

Application Number:	P/OUT/2021/03030
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land off Butts Close, Marnhull
Proposal:	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).
Applicant name:	P & D Crocker Ltd
Case Officer:	Verity Murphy
Ward Member(s):	Cllr Carr-Jones

1.0 The application is reported to Committee as Marnhull Parish Council have objected to the application.

2.0 Summary of recommendation:

Recommendation A: **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- 50% affordable housing on site equating to 20 affordable units
- Community Facilities Contribution
- Formal Outdoor Sports Contribution
- Formal Outdoor Sports Maintenance Contribution
- Informal Outdoor Space Contribution
- Informal Outdoor Space Maintenance Contribution
- Library Contribution
- Play Facilities Contribution
- Play Facilities Maintenance Contribution
- LEAP
- Education Contribution
- On site open space provision

And the conditions (and their reasons) listed at the end of the report.

Recommendation B; **Refuse** permission for failing to secure the obligations above if the agreement is not completed by (12th October 2022) or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation: as set out in paras 13.0 to 17.0 at end of this report

- The Council can demonstrate a five year housing land supply, however the Housing Delivery Test result (2021) means that the ‘presumption in favour of sustainable development’ still applies in North Dorset.
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. None have been identified
- The location is considered to be sustainable despite its position outside of the settlement boundary
- The development would provide 50% affordable housing on the site.
- The development would secure economic and social benefits
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is considered to be acceptable in light of the latest housing delivery test results (2021) in which the presumption in favour of sustainable development still applies. The site is located within a sustainable location and no material considerations which would warrant refusal of this application.
Loss of agricultural land	The loss of this land in the context of the provision of housing and social/economic benefits is considered to be acceptable.
Housing Delivery	The development will provide up to 39 dwellings making a valuable contribution to the housing land supply.
Affordable Housing	The development would provide 50% affordable housing onsite.
Access	The application is for outline and access only. The proposed access is considered to be acceptable
Illustrative Layout	Whilst the layout of development is merely illustrative at this stage, it provides assurance that there is sufficient space to ensure that the character and distinctiveness of the locality can be respected

Landscape Impact	There are no in principle objections to the proposals subject to matters being addressed in reserved matters applications.
Heritage	Development will result in no harm on designated heritage assets
Flooding/Drainage	The site is wholly in Flood Zone 1 (low risk). Surface water drainage details can be adequately secured by condition.
Biodiversity	Biodiversity Plan amendments will be secured prior to decision.

5.0 Description of Site

The application site is located to south of Butts Close and is currently comprised of Grade 3 agricultural land. The site is approximately 2.7ha in size with a gentle sloping gradient down to the south/south east of the site.

The application site is not located within the settlement boundary of Marnhull, but the site is bounded by residential development on Butts Close and New Street to the north, Chippel Lane to the west, and Schoolhouse Lane to the east. The proposal will also be adjacent relatively recent development to the west in Butts Close, however this is not shown on the local plan map due to its age.

The surrounding dwellings to the north of the site within Butts Close, are brick built, single storey dwellings which are more modern in appearance compared to the dwellings found within Marnhull Conservation Area. There are two storey dwellings adjoining the application site on its north western boundary.

The site is not subject to any national or local designations (such as AONB) and is situated within flood zone 1 (lowest probability of flooding). Marnhull Conservation Area is situated approximately 50 metres to the north of the site on the New Street/Butts Close round boundary. The Church of St Gregory, Grade I Listed Building, is located approximately 200 metres north east of the eastern boundary of the application site. The Old Rectory (Conyers Place), Stables (approx. 20 metres west south west of The Old Rectory) and The Granary (approx 25 metres west south west of The Old Rectory) are also Grade II Listed Buildings in proximity to the application site.

There are no trees within the site, with the main vegetation being mature native hedgerow along its boundary with Chippel Lane. The northern boundary of the site also contains some occasional small stretches of mixed hedgerow formed by the gardens of housing to the north.

There are two public footpaths running through the site. The N47/28 runs from Butts Close on the northern boundary, directly through the site to the B3092 adjacent to the southern side of the site. The N47/29 connects Chippel Lane on the site's south-western side to Butt's Close to the north.

6.0 Description of Development

This application seeks outline planning permission for a development of up to 39 no. dwellings on the site. All matters are reserved for later approval save for the main point of access proposed from Butts Close. Subject to the approval of outline permission, details of the 'layout', 'scale', 'appearance' and 'landscaping' of the development would be 'reserved matters', requiring the subsequent submission of an application(s) to the Council for approval.

This application follows a previously withdrawn application on the site, submitted under 2/2018/1808/OUT. This application sought permission for 74 dwellings on 4.6 hectares of land off Butts close; this was subsequently reduced to 58 dwellings in the amended plans. However, the Council remained concerned that the quantum of development would have a harmful impact on the landscape and setting of heritage assets and the benefits associated with the housing would not outweigh this harm. Application 2/2018/1808/OUT was subsequently withdrawn.

This application seeks to overcome the issues identified within the withdrawn application and has reduced the site area to 2.72 hectares, whilst limiting the extent of development proposed to the east and south of the field reducing the landscape impact significantly. In order to reduce the impact of the development on Marnhull Conservation Area, it is proposed that the scale of development on the northern boundary will be limited to single storey dwellings.

7.0 Relevant Planning History

2/2018/0448/OUT - (WITHDRAWN 08/09/2021) Develop land by the erection of up to 58 No. dwellings. Form vehicular and pedestrian access, central parkland and open space, play area and attenuation basin. (Outline application to determine access).

2/2002/0096 – (GRANTED 24/12/2002) Extend road and erect 9 No. dwellings

8.0 List of Constraints

Marnhull Conservation Area

Public Right of Ways: Footpath N47/29;Footpath N47/28;

SSSI impact risk zone.

9.0 Consultations

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

Consultees

1. Open Spaces Society

- No comments received

2. Dorset Police Architectural Liaison Officer

- This application falls within the area for which Dorset & Wiltshire Fire and Rescue Service is responsible for delivering an operational and emergency response.
- The development would need to be designed and built to meet current Building Regulations requirements

3. Ward Councillor - Stalbridge And Marnhull Ward

- No comments received

4. Dorset Council - Landscape

- Supports application subject to conditions
- Well-designed development which responds positively to the guidance and opportunities for mitigation identified in the Strategic Landscape and Heritage Study produced by LUC would have the ability to satisfactorily comply with the requirements of Paragraph 130 of the NPPF and Policy 4 of the North Dorset Local Plan.
- Recommend that hard and soft landscape conditions are included.

5. DC - Education Officer

- No comments received

6. Dorset Council - Natural Environment Team

- Amendments to be made to Biodiversity Plan prior to approval.

7. Dorset Council - Rights of Way Officer

- No comments received

8. Dorset Council - Highways

- No objection subject to conditions
- Development will have negligible impact on the local road network
- The internal estate road layout embraces the principles suggested by Manual for Streets, providing a safe and attractive place for all road users.
- The applicant has confirmed that car parking will be provided in accordance with the recommendations of the Bournemouth, Poole and Dorset Residential Car Parking Study

9. Dorset Council - Minerals & Waste Policy

- No comments received

10. Dorset Council - Dorset Waste Partnership

- A detailed tracking plan to ensure Refuse collection vehicle access is acceptable and any turning heads are suitable and sufficient. (A tracking plan has been subsequently submitted, no further comments received from DC Waste Manager).

11. Parish - Marnhull Parish Council

- Object to application
- This application is not in accordance with the spatial strategy for North Dorset as set out in the Local Plan
- The lack of local housing need for this scale of development
- The lack of local employment opportunities to meet this scale of development
- Lack of safe walking routes into the village and adverse impact of further traffic on the lanes in and around Marnhull
- Lack of access and egress for agricultural machinery
- The impact of the character of the village and countryside
- The planned population increase will have a negative impact by increasing pressure on village services and amenities

12. Dorset Council - Conservation Officers

- Supportive of application subject to conditions
- The proposals will result in no harm to the significance of designated heritage assets and so neither paragraph 201 nor 202 of the NPPF is considered to be engaged.

13. Dorset Council - Trees (Team B)

- No comments received

15. Dorset Council - Policy - Urban Design

- No comments received

16. Dorset Council - Housing Enabling Team

- The proposal to provide 50% affordable homes would make a useful contribution to the affordable need.

- Affordable housing should be protected in perpetuity by a S106 agreement

17. Dorset Council - Planning Policy

- No comments received

18. Dorset Council - Economic Development and Tourism

- No comments received

19. Dorset Council - Land Drainage

- No comments received

20. Dorset Council - Building Control North Team

- No comments received

21. Dorset Council – Archaeology

- Based on the results of AC Archaeology's archaeological evaluation of the site (the report on which accompanies the application), there is no archaeological reason for concern about the proposed development.

Representations received

17 letters of objection received for the reasons set out below:

- Highway safety
- Vehicular parking
- Traffic generation
- Affordable housing
- Noise pollution
- Quantum of development
- Loss of views to existing bungalows in Butts Close
- Impact on surrounding residential amenity
- Impact on countryside
- Impact on local facilities
- Lack of employment within area
- Flooding
- Design and appearance of dwellings
- Impact on heritage assets
- Impact on bio-diversity

0 letters of support received

10.0 Development Plan - Relevant Policies

Local Plan: The North Dorset Local Plan Part 1 (NDLP) was adopted by North Dorset District Council (NDDC) on 15 January 2016. It, along with policies retained from the 2003 North Dorset District-Wide Local Plan, form the development plan for

North Dorset. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant applicable policies in the adopted North Dorset Local Plan Part 1, January 2016 are as follows:

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 13: Grey Infrastructure
Policy 14: Social Infrastructure
Policy 15: Green Infrastructure
Policy 23: Parking
Policy 24: Design
Policy 25: Amenity

Relevant saved policies from the North Dorset District Wide Local Plan (1st Revision) Adopted 2003, are as follows:

Policy 1.7- Development within Settlement Boundaries

Other material considerations

National Planning Policy Framework (NPPF):

The NPPF has been updated with a revised version published July 2021. The following sections and paragraphs are relevant to this outline application:

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

The presumption in favour of sustainable development

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development. ...

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay...

Current housing land supply

Officers note that where the housing delivery test is not passed, 11d i) and ii) of the Framework outlines the implications for how development proposals should be determined. It states that where the (local) development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused.

North Dorset District Council has published its latest housing land supply for 1st April 2021. It confirms that there is a 5.17 year housing land supply.

The Housing Delivery Test 2021 measurement is an annual measurement of housing delivery in the area of relevant plan-making authorities. The latest housing delivery test (2021) still means that the policies that are the most relevant to the determination of the application, should be considered 'out of date'. This is because the current delivery rate for the North Dorset area is (69%)– therefore, the presumption in favour of sustainable development applies.

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

13.0 Financial benefits

- 50% affordable housing on site equating to 20 affordable units
- Community Facilities Contribution
- Formal Outdoor Sports Contribution
- Formal Outdoor Sports Maintenance Contribution
- Informal Outdoor Space Contribution
- Informal Outdoor Space Maintenance Contribution
- Library Contribution
- Play Facilities Contribution
- Play Facilities Maintenance Contribution
- LEAP
- Education Contribution
- On site open space provision

The Council has engaged with Marnhull Parish Council regarding the S106 contributions. Whilst not all the Parish Council’s suggested contributions have been able to be included, the suite of contributions listed above are still considered to result in a significant benefit to the local area.

14.0 Climate Implications

The applicant has confirmed that climate change reductions will be incorporated into the proposed development; the details for this will be covered at the reserved matters stage.

At this outline stage, it is considered that there is sufficient scope within the proposed development to incorporate a wide range of sustainability measures. These will reduce the impacts of the development on the climate in line with Dorset Council Climate and Ecological Emergency Strategy 2020.

15.0 Planning Assessment

Principle

Policy 2 (Core Spatial Strategy) and Policy 6 (Housing Distribution) of the North Dorset Local Plan require development to be located in accordance with the spatial strategy which directs development to the 4 main towns and larger villages. However, the Council’s Housing Delivery Test result is at 69%, and so the presumption in favour of sustainable development still applies in North Dorset. Policy 6 of North Dorset Local Plan is the most relevant housing policy. Policy 2 and 20 of the local plan are consistent with the aims of the NPPF. Policy 2 is the Council’s Core Spatial Strategy, and follows national planning policy which seek to focus significant development on locations which are or can be made sustainable (NPPF para 105), respond to local circumstances and support housing developments that reflect local needs in rural areas (NPPF para 78) and recognise the

intrinsic character and beauty of the countryside (NPPF para 174). In recent appeal decisions the strategy was deemed to be “broadly consistent with the Framework and still of significance”, and it is not considered as out of date.

The site is located immediately adjacent of the settlement boundary of Marnhull. However, in policy terms the site is within the ‘countryside’ and development would normally be strictly controlled, unless it is required to enable essential rural needs to be met. Policy 20 Countryside reiterates this and lists two criteria where development would be appropriate outside defined settlement boundaries, a) the type of development set out in local plan policies or b) there is an overriding need for it to be in the countryside. This proposal is contrary to these polices as it is outside the settlement boundary for Marnhull and not specifically for essential rural needs.

For the reasons outlined above, the proposal conflicts with the North Dorset Local Plan. However, as Dorset Council’s policies for the supply of housing are ‘out-of date’ for the purposes of the NPPF, paragraph 11d of the Framework is engaged and planning permission should be granted unless the adverse impacts of doing so would **significantly and demonstrably outweigh the benefits** when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused.

Whilst the site lies outside of the settlement boundary, it nevertheless lies adjacent to it, close to existing residential properties and is well located in terms of distance to local amenities and services. The site will have good pedestrian and road links, and there is a local parade of shops which is accessible on Burton Street via a 15-minute walk (via Sackmore Lane). A further range of local amenities are also available on New Street and Church Hill via a 10-minute walk. Local amenities and the respective walking distances from the proposed site are demonstrated in the submitted transport assessment and summarised below:

Amenity	Land off Butts Close	
	Walking Distance	Walking Time
Closest Bus Stops	160m (Finger Corner)	2
Closest Convenience Store	200m (SPAR)	2
Local Primary School (St Gregory’s)	300m	4
The Crown Public House	500m	8
Marnhull Surgery	700m	10
Marnhull Pharmacy	900m	12
Place of Worship	950	12
Post Office (Robin Hill Stores)	1.2km	14
Village Hall	1.3km	17

The transport assessment concludes that the walking distances to the local amenities from the site are located within an acceptable distance with the exception of the post office

and place of worship which are located within the 'preferred maximum' distance and the village hall which is located just outside the 'preferred maximum' distance. It is therefore considered that there are a range of facilities available within Marnhull and therefore within a feasible walking distance, enabling sustainable travel to be promoted to future residents of the site. Officer's agree with this view. The development site is accessible and therefore represents a good opportunity to support a sustainable development with a number of amenities and services accessible within a reasonable distance.

The proposal would meet the aims of paragraph 105 of the NPPF by focusing development in a sustainable location, thereby limiting the need to travel and offering a genuine choice of transport modes.

The proposed dwellings would be located within very reasonable proximity to facilities and services of Marnhull, contribute towards housing supply and choice, and deliver economic benefits to the local economy. In this case, despite some conflict with the spatial strategy, when the proposed development is assessed against the policies in the Framework taken as a whole, there are no adverse impacts which would significantly and demonstrably outweigh the public benefits derived from the proposal.

Therefore, the principle of residential development is considered to be acceptable.

Loss of agricultural land

The proposals will result in the removal of an area of Classification Grade 3 (Moderate or Good) arable farmland and its replacement with housing and three areas of public open space. Given that the landscape in the wider area is predominantly pasture, with housing to the north, this will not significantly harm this characteristic of the site but instead allow the partial restoration of the arable to grass and native trees.

The loss of this land in the context of the provision of housing and social/economic benefits is considered to be acceptable.

Housing Delivery

The proposed development will deliver up to 39 new homes and will contribute towards fulfilling the housing needs of North Dorset. Policy 7 (Delivering Homes) states that housing should contribute towards the creation of mixed and balanced communities based on a negotiation starting point of 40% of market housing being one or two bed properties and 60% of affordable housing being 3+ bed properties. The policy goes on to set out that housing layouts should achieve densities that make effective use of a site, reflect the character of the locality and are acceptable in terms of design and amenity.

The precise mix of housing types / sizes will be addressed at the reserved matters stage. The indicative site layout plan provides sufficient flexibility to accommodate a range of house types/sizes to reflect the market demand/needs of the area at the time of the reserved matters. The proposals will allow for a density that reflects its location and the neighbouring development, being in the lower density range (approx. 14dph). This will strike a balance between making effective use of the site and reflecting the character of the locality on the edge of a settlement.

Affordable Housing

Objections have been received in relation to the affordable housing provision on site. Policy 8 (affordable housing) states that outside the four main towns, 40% of the total number of dwellings are to be affordable with a presumption that it will be provided on-site. The scheme would deliver a 50% affordable housing on site. This would exceed the policy compliant level of affordable housing of 40%. This would amount to the provision of 20 no. affordable homes on site. Whilst the policy conflict is noted, there is a significant need for affordable homes within North Dorset. By providing in excess of the policy compliant level of affordable dwellings on site, this development would make a valuable contribution to meeting the affordable provision across the North Dorset area.

Officers consider that the additional provision of affordable housing is a benefit of the scheme, which weighs in favour, when it is considered against the policy conflict of the sites location outside of a settlement. Therefore, whilst officers note that the level of affordable housing is in excessive of the requirement set out in Policy 8, it would represent a benefit of the proposal. In view of the significant affordable housing need, the proposed 50% provision of affordable housing is included in the recommended heads of terms, and this would be secured via S106 agreement.

Whilst indicative at this stage, the illustrative masterplan demonstrates that the affordable housing units would be evenly distributed throughout the development and will be pepper-potted amongst the market housing in accordance with Policy 8 of North Dorset Local Plan.

Access

The application is for outline planning and seeks consideration and permission for access only. Significant objection has been received in relation to the access, highway safety, parking and traffic generation associated with this application.

The proposed development would be served by a single vehicular access point onto Butts Close. The proposed width of the access road into the site would measure 5.7 metres in line with the existing carriageway of Butts Close sufficient to support two way traffic movements. A 2 metre wide pedestrian footpath would be provided to the west of the access road with a crossing point linking to the footpath on the western side of Butts Close. A footpath will also be proposed along the existing public right of way to the east of the access.

The application is also supported by a Transport Assessment (TA) that considers the likely highway impact of a development of 39 dwellings. This TA has been assessed by Dorset Council Highways Engineers who raise no objection to the application. A residential development of this size is predicted to generate up to 22 vehicle trips in the AM peak and 19 vehicle trips in the PM peak, with 194 vehicle trips anticipated over a 12-hour period. The likely trip distribution of the development traffic in the peak periods has been assessed, with the modelling results indicating that when the proposed development traffic is added to the local road network in various future year scenarios, it would have a negligible impact on the local road network.

An illustrative masterplan has been submitted which shows that an internal estate road layout could be constructed which fully embraces the principles suggested by Manual for Streets, providing a safe and attractive place for all road users. The applicant has confirmed that car parking will be provided in accordance with the recommendations of the Bournemouth, Poole and Dorset Residential Car Parking Study and in line with Policy 23 (Parking) of the Local Plan, however this will be looked at in more detail at the reserved matters stage.

The Highway Authority considers that the submitted Transport Statement is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) – July 2021.

The highways officer has recommended planning conditions be attached to any approval to secure the details of details of the access, geometric highway layout, turning and parking areas.

Illustrative Layout

The existing settlement is laid out in a distinctive and historic linear settlement pattern. Whilst the proposed development would be located off New Street, which has a strong linear emphasis, it is not considered to result in a significant loss of the linear settlement pattern of the village, given its location to the south of Butts Close.

The surrounding area is characterised by low density residential development; therefore any new development will need to reflect the overall rural and tranquil character of the surrounding area. The proposed development will result in 39 dwellings on the site with an approximate housing density of 14 dwellings per hectare, which is reflective of the low-density surrounding development and appropriate to the rural context of the application site.

Whilst the layout and scale are reserved matters and are not up for consideration under this application, the illustrative masterplan indicates that 39 dwellings could be comfortably located on the site without appearing unduly cramped or densely packed. It is indicated that the proposed dwellings located in the northern section of the site would be single storey in order to reflect the scale and form of the adjoining bungalows within Butts Close.

The quantum of development on site allows for a significant amount of public space, sufficient private amenity space and an attenuation basin. Furthermore, there are opportunities to retain views important views towards St Gregorys Church, and create new public open space which respects local landscape character. Recreational routes and footpath connections to Chippel Lane, Schoolhouse Lane and Butts Lane can be retained, and the open spaces will provide vistas and views throughout the development.

Whilst the layout of development is merely illustrative at this stage, it provides assurance that there is sufficient space to ensure that the character and distinctiveness of the locality can be respected. The public open space, the space for good sized gardens, the space between dwellings, the retention of the majority of the existing hedgerows,

all serve to ensure the development will soften its impact successfully on the village edge and integrate the development into its surroundings

Landscape Impact

A full Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. Objections have been received in relation to the landscape impact of the development. The LVIA, however, demonstrates that in landscape and visual terms, the proposed development will respond well to the local landscape character of the site, recognising and responding to opportunities to retain views, create new public open space and respecting the local landscape character. Officers agree with this conclusion.

The reduction in the quantum of development from the previously withdrawn application (2/2018/0448/OUT) will result in a significant reduction in the degree of adverse landscape and visual effects associated with the proposals.

In visual terms, the proposal will provide a new low scale landscaped edge to Marnhull with a strong landscape framework. Whilst there are some distant views of the site, the main visual receptor groups are residents of Butts Close and New Street and users of public rights of way through the site and to the south-west of Chippel Lane and east of Schoolhouse Lane. Once mitigation is established, the impact on these receptors would generally range from minor adverse through to neutral, with the only potential moderate adverse effects being on residents of a few properties on the southern side of Butts Close and New Street and users of the public rights of way within the site itself.

The Council's Landscape Officer is supportive of the application and considers that the application will result in a well designed development on the site which responds positively to the guidance and opportunities for mitigation identified in the Strategic Landscape and Heritage Study produced by LUC and would have the ability to satisfactorily comply with the requirements of Paragraph 130 of the NPPF and Policy 4 of the North Dorset Local Plan.

Notwithstanding the above, there are matters of detail to be addressed in future reserved matters applications to ensure any residual impacts are mitigated through careful consideration of planting/landscaping and detailed design/materials. However, the impacts upon the landscape are considered to be acceptable at this outline application stage.

Heritage

Policy 5 (Historic Environment) notes that it is important that heritage assets are protected. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. Any harm to designated and significant undesignated heritage assets will need to be fully justified.

Through the submission of supporting heritage documentation submitted with the application, the significance of heritage assets and the impact of the proposed development has been assessed and special regard has been given to the preservation of those assets in the balancing exercise.

The proposals will result in the following impacts on the significance of identified heritage assets.

Designated Heritage Assets

NPPF para. 199 requires that 'great weight' be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require 'clear and convincing justification'.

Church of St Gregory (Grade I)

The application scheme is a reduced version of one previously submitted and withdrawn (2/2018/0448/OUT). The importance of long views to and from the Church in all directions is reflected in the position of the building within the settlement. The current scheme concentrates housing towards Butts Close and Chippel Lane with a reduced quantum of up to 39 houses and including two green spaces. The north green space, 'Church View Green', has been purposefully designed to frame views to the parish church. Taking into account the reduction in the developable area and the demonstration in the illustrative plans that prominent views of the Church could be maintained, it is considered that the development up to this quantum would not in principle result in harm to the Church or its setting.

For the above reason, it is considered that the proposals will result in **no harm** to the asset's significance

The Old Rectory (Conyers Place) (Grade II, 1110415) / Stables approx. 20m WSW of Old Rectory (Grade II, 1324546) / Granary approx. 25m WSW of Old Rectory (Grade II, 1172518)

The above comments relating to the Church are also pertinent to the Old Rectory, due to its location nearby, particularly insofar as the developed area has been reduced further away from these assets and their immediate southward setting, which reduces any resulting spatial impacts. There are no impacts upon the mutual spatial and functional relationships between these assets. There will be some impact on the long-range visibility of these buildings, but the significance of these views from the south and south west is considered to be mainly appreciable through shorter-distance views, which would be unaffected.

For the above reasons, it is considered that the proposals will result in **no harm** to the assets' significance or its setting.

Marnhull Conservation Area

The scheme, even though reduced, will still result in the loss of some the agricultural land around the village core and increase development along the relatively undeveloped lanes which radiate out from the conservation area. However, there is a balancing consideration that Marnhull has historically developed in a linear fashion along thoroughfares which

bound together the various hamlets, whose individual character is at risk of being eroded elsewhere in the village.

The development site, now pushed to the western part of the current field, has the opportunity of broadly following this pattern, with linear elements reflecting both New Street and Chippel Lane, though without encroaching further towards the various hamlets. In addition, the development sits alongside modern housing on the south side of New Street and on Butts Close. It is therefore considered that development could be accommodated here in principle without resulting in harm to the significance of the conservation area or its setting.

For the above reason, it is considered that the proposals will result in **no harm** to the asset's significance

In conclusion, the proposals will result in **no harm** to the significance of designated heritage assets and so neither paragraph 201 nor 202 is considered to be engaged.

Impact on Residential Amenity

Objections have been received in relation to the noise impacts and loss of privacy to the dwellings surrounding the application site.

There will be an inevitable change to the nature of the site from its current use as an arable field. The proposed built form, increased vehicular movement, increased domestic noise and activity will all have an impact upon the neighbouring dwellings and the level tranquillity currently enjoyed. However, this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application.

The most affected residents will be the properties adjoining immediately to the north of the site along Butts Close. The illustrative layout indicates that sufficient distance can be achieved which will mitigate the impact and adequately protect the amenity of the neighbouring residents. This will be re-examined through the reserved matters application(s) and the final detailed layout proposals.

Overall, it is considered that the amenity of adjacent residents can be sufficiently protected.

Flooding/Drainage

A Flood Risk Assessment, incorporating Drainage Strategy, accompanies the application. The assessment confirms that the site is within Flood Zone 1 (lowest probability of flooding) and concludes that drainage on the site can be suitably managed and would not create any increase in flood risk to existing properties within the catchment area or the proposed development.

In addition to flooding from rivers and the sea, the Flood Risk Assessment has considered the potential consequences of flooding from all other sources, which include directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources. An

assessment has been made of the potential risk from all sources of flooding to and from the development site, with reference to available flood risk information, for existing conditions predevelopment, and post-development with the various development mitigation measures incorporated.

A sustainable drainage strategy, involving the implementation of SuDS, is proposed for managing the disposal of surface water runoff from the proposed development on the site. The proposed drainage strategy would ensure that surface water arising from the developed site would be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account.

The proposed foul and surface water drainage arrangements will be secured by condition.

Biodiversity

The application is accompanied by a Biodiversity Plan, and this would be conditioned.

The Biodiversity Plan and ecological appraisal demonstrate that there will be a net gain in all green space habitats on site through the creation of new green space habitats outside of the ownership of the units. The only habitats to be lost from the proposed development area will be arable land and a small area of bramble scrub.

Given the gain in higher quality grassland habitats it is not considered necessary to compensate for the loss of these low value, low distinctiveness habitats on or off site.

All habitats created as part of the development will be detailed in full within a Landscape Ecological Management Plan (LEMP) which will be submitted to and agreed with the NET prior to the commencement of development. It will include the specification of habitats created at a plan for five years of management. This information can only be provided once the final layout for the full application has been produced and approved.

Planning Balance

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up to- date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

There is conflict with the development plan, by reason of the effect of the proposal on the Council's spatial strategy and location of the proposed development outside of a

settlement boundary. However, the Council's other policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development.

It is accepted that the tilted balance should be applied in the decision-making process on this application, given that the policies referred to in footnote 7 of the NPPF are not engaged. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 8, policies which are most important for determining the application are considered out-of-date, and subsequently planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Given this shortage of housing land supply the 'tilted balance' would apply. This is where the need to boost housing land supply is prioritised when weighing up the planning balance for proposals. As such, Policy 6 of North Dorset Local Plan, which seeks to deliver housing, is tempered. The application needs to be considered 'in the round' weighing all material issues in the planning balance.

Officers consider that there are significant public benefits derived from the proposed development and include the following:

- Delivery of significant affordable housing on the site and market housing, which are both in significant need to boost delivery.
- Reduction in the need to travel by car through the sites sustainable location within walking distance of shops, services and transport modes
- Temporary construction jobs
- Open space provision within the site
- LEAP
- Financial contributions towards education, community facilities, play facilities and libraries.
- Significant bio-diversity gains

It is important to note that there are no adverse impacts which would significantly and demonstrably outweigh these benefits. There are no fundamental concerns with regard to any of the following topics;

- Access/Transport
- Layout
- Landscape Impacts
- Heritage/Archaeology
- Impact on Residential Amenity
- Flood risk/Drainage
- Ecology/protected species

Therefore, in this case there are no considerations of specific policies in the NPPF that weigh against the balance towards housing provision.

16.0 Conclusion

The view of Officers is that the application should therefore be granted.

17.0 Recommendation

Recommendation A: **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- 50% affordable housing on site equating to 20 affordable units
- Community Facilities Contribution
- Formal Outdoor Sports Contribution
- Formal Outdoor Sports Maintenance Contribution
- Informal Outdoor Space Contribution
- Informal Outdoor Space Maintenance Contribution
- Library Contribution
- Play Facilities Contribution
- Play Facilities Maintenance Contribution
- LEAP
- Education Contribution
- On site open space provision

And the conditions (and their reasons) listed at the end of the report.

Recommendation B; **Refuse** permission for failing to secure the obligations above if the agreement is not completed by (12th October 2022) or such extended time as agreed by the Head of Planning.

Conditions

1. Approval of the details of the layout, scale or appearance of the buildings and the landscaping of the site (hereinafter “the Reserved Matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. The development shall be carried out in accordance with the approved Reserved Matters.

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

2. Application for the approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of final approval of the Reserved Matters or, in the case of approval on different dated, the final approval of the last Reserved Matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town

and Country Planning Act, 1990.

Approved Plans

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:

Access Design Plan 20117-MA-XX-XX-SK-C-0004-P06

Site Location Plan Rev: 18th October 2021

Reason: For the avoidance of doubt and to clarify the permission.

Quantum of Development

5. The development hereby approved shall be limited to a maximum of 39 dwellings only.

Reason: To define the extent of the permission

Landscaping

6. No dwelling hereby approved shall be first occupied or used until details of the onsite public open space has been submitted to and approved in writing by the local planning authority. The submission must include details relating to the design, laying out and future arrangements for management and maintenance of the open space. The open space shall then be laid out and maintained as approved for the lifetime of the development.

Reason: To ensure the landscape scheme secured by reserved matters is implemented and satisfactorily maintained in the interests of the character and amenity of the completed development.

7. Prior to the commencement of any development hereby approved above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: (i) proposed finished levels or contours; (ii) means of enclosure; (iii) car parking layouts; (iv) other vehicle and pedestrian access and circulation areas; (v) hard surfacing materials; (vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting, etc); (vii) proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines, etc indicating lines, manholes, supports, etc); (viii) native tree belt to the east of the site and the retention of a green corridor with tree planting along the boundary with Chippel Lane.

If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

8. Prior to occupation of any dwelling hereby approved, a landscape management plan shall be submitted and approved by the Local Planning Authority. This shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The development's landscaping shall be managed in accordance with the approved plan for the lifetime of the development.

Reason: To ensure the landscape scheme secured by reserved matters is implemented and satisfactorily maintained in the interests of the character and amenity of the completed development.

Ecology

9. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of any development which requires approval under the Dorset Biodiversity Appraisal Protocol. The content of the LEMP shall include the following:

- a) submission of an updated Ecological Impact Assessment report to include: habitat losses and gains assessment and demonstration of measurable biodiversity net gain
- b) Description, evaluation and conservation objectives of features to be managed.
- c) Ecological trends and constraints on site that might influence management.
- d) Detailed design(s) and/or working method(s) & management prescriptions to achieve stated objectives.
- e) Extent and location/area of proposed works on appropriate scale maps and plans.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- i) Persons responsible for implementing the works.
- j) Details of the body or organization responsible for the long-term implementation of the plan.
- k) Details of initial aftercare and long-term maintenance.
- l) Details for monitoring and remedial measures.

m) Details for disposal of any wastes arising from works.

n) Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP must be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on protected species and biodiversity.

10. Prior to occupation of any dwelling hereby approved, an external lighting strategy shall be submitted and agreed in writing by the local planning authority. The agreed strategy shall be implemented in accordance with the agreed details and maintained for the lifetime of the development.

Reason: In order to ensure that lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky, neighbouring properties and protected species.

Highways

11. Development must not commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority.

Reason: To ensure the proper and appropriate development of the site

12. Before the development is occupied or utilised the first 15.00 metres of the vehicle access, measured from the rear edge of the highway must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

13. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved in writing by the Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

14. Before the development hereby approved is occupied or utilised the following works must have been constructed to the satisfaction of the Planning Authority:

- *The proposed access arrangements and alterations to the existing highway as shown on D20117-MA-XX-XX-SK-C-0004 P06 (or similar scheme to be agreed in writing with the Planning Authority).*

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

15. Before the development hereby approved is occupied or utilised, the submitted Travel Plan must be implemented and operational.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site

Flooding/Drainage

16. Prior to the commencement of the development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction, shall be submitted to, and approved in writing by the local planning authority. The surface water management scheme shall be implemented in accordance with the approved details before the development is completed and maintained for the lifetime of the development.

Reason: To prevent the increased risk of flooding and to protect water quality.

17. Prior to the commencement of the development details of maintenance and management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason; To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

Heritage

18. The developable area shall be kept within the area shown on the supplied parameter plan (drawing 003).

Reason: To preserve or enhance the character and appearance of the surrounding heritage assets.

19. The area identified on the site plan as 'Church View Green' shall be maintained as an undeveloped area to permit framed views across the site towards St Gregory's Church.

Reason: To preserve or enhance the character and appearance of the heritage asset.

Construction

20. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

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

Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.