4 'Decision making':
 - Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments 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.
 - Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to specific criteria.
 - The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five year supply. In the West Dorset, Weymouth & Portland/North Dorset area, the published supply position of 5.28/5.02 years means the tilted balance in paragraph 11 of the NPPF is not engaged in any event. The delivery of additional housing against the housing requirement should however be given weight in planning decisions.

- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed beautiful new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 15 'Conserving and Enhancing the Natural Environment' - In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be

Officer Report

given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Manual for Streets (DfT 2007)

Supplementary Planning Document/Guidance

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Consultation Responses

Consultee comments are available on the website and should be read in full. The following is a summary their comments:

Marnhull PC – objects

- With regard to the outline proposal, MPC raised the following objections:
 1. Contradicts key policies of North Dorset LP 2016
 2. Heritage and Landscape Impact; noting the benefits would not outweigh the harm.
 3. Transportation and Highway Safety

MPC summarise their objections to the outline proposal as follows:

“...we do not believe this development can offer a genuine choice of sustainable transport modes, considering the paucity of public transport options, lack of safe or segregated cycle routes and lack of safe and attractive pedestrian routes along the unlit, narrow, rural lanes within our village. The Local Plan states in Policy 13 that the adequacy of the transport infrastructure will be a key consideration when planning applications are considered. Our contention is that this development will cause significant safety issues, particularly for residents of all abilities that walk to facilities in the village (whether living in this development or elsewhere in the village), and this application should be refused on these grounds.”

- With regard to the full application, MPC raise the following objections:

Officer Report

1. Contradicts key policies of the NDLP2016.
2. Deliverability and Viability
3. Transportation and Highway Safety

MPC summarise their objections to the full proposal as follows:

“...we do not believe this is a sustainable development, considering the paucity of public transport options, lack of safe or segregated cycle routes and lack of safe and attractive pedestrian routes along the unlit, narrow, rural lanes within our village. Our contention is that this development will cause significant safety issues, particularly for residents of all abilities that walk to facilities in the village (whether living in this development or elsewhere in the village), and this application should be refused on these grounds.”

Stours PC – objects. They consider the comprehensive response by Marnhull Parish Council and the Objection lodged to the application based on a questionnaire survey of village residents, a thorough analysis of planning policy and an objective critique of the applicant's proposals is supported wholeheartedly by Stours Parish Council.

DC Planning Policy – considers the main issues of this case to be:

- Major residential development in countryside
- Housing supply
- Retail/town centres
- Sustainability of location
- Heritage

In particular, they have noted that *“Regarding the mixed use proposal, these main town centre uses are located outside the town centres designated in the North Dorset Local Plan Part 1, in the countryside and are contrary to Policy 20 of the North Dorset Local Plan Part 1 since they do not fall within the exceptions of that policy. The application has not demonstrated compliance with Policy 12 of the North Dorset Local Plan Part 1 since no sequential test has been provided and it hasn't shown if there would be an impact from the proposal on existing town centres (the most relevant being Sturminster Newton).”*

DC Housing Enabling Team – no objections subject to compliance with policy on the mix of tenure types.

DC Highways Team – objects. They have noted that *“Insufficient details of the proposed development have been submitted to enable the Highway Authority to fully assess the highway safety and sustainable transport implications of the proposal and, consequently, it is not clear whether the proposal would be likely to endanger road safety or result in other transport problems”*

DC Conservation Officer – objects. There would be less than substantial harm to the: grade I listed Church of St Gregory, grade II* listed Senior's Farmhouse and Attached Barn, and Marnhull Conservation Area.

Officer Report

DC Landscape Officer- Request further information: The proposals are extensive, and will impact on the character of Marnhull and its setting, especially when considered in combination with other planned development in the village.

Policy 4 of the North Dorset Local Plan (NDLP) requires developers to clearly demonstrate that the impact on the landscape has been mitigated. Although the proposals include measures to preserve important views to the St. Gregory's Church tower and the Conservation Area (CA) and to enhance the development, the submitted Landscape and Visual Impact Assessments (LVIAs) do not clearly demonstrate how effective these will be in mitigating wider impact on the character of the settlement and its landscape setting. The cumulative impact of the proposals in association with other planned development is also not appropriately assessed. As such, I do not consider that the application can be determined/the planning balance adequately addressed until further information is provided as follows:

- A cumulative impact assessment of the proposal in combination with the proposed developments to the north and east of the settlement (planning application numbers 2/2018/1808/OUT, 2/2018/1124/OUT and P/OUT/2023/00627) which takes account of cumulative landscape and visual effects, including sequential effects along the Hardy Way and Stour Valley Way.
- Type 4 visualisations, prepared in accordance with Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals and which provide the same level of design detail as the submitted information (showing the location, size, degree of visibility and form of the development) at 0, 3, 10 and 20 years to illustrate the effectiveness of mitigation, including the rate of maturation of the proposed mitigation planting.
- Design details for the SuDS features.
- Detail of any further mitigation planting that may be required, including any identified in a Biodiversity Mitigation and Enhancement Plan. This should be incorporated into the planting plans, along with an outline of future maintenance/management arrangements, and details of any engineered tree pits that may be required.

DC Urban Design Officer- Unable to support.

DC Tree Officer- I do not support this application due to irrevocable major changes this application will have on the green spaces and natural environment in this part of Marnhull.

Dorset Natural Environment Team- No objection subject to conditions.

DC Rights of Way Officer- During the build phase the footpaths will require temporary closures with temporary routes for the public to use. Further

Officer Report

consideration should be given to my request to divert the line of N47/31. The plans need to acknowledge the existence of footpath N47/29 and the correct line of N47/28. All new infrastructure should be built to BS and DC spec including widths for RoW and surfacing. Maps etc already provided.

DC Senior Archaeologist- My advice is that the applicant should be requested to submit the results of an archaeological evaluation of the site, before the application is determined, in order for an informed planning decision to be made.

DC Environmental Protection Services- No objection subject to conditions.

DC Street Lighting Team- Comments on adoption requirement.

DC Building Control Team- No comment.

Fire Safety Advisor- Comment on building regulation requirements.

Active Travel- Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.

Wessex Water- No objection in principle but upgrade works will be required due to capacity issues. As this is a speculative site, there are no planned works to the treatment plant planned.

We will need to reach agreement with the applicant and the Local Planning Authority upon the timetable for the scheme of capacity work required.

We do not object to outline planning, however development and any occupations must not proceed until Wessex Water has confirmed that treatment capacity can be made available for any new connections. We request a suitably worded condition to ensure the matter of sewage treatment capacity for new development is not overlooked.

Previous Stalbridge & Marnhull Ward Member sees benefits to the full application but would rather it is developed in a phased approach. He has expressed reservations toward the outline application.

Representations received

Total - Objections	Total - No Objections	Total - Comments
113	3	4

Petitions Objecting	Petitions Supporting
0	0

Summary of comments of objections:

Officer Report

Already sufficient development, village would have disproportionate increase
Damage to the character of the village
Loss of amenity in rural area
Highway impact
Limited existing infrastructure
No guarantee shops will be built
Butts Close has tripled since their last application to 120 new houses
Already a Spar shop and Post Office in the village for everyday needs
We are well supplied with the shops and facilities in nearby Gillingham, Sturminster,
Sherborne and Shaftesbury.
Pressure on services and water such as sewage
There are few job opportunities
Flooding
Concerns regarding air pollution
Harm to heritage
Flawed transport study
Concern about delivery vehicles
Ecology impacts
Conflict with the spatial strategy

Summary of comments of support:

Support the housing which is needed.

Would provide additional services for the village such as a café which would reduce the need to travel to other settlements.

Officer Assessment

The main issues of the case are considered to relate to the following:

- Principle
- Housing
- Retail
- Highway safety and sustainable transport.
- Heritage
- Amenity
- Ecology
- Drainage
- S106

Principle of development

The proposed development would be situated on two separate and distinctly different parcels of land. Both parcels are in the countryside but have at least one shared boundary with the designated settlement boundary, as defined in the North Dorset District Wide Local Plan 2003.

Officer Report

The North Dorset Local Plan Part 1 (LPP1) (2016) retained the settlement boundary around Stalbridge. Policy 2 (Core Spatial Strategy) of LPP1 states: “Outside the defined boundaries of the four main towns, Stalbridge and the larger villages, the remainder of the District will be subject to countryside policies where development will be strictly controlled unless it is required to enable essential rural needs to be met.”

The spatial strategy of LPP1 seeks to direct “the vast majority of housing and other development” to the four main towns and strictly control development in the countryside. Policy 20 (The Countryside) sets out broadly the types of development that might be acceptable in the countryside (land outside the settlement boundaries). Development is limited to a small number of ‘exceptions’ listed in Figure 8.5 of LPP1 (such as for occupational dwellings), or if it can be demonstrated that there is an ‘overriding need’ for development to be located in the countryside. The proposed scheme does not fall within any of the types of development listed in Figure 8.5. The proposal will therefore need to demonstrate that there is an overriding need for the development in this location in order for it to conform with the development plan.

Housing

LPP1 Policy 6 ‘Housing Distribution’ states that 5,700 homes will be provided in North Dorset between 2011 and 2031, and states that the majority of these will be in the four main towns. This is equivalent to an average rate of 285 homes a year. The approximate scale of housing outside the four main towns (i.e. in Stalbridge, the villages and countryside) is described as “at least 825 dwellings”. The policy explains that this will be to “contribute towards meeting identified local and essential rural needs.”

Dorset Council published its updated Housing Land Supply report for North Dorset for 1 April 2023 on 19 February 2024, taking into account the National Planning Policy Framework (NPPF) published on 20 December 2023 and the 2022 Housing Delivery Test results published on the same day.

The 2023 local housing need figure for North Dorset as calculated using the Government’s ‘standard method’ is 373 new dwellings a year.

Between 1 April 2011 and 31 March 2023 (the first 12 years of the Local Plan period), 2,770.6 net dwellings were completed in North Dorset. This is an average completion rate of 230.9 dwellings a year, which is below the Local Plan target.

The Government’s Housing Delivery Test (HDT) measures completions over the past 3 years. For North Dorset the most recently published HDT result was for 2022 and was 75%. A 20% buffer is therefore applied to the housing requirement figure in line with paragraph 79 of the NPPF.

Dorset Council believes that there were 2,247 dwellings in the ‘deliverable’ housing land supply (HLS) for North Dorset on 1st April 2023 – that is to say, housing sites where there is a ‘reasonable prospect’ that housing will be delivered within five

Officer Report

years. When compared to the 2023 local housing need figure (373), this equates to a 5.02 year supply.¹ This includes the 20% buffer as required by the NPPF.

This figure of 5.02 year supply has been challenged in other appeal cases and reduced to 4.83 year supply. However, some of the information this was based upon has changed with recent approvals.

Additionally, the Council is pursuing a Annual Position Statement with PINs. It is hoped that this will be agreed by the end of October 2024.

Retail

Part of the proposal comprises the creation of a new centre, consisting of a convenience food store (including post office and in-store café), and units for E class uses (stated to be estate agent, hairdresser, funeral care, dentist and vet, and office units). Together the floor area for these total 2,356sqm. Cumulatively, and in some cases individually, these uses are 'main town uses'. It is considered that this constitutes a significant development that would have a significant impact on this rural village Marnhull.

Policy 12 (Retail, Leisure and Other Commercial Developments) of the LPP1 states:

'...Town Centre Uses Outside Town Centres

Proposals for retail and other main town centre uses that are not in an existing town centre and are not in accordance with the development plan will only be permitted if:

- h) they satisfy the 'sequential test' in national policy; and
- i) they will not have a significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- j) they will not have a significant adverse impact on town centre vitality and viability.'

Paragraph 91 of the Framework states that local planning authorities should apply a sequential test to planning application for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

In light of this the Council requires the use of a sequential test to inform this decision on retail and main town centre uses, particularly if it were to deviate from the adopted local plan. The retail hierarchy as set out in LPP1 only designates Blandford, Gillingham, Shaftesbury and Sturminster Newton as town centres. LPP1 Policies 2 and 11 confirm that the Council will seek to focus main town centre uses in

¹ Housing Land Supply Report for the former district area of North Dorset for 1 April 2023 (Published 19/02/24)

Officer Report

the town centres of North Dorset and this will be achieved through the application of the sequential test.

Marnhull would be considered as an out of centre location for the purposes of the retail sequential test. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

The proposed food store with cafe, offices, and building for mixed commercial, business and service uses (Class E) appear to fall under 'main town centre uses', as defined in the NPPF Glossary. As highlighted previously, Marnhull is not designated as a centre for the purposes of the application of the retail sequential test and the development proposed is not in accordance with LPP1 or any neighbourhood plan.

Paragraph 93 of the NPPF states that: 'This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.' This proposal includes main town centre uses measuring 2,356 sqm which is not considered to be small scale rural development and thus would not be exempt under paragraph 93 of the NPPF. Paragraph 95 of the NPPF, indicates that if the application fails the sequential test, it should be refused. No sequential test information has been submitted to support this application.

Paragraph 94 of the NPPF requires the submission of an impact assessment for retail and leisure proposals over 2,500 sqm. This proposal is 2,356 sqm so falls under this requirement. Therefore, an impact assessment is not required. However, in light of Policy 12 criteria i) and j) the applicant should provide evidence that their proposal would not have a significant adverse impact on existing, committed and planned public and private investment in a centre or centres (in this case Sturminster Newton, Shaftesbury, and Gillingham) in the catchment area of this proposal. Additionally, they should need to substantiate that the proposal will not have a significant adverse impact on the town centres vitality and viability.

It is noted that a Retail Technical Note has been provided by the applicant and may be used in the consideration of Policy 20 to establish whether an overriding need for the development in the countryside can be demonstrated.

The applicant's Retail Technical Note suggests that there is need for retail, but it does not provide a sequential test to locating this need, nor does it consider the vitality or viability of existing centres (Sturminster Newton, Shaftesbury, and Gillingham).

As part of evidence gathering for the Dorset Council Local Plan, a retail and leisure needs assessment was prepared by Lambert Smith Hampton and published in January 2023². It should be noted that it concludes that 'the Council needs to plan for less, not more, retail floorspace over the next 5-10 years.'

² Dorset Retail & Leisure Study – 2022 Update for Dorset Council: Retail and Leisure Needs Assessment (January 2023)

Officer Report

The applicant was advised that a sequential test was needed in December 2023 and was given the opportunity to provide the appropriate evidence to support their proposal. They were also given the opportunity to undertake an impact assessment to enable consideration of the impact of their proposal on existing main town centres in accordance with the NPPF and Policy 12 of LPP1. No further supporting material has been supplied by the applicant making it difficult to fully evaluate the main town centre uses element of the proposal.

Highway safety and sustainable transport

There were a number of matters that needed further consideration and amendment before the Highway Authority could provide a positive recommendation for the development proposal.

Insufficient details were provided relating to the new vehicular access to be provided from Church Hill, serving a 30-space car park and drop-off/pick-up area to be used by the primary school to the southwest. In particular, it was unclear whether the necessary visibility splays (to be provided in accordance with the guidance provided by Manual for Streets (MfS)) were deliverable (2.4m by 43.0m in each direction along the carriageway) due to the hedgerow that runs along the western side of Church Hill.

The submission confirmed that the proposed commercial development did not comply with the Authority's car parking guidance, identifying a shortfall of 48 spaces. No evidence or supporting data was provided to back up the applicant's view regarding linked trips or sustainable travel options so that a proper justification for a reduction in parking numbers could be considered. While there may be some walking trade from within the village the proposal seems to be aimed at a larger catchment area. Therefore, if there was to be a reduction in parking space this must be justified.

The suitability of Church Hill to cater for the additional traffic associated with the commercial development (allowing for the fact that the development site will be accessed by large service vehicles) was not assessed, e.g. no survey data submitted confirming the width of available carriageway and associated verges from the Phillips Road junction north to the site access. It has not been proven that large delivery vehicles serving the proposed commercial development will be able to freely pass other vehicles as they drive down the road, through the narrow section of Church Hill.

The proposed vehicular access onto the B3092 (Schoolhouse Lane) suggested that 2m footways would be provided on either side of the carriageway. However, with there being no pedestrian footways in the vicinity of this junction the safety concern voiced was that this could encourage pedestrian to walk north along the main road to the church and the nearby pub. This important safety issue needs to be appropriately mitigated.

Officer Report

It was identified that the submitted Transport Assessment contained some errors and that consideration needed to be given to including an identified committed development site. In addition, the proposed 30 space community car park had not been included within the assessment. These comments were known to the applicant and it was one of the reasons why an extension of time was agreed. The Transportation Dev. Mgr early observation details the errors and identifies the committed development site referred to above.

The pedestrian connectivity of the commercial site was considered to be poor because the internal footpaths provide links onto unsurfaced existing public rights-of-way. In times of inclement weather, these pedestrian links will be unavailable due to their lack of surfacing and are unsuitable for use by people with protected characteristics.

There is an identified need for a financial contribution to be made to support an increase in the frequency of the 3 and Y4 bus service, offering residents a more realistic choice of sustainable transport. Further discussions with Paul Basham Associates (the applicant's highway consultants) were suggested to agree on data monitoring and reporting methodologies, but this has not occurred as of yet.

As a consequence of the above, the Highway Authority has stated they are unable to support the development proposal for the reason set out below.

Heritage

With regard to the full application, St Gregory's Church presents as an imposing and predominant, elevated landmark feature, centrally set, within the uninterrupted skyline of the village radius. The Grade I designated 15th century church tower is widely visible across all open farmland, within the village core, and encompassing landscape. We perceive that the proposed development would fundamentally influence and negatively challenge the setting of the Church by introducing large scale structures, parking, and associated infrastructure into the open, fielded extent of agricultural land.

Seniors Farmhouse and attached barn is a Grade II* designated asset situated directly to the west of St Gregory's Church. Whilst removing the large asbestos agricultural structures, to the northwest, would be considered as an enhancement to the assets setting, proposed development is perceived to erode the building's historic relational legibility with the immediate extent of the encompassing agricultural landscape. Therefore, the introduction of challenging, commercial scale structures to the north are perceived to negatively impact on the setting associated with the asset's distinctive rural environs.

The village's open farmland to the west of Church Hill has been adopted for agricultural use since the C19 based on the evidence of historical maps. The network of PRow's crossing this area are also considered to represent important routes that connect the village with its history of land use. The extent proposed for the application site currently separates two parts of the village which promote a

Officer Report

dispersed settlement pattern and sense of separation considered of principal importance to the setting of the Conservation Area. This distinct, historic settlement reference is currently well maintained despite the modern, postwar development connecting the village to the east of Church Hill. The proposed scheme comprising a food store, business units, and parking would occupy much of the currently unbuilt land, west of Church Hill, which we perceive would directly, negatively challenge the clear relational legibility and presentation between the two sections of the Conservation Area.

With respect to proposed outline development for 120no. dwellings on land west of Schoolhouse Lane, from the north approach to the village, St Gregory's Church is clearly presented as a key landscape feature at the convergence point of Chippel Lane and Schoolhouse Lane. This section offers easily obtainable views of the asset across, subtly elevated open farmland, north, toward the foreground of the village's south boundary. Therefore, it is considered that the development would fundamentally alter the historic relationship between the Church and its setting by introducing a densely developed foreground to key views, north, towards the Conservation Area and Church. We acknowledge a degree of mitigation, by way of the scheme's design format, however, perceive that the proposals will negatively challenge and diminish the visual prominence of the tower which further serves to erode the historically open, rural setting of the Church.

Based on the proposed intent of the scheme and relational proximity to the Marnhull Conservation Area, overall, impact is considered likely by way of negative challenge (harm) to unique attributes which positively contribute to the setting and, therefore the significance of encompassing designated and non-designated heritage assets. Subsequently, para. 202 of the NPPF is engaged. Predicated on the supporting specificity and justification associated with the scheme, and its incongruous presentation, which is not deemed as a tangible enhancement, within the context of both local and wider environs, we consider, on balance, a resultant conclusion of less than substantial harm, and that the public benefits of the proposal would not outweigh this harm.

Amenity

The development would not give rise to unacceptable amenity impacts and subject to an acceptable layout and scale, the amenity of surrounding land users would be safeguarded. The Environmental Health team have no objection subject to conditions. The proposal would comply with Policy 25 of the Local Plan.

Ecology

The Natural Environment Team have raised no objection subject to conditions. Officers consider that sufficient information regarding ecology matters has been submitted.

Drainage

Officer Report

Whilst there is a holding objection from Flood Drainage, officers consider that this could be dealt with through planning conditions to ensure that the precise details of the drainage strategy are agreed.

Conclusions

Insufficient details of the proposed development have been submitted to enable the Highway Authority to fully assess the highway safety and sustainable transport implications of the proposal and, consequently, it is not clear whether the proposal would be likely to endanger road safety or result in other transport problems contrary to Objective 6 – Improving the Quality of Life, and Policies 2 and 13 of the adopted North Dorset Local Plan Part 1, and paragraphs 108 criteria d) and e), and paragraph 117 of the National Planning Policy Framework.

The proposed development by reason of its siting, scale (in terms of mass and quantum), and appearance would have a less than substantial harm on grade I listed Church of St Gregory, grade II* listed Senior's Farmhouse and Attached Barn, and Marnhull Conservation Area. The public benefits of the proposal are considered to be the addition of housing towards the land supply and the provision of job opportunities in the commercial development, albeit in a location contrary to the adopted spatial strategy. It is considered that the harm identified would not be outweighed by the public benefits of the proposal in the rural location and this would be contrary to Policies 2 and 5 of the adopted North Dorset Local Plan Part 1, and paragraphs 199, 200, and 202 of the National Planning Policy Framework.

Section 106 legal agreement

Within the applicant's planning statement, the applicant has acknowledged the need for the development to contribute towards local infrastructure need or demands created by their proposal, as well as the affordable housing provision of 40% of the total number of dwellings. However, no legal agreement was submitted with their proposal.

The Council has not instructed their solicitors as the scheme as presented is too far from being acceptable in light of policy and other material considerations.

Conclusion

The development is considered to conflict with the development plan taken as a whole. As presented the proposed development is without merit as it requires additional information to justify several key elements. The Council in good faith had agreed to an extension of time to allow the applicant to submit the requisite information. It is unfortunate that the applicant should not submit any additional information in this time frame and then give notice that they will be appealing to the Planning Inspectorate by reason of non-determination.

Officer Report

Recommendation: Refuse for the following reasons:

1. The proposed development by reason of its location outside of the settlement boundary of Marnhull would be contrary to Policies 2, 6, and 20 of the adopted North Dorset Local Plan Part 1 (January 2016).
2. The proposed development includes main town centre uses (use class E) measuring 2,356 sqm which is not considered to be small scale rural development contrary to Policies 2, 11 and 12 of the adopted North Dorset Local Plan Part 1, and paragraphs 90 and 91 of the National Planning Policy Framework.
3. Insufficient details of the proposed development have been submitted to enable the Highway Authority to fully assess the highway safety and sustainable transport implications of the proposal and, consequently, it is not clear whether the proposal would be likely to endanger road safety or result in other transport problems contrary to Objective 6 – Improving the Quality of Life, and Policies 2 and 13 of the adopted North Dorset Local Plan Part 1, and paragraphs 108 criteria d) and e), and paragraph 117 of the National Planning Policy Framework.
4. The proposed development by reason of its siting, scale (in terms of mass and quantum), and appearance would have a less than substantial harm on grade I listed Church of St Gregory, grade II* listed Senior's Farmhouse and Attached Barn, and Marnhull Conservation Area. It is considered that the harm identified would not be outweighed by the public benefits of the proposal contrary to Policies 2 and 5 of the adopted North Dorset Local Plan Part 1, and paragraphs 199, 200, and 202 of the National Planning Policy Framework.
5. The proposed development would require financial contributions towards off-site improvements and possibly on-going maintenance, ecology, and affordable housing, that must be secured by a Section 106 legal agreement. The applicant has not submitted such an agreement, contrary to policies 4, 8, 13, 14, and 15 of the North Dorset Local Plan Part 1 (January 2016).

Case Officer Signature:	R Lennis	Authorising Officer Signature:	H Smith
Date:	16/07/2024	Date:	16/07/2024

Officer Report