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1.0 Application Number: [2/2018/1124/OUT](#)

Site address: Land North of Crown Road, Marnhull

Proposal: Develop land by erection of 72 dwellings and new community facilities (Outline application to determine access and layout).

Applicant name: Cicero Estates

Case Officer: Penny Canning

Ward Member(s)

2.0 Summary of Recommendation: Refuse for the following reasons:

The proposed development, by reason of its exposed hillside location and its sensitive position within the setting of the historic countryside village, and that of various designated heritage assets including those of high status, would result in unacceptable harm to both the historic and natural environment. The development of the village's rural edge would have a moderate/substantial adverse impact upon valued local views, impacting the immediate views from within the site, as well as the longer views from the public rights of way to the North and the eastern Sodom Lane, where the development would lead to a prominent change across the ridgeline, to the detriment of the landscape qualities of the area and the setting of the high status Grade I landmark church tower. In turn the erosion of the rural landscape, forming the existing and historic setting of the Grade I listed St Gregory's Church, Grade II listed Nash Court, Grade II Laburnum Cottage and Grade II Shaston View, results in the interruption of the interconnecting views between various heritage assets, as well as individual outward looking open views. Such erosion of setting impacts detrimentally on the manner in which the heritage assets can be experienced and contributes a negative impact on their significance, resulting in 'less than substantial harm'. By reason of the overly suburban and repetitive layout of the proposed housing, its elevation on the hillside and its proximity, the development would compromise the unspoilt rural pastoral field setting of these heritage assets, particularly the Grade II Listed Laburnum Cottage and Shaston View, so impacting on the aesthetic, historical and evidential value of the historic environment. As such, the development fails to give great weight to the conservation of the various heritage assets and to the safeguarding of their significance and setting, resulting in 'less than substantial harm'. In addition, the villages rural location would limit the opportunities for future residents to make sustainable choices through travel to access a wide range of services, further impacting upon the environment. In this case, the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme, including the public benefits; and Local and National policies seeking to safeguard the natural and historic environment offer clear reasons for refusing the development proposed. As such the proposed development would be contrary to policies 2, 4 and 5 of the North Dorset Local Plan (2016), and section 9, 15 and 16 of the National Planning Policy Framework (2019).*

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Insufficient evidence has been provided to demonstrate that the proposed development would not have a significant impact upon biodiversity at the site, and in particular European Protected Species, including bats. In particular the lack of Phase 2 survey work removes the ability to fully assess the impacts, together with the acceptability of any mitigation proposed, in respect of minimising impacts on, and providing measurable net gains for, biodiversity. As such the proposed development would be contrary to policy 4 of the North Dorset Local Plan (2016), and section 15 of the National Planning Policy Framework (2019).

In the absence of any formally agreed mechanism to secure affordable housing, the proposed development would fail to provide an appropriate level of affordable housing on site, contrary to the provisions of Policy 8 of the North Dorset Local Plan (2016). Furthermore, with no formal mechanism in place to secure planning obligation contributions to mitigate the impacts of the development, the proposed development would place an unacceptable level of pressure on green, grey and social infrastructure. The proposed development thus fails to comply with policies 13, 14 and 15 of the North Dorset Local Plan (2016).

3.0 Reason for the recommendation:

- Impact on Historic and Natural Environment
- Impact on biodiversity
- Impact on local infrastructure

4.0 Table of key planning issues

This must include all those headings which will then be discussed in full in the Planning Assessment section

Issue	Conclusion
Principle of development	<ul style="list-style-type: none">- Outside development boundary- Unsustainable development due to environmental impacts on the natural and historic environment
Detailed layout and access arrangements	<ul style="list-style-type: none">- Details of access and layout provided, all other matters reserved.
Impact on the historic environment	<ul style="list-style-type: none">- Less-than-substantial-harm to Grade II listed Laburnum Cottage

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	<ul style="list-style-type: none"> - Less-than-substantial-harm to Grade II listed Shaston View - Less-than-substantial-harm to Grade II* listed Nash Court - Impact on the historic setting of the village, including views towards the Grade I listed Church tower of St Gregory, resulting in less-than-substantial harm. - Public benefits of scheme outweighed by harm to historic environment
Impact on natural environment	<ul style="list-style-type: none"> - Moderate/substantial adverse impact on the character of the local landscape
Impact on Trees	<ul style="list-style-type: none"> - Acceptable impact, subject to conditions
Residential amenity	<ul style="list-style-type: none"> - Acceptable impact, subject to careful design at the reserved matters stage
Highway Safety	<ul style="list-style-type: none"> - Acceptable impact, subject to conditions
Flood Risk and Drainage	<ul style="list-style-type: none"> - Acceptable impact, subject to conditions
Protected Species	<ul style="list-style-type: none"> - No Certified Biodiversity Mitigation and Enhancement Plan - Potential impact on protected species
Affordable housing	<ul style="list-style-type: none"> - 40% affordable housing is proposed to be provided in accordance with Local Policy. However, no S106 legal agreement has been entered into to secure provision at this time.
Planning Obligations	<ul style="list-style-type: none"> - The impact of the development on local infrastructure is proposed to be mitigated through on-site and off-site mitigation measures in the main. However, no final sum has been agreed to mitigate impacts on

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	biodiversity, and no S106 legal agreement has been entered into to secure mitigation measures.
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5.0 Description of Site

Marnhull is situated within the Blackmore Vale and falls within the Limestone Hills Landscape Character Area, and sits on an elevated limestone ridge, bound on its western side by the River Stour, and towards the east, a tributary from the Stour, Chivrick's Brook. The village has grown from a number of smaller hamlets and as a consequence the village has a number of hubs; one near the Church, school and Crown public house (to the south), and another can be found by a small cluster of shops, car park, and Blackmore Vale Inn (to the north). It is in these areas that the more historic part of the village can be found, with more modern development expanding the village edges. A large 20th century estate (located to the east) connects the southern and northern strands of the village. Separated from the village is a further cluster of, mainly modern, housing situated to the East.

The application site sits within the eastern portion of the village, directly adjacent to the C20th estate of Philips Road and Ashley Drive, which offers a mixture of chalet bungalows and two storey dwellings, positioned to the north of Crown Road and to the South of Sodom Lane. The applications site incorporates a large agricultural field, currently used for grazing, situated directly to the east of existing housing, and bounded by Sodom Lane to the North, Crown Road to the south, and Tanzey Lane to the East.

The land rises quite significantly to the South from Sodom Lane before falling again towards Crown Road. Footpaths N47/34 and N47/35 run through the site offering access between Ashley Road, Tanzey Lane, Sodom Lane and Crown Road. The site lies outside of the village's conservation areas, but due to its elevated position is sensitive within its landscape, with views of the site possible from a number of nearby footpaths including those to the north, namely rights of way N47/81, N47/85 and N47/88, where the site can be read in context with views towards the Church tower of St Gregory which sits to the south west. A Grade II listed cottage (Laburnum Cottage) lies adjacent to the north east corner of the site, and at the sites south west corner are two Grade II listed buildings, Shaston View, and Rosedale Cottage.

6.0 Description of Development

The applicant is seeking outline planning permission to develop land to the North of Crown Road, to the South of Sodom Lane, by the erection of 72 dwellings, together with the provision of new community facilities. The application seeks detailed consent for matters relating to access and layout, with all other matters, relating to landscape, design and appearance, reserved for subsequent approval.

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7.0 Relevant Planning History

No relevant planning history

8.0 List of Constraints

- Outside settlement boundary
- Setting of Grade II Listed Building (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- North Dorset Limestone Ridges Landscape Character Area
- Rights of Way

9.0 Consultations

Historic England

No comment

Natural England

No objection, subject to the submission of an approved Biodiversity Mitigation Plan

Wessex Water

No objection

Dorset Clinical Commissioning Group

No objection subject to a contribution towards primary healthcare.

Crime Prevention Design Officer

Concerns raised in relation to plot 67 as it is directly next to the public open space. Further advice given in respect of detailed design stage.

Planning Policy

No objection

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In the absence of a 5-year housing land supply, for this application NPPF deems the parts of the Local Plan policies relating to housing supply as 'out of date'. In line with the NPPF, permission should be granted unless the Framework "provides a clear reason for refusing the development" or "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole."

There will of course be a full range of other matters to consider, including the impact on biodiversity, the historic environment, the landscape, and infrastructure capacity. However, in this case it is unlikely that cumulative impact on its own will be a sufficient constraining factor to justify refusal. Although 47 dwellings have been added to the village since 2011 and there is a deliverable supply of a further 36 dwellings with planning consent, this still falls short of the estimated needs figures outlined above. Although there are other schemes that either have outline consent or are seeking outline consent, we are not aware of evidence to suggest that they are 'deliverable' according to the NPPF definition. Until sites are deemed 'deliverable' they cannot contribute towards the 5-year housing land supply.

Dorset Education Authority

Recommends securing contributions towards secondary education, and towards Sturminster Newton Library, in order to mitigate the increased pressure on these services from the proposed development.

Affordable Housing Officer

No objection

There is a high level of housing need in North Dorset ... this scheme would make a contribution to meeting the need across the district.

Design and Conservation officer

Objects, identifying 'less than substantial harm' to the historic environment, and in particular Grade II listed Laburnum Cottage. The Officer concludes the following:

The development as a whole has failed to take reference from the existing grain of the settlement, the open vistas, the agrarian landscape and historic character of the area and the clusters of the more historic buildings to the Crown Road southern edge, in regards to design of its layout and built form. Instead it employs straight roads, replicated lines of modern semi-detached dwellings and segregated pockets of detached properties around urban closes. The applicant's submission references the existing C20 development (Ashley Road) having not previously responded well to the local landscape setting and that the proposed development would constitute a high level of change due to its prominent slopes location, being seen clearly juxtaposed with the heritage assets, rather than having the recessive character

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required being set within what could be constituted a visual buffer zone, below the historic settlement and Conservation Area.

As such, the present development scheme does not preserve or enhance the setting, has not successfully responded to the setting, and is considered to constitute less-than-substantial harm to the significance and setting of heritage assets, which is not the same as acceptable harm. Despite some public benefit it is considered that alternative schemes have potential to offer less impact and as such, in this specific instance the harm is not sufficiently outweighed or justified.

Senior Archaeologist

No objection

The Landscape Officer

Objections to the application for the following reasons:

The visual impact of the proposed development in longer views towards the settlement from publicly accessible vantage points can be satisfactorily mitigated by the proposed planting, and the character of the wider landscape will be substantially unaffected. The proposals will however substantially alter the character of the existing Rights of Way that cross the application site, and reduce the characteristic extensive views out to the open countryside and towards the landmark tower of the Grade I Listed Church of St Gregory. There is also the potential for the proposed development to have a negative impact on important views/residential amenity of heritage assets.

The prominent position of the site, uncharacteristic development pattern and suburban character of the development will result in moderate/substantial adverse impact on the character of the local landscape. Intensification of use, incidental sounds associated with residential use and potential light pollution from street lighting will also negatively impact on the characteristic tranquillity of the location.

I am therefore not able to support the proposed development as it does not comply with the requirements of Paragraph 127 of the NPPF (part c) or Policy 4 of the North Dorset Local Plan (Landscape Character).

Natural Environment Team

Object for the following reasons:

If there is potential to impact European Protected Species, in this case bats and dormice the planning authority needs to be able to demonstrate that it has fully

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accessed the likely impacts, importance of any features affected and if significant harm would result, needs to consider alternatives. It is very difficult to do this and not risk challenge on a 'worst case scenario' basis. If certain protected species are found on site we would require more substantive stand-off/buffers from any development and therefore the 'worse-case scenario' mitigation proposed is not acceptable. In our view the 'worse-case scenario' mitigation proposed (buffers, new planting) would not adequately address the presence of certain protected species should they be recorded on site.

Tree Officer

No objection subject to conditions

Rights of Way Officer

Concerns raised in relation to the southern extension of footpath N47/35. A number of conditions and informatives are advised if planning consent granted.

Highway Authority

No objection subject to conditions

Flood Risk Management Team

No objection subject to conditions.

Technical Engineer

No objection, subject to conditions

Marnhull Parish Council

Marnhull Parish Council object to the application for the following reasons, and request the application be brought to planning committee:

- The proposed development does not comply with the Council's spatial strategy;
- If approved alongside other current applications in Marnhull, the cumulative impact would be unacceptable, with a disproportionate level of housing placed within Marnhull (25% of the target housing within the countryside), and an oversupply of affordable housing, exceeding local need;
- Lack of local employment opportunities to meet the scale of development proposed;
- Scale, design and layout would result in an unsatisfactory form of development out of keeping with the village character, resulting in units

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backing onto the site's green corridors, over urbanisation, limited house variety, conflicting with the organic form of growth of the existing village;

- Limited bus service results in high reliance on the car to access a employment and a wider range of services;
- Increased pressure on village services and amenities, including the school, village hall, doctors surgery and other amenities;
- Increased traffic and parking within the constrained village highway network;
- Flood risk;
- Parish Council to consider S106 funding needs, current projects include: extending/renovating village hall, traffic calming, a man shed, outdoor exercise equipment;
- Any benefits of the proposal outweigh the harm to public safety and village services and amenities.

All consultation comments can be read in full at www.dorsetcouncil.gov.uk

10.0 Representations

Third party representations

At the time of writing the report, 156 third party comments have been received, objecting to the proposed development for the following reasons:

- Road safety concerns, having regard to the shear increase in volume of traffic on local roads, and access on to busy B3092, together with the narrow Sodom Lane;
- Impact of construction traffic;
- Concern over validity of the Landscape and Visual Impact Assessment (LVIA), Transport Statement, Planning Statement;
- Pedestrian safety, due to lack of pavement, no lighting, poor visibility splays, lane conditions of Sodom Lane and Tanzey Lane, and busy B3092, making access to facilities unsafe. Road access onto Sodom Lane should be omitted; footway on or behind Sodom Lane should be omitted;
- Local shops located some distance from the application site, with limited parking. Limited parking at St Gregory's school;
- Increased reliance on the car due to poor public transport, unsafe routes for cycling, and poor connectivity to wider services and employment;
- Unacceptable pressure on existing overstretched infrastructure and facilities, including the schools and doctor's surgery;
- No need for additional community buildings, which would result in further traffic generation, insufficient parking shown;

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- Few employment opportunities within the village, and some distance from shops;
- Impact on climate change due to poor access to public transport and facilities, and added pollution;
- Impact on tourism due to the impact on the character of the area;
- Impact on both light and privacy/overlooking to neighbouring properties immediately adjacent to the site; impact on views from nearby properties, including residents on the Crown estate. Impact on the value of properties bordering the site;
- Government housing figures do not account for local circumstances, no need for additional homes, properties on the market not selling. The number of units proposed is disproportionate to the needs of the village;
- Homes should be affordable;
- Destroys agricultural grazing greenfield land. Development should be directed to brownfield sites;
- Site falls contrary to policy, being outside of the settlement boundary, and failing to comprise sustainable development;
- The development does not respond to local need, nor is it locally led;
- Poor design and layout resulting in lack of front gardens and frontages onto public open spaces;
- Scale of development out of keeping with the rural character and appearance of the village, with high density housing;
- Owing to the lie of the land and the proposed layout, the development would be visible and intrusive within the landscape;
- Impact on the historic environment, and in particular, Laburnum Cottage where less than substantial harm has been identified.
- Impact on landscape character, the peaceful and tranquil rural amenity of the area, and noise and light pollution, due to the proposed built form in a valued green space;
- Impact on existing trees, hedgerows, habitats and wildlife, including bats, badgers, birds, hedgehogs, deer, foxes;
- Impact on right of ways and the experience of views from the application site towards Duncliffe Hill and Shaftesbury and the surrounding Blackmore Vale;
- Flood risk and drainage concerns, particularly in light of existing surface water flooding along Sodom Lane;
- Capacity of sewerage systems;
- Site used for air ambulance;
- Cumulative impact of all new developments proposed within the village, including small and large scale proposals.

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CPRE object to the application on the following grounds:

- National Housing need over estimated, and directed to urban areas;
- Inappropriate setting and design, outside the development boundary within unspoilt countryside;
- Heritage Statement inadequate, impact on historic setting;
- No details of design and appearance;
- Scale of development out of proportion with the size of village, and would impact upon existing limited facilities;
- Impact of increased traffic on highway safety, Transport Statement incorrect;
- No sustainable additional employment;
- Concern regarding the sustainability of the development;
- Cumulative impact of development within the village

Following the submission of amended plans, and republicising of the application, many of the points raised above, having regard to unsustainable location, highway safety, scale of development, its impact on the historic and natural environment, flooding, are all issues which continue to concern residents and third parties.

Representations can be read in full at www.dorsetcouncil.gov.uk

Dorset County Hospital NHS Foundation Trust

The proposed development would result in increased pressure on health services, and a contribution of £75,976 is sought to wards the gap in the funding created by each potential patient from the development in respect of A&E and planned care.

11.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (2016)

Policy 1 - 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

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Policy 8 - Affordable Housing
Policy 13 - Grey Infrastructure
Policy 14 - Social Infrastructure
Policy 15 - Green Infrastructure
Policy 20 – The Countryside
Policy 23 - Parking
Policy 24 - Design
Policy 25 – Amenity

North Dorset District-Wide Local Plan to 2003- 2011

Saved Policies in the 2003 – 2011 Local Plan which remain valid are:

Policy 1.7 – Development within Settlement boundaries
Policy 1.9 – Important Open or Wooded Areas

Other Material Planning considerations:

National Planning Policy Framework (2019)

As far as this application is concerned the following sections of the NPPF are considered to be relevant:

1. Introduction
2. Achieving sustainable development
3. Plan-making
4. Decision-making
5. Delivering a sufficient supply of homes
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

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, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic,

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social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

National Design Guide (2019)

HE Good Practice Advice Note 3 : Setting of Heritage Assets

HE: Good practice Advice Note 2: Management of Significance in Decision-Taking

HE: Conservation Principles

North Dorset Landscape Character Assessment 2008

In the North Dorset Landscape Character Assessment 2008 the site is identified as being in the North Dorset Limestone Ridges Landscape Character Area, with the landscape type being Limestone Hills. The assessment describes Marnhull in particular as having poorly integrated urban edges. The Dorset Landscape Character Assessment provides further detail on the key characteristics of the Limestone Hills Landscape Character Type, and provides key land management guidance intended to maintain and improve landscape character and inform development proposals:

Key characteristics

- varied landform due to the complex geological structure
- diverse scenery with mixed farmland, dense hedgerows, stonewalls, and some steep wooded slopes
- expansive generally open landscape but with some deep, enclosed and narrow valleys
- many scattered farmsteads and villages
- distinctive built environment patterns and building materials with the frequent use of the local limestones
- some key parkland landscapes and associated features

The Strategic Landscape and Heritage Study for North Dorset - Assessment of Land Surrounding the Larger Villages (report prepared for Dorset Council by LUC October 2019).

The above report includes the following observations regarding Marnhull.

Key sensitivities

Landscape

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- The topography to the north and west of Marnhull is steeply sloping and associated with the winding valley of the River Stour. To the south and east the landform is gently undulating, with some areas carved by the small valleys of minor watercourses.
- Pockets and copses of broadleaved woodland (including BAP priority habitat deciduous woodlands) located around the village providing an important landscape and ecological resource. A strong network of hedgerows with mature trees is also characteristic of the landscape surrounding Marnhull.
- Existing settlement is low density and is laid out in a distinctive and historic linear settlement pattern. There has been significant linear infilling between the two sections of the conservation area, new development may lead to further development along connecting lanes or the loss of the linear settlement pattern of the village.
- Views towards the Cranborne Chase and West Wiltshire Downs AONB to the east from elevated ground. Slopes adjacent to the valley of the River Stour are visually prominent from the opposing valley sides.
- Looking outward from the village are mostly undeveloped, wooded skylines with long-reaching views. The tower of the grade I listed St Gregory's Church is a landmark feature on the skyline when looking towards the village and is visible from most directions.
- Despite its size, the village retains strong rural perceptual qualities with high levels of tranquillity. The surrounding network of minor rural lanes which have not been significantly altered by modern development also contributes to the rural character of the village.
- A strong network of public rights of way surrounds the village, allowing appreciation of the landscape. These include parts of the Hardy Way and Stour Valley Way long distance recreational routes.

Heritage

- The HLC indicates a primarily agricultural landscape with field enclosures of possible medieval and post-medieval date. These have some time-depth and are likely to contain heritage assets susceptible to physical change. Parts of the historic landscape also have further value as they contribute to the setting of heritage assets, such as the conservation area.
- Marnhull has strong associations with Thomas Hardy, providing the inspiration for 'Marlott' in Tess of the d'Urbervilles with extant buildings within the conservation area appearing in the text (notably the Crown Inn), making a substantial contribution to associative heritage values.
- The assessment area adjoins to the remaining undeveloped boundaries of Marnhull Conservation Area and Marnhull Conservation Area Extension and overlaps them in some areas. Development within the conservation area, or

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its rural setting, could potentially affect its special interest by changing its character, historic layout, rural setting, or result in the loss of key views.

- Within Marnhull Conservation Area and wider settlement there is the grade I listed Church of St Gregory [1172545] and the grade II* listed Senior's Farmhouse and attached barn [1172057], as well as numerous grade II listed buildings and some non-designated built heritage assets⁶⁴. Not all of these buildings will have a meaningful relationship with the assessment area, but those that may (e.g. the grade I listed Church of St Gregory [1172545], the grade II* Senior's Farmhouse and attached Barn [1172057] and the grade II Pond Farmhouse [1110408], Street Farmhouse [1324542], Cross Tree Farmhouse [1110402], and Church Farmhouse [1110406] as well as, potentially, some of the cottages), could have their heritage significance affected by development.
- Heritage statements would be required for any proposals that may affect the significance of a heritage asset. Historic England would need to be consulted for any proposals with the potential to affect a grade I or II* listed building.
- Archaeological potential, and the potential for adverse effects, will need to be clarified via desk-based assessment and potentially field evaluation. The outputs of this process should be used to inform an appropriate mitigation strategy, agreed in advance with the local authority archaeological advisor. There are a number of grade II and grade II* listed buildings in the assessment area. In the event of development these would be susceptible to physical harm and/or setting change that affects their heritage significance.
- In the wider vicinity there are a number of listed buildings and conservation areas. It is unlikely that any of the listed buildings would experience meaningful setting change, but there is the potential for harm to views to, from and in conjunction with the nearby conservation areas that may affect the way in which their special interest is appreciated.
- The HER indicates a potential for prehistoric and Roman settlement, particularly to the north-east of Marnhull. There are also records relating to medieval/post-medieval agricultural and industrial activity. Being largely undeveloped, any archaeology is likely to survive well, bar truncation by plough action. Any archaeology would be highly susceptible to physical change.

Guidance and opportunities for mitigation

- Avoid siting development in visually prominent locations, including the upper valley slopes of the River Stour. Proposals should not detract from landmark views, including views to the church tower.
- Seek to retain BAP priority habitat deciduous woodlands and the strong network of hedgerows with mature trees which forms an important link between areas of semi-natural habitats. Explore whether these can be enhanced as part of any development proposals.

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- Ensure that new development is designed to be in keeping with the vernacular, form and density of the existing settlement. All development proposals should include adequate landscaping to screen the development into the landscape.
- New development should not result in the loss of public rights of way or detract from views experienced from these locations, particularly the long-distance footpaths of the Hardy Way and Stour Valley Way or views to the Cranborne Chase and West Wiltshire Downs AONB. Development should not detract from the existing prominent skyline features such as the grade I listed St Gregory's Church.
- Retain the overall rural and tranquil character of the surrounding area. Ensure that any required upgrades to the rural road network are sensitively designed by avoiding excessive road widening, signage, lighting etc.
- Proposals affecting landscape that retains time-depth and heritage assets e.g. historic hedgerows, pathways, etc., should draw upon these features to help create a sense of place.
- Development should preserve or enhance the special interest of Marnhull Conservation Area and others nearby and any elements of their settings that contribute to their significance. Conservation Area Appraisals delineating their special interest should be prepared so that potential effects resulting from development may be fully understood and assessed.
- A Local List (and GIS shapefile) of non-designated heritage assets should be compiled to ensure that proposals for development fully assess any potential impact/enhancement to such assets.
- Listed Buildings and non-designated built heritage assets within the assessment area should be retained. Elements of their setting that contribute to their heritage significance should be preserved or enhanced.

12.0 Human rights (standard text)

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

13.0 Public Sector Equalities Duty (standard text)

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:-

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- 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 PSED.

14.0 Financial benefits

- 40% Affordable housing
- Public open space
- A combined LEAP/LAP
- Provision of a preschool facility
- Provision of a community building
- Contributions towards existing play facilities, allotments, formal outdoor sports, informal outdoor space, rights of way, ecology and conservation, education, libraries, and health care

15.0 Climate Implications

The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would also be used as a result of the production of the building materials and during the construction process. When occupied and in use the development would generate vehicular movements releasing carbon monoxide. Heat escape from the dwelling would also contribute to greenhouse gases. However, it should be noted that modern building regulations would help minimise such heat release.

The location of the development would not negate the need to travel to reach a wide range of services, although would be in walking distance to a number of local facilities. The development would also be expected to provide for plug-in charging points for low emission vehicles.

When weighing up the material planning considerations of any development, a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

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16.0 Planning Assessment

16.1 Planning policy overview

Local Authorities are required to annually demonstrate a supply of deliverable housing sites, and in this regard, the National Planning Policy Framework (NPPF) states the following:

To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.

Policy 2 of the North Dorset District Local Plan, Part 1, sets out the spatial strategy for North Dorset, and this is evidenced by the Sustainable Development Strategy Background Paper (2013). It identifies the four main market towns, Blandford, Gillingham, Shaftesbury and Struminster Newton, as the focus for future development, in recognition of their population and service provision. Below this, Stallbridge and 18 larger villages are identified based on population, range of services and proximity to services, together with consideration of local issues, as being able to accommodate a degree of growth to meet local and essential needs. Policy 6 of the Local Plan sets out that at least 825 new dwellings should be built in the countryside over the plan period of 2011-2031 to meet local needs, and this should be concentrated within the settlement boundaries of Stallbridge, and the 18 larger villages. Of the 18 larger villages, Marnhull is identified as the largest and most well served. Outside of the settlement boundaries, Policy 2 seeks to strictly control development in the countryside.

This application falls adjacent to, but outside of, the settlement boundary for Marnhull and therefore conflicts with Policy 2 of the Local Plan.

North Dorset has been unable to demonstrate a five year housing land supply, its most recent monitoring putting the figure at 3.3 years. Having regard to the Council's housing trajectory, the Local Plan sets out an annual house-building target of 285 dwellings per annum, and this figure has risen as a consequence of the shortfall. Regarding para 73 of the NPPF, the Council has persistently under delivered on its housing targets over the last 3 years, falling below the level required by Government guidance such that a 20% buffer has to be applied to the housing land supply figure, in order to improve the prospect of achieving the planned supply.

As the Council cannot currently demonstrate such a supply the policies in the local plan relating to the provision of open market housing, in particular policy 2, 6, 7 and 20, cannot be considered up-to-date and the presumption in favour of sustainable

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development as set out in Paragraph 11 of the NPPF applies. For decision making this means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Policy 2 of the Local Plan cannot therefore be given the full statutory weight it should enjoy, however, the spatial strategy underpinning the policy continues to accord with Para 103 of the NPPF which states the following:

The planning system should actively manage patterns of growth ... Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

The spatial strategy underpinning Policy 2, and in turn, Policies 6, 7 and 20 recognises the need to maximise sustainable transport solutions which vary considerably in rural areas compared to larger settlements. The basis behind Policy 2 directly accords with the approach advocated at para 103 of the NPPF, and in recognition of this, significant weight can still be attributed to this policy.

In the absence of an adequate housing land supply, the Council nevertheless has to assess the development against the provisions as set out in para 11 of the NPPF for housing proposals. This requires decision makers to consider whether a 'tilted balance' approach applies. This above approach, broadly reflects the former position of the earlier NPPF (2012) para 14, which resulted in a number of court cases, eventually resulting in the Supreme Court ruling of *Suffolk Coastal DC v Hopkins*

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Homes & SSCLG (2016). This confirmed that where a Council does not have a 5-year supply, the tilted balance set out in the NPPF is triggered. In applying the tilted balance, any out-of-date policies are not simply disregarded; to the contrary, the Council can continue to have regard to its spatial strategy and given the consistency between the aims of Policy 2 and para 103 of the NPPF significant weight can be attributed to this policy. It is likewise important to note that the revised NPPF (2019) outlines in para. 11 (i) that where policies in the Framework that protect areas or assets (this includes heritage assets) of particular importance provide clear reasons for refusing the development proposed, then under these circumstances the 'tilted balance' described above does not apply.

16.2 Principle of development

It was never anticipated that local needs be met through large-scale housing proposals and, notwithstanding the housing shortfall, it is relevant to have regard to the Council's spatial strategy when considering the appropriate distribution of housing across the District, and the scale of development proposed. No housing needs assessment has been carried out for the 18 larger villages, however, consideration of known variables can assist in offering some context and understanding the implications of a development of this scale.

The number of commitments and completions within Marnhull since 2011 falls within the region of approximately 83 dwellings to date. The delivery of housing proposed within the current application would increase this figure to 155, equating to approximately 19% of the 825 dwellings to be delivered across Stallbridge and the 18 larger villages.

A development of up to 61 dwellings North of Burton Street has also been approved. However, that application only has outline consent, and does not fall under the NPPF's definition of deliverable at this stage, with no clear evidence that housing completions would begin on site within five years. It cannot therefore be included within the above figures.

The figures nevertheless indicate a high proportion of the total planned dwellings across the 19 rural settlements would fall within Marnhull. However, this has to be considered in the context of the housing land supply. As reported above, the total planned dwellings would likely need to be higher than that set out within the Local Plan, as a consequence of the under provision of housing within the area.

It is also worth having regard to identified needs within the village, and the housing register offers a means of considering this. In this regard, there are approximately 25 households currently awaiting housing in the Parish. In order to meet this local need, a development of 63 dwellings would be required, which would be fulfilled by the current proposal.

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Other means of assessing the local need within Marnhull, is to apply the same methodology used for a number of neighbourhood plans in the North Dorset district to calculate housing need. Applying these methodologies, the housing needs in Marnhull is estimated to be between 88 and 103 dwellings over the plan period 2011 to 2031.

At 1st April 2020, 47 dwellings had already been completed, and there was extant consent for 36 dwellings in the deliverable category, making a reasonable prospect of a further 32 dwellings being developed (applying a 10% discount to the extant consents). On this basis, the total growth within the village between 2011 and 2031 is likely to be approximately 79 dwellings. Taking into account the above applied methodologies (these are set out in more detail under the Planning Policy consultee comments on the Council's website), and having regard to the lack of evidence that any developer is interested in the Burton Street site, it could be concluded that there is a shortfall of housing within Marnhull of between 9 and 88 dwellings.

The NPPF is underpinned by the objective to achieve sustainable development, and this is based on economic, social and environmental factors. The economic, environmental and social criteria are the basis for new housing being located within larger settlements with a range of facilities, in order to provide opportunities for people to make sustainable choices.

Following Stallbridge, Marnhull is the second largest village within the District, by some distance and, for a village, is relatively well served in terms of facilities, which include a Church, two primary schools, two public houses, two convenience stores, a post office, hairdressers and fabric shop, a doctor's surgery, garage, village hall, children's play area and an equipped recreation ground. Like all villages, Marnhull is not without its constraints. Within the village, routes are restricted in places creating pinch points for vehicular traffic, and with some services only accessible via unlit village roads with no footway. That said, many of the services identified above would be accessible on foot from the development site within approximately 10-15 minutes, with access to a large number of the services possible via pedestrian footways.

In order to reach a wider range of services, together with a choice of employment, it would be necessary to travel to one of the District's larger settlements, and the lack of any arterial routes leading to the village is noteworthy. Marnhull has a limited bus service, with the X10 offering access to Stallbridge, Sherborne and Yeovil, and the X4 offering access to Gillingham. The nearest train station is located in Gillingham, approximately 6 mile away.

Marnhull is thus a comparably large and well served village, although not without its constraints. It would be possible for occupiers of the new development to access a limited range of services on foot. It must however be recognised that being a village location, there will be a reliance on the car to reach wider services and employment

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choices. The opportunities for occupiers to make sustainable choices in terms of travel are therefore relatively limited.

Having regard to the economic benefits of the proposal, the new homes would provide some short term economic benefits during the house build. Concern has been expressed regarding the reduction in productive land, and its consequent impact on the economy. This is nevertheless considered to be relatively minor in this case. The economic benefits are not wide ranging, and whilst the village is not without employment provision, job opportunities within the village would be limited. Nonetheless, some economic benefit could be realised from the scheme and it is not therefore considered that the proposal would conflict with the objectives of the NPPF in this regard.

Having regard to the social benefits of the proposal, the new homes have the potential to contribute to the vitality and viability of the village, offering continued support for existing services, and providing 40% affordable homes. It is clear from the representations made that there is existing pressure on local services, and where an unacceptable impact on services is identified, the proposed development seeks to make contributions to mitigate the impact of the proposed additional housing. This is considered in more detail in the remainder of the report, but in this case would comprise both on-site provision of additional facilities, including a pre-school facility and small hall, as well as financial contributions towards off-site provision.

The proposed development would contribute significantly to meeting the local housing needs within Marnhull, whilst assisting the Council in boosting its housing land supply. However, in order to comprise 'sustainable development' as outlined in para 8 of the NPPF, proposals need to be considered against all three dimensions of 'sustainability', such that the economic, social and environmental objectives of the NPPF are pursued in a mutually supportive way.

Detailed consideration is given within the remainder of the report to the environmental impacts of the proposal. In this case, the impacts of the development on the historic and natural environment are considered to be significant, such that they would demonstrably outweigh the benefits of the scheme. The policies within the Local Plan and NPPF seeking to protect areas and assets of importance provide justified reasons for refusal in this case, such that the tilted balance described above would not apply, and the scheme would not comprise sustainable development, for which there is a presumption in favour for within para 11 of the NPPF. The principle of development is not therefore considered to be acceptable, and the proposed development would conflict with the spatial strategy set out within para 103 of the NPPF and Local Plan Policies, in particular, Policy 2 of the Local Plan, which may be given significant weight.

16.3 Detailed Layout and Access Arrangements

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The proposed access would be located on the North side of Crown Road, in place of an existing field entrance. The estate road would incorporate the adjacent Tanzey Lane entrance, avoiding two accesses side by side onto the north side of Crown Road. Traffic flowing in a southerly direction along Tanzey Lane would instead give way onto the proposed estate road, which would in turn offer direct access onto Crown Road, positioned opposite the Stoneylawn access.

Dwellings would be located either side of the estate road which is proposed to sweep diagonally across the site, with a number of roads accessed off from it, until it curves around adjacent to Sodam Lane, with a cycle and pedestrian access, also suitable for emergency vehicles, onto Sodom Lane at the site's far north west edge, and a further pedestrian access onto Sodam Lane further East. Rising from the north east corner of the site a large area of open space would extend up the hillside, with tree planting indicated within the space, together with a local equipped area for play (LEAP). The existing public footpath link running through the site in an east-west direction, offering connectivity between Tanzey Lane and Ashley Road, would be retained. Likewise, the pedestrian link from Crown road into the site would be retained, with a north-south link between Crown Road and Sodam Lane provided, although the southern extent of footpath N47/35 where it meets Crown Road has been altered. Its repositioning to the east would not be ideal as this leads footpath users down a relatively steep quarry face. Details of how this path could be provided safely would be required. The plans also currently show the use of styles, and these would be expected to be swing gates to enable improved accessibility, a matter that could be dealt with by condition.

The site area is approximately 5.26ha, with just over 1ha denoted to public open space. The developed part of the site would have a density of approximately 17 dwellings per hectare. 40% of the dwellings are proposed to be affordable housing.

No clear details of scale and appearance have been provided at this outline stage. Photomontages have nevertheless been provided which give an indication of some single storey units along part of the western boundary, at the northern extent of the site, and predominantly two and two and half storey units on the remainder of the site. No details of landscaping have been provided at this stage, but some indicative planting is shown on the layout drawing, showing tree planting within the open space, together with the retention of hedgerows around the sites boundaries, and the retention of a number of important trees within the site. It is considered that the layout would enable some limited additional planting to be provided within the fronts of gardens.

Directly to the west of the site entrance, the applicant proposes the provision of a pre-school facility in the form of a 171sqm building, and community facility comprising a 73sqm building, located adjacent to a small car parking area. Some concern is raised in relation to the need for these facilities and this is discussed within the remainder of the report. Concern has also been raised in relation to the parking provision set aside to support the use of these units. 12 spaces are currently

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shown to support the community buildings, and whilst the number of parking spaces would not be set until the detailed design stage, by reason of the layout shown, it is noted that there would be limited opportunity to provide significant levels of parking at these premises. The buildings would nevertheless be of a small scale nature, unlikely to attract high volumes of people, and would seek to serve a localised catchment. With this in mind, it is considered that there is sufficient opportunity surrounding the buildings to increase the parking provision on site sufficiently to address the likely demand.

The amendments to the scheme over time have sought to better respond to the site topography and constraints, directing development to the less conspicuous parts of the site, and seeking to retain an element of open space along the more visible northern hillside. Some separation has been provided between the proposed dwellings and Grade II listed property, although the development would remain a prominent feature within the setting of the listed building, and the additional open space would allow for increased landscaping within the development to assist in softening the built form. The scale of the development on this hillside location and the single access to the site limits the opportunities to further reduce the visual impacts of the housing and road on the wider area. The single access prevents the creation of separate development clusters with individual character, served by short access roads, and has instead resulted in longer housing estate roads which sweep across the hillside site. The layout of the development reflects a suburban style, and the housing and estate road would remain visible from many of the north and north east viewpoints. Further consideration is given to visual and highway safety considerations, together with the impact on the listed building in the remainder of the report.

16.4 Impact on the historic environment

Impact on the Conservation Area

Having regard to the general duties of the Local Planning Authority, para 72 (1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty of the Local Planning Authority in respect of applications within a Conservation Area, stating the following:

(1) In the exercise, with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953.

Marnhull is a rural village, formed from a number of smaller scattered hamlets which have grown and joined to form a single village over time. Some of these hamlets

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remain identifiable with some maintained separation from the village, but others have been integrated and developed such that they are less identifiable as a separate hamlet. Nevertheless, as a consequence of Marnhull's growth there is no single historic core that the village is centred around, but instead there are a number of historic hubs centred around the heart of the earlier hamlets.

Marnhull consequently has two separate conservation areas, one reflecting the earlier hamlet of Burton and Pilwell to the north, clustered around the village shops and Blackmore Vale Inn, and another to the South reflecting the earlier hamlet of Kentleworth, centred around the Church, school and Crown Public House, but continuing in a linear form along New Street.

The application site falls outside of both conservation areas adjacent to a C20th infill development. The proposed development does not reflect the traditional linear pattern of development within the village, but better relates to the infill development adjacent to the site, which uncharacteristically spans between Sodom Lane and Crown Road, as the application site does. Owing to the separation of the application site from the more historic parts of the village, the relationship with the conservation areas is less direct with limited inter-visibility between the areas. Consequently, its development has a more limited impact upon the character and historic value of those areas.

Notwithstanding the lack of direct inter-visibility between the site and designated conservation areas, the natural green open field does however provide separation between the built settlement of Marnhull and the satellite building groups such as Stonelawn, Corner Close, the New Inn Farmstead and other historic cottage enclaves; and forms a rural setting to the historic village itself. On approaching the elevated village, the undeveloped sloping hillside edges, of which this site forms a part of, reflects Marnhull's hillside context and acts as a foil to the historic village when viewed on approach, and helps to preserve the historical hillside context of the village, with its church tower on the horizon and buffer to the setting of the conservation areas. Having regard to this context, the Design and Conservation Officer has raised concern that compromising the pastoral setting of the village, by the development of 72 dwellings and a road running through the site, would domesticate this elevated rural setting, to the detriment of the historic character of the village. The access arrangements at the south eastern corner of the site would also change the character of that part of Tanzey Lane, which is an example of the historic lane network in the area with its high hedges and enclosed character.

The development of this hillside would no doubt alter the views on approach to the historic village, resulting in some harm. The provision of an open parkland area to the north east of the site has helped to reduce the impact of the built form at this site and the development would be viewed in the context of the modern C20th development rather than the historic village conservation areas. Given the distance between the application site and the limited inter-visibility between the site and conservation areas, it is difficult to conclude that the proposed development would

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lead to substantial or less than substantial harm to the conservation areas. The impact on the overall village character, as well as the impact on the stretch of Tanzey Lane where it approaches Crown Road, does nevertheless need to be weighed in the balance, and is considered further in the landscape section of the report.

Impact on the setting of listed buildings

Having regard to the general duties of the Local Planning Authority, para 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty of the planning process, and states the following:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.

Set at the foot of the northern hillslope is Laburnum Cottage, a Grade II listed building, its two storey western elevation in particular, with its stone mullioned windows, most appreciated from the footpaths criss-crossing the application site, contributes to the evidential, historic and aesthetic significance of the designated heritage asset.

Significance of the open rural landscape is further enhanced by former historical connections between Laburnum Cottage and the former stonework quarries at Shaston View, which no doubt resulted in their link via the RoWs criss-crossing the site. The site and its surroundings would have also previously formed part of the Grade II* Nash Court Estate lands. The cottage's connection to its rural setting is further emphasised by the lack of curtilage and defined boundary to the west of the house, and its unimpaired outlook and relationship with the open field, which contribute positively to its significance. The footpaths across the application site allow the cottage to be fully experienced in its rural context.

Significant concern has been raised by the Design and Conservation Officer regarding the impact of the proposed development on the aesthetic and historic value of the listed cottage, having particular regard to the proposed change to its relatively unspoilt historic setting, from open rural land to that of a more urbanised appearance, where the heritage asset will be viewed juxtaposed with modern housing, so contributing a detrimental sense of encroachment and intrusive impact as regards its setting. This has led to a reduction in the number of houses proposed, from 103 to 72, and the introduction of an open "parkland" area to the rear of the cottage.

The amendments have offered some separation between the listed cottage and wider development, and has sought to retain an open aspect to the rear where the

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historic and aesthetic value of the cottage can be appreciated from the rights of way running through the site, in the context of the rural hinterland beyond. However, whilst the amendments have made an improvement, inevitably, the outlook from Laburnum cottage would continue to significantly alter from the current more rural and historic pastoral aspect of the green field and natural sloping open hillside which form a strong feature of Laburnum Cottage's surroundings, with the hard perimeter line of Ashley Road development being a relatively distant feature. In contrast, as proposed, plot numbers 60-72 fall within the heritage assets direct sightlines and the development as a whole encroaches on the natural green gap between village settlement and satellite cottage group, a key component of the property's semi-isolated "sense of place".

In addition, whilst the scale and design of the units are reserved matters for subsequent consideration, the Design and Conservation Officer also raises concern regarding the overly suburban repetitive form and layout of dwellings set around a modern close, which within the context of a pastoral field setting, detached from the existing streetscene by a high roadside hedge, and in close proximity to the historic building group, comprising of designated and undesignated heritage assets (Laburnum Cottage and Ashley Gate respectively), appears to have failed to respond to the setting or given great weight to better revealing the significance of those heritage assets. The Design and Conservation Officer identifies 'less than substantial harm' to Laburnum Cottage.

Concern has also been expressed with regard to the location of the sustainable urban drainage scheme. Its immediate location adjacent to the western elevation of Laburnum Cottage reflects the low point in the field, and seeks to manage water in this location. However, ground levels within the listed cottage are considerably lower than the field surface at this point and any flood protection mitigation required is unlikely to be compatible with historic fabric or setting and to subsequently contribute further incremental erosion of the heritage asset's significance.

The site also falls within the setting of a further historic building group and old quarry works at the southern end of the site, comprised of the Old Stone Barn, a former outbuilding, historically associated with the neighbouring Grade II listed Shaston View. The proposed development on land in close proximity, directly to the north, would compromise the outlook from these buildings, especially as the land rises up from their location to the brow of the hill to the north, further exacerbating the proposed development's dominating and intrusive presence against the pale skyline.

The listed building's name also reinforces its elevated position and present long reaching inward and outward views across the present open field setting, Shaston being the name used for Shaftesbury by Thomas Hardy. The long views of the Shaston View from the rights of ways on the opposite valley side reveal the designated heritage asset framed between the wooded copse to the rear and the rising green open hillside below. Interconnecting long views aided by the high positions of both heritage assets also exist between the Grade II* Nash Court and

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Shaston View, reinforcing the buildings' historical relationship and value of setting. The proposed development would impact detrimentally upon these qualities due to the urbanisation of the landscape, to which they form a part, resulting in 'less than substantial harm'.

The site also falls within the setting of the Grade I listed Church of St Gregory, recognised for its evidential, historic, aesthetic and cultural value. The high status Church is set at the top of the hill within the Conservation Area, and its tower forms a landmark feature on the skyline with the site's natural green slopes contributing to the heritage asset's setting, as the settlement is approached from the east, along Sodom Lane. Any development within this site will impact on these sightlines and contribute to the erosion to the setting of the Grade I church, resulting in 'less than substantial harm'.

The site also falls within the setting of the Grade II* listed Nash Court and Nash Court Farmhouse. During the C16, Nash Court (now divided into three properties known as Nash Court, Manor House and Nash Lodge) is believed to have been in the ownership of Glastonbury Abbey, but following the Dissolution it was given by Henry VIII to Catherine Parr, along with other Dorset properties. From her it was then passed to Edward VI and Elizabeth I. Between 1651 and 1884 Nash Court was owned by the Hussey family, and was the birthplace of the artist Giles Hussey in 1710.

The Manor House is located in a strategic position on higher ground, and is oriented to take advantage of views across the landscape towards Marnhull and the proposed site, the rural setting punctuated by isolated farmsteads or building clusters, characteristic of the area beyond the settlement boundary. A visual inter-relationship still exists between The Court and the former estate lands and other heritage assets, and due to the sunken character of Sodom Lane and the sites being located on the opposing valley sides, the views out from The Court appear to be that of a relatively unbreached field system.

The property is of both historic and aesthetic value, and the rural aspect of the application site contributes to the wider setting of this listed building. It is considered that the development of the ridgeline, towards which the Manor House looks out upon, and which would have once formed part of the Nash Court estate, would contribute an alien urban intrusion into the unaltered historic setting of the Grade II* heritage asset and so impact the significance of the manor house, resulting in 'less than substantial harm'.

Impact on Archaeology

In support of the application the agent has submitted a desk based Heritage Assessment, which identified the potential for the presence of archaeological remains within the site. On the advice of the Council's Archaeologist, and in recognition of the findings of a Bronze Age barrow found on a neighbouring site to

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the east, together with the presence of other archaeological remains within the Parish, a further Geophysical survey was carried out within the areas of the site with greatest archaeological potential. The survey found a post-medieval enclosure, and two irregular features looking natural in origin, but nothing of significance.

Having reviewed the evidence, the Council's Archaeologist considers there is insufficient evidence to require any further archaeological evaluation or mitigation, and considers that the proposed development, having regard to its layout, would not have a significant impact on archaeology, such that this should not be a constraint on development.

Planning Policy balance / Conclusion

Planning policies seek to preserve the historic character and integrity of heritage assets and in doing so it is important that their setting is not significantly compromised.

The NPPF confirms that the significance of a heritage asset derives not only from a heritage asset's physical presence, but also from its setting. The latter is defined as the surrounding in which the heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

Local Planning Policy 5 sets out a number of tests for proposals, with the objective of sustaining and enhancing the significance of heritage assets. This echoes the advice contained within the NPPF, which is reviewed below:

Para 193 of the NPPF states the following:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Para 194 of the NPPF goes on to state:

... Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 196 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the

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public benefits of the proposal including, where appropriate, securing its optimum viable use.

Para 200 of the NPPF states:

Local Planning Authorities should look for opportunities for new development within Conservation Areas ... and within the setting of heritage assets to enhance or better reveal their significance.

For the purposes of Para 11 of the NPPF, the Conservation area and setting of Listed Buildings are considered to be designated heritage assets of particular importance. It is also relevant to reiterate that the tilted balance under the presumption in favour of sustainable development should not apply where the policies of the NPPF, in relation to safeguarding heritage assets, offer clear reasons for refusing the proposed development.

Having regard to para. 196 of the NPPF, in this case, there are a number of identifiable public benefits associated with the proposed development. Not only would it contribute to the provision of both affordable and open market housing, it would in turn offer additional community facilities, contribute to the vitality and viability of the village, and bring some short term economic benefits during the house build.

Having reviewed the comments received by the Design and Conservation Officers, the impact on the historic significance and value of the designated conservation areas are considered to be limited. Broader concern has been raised regarding the general setting of the historic village as a whole, and this is considered in more detail in the landscape section of the report.

Less than substantial harm has been identified in respect of Laburnum Cottage, Shaston View, Nash Court and the Grade I listed Church. Reference to 'less than substantial harm' refers to the NPPF's categorisation of harm, which classifies harm as 'substantial', 'less than substantial' and 'no harm'. In accordance with Para 196 of the NPPF, this harm has to be weighed against the public benefits of the scheme. These include the provision of affordable and open market housing, in an area served by a number of facilities within walking distance of the site. The scheme would also incorporate an area of public open space together with other community facilities, and contribute to the vitality and viability of the village.

The amendments to the scheme, including both a reduction in unit numbers and the enlarged parkland area, has undoubtedly improved the relationship between Laburnum Cottage and the proposed housing by creating some limited separation between the listed building and proposed built form. It is also acknowledged that a comprehensive landscape scheme for the parkland area, could assist further in

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mitigating some of the impact by filtering views from the listed cottage towards the development, particularly during the summer months while the trees are in leaf.

Whilst acknowledging the improvements made to the scheme, particularly in respect of Laburnum Cottage, the proposed development would continue to impact the open outlook from the cottage and erode the strong visual isolation between the listed building and settlement edge, aspects which contribute significantly to the character and historic significance of the building. The development would likewise erode the rural setting of Shaston View, which has an outlook across, and a historical connection with, the undeveloped fields, which contribute to its setting. Whilst the properties may still be seen from the rights of way criss-crossing the site, the erosion of the open setting of these properties and reduction in the green gap currently afforded by the open field, would alter the experience of the properties when viewed from rights of way, to the detriment of the historic character of the heritage assets, such that the development would continue to result in less than substantial harm. Further, the erosion of the rural setting of Nash Court would reduce its historical links to its former estate land, resulting in less than substantial harm, and the erosion to the rural setting of the Grade I listed Church, also resulting in 'less than substantial harm', would further impound the impact of the development on the historic environment.

When weighing the harm caused against the benefits of the scheme, in line with para 196 of the NPPF, the benefits are not considered to outweigh the harm caused in this case, and as such the harm identified cannot be justified, in line with para 194 of the NPPF. Having regard to the impact on the setting of designated heritage assets of particular importance, including Laburnum Cottage, Shaston View, Nash Court and the Grade I listed Church, it is considered that there are clear policies within the Framework that offer strong reasons for refusing the development on heritage grounds.

16.5 Impact on the natural environment

Section 7 and 15 of the NPPF seek to employ high quality inclusive design which respects, and integrates with, its environment. The Framework seeks to ensure decisions contribute to and enhance the natural and local environment by protecting valued landscapes through recognising the intrinsic character and beauty of the countryside.

In particular, para 127 of the NPPF seeks, amongst other objectives, to ensure decisions are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policy 4 of the North Dorset Local Plan echoes this, seeking to protect the landscape character through retention of the features that characterise the area, and through

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ensuring careful mitigation and design in order to safeguard the wider landscape qualities.

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

Although this part of the Blackmore Vale is not in the AONB it is picturesque and has many cultural associations. The site is in the Blackmore Vale and Vale of Wardour National Character Area, which indicates that tranquillity is an important part of the character of the landscape, and identifies housing allocations as a threat to character and tranquillity.

The North Dorset Landscape Character Assessment provides more detail of the key characteristics of the Limestone Hills Landscape Character Type, and provides management guidance intended to maintain and improve landscape character and inform development proposals. This is referred to in more detail at section 11 of the report.

The Landscape and Heritage Study for North Dorset – Assessment of Land Surrounding the Larger Villages, identifies a number of key sensitivities within Marnhull's landscape including the historic plan form and character of the village; the long-reaching views looking outward, and the prominence of the Church tower as a landmark feature in the skyline when looking back towards the village, visible from most directions; its rural and tranquil nature, with a rural network of lanes; and the strong network of local rights of way surrounding the village and allowing appreciation of the landscape. The assessment goes on to offer guidance and opportunities for mitigation, and this is referenced at section 11 of the report.

The site falls within the Limestone Hills Landscape, and within the Blackmore Vale Landscape Character Area which comprises a varied landform due to the complex geological structure. The built form of the village is influenced by the geography of the land, and views out of the village are characterised by rural vistas, rolling hill slopes, and hedged field boundaries with mature trees to mainly arable land, which integrate the settlement into the landscape. Despite its size, the village retains its rural perception and high levels of tranquillity. The surrounding network of minor rural lanes which have not been significantly altered by modern development also contributes to the rural character of the village.

Due to the elevated and sloping nature of the application site, positioned on the upper ridge of the Blackmoor Vale, together with the undulating landscape that the village sits within, views are possible from the site across the rural hinterland. In turn,

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the rising open nature of the site is easily identifiable from the footpaths to the north, providing a rural edge to the settlement, and relief between the main core of the settlement, and development on its outskirts, namely, Stoneylawn and Corner Close. The site is also seen in conjunction with views towards the village and its landmark feature of St Gregory's Church, with its Grade I listed tower notable within the skyline. Due to the high number of views available from public footpaths to the north of the site, including long range views from the Hardy Way and Stour Valley Way routes, the exposed hillside location of the application site can be appreciated from numerous vantage points and is particularly sensitive. The application site also forms part of the setting to Nash Court, a landmark building in the wider landscape, located in a strategic position on higher ground, and oriented to take advantage of views across the landscape towards Marnhull.

Views towards the southern part of the site are more restricted, owing to the topography and mature landscaping to the south, but some short distance views would nevertheless be possible from Crown Road.

In order to better understand the likely impacts of the development, the Landscape Officer has been consulted. Commenting on the scheme for 103 dwellings, as originally submitted, the following assessment was made:

Regarding the proposed accesses to the development off Crown Road, as originally shown, the Landscape Officer did not consider that the access would cause significant harm to the landscape character or the visual amenity of the surrounding area. Marnhull contains similar access entrances in relative proximity to the site and the proposed access entrance is to the south-west of the open landscape beyond the junction between Sodom Lane and Salisbury Street.

The Landscape Officer did however raise concern in relation to the impact of the proposed access onto Sodom Lane, which as originally proposed would require the removal of a significant length of existing mature hedgerow and new section of footpath to the east of the new entrance. The proposed access onto Sodom Lane, as originally shown, would result in a significant change to the rural character of this narrow lane, and this was recognised in the submitted Landscape and Visual Impact Assessment (LVIA) as having a moderate to moderate/substantial effect.

The Landscape Officer commented that the proposed scheme for 103 units would likewise lead to the loss of the historic pattern of small irregular pastoral fields on the site and, whilst the density of housing proposed broadly reflected the general settlement density, by reason of its elevated and sloping position, views to the site from footpaths to the north would be significantly impacted. The impacts of the development from the North were likewise recognised within the submitted LVIA.

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The Landscape Officer concurred with the findings of the LVIA having regard to the impacts of the proposed scheme, and whilst acknowledging that the additional tree planting proposed for the development would likely soften views of the development from the North, the Landscape Officer was unable to support the scheme for 103 units.

In response to the comments made by the Landscape Officer, the scheme was later amended and now comprises a development of 72 dwellings, with housing on the northern hillside reduced, and some of the most elevated sensitive parts of the site dedicated to public open space. Vehicle access is restricted to Crown Road, now incorporating Tanzey Lane, and the Sodom Lane entrance reduced in size to address the Landscape Officer's earlier concerns.

To assist in assessing the impacts of the development on the wider landscape, the agent has provided a number of photomontages which are helpful in understanding how the development might appear within the wider landscape. Although indicative, as the scale and appearance are yet to be determined, the photomontages assist in identifying some of the impacts. To fully assess the impacts of the revised scheme the applicant has also submitted an updated LVIA.

The LVIA assesses the impact of development on the deciduous woodland to the south to be low. Regarding the Dorset Limestone Ridge landscape character area, the magnitude of effect has the potential to be low to medium across the wider rural landscape, and the degree of effect is assessed as 'moderate' to 'slight'. The degree of effect on the North Blackmore Rolling Vale Landscape character area is assessed as 'negligible'.

Having regard to the effect on the local landscape character, the sensitivity of the landscape is assessed as medium. Without mitigation measures in place, new built development on the slopes is likely to have a high magnitude of change on the immediate rural landscape; the degree of effect on the local landscape character is assessed as 'moderate/substantial'. In particular, there will be an impact on views from the footpaths to the North and at the Crown road access. Viewpoints 2 (Crown Road access), 7 (Ashley Farm access/footpath N47/85), 8 (footpath N47/88), and 9 (footpath N47/81) are all localised views which have been assessed to have a 'moderate/substantial' impact. Viewpoint 11 (Crown Road) is assessed as having a 'moderate' impact, and viewpoint 12 (a midrange view from footpath N47/81) is assessed to have a 'moderate to slight' impact. All other viewpoints contained within the revised LVIA, including viewpoint 15 (Sodom Lane), which was originally assessed as having a higher impact, are assessed as having a slight or negligible impact.

The assessment concludes that the impacts identified could be reduced through mitigation measures, including the use of sympathetic materials and a strong landscape framework to include the retention of boundary hedgerows, landscape

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planting in the form of canopy native trees and structural planting to soften the built form, maintain a rural setting and integrate the development into the environment, together with a long term management plan. The use of planting would assist to filter views from key vantage points and create a mature landscape setting for the development.

Further consultation has been carried out with the Landscape Officer, in response to the revised plans and updated LVIA.

The Landscape Officer notes that the LVIA identifies the highest degree of visual effect will be experienced by visual receptors located on the south-eastern site boundary (where the new access and associated built form in the south-eastern corner of the site will be prominent), and in the open countryside north of the site where the proposals 'have the potential to be a prominent change across the ridge east of Marnhull'. The visual impact of the proposals here is described as being 'Moderate/Substantial', and the effects are considered to be adverse.

In turn the Landscape Officer notes the 'moderate; (adverse) visual effects identified from the B3092 Crown Road, where the buildings will rise above the hedgerows along Tazey Lane and Crown Road resulting in 'Moderate' (adverse) visual effects, together with the 'moderate to slight' (adverse) visual effects from footpath N47/80, to the north, where the majority of the site proposals will be visible bringing the built form of Marnhull forwards in the wide rural view, albeit at a distance.

In addition to the above, the Landscape officer makes the following additional comments:

One important viewpoint that was not considered in the applicant's LVIA is from the Grade II Listed Manor House at Nash Court, where two Rights of Way (N47/86 and 87) can be accessed off Nash Lane. This viewpoint is approximately 552m from the northernmost boundary of the site. Views from here are elevated in relation to the site and are funnelled southward by the limestone ridge that Marnhull sits on the west, and the rolling Vales at the foot of the Cranborne Chase and West Wiltshire Downs to the east. Nash Court Manor House is an important feature of views to the north from here. The Manor House itself is oriented to take advantage of the views that open out over the landscape to the south. The application site is prominent in the middle distance of these views, with the conifers bordering the property known as The Pines (at the southern end of the site) being visible on the skyline.

Given its higher elevation, views from the Manor House itself are more extensive, with the Chalk Ridge/Escarpment forming the edge of the Dorset AONB and Hambledon Hill (Iron Age Fort and Scheduled Ancient Monument) being important features in/containing these views.

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The application site is a prominent feature in views to the south east from these Rights of Way and from the Manor House because of its relatively exposed location and convex land form. There is some intervening vegetation which partially screens the lower portion of the site when viewed from the Public Rights of Way, but this screening will be less effective in the winter months when this deciduous vegetation will have shed its leaves. The screening effect of this existing vegetation is also likely to be less apparent in views from the more elevated position of the Manor House. The proposals include for the provision of open space in the central part of the site, which is to be planted up with individual and grouped trees. This will help to break the development up in these views, but built forms will still be evident. I also surmise that the development will need to be lit by street lighting at night. Lighting will be a Reserved Matter and the Council will therefore be able to control certain aspects of its design, including the requirement for shields and directional lighting, I do however have concerns that lighting could still be an intrusive aspect when viewed from this location.

On balance, and utilising the methodology identified in the applicant's LVIA, I consider that the visual effects of the proposals from this location will be 'Moderate Adverse'.

The impact of the proposals on the Rights of Way that cross the application site itself has not been considered as part of the assessment. It is clear that substantial changes will result as these RoW will be contained within what will be a housing estate rather than open fields adjacent to the settlement edge. Both the content and extent of views from these RoW will alter significantly, though the degree of change will fluctuate along the course of each path as it passes over pavements constructed alongside the main access road and through the central open space. Experiential qualities will also be altered significantly, and the reason for using the paths will alter from being principally recreational/experiencing being in open fields and appreciating the countryside beyond, to being functional – a route from A-B, passing through a residential area. I consider that the impact of the proposals on these RoW to be 'Substantial Adverse'.

The Landscape Officer also reviews the mitigation within the LVIA, as follows:

With the exception of the RoW's crossing the application site, I consider that the mitigation measures that are proposed will substantially reduce the visual impact of the development, especially in longer distance views where the site forms a smaller proportion of the overall view. This will however take time, as the full benefit of mitigation planting will not be achieved until the planting has grown up and matured. In the case of the tree planting, this could take (depending on the species selected) 15-20 years to be effective. It must also be understood that the screening capability of the majority of the planting will be less in the winter when the deciduous vegetation will lose its leaves. I do however consider that even in winter conditions, there will still be enough of a screening effect to break up the outline and mass of the development in these views to an acceptable degree.

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I maintain reservations over the residual impact on views from Nash Court Manor House, and over visual amenity in relation to Laburnum Cottage. However as these are heritage assets, these aspects should be discussed further with Conservation colleagues.

Conclusion

Without doubt the current undeveloped rural land rising up the hillslope contributes positively to the rural character of the area, and the development would result in the loss of this rural aspect, leaving only a single parcel of agricultural land left undeveloped between the main built form of the settlement and outlying housing clusters.

The revised scheme has been amended such that only emergency access via Sodom Lane is now proposed. This has enabled a reduced access and visibility splay, reducing the splay from 23.9 metres as originally proposed, to approximately 8.5 metres, thereby limiting the loss of hedgerow along Sodom lane, such that the impacts would be significantly reduced. However, the revised scheme also amends the southern Crown Road access, which now seeks to incorporate and modify the southern part of Tanzey Lane, impacting more greatly upon the historic character of this traditional route.

Reducing the overall scheme from 103 dwellings proposed to 72 dwellings, and offering a much larger area of open space on the northern hillslope, which would reduce the density of housing and offer increased opportunity for landscape planting, undoubtedly represents an improvement. The site nevertheless occupies a prominent hillside location forming an important rural edge to the village settlement, and the development of the site would certainly impact the character of the site and the role it plays within the wider landscape and village setting. The localised views are identified by third parties to be of high value to the community and the substantial/moderate landscape impacts generated by the development, as identified above, has to be given due consideration.

The Landscape officer makes the following further comments:

As noted in the applicant's LVIA the site is located in a relatively prominent part of the North Dorset Limestone Ridges character area. There are also views from and across the site to the church tower which will be obscured by the development and by the mitigation planting associated with it. The form and density of the development do not respect the characteristic pattern of the settlement (excluding later 20th century estate development). The views experienced from the Rights of Way will alter significantly. The suburban character of the development will have a negative impact on the rural character of the setting. Intensification of use along with incidental sounds of residential use will affect the tranquillity of the location – must

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particularly along Tanzey Lane which is a narrow and currently quiet rural lane. Light pollution emanating from the development will also impact on the tranquillity of this location.

In light of this, I consider that the modifications to the original scheme, and the proposed mitigation measures identified on plan ACLA/BIS 04 will have a marginal effect in terms of reducing the overall landscape effects of the development.

In light of the above the Landscape Officer is unable to support the scheme.

Notwithstanding the amendments made, due to the prominent position of the site, uncharacteristic development pattern and suburban character of the development, the proposal would continue to have a moderate/substantial adverse impact on the character of the local landscape and would detract from the rural tranquillity of the site, to the detriment of the landscape qualities of the area. The proposed development would substantially alter the existing rights of way running through the site, a valued asset locally, and would in turn reduce the characteristic extensive views out to the open countryside and towards the landmark tower of the Grade I Listed Church of St Gregory.

In light of the above impacts, the proposed development is not considered to sensitively respond to the local landscape qualities of the area, and the location and type of development is not considered to be sympathetic to its historic rural village setting, conflicting with the objectives set out in Landscape and Heritage Study and Landscape Character Assessment, and contrary to policy 4 of the Local Plan, and para 127 of the NPPF.

16.6 Impact on Trees

The application site has a number of noteworthy trees on site, including a number of high category sycamore trees with high landscape importance, which during the course of the application have been designated with a Tree Preservation Order (TPO).

In order to address the impact of the proposed development on trees, the agent has submitted an Arboricultural Assessment and Method Statement to include a Tree Protection Plan. In order to assess the impacts of the development on trees further, the Tree Officer has commented on the proposal, and the layout of the scheme has been amended to take into account the advice offered. In particular, the scheme has been amended to respond to concerns regarding the impact to both T18 and T13, by ensuring these trees fall within the public realm as opposed to private gardens, and thereby reducing the likely pressure to prune and eventually fell these trees.

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A revised Arboricultural Method Statement and Tree Protection Plan has been submitted to address concerns relating to working within close proximity to T18 and this has been reviewed by the Tree Officer, who raises no objection to the application subject to conditions. The proposed layout and access as amended is thus considered to be acceptable in this regard.

16.7 Residential Amenity

The site lies in close proximity to a number of residential properties, with those most affected being those bordering the site, including the properties' running along the eastern side of Ashley Road (nos. 28-46), and Barnes Close (nos. 1-5), Laburnum Cottage, located directly adjacent to the north east corner of the site, and a number of properties to the South, accessed off Crown Road, including, but not exclusive to, The Pines, The Stone Barn, Shaftesbury View and Glantal.

Only details of the properties positioning and spacing have been provided at this outline stage, with no details of fenestration, scale, or design submitted.

Having regard to the proposed layout, properties running along the western boundary, adjacent to the Ashley Road and Barnes Close properties, are positioned with a back garden to back garden arrangement, which is not an uncommon relationship for properties to have. Proposed properties are shown positioned approx. 11 metres from neighbouring boundaries, and in excess of 25 metres from the nearest neighbouring dwellinghouses.

At the juxtaposition with Barnes Close the western boundary of the application site steps in around a small paddock, which offers separation between the application site and the properties of Crown Road. As the application site continues to extend to the South, proposed properties are generally set back from the adjacent dwellinghouses, The Stone Barn and Shaftesbury View, with rear gardens abutting the western boundary and a small intervening paddock offering further separation. The application site wraps around The Pines, with relief offered by the large garden area and mature vegetation surrounding The Pines.

In the north eastern corner of the site is Laburnum cottage. This property is particularly vulnerable to the impacts of development on the site as a consequence of its limited rear garden offering little separation or screening, and direct views onto the application site. In this regard the layout allows significant separation distances between Laburnum Cottage and the nearest proposed dwellinghouses, with an area of open space proposed adjacent to this property.

Having regard to the relationship of the proposed properties to existing neighbouring dwellinghouses, the proposed layout offers appropriate separation distances.

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Regard would need to be given at the reserved matters stage to the position of windows, boundary treatments, together with the scale of the proposed properties and finished floor levels, to fully assess the impact of the development on the privacy, light and general amenity of neighbours. However, the proposed layout and positioning of units is considered to present an acceptable relationship with existing dwellings, which through sensitive and careful design would not significantly compromise the light, privacy or general amenity of neighbouring occupiers.

In addition to the impacts of the development on light and privacy, concern has also been expressed regarding the loss of view from residential properties. It is recognised that the views of neighbouring properties, which currently benefit from an open aspect to the rear, would undoubtedly alter. However, the impact on private views is not a material planning consideration which can be taken into account, and whilst the outlook from these properties would be subject to change, it is not considered that this would significantly impact the residential amenity of occupiers to warrant refusal of the application.

It is also noted that there would be more activity, noise and vehicle movements generally on the site, given its current undeveloped nature. However, this activity would be of a residential nature, consistent with existing uses within the vicinity of the site. It is considered that the proposed housing development would be unlikely to generate harmful levels of noise and disturbance that would significantly and demonstrably affect the quiet enjoyment of neighbouring residential properties.

Concern has also been expressed in relation to the impact of construction. During the construction phase of the proposed development there would inevitably be some adverse impact on neighbouring occupiers by way of disturbance. However, a construction management plan condition is proposed to ensure that any such disturbance would be kept to a minimum. Such disturbance would also be transitory and, as such, it is not considered that the disturbance would be significant enough to warrant refusal of the scheme.

Therefore, notwithstanding local concern, through careful consideration of design and landscaping at the reserved matters stage, it is considered that the proposed layout for 72 dwellings could be delivered without significant adverse impacts on the residential amenity of the area. Furthermore, a construction management plan condition would assist in protecting neighbouring amenities, in compliance with Policy 25 of the Local Plan.

16.8 Highway Safety

The applicant is seeking full permission for access to the site, which is shown directly off Crown Road, with an emergency access shown onto Sodom Lane.

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Since the application was first submitted, the access arrangements of the site have been amended. Detailed plans of the access points have been provided, showing a single 7.23m wide entrance to the proposed housing development, in the place of the existing Tanzey Lane and field entrance, forming one of four arms at an existing crossroad junction with Crown Road, Salisbury Street and Stonelawn. Tanzey Lane would be realigned at its southern most extent to adjoin onto the estate road within the application site. Tanzey Lane would comprise the minor arm in a priority junction with the internal road, requiring southbound vehicles along the lane to give way and turn left into the development before reaching the Crown Road junction. It is proposed that this would be the single vehicular entrance to the site.

A second access onto Sodom Lane, which raised significant concern, both locally and for the Highway Authority, has been revised under the amended scheme. At the north western edge of the site, an emergency access is now proposed onto Sodom Lane, with drop bollards restricting its use to pedestrians and cyclists outside of an emergency. The result is a much smaller bell mouth entrance onto Sodom Lane, thereby limiting its impact on the rural character of the lane and restricting vehicular traffic from accessing the site from the lane. A limited footpath would extend eastbound along Sodom Lane, but to no great extent, seeking to preserve the rural character of the lane; and westbound, a footpath is proposed to the rear of the existing hedgerow to link up with the existing footpath from Ashley Road, offering safe pedestrian access into the village.

An additional, pedestrian access would be provided along the northern boundary of the site, offering a link to the Royal British Legion Club directly to the north of Sodom Lane, offering existing pedestrians walking along Sodom Lane the ability to use the internal site footway for access.

The number of parking spaces to serve the development can be considered at the detailed design stage, and would be expected to accord with the provisions of the Bournemouth, Poole and Dorset Residential Car Parking Provision Guidance Document (2011).

In order to assess the impact of the proposed development on highway safety, having regard to both the design and safety of the site accesses, and likely trip generation from the development, having regard to both the proposed housing and community uses, the agent has submitted a Transport Statement, together with a Transport Statement Addendum, which considers the likely impacts of the development, and concludes that *“approval of this planning application will not result in a severe impact upon the safety or operation of the surrounding local highway network”*

Notwithstanding the above, third party concerns have been raised in relation to the impact of the development on highway safety. A significant number of concerns were raised relating to the vehicular entrance onto Sodom Lane, and the subsequent

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safety implications of this, and many of these concerns will be addressed to some extent by the revised plans which seek to prevent vehicular access from the lane, other than in an emergency. However, concern remains with regards to the access arrangements onto Crown Road, a busy road, with an area of no footway. Residents continue to refer to the increase in the volume of traffic on Marnhull's village road network, and raise highway safety concerns.

In order to fully assess the proposed development and submitted supporting information, the Highway Authority have been consulted, and state the following:

TRICS is the national standard for trip generation analysis and employs a system of site selection filtering that enables users to simulate site scenarios through a number of progressive stages and to calculate vehicular and multi-modal trip rates based on these selections. The submitted TS has, in the opinion of the County Highway Authority, complied with the recommendations of the TRICS Good Practice Guide 2013 and produced a robust daily trip generation for the proposed development.

...

To sum up, the County Highway Authority considers that the submitted Transport Statement is satisfactory and robust. Whilst it is accepted that the proposal will obviously increase traffic flows on the highway network the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraphs 29 to 36 of the National Planning Policy Framework (NPPF).

The proposed development would undoubtedly result in an increase in volume of traffic, however, the amended scheme is not considered to be significantly harmful, with no objection raised by the Highway Authority. The proposed development, in this case, is considered to be acceptable with regards to Highway Safety.

16.9 Flood risk and drainage

Surface Water Drainage

The site falls within flood zone 1, which is the lowest flood risk category. In order to fully assess the potential flood risk of the site, a Flood Risk Assessment (FRA) and Drainage Strategy has been prepared and submitted with the application. It identified a low or very low risk from surface water flooding on site, although it should be noted that Sodom Lane, which sits at a lower level to the application site, is at high risk from surface water flooding. The FRA also identified a very low risk of flooding from rivers and watercourses, the sea and sewers, and a low risk of flooding from groundwater sources.

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Following the advice of the Lead Local Flood Authority, further site-specific geotechnical investigation, including infiltration testing, has been undertaken to underpin the viability of the submitted drainage strategy, having regard to the composition of the underlying soils and infiltration rates. The Drainage Strategy has been amended accordingly.

It is proposed that cellular storage soakaways are used throughout the site, with properties either feeding into cellular soakaways within the grounds of their property, or surface water fed to larger cellular storage soakaways via surface water sewers, with infiltration tanks located in the north east, south east and west of the site. In addition, an infiltration pond feature is proposed within the north west corner of the site.

Site investigations have shown that infiltration rates are such that infiltration methods would be a suitable means of managing run-off generated by an increase in the impermeable area as a result of development, such that the revised drainage strategy could accommodate a 1 in 100 year storm event, inclusive of a 40% allowance for climate change.

Significant concern has nevertheless been raised in relation to surface water flooding to the north of the site, along Sodom Lane, with reports from third parties of frequent flooding within the lane and drains lifting during heavy rainfall. Equally, reports have been made of aquifers within the application site above. It is important that any drainage strategy adequately deals with surface water on site, and where possible brings betterment to areas of higher flood risk, and, in particular, does not worsen flooding on surrounding land.

The Lead Local Flood Authority are satisfied that the additional site investigations and revised drainage layout offers greater confidence with respect to the deliverability of a suitable drainage strategy to support the proposed development and raise no in principle objection to the proposal. It is nevertheless recognised that further infiltration testing would be required prior to any development going ahead, in light of the variable geology at the site, and the Lead Local Authority recommend a number of conditions to ensure agreement of the final detailed drainage strategy for the site prior to development commencing. The design, size and capacity of the drainage pond to be located within the north west corner of the site would be a matter for the reserved matters stage. Given the design of the feature would be influenced by the final drainage strategy, it is considered appropriate to secure detailed drainage matters at the reserved matters stage so that the detailed design of the pond can be secured.

In conclusion, it is considered that a suitable drainage system could be achieved at this site to safeguard properties and surrounding land from any impacts of flooding as a consequence of the proposed development. It is recognised that Sodom Lane is already subject to flooding during high rainfall events, which could reduce the access

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to the site such that access is temporarily limited to the Crown Road access, and pedestrian links to the South. However, the southern access is considered suitable to serve the development and the potential short term reduction in access to the site during such events is not considered to significantly compromise the scheme.

The proposed development is not considered to increase the prevailing risk to Sodom Lane, and the Lead Local Flood Authority consider that the proposed development would be acceptable, subject to conditions.

Foul Drainage

Wessex Water has been consulted in relation to the application. In terms of foul waste, Wessex Water confirm that the application site falls within the catchment of Marnhull Common Sewerage Treatment Works, which is approaching capacity.

Where planned discharge rates are exceeded, it would be necessary to plan, design and construct treatment capacity, and agree new discharge limits to meet catchment growth. In this regard, Wessex Water has a scheme of improvement works planned for the Marnhull Common sewerage works, programmed for years 2020-2025. If the treatment capacity is reached in the meantime, a separate scheme of works would be required. In order to ensure appropriate arrangements can be made to support the proposed development, it is considered appropriate that a pre-commencement condition be placed on any consent requiring confirmation to first be received from Wessex Water that capacity can be made available for new connections, prior to works going ahead.

16.10 Protected Species

In support of the application, the agent has submitted an Ecological Survey together with a Biodiversity Mitigation and Enhancement Plan (BMEP).

The proposed development site is on semi-improved grassland, with pockets of unimproved grassland, surrounded by a number of quality hedgerow boundaries which comprise species-rich hedges, classified under the Hedgerow Regulations 1997 as 'important'. These important hedgerows relate, in particular, to the stretch of hedgerow running along the northern and eastern perimeter of the site. Hedgerows are Priority Habitats under Section 41 of the Natural Environment & Communities Act 2006, used by bats, birds, reptiles, insects and amphibians to forage, commute and shelter. There are also a number of mature Sycamore trees on site, with medium-high bat roost potential, together with a small area of woodland and scrub to the south of the site. The ecology report confirms that it is likely that protected species, including nesting birds, bats, badgers, dormice and reptiles, including the common lizard, are using the habitats on site for shelter, food (eg, birds, badgers, reptiles) and to commute either through the site or to navigate over the site as they move through the wider landscape (eg, bats).

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The Ecology Report reviews the proposed development and, in order to mitigate the impacts upon biodiversity, it sets out a number of recommendations, and these are incorporated into the BMEP.

The key habitats identified are largely proposed to be retained, with the exception of circa 30m of hedge, to make way for the proposed access' onto the site. In line with the recommendations set out in the ecology report, it is proposed that the hedges would be protected during construction, and enhanced through additional planting (approx. 150m), and a 5m field margin buffer around the whole site would be retained to allow continued use by species. The woodland area would also be retained. The report recommends that mitigation and enhancement measures in respect of the site boundaries and those trees with high bat potential would be of paramount importance for all protected species using the site to ensure their ability to continue to forage, shelter and commute.

The report recommendations in respect of mitigation are summarised as follows:

- mitigation in the form of a lighting scheme for the site would be necessary in order to avoid light trespass into the site boundaries, and the report recommends the use of narrow spectrum lights comprising low pressure sodium warm white LED downlights. Note: no detailed lighting scheme has been submitted at this stage;
- avoidance of the bird nesting season (1st March – 31st Aug) for vegetation clearance;
- the provision of at least 150m of new native hedgerow, including along the western boundary of the site, as referred to above, and to reduce gapping within existing hedgerows. Note: no further details provided at this stage;
- provision of a 3m buffer zone along the existing field hedges and margins, delineated by post and wire fencing is recommended. The latest amended plans show a 5m buffer zone along the site's hedged boundaries;
- the residual loss of biodiversity from the development of the semi-improved and unimproved grassland on site could require compensation;
- fencing of important hedgerows and trees during construction;
- plank of wood or scaffold to be put into the foundations every night in order to allow badgers/wildlife to get out if they should fall in;
- discouraging the use of the site by reptiles by management techniques
- provision of a hibernacula within the wooded area;
- provision of bat boxes and bee bricks on the housing, particularly at the edge of the site;
- provision of bird boxes installed on mature trees.

A BMEP, picking up on the recommendations set out in the report has been submitted to the Council, but has not in this case been certified by the Council's

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Natural Environment Team as the level of survey work completed is considered insufficient to enable an accurate assessment of the likely impacts upon species in order to inform an appropriate mitigation scheme. This relates in particular for the need for bat transect surveys. If there is potential to impact European Protected Species, in this case bats, the planning authority needs to be able to demonstrate that it has fully assessed the likely impacts, importance of any features affected and, if significant harm would result, needs to consider alternatives. Without the survey information, it cannot be concluded that the proposed development would not result in harm to protected species and their habitats, conflicting with Policy 7 of the Local Plan.

The site is grassland and the hedges are mature, species-rich and well connected with the wider countryside. Given there are bat roosts serving serotine, grey long-eared and pipistrelle bats adjacent to the field area the site is considered to have high potential for use by a range of bat species as well as dormice.

With mature qualifying hedgerows around 3 of the site boundaries, there is considered to be a high potential for dormice to be present. In this regard, it is acknowledged that only a limited area of hedge would be removed, and no part of the hedge would be isolated. It is also acknowledged that a 5m buffer zone is proposed around the site boundaries leaving a safeguarded corridor around the edge of the site. Whilst survey work on dormice is lacking, in recognition of a 5m buffer shown adjacent to the site's field margins, it is considered that there would be minimal impacts upon habitat and sufficient precautionary buffers to safeguard dormice using the site. Following the submission of amended plans showing the enlarged 5m buffer, and subject to the implementation of the precautionary mitigation measures as set out in the Eco-support Ecology Addendum (May 2021) during the construction phase, and minimal removal of vegetation, the Natural Environment Team have removed their objection in terms of the impacts upon dormice. In turn, it would be necessary to demonstrate a varied environmental composition and long term management regimes for the buffer and hedgerows, which should be set out in a Landscape and Ecological Management Plan.

There are also mature sycamores and hawthorn scrub that mark the line of an old hedge (shown in the 1888-1913 maps) across the top half of the site, which may be part of a foraging route. Under the current proposals, the potential foraging route running east-west along the top of the field would be significantly compromised though both introducing built form, and lighting. Recent guidance has highlighted the impact of lighting, particularly on light sensitive species. In order to establish the importance of this route bat activity surveys would be necessary in order to establish which light sensitive species are using the site and in what way. It is possible that retention of that old hedge line (to be unlit with buffers), in addition to retaining the mature sycamores, could form part of the necessary mitigation/compensation/enhancement of the site. The mature sycamore trees are highlighted in the Ecology Report as having medium to high potential, with potential bat roosting features within, and again whilst they are being retained, some indication of their value to bats on the site would be needed in order to inform the

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mitigation measures proposed and any necessary amendments to the scheme design to incorporate any such measures.

It is not considered appropriate to condition the need for further survey work, which could identify unexpected species or unidentified harm to habitats that has not been accounted for in the proposed mitigation on site. Furthermore, given layout is a matter for approval, and the findings of those surveys could influence the necessary mitigation put forward, and in turn could influence the layout of the scheme, this further emphasises the need for the survey information upfront. Given the characteristics of the site, and proximity to bat roosts and bat activity/transect surveys would be expected. No phase 2 survey data relating to protected species has been submitted. The impact and safeguarding of protected species is considered a principle matter to be established at the outline planning stage.

Further to the above, compensation may be required in order to mitigate the impacts upon biodiversity from the loss of the grassland site. The applicant has shown willing to make a financial contribution to compensate the loss, but at this stage, an appropriate sum has not been agreed, and no formal mechanism, in the form of a legal agreement, is in place to secure this. It is likely that the figure put forward by the applicant to compensate the loss of grassland may be too high in this case and not justified under Regulation 122 of the Community Infrastructure Levy Regulations.

Paragraph 175 of the Framework, requires decision makers to apply the principle that if significant harm resulting from development cannot be avoided, adequately mitigated or as a last resort compensated for, then permission should be refused.

To overcome this, the agent has sought to provide mitigation on a 'worst case scenario' basis. However, as detailed above, the mitigation proposed would not adequately address the presence, and potential impact upon certain protected species should they be recorded on site, with the potential need for more substantive stand-off/buffers. The 'worse-case scenario' mitigation proposed is not therefore acceptable. The proposed mitigation therefore has the potential to fail to adequately safeguard protected species from significant harm, and as such, the tests set out under para 175 of the Framework are not met.

In conclusion, there needs to be a clear demonstration of losses and gains in order to fully weigh the impact on protected species. In turn, it is not possible to confirm whether the mitigation measures put in place would be sufficient in this case to mitigate the harm to protected species, without the relevant survey data to confirm how species are using the site. No lighting scheme has been submitted with the application, which would assist in informing the mitigation measures to be secured under the BMEP, and no compensatory measure for the loss in grassland has been agreed and secured. The proposed development, for the reasons set out above thus fail to comply with policy 7 of the Local Plan, and the provisions set out within the NPPF.

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16.11 Affordable housing and housing mix

40% of the proposed housing would be affordable units (which equates to approximately 29 units), in accordance with policy 8 of the Local Plan, and this would be secured through a legal agreement.

Limited details have been provided at this stage in respect of the proposed housing mix. The application form indicates the proportion of 2 bed properties would be 19% and 3+ bed properties would be 81%, but this is not broken down any further in respect of the affordable and open market housing element of the scheme. The housing mix proposed would be a matter for the detailed design stage, but is unlikely to be acceptable in its current form having regard to the provisions as set out within Policy 7 of the Local Plan, unless evidenced in relation to local need. Reviewing third party comments received, which largely seek housing to serve first time buyers already living within the village, the suggested housing mix is unlikely to be responding to local need.

Local Plan Policy 7 seeks an affordable housing split of 60:40 having regard to 1 and 2 bed properties, and 3+ bed properties respectively. This would equate to approximately 17 of the 29 affordable units comprising 1 or 2 bed properties. In turn, the Local Plan seeks an open market split of 40:60, which would see a further 17 open market properties of 1 or 2 bed size. The overall mix of housing should see approximately 47% of the properties comprising 1 or 2 bed units, with the remaining 53% comprising 3+ bed units, which shows a disparity in the housing mix proposed when compared to the Local Plan expectations. Any subsequent reserved matters application seeking approval of design would be expected to address this.

It has been made clear within the comments received that housing should respond to local need and it is considered appropriate that a local connection clause be included within the legal agreement that gives priority to those with a local connection to Marnhull.

16.12 Planning Obligations

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

Regulation 122(2) of the Community Infrastructure Levy Regulations (2010) (CILR) provides that: -

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

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- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.}*

The NPPF reiterates that planning obligations should only be sought where they meet all three of the tests set out in Regulation 122(2) are met (paragraph 56).

In the absence of pre-existing justification within the Local Plan (as it was never anticipated that the District's villages would be subject to large scale housing proposals), to better understand the direct implications that the development would have on infrastructure within Marnhull, consultation has taken place with Marnhull Parish Council. It is recognised that the proposed additional housing would place an unacceptable level of pressure on green, grey and social infrastructure.

Where unacceptable impacts are identified and cannot be addressed on-site, in line with Policy 13, 14 and 15 of the Local Plan, it is considered necessary to require either provision on the ground or a financial contribution towards enhancement and improvement of specific infrastructure, in order to mitigate the impacts, and make the development otherwise acceptable in this regard. In order to ensure contributions are proportionate in scale to the development proposed, the Green Grey Infrastructure Guide has been used to inform the following per-dwelling cost where a financial contribution is considered necessary. The key heads of terms are as follows:

40% Affordable Housing	On-site provision
Provision of a 'Locally Equipped Area of Play' (LEAP)	On-site provision
Play Facilities (upgrading Marnhull's skate park, provision of a multi-use games area (MUGA).	£967.52
Play Facilities Maintenance	£359.36
Allotments	£308.16
Formal Outdoor Sports (upgrading Marnhull's cricket ground and football pitch, additional tennis court, provision of outdoor exercise equipment within Marnhull)	£1,318.80
Formal Outdoor Sports Maintenance	£128.73
Provision of Informal Outdoor Space	On-site provision of not less than 0.9ha

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Community Facilities	On-site provision of a community and pre-school facility
Informal Outdoor Space Maintenance	£1,278.80
Rights of Way Enhancements	£39.77
Ecology and Conservation	£45,230 (total cost) Figure yet to be agreed by the Natural Environment Team/Natural England
Secondary Education (new specialist and science provision at Gillingham Secondary School)	£4,077.02
Libraries (additional equipment and stock at Sturminster Newton library)	£241
Primary Care Services (new clinical room)	£5,760

Having regard to the Regulation 122(2) tests the above infrastructure contributions, with the exception of the contribution towards ecology and conservation which is yet to be agreed and finalised, all other costs are considered necessary to make the development acceptable in planning terms. This is supported by Policies 13, 14 and 15 of the Local Plan, and is evidenced through consultation with Marnhull Parish Council, and through your Officer's assessment of the direct impacts that the proposed additional housing would have on existing infrastructure. The above figures are based on the best available information including local best practice and regard has been given to national guidance & policy to ensure obligations remain proportionate to the scale of development and reasonable in all other regards. No viability appraisal has been submitted and it is not contested that the cost cannot be met while securing the development.

The contribution towards ecology and conservation, is yet to be agreed, alongside a certified Biodiversity Mitigation and Enhancement Plan. Whilst the developer has agreed to pay the contribution, further evidence would be required to ensure that any contribution is both necessary and directly related to the impacts of development on biodiversity. In order to fully consider the need, and sum required, further work is required to better understand the impacts the development would have on nature conservation and the level of mitigation measures to be provided on site.

A request by the NHS Trust for a financial contribution of £75,976 towards acute and planned health care in relation to the development as originally submitted (for 103 units) was initially made. Following further consideration officers have come to the

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view that the contributions requested do not meet the necessary policy and legal tests as set out in Regulation 122(2) of the Community and Infrastructure Regulations, and as set out in para 56 of the National Planning Policy Framework (NPPF). In this regard, officers do not consider that the information provided demonstrates the need for the contributions has been clearly justified or evidenced as being directly related to the development or fairly and reasonably related in scale and kind to the development, and it cannot in this case be concluded that it is necessary to make the development acceptable in planning terms. A subsequent request has not been made in relation to the revised scheme.

In light of the above, the contributions, with the exception of the nature conservation sum, have therefore been demonstrated to be reasonable, necessary and proportionate, to meet the regulations for Community Infrastructure Levy and the NPPF, and have in turn been agreed in principle by the applicant. Until the full extent of the impact and necessary mitigation on nature conservation is fully understood, the relevant contribution in this regard cannot be secured and the proposed development has the potential to have an unacceptable impact upon biodiversity.

The provision of a pre-school and community building on site has created much discussion within third party comments, with numerous third party comments received disputing the need for any such facility, noting the presence of both the existing village hall and Royal British Legion Hall, and St. Gregory's and St. Mary's pre-schools.

Having liaised with the Parish Council, the Parish Council have identified a need to extend and renovate the existing village hall noting that the hall is currently used by numerous village clubs and societies, and frequently overbooked. The hall currently has a maximum capacity of an audience of 100 seated, compared to an existing population of around 2500. A project is currently in place to increase the Hall capacity by 130 seated and to improve the facilities, but these plans do not take account of an increased population/demand as a consequence of the proposed development. The Parish considered further development of the hall and/or an additional hall would be required to meet the demand of the proposed development. In addition, a further hall is also sought within the village, to be managed by the Parish Council and made available for use by the village. Whilst there is much dispute over the need for an additional hall within the village, a second hall facility to accommodate small groups could certainly assist in alleviating the additional pressures on the existing hall that would result from the proposed development, providing a second venue and thereby relieving pressure on the existing village hall, whilst offering an additional facility to be managed by the Parish Council.

Having regard to the needs for an additional pre-school facility, there is a statutory requirement to fund pre-school provision, and Dorset County Council is currently working up a formulae and process to be able to compensate the impacts of new developments on pre-school provision. However, at the time of writing this report, there is currently no agreed process for calculating this. Numerous comments have

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been made raising concern over the capacity of St. Gregory first school, albeit few comments have identified a need for an additional pre-school facility. Having regard to the existing early years provision, it is likely that there would be some impact upon pre-school provision, albeit unquantified, as a result of the development. Whilst there is no strict planning policy requirement that a pre-school be provided with the application, the developers have sought to address what they consider is an identified need within the village through the provision of a pre-school on site. Whilst significant weight cannot be attributed to the provision of a pre-school facility in the wider planning balance, given the lack of an identified need for such provision, no objection is raised in relation to the agents offer to provide on-site provision in this respect.

In terms of the capacity of St. Gregory's school, the Education and Learning Officer has confirmed that a financial contribution would not be required in this regard. Taking into account the committed consents for additional housing in Marnhull, together with the proposed 72 additional units, it is considered that the school would not at this stage need to expand to accommodate the increase in demand directly as a result of the development proposed.

Significant concern has also been raised in relation to the capacity of the doctors' surgery within Marnhull, which has recently had to take on additional patients from Stallbridge, and only operates on a reduced surgery, making it difficult for people to obtain quick appointments. As part of this application, the Dorset Clinical Commissioning Group (CCG) has been consulted on the application and have sought a financial contribution towards mitigating the impacts of the increased population resulting from the development. On this basis, CCG have raised no objection and without evidence from the primary care services that the surgery would be unable to cope with the additional patients as a result of the development, there would be no grounds to refuse the application in this respect. The concerns raised by the community are understood, and perhaps relate more to the national shortage in GPs rather than the capacity of the doctor's surgery itself. This is a national issue, but particularly prevalent in the South West, and the concerns are understood. Nevertheless, this could not be grounds to refuse the current application, and in the event the shortage in GPs is resolved in the future, the financial contribution towards an additional clinical room within the existing surgery is considered sufficient to address the additional demands placed by the current proposal.

Likewise, concern has also been expressed in relation to traffic speeds, and the Parish have requested a traffic calming scheme. The Highway Authority has nevertheless been consulted in relation to the application and raise no objection to the proposed development, and offer no evidence towards a need for contributions towards road infrastructure as a consequence of the impact of the development. Without such evidence, a financial contribution in this regard can not be justified under the Community Infrastructure Regulations.

16.13 Cumulative Impact

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The application is one of three planning applications for large scale housing schemes within the village of Marnhull. Other applications are as follows:

Application 2/2018/0448/OUT – Land N of Chippel Lane – up to 58 dwellings

Application 2/2018/1808/OUT – Land North of Burton Street – up to 61 dwellings

A fourth application for housing on land south of Salisbury Street has been withdrawn.

Significant concern has been raised in relation to the cumulative effect of development on the village if all applications were approved. All applications have to be considered on their own individual merits, based on the circumstances at the time of making the decision. The application for housing on land North of Chippel Lane remains undetermined, and cannot influence the decision process when considering the current scheme. Up to 61 dwellings on land north of Burton Street has since been approved, whilst this forms a material planning consideration, there is no guarantee that the development would come to fruition, and with no interest currently shown in progressing the outline consent, the site cannot be considered 'deliverable' at this stage, and cannot be included within the housing needs figures.

If the current proposal were to be approved, and both consented applications were to come forward, this would represent a high proportion of the planned growth across the rural villages in the North Dorset area. However, Marnhull is one of the areas larger villages capable of taking some growth, and in the context of the housing land supply and the adopted Spatial Strategy, which seeks to direct development to sustainable locations, significant weight cannot be placed on these figures alone. The current application is considered to represent sustainable development, and in the context of the current housing land supply, the presumption in favour of development would weigh heavily in favour of the proposal, and the cumulative impact of the development is not considered sufficient to refuse the application.

Having regard to the various large scale application submitted within Marnhull, site comparisons have also taken place. In this regard the Parish Council, without prejudice to their objection to all four sites, has sought to consult with the community to establish whether there is a favoured site. Overwhelmingly, 70% of those completing the survey voted against all of the developments. In this case, 20% of voters considered the current site to be neutral, suitable or highly suitable, putting it in the least preferred place out of the outstanding applications. Equally, out of the three sites it was the site considered most highly unsuitable. The community's opposition to the site is likewise made clear in the third party comments received in relation to the application and this too has to be weighed in the balance.

17.0 Conclusion

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Marnhull is identified in the Local Plan as an appropriate location to absorb additional housing to meet local needs, and is the most well served of the 18 larger villages identified. The proposed development is of a scale greater than would have been envisaged for a village location, and the village is not without its constraints in terms of the range of facilities on offer and rural road network. As a result of the existing shortfall in housing supply within the North Dorset area, and although Policy 2 can continue to carry significant weight given its accord with para 103 of the Framework, the presumption in favour of sustainable development, as set out in para 11 of the NPPF has to be considered. This means granting permission for sustainable development, unless the application of policies within the Framework that protect areas or assets of particular importance provide clear reasons for refusing development proposals, or where any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole.

The report has attempted to review the key impacts of the development, and those most noteworthy relate to the harm caused to the historic and natural environment. In this regard 'less than substantial harm' to the Grade II listed Laburnum Cottage, Grade II listed Shaston View, Grade II* listed Nash Court, and Grade I listed Church has been identified, together with harm to the setting of the historic village. The proposed development would also have a moderate/substantial impact upon localised views, which are clearly important to both the community and wider character of the area. Due to a lack of Phase 2 survey work submitted with the application, it has not been possible to fully understand the impacts on biodiversity to inform a BMEP. In particular, it is considered that the mitigation shown could ultimately fail to safeguard protected species, including bats, and the impacts of the development on biodiversity is therefore considered to be unacceptable. Matters of flood risk, highway safety and trees are considered to be adequately mitigated in the scheme so not to result in significant harm.

The impacts identified have to be weighed in the balance, having regard to the public benefits of the scheme. The proposed development would make a significant contribution to the housing delivery in the area and would provide 40% affordable housing in an area that is served by a number of facilities including schools, some primary healthcare, convenience stores, public houses, community hall and play facilities, all within walking distance from the site. The scheme would incorporate an area of public open space, together with other community facilities, and contribute to the vitality and viability of the village.

In this case, the impacts of the development on the historic and natural environment are considered to be significant, outweighing the benefits of the scheme, and conflicting with the objectives within the Framework to safeguard assets of importance. In turn, the proposed development, situated on the edge of the rural village of Marnhull, would offer future residents limited opportunities to make sustainable choices through travel to access a wide range of services, failing to

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comply with the Councils spatial strategy and para 103 of the NPPF, weighing further against the proposed development. When assessed against the policies in the Framework as a whole, the harm to the environment is considered to demonstrably outweigh the benefits of the scheme.

Owing to the environmental impacts associated with the development, the proposal fails to represent sustainable development, and the presumption in favour of sustainable development as set out in para 11 of the NPPF does not therefore apply.

The provisions of para 11(d) in turn, do not apply. Nonetheless, with reference to the tilted balance, the policies within the Local Plan and NPPF seeking to protect areas and assets of importance, including designated heritage assets, provide justified reasons for refusal in this case. Furthermore, having assessed the proposal against the policies within the Framework as a whole, the adverse impacts of allowing the proposal would significantly and demonstrably outweigh the benefits such that the tilted balance as set out in para 11(d) would not apply.

18.0 RECOMMENDATION: Refuse

- 1. The proposed development, by reason of its exposed hillside location and its sensitive position within the setting of the historic countryside village, and that of various designated heritage assets including those of high status, would result in unacceptable harm to both the historic and natural environment. The development of the village's rural edge would have a moderate/substantial adverse impact upon valued local views, impacting the immediate views from within the site, as well as the longer views from the public rights of way to the North and the eastern Sodom Lane, where the development would lead to a prominent change across the ridgeline, to the detriment of the landscape qualities of the area and the setting of the high status Grade I landmark church tower. In turn the erosion of the rural landscape, forming the existing and historic setting of the Grade I listed St Gregory's Church, Grade II* listed Nash Court, Grade II Laburnum Cottage and Grade II Shaston View, results in the interruption of the interconnecting views between various heritage assets, as well as individual outward looking open views. Such erosion of setting impacts detrimentally on the manner in which the heritage assets can be experienced and contributes a negative impact on their significance, resulting in 'less than substantial harm'. By reason of the overly suburban and repetitive layout of the proposed housing, its elevation on the hillside and its proximity, the development would compromise the unspoilt rural pastoral field setting of these heritage assets, particularly the Grade II Listed Laburnum Cottage and Shaston View, so impacting on the aesthetic, historical and evidential value of the historic environment. As such, the development fails to give great weight to the conservation of the various heritage assets and to the safeguarding of their significance and setting, resulting in 'less than substantial harm'. In addition, the villages rural location would limit the opportunities for future residents to make sustainable choices through travel*

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to access a wide range of services, further impacting upon the environment. In this case, the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme, including the public benefits; and Local and National policies seeking to safeguard the natural and historic environment offer clear reasons for refusing the development proposed. As such the proposed development would be contrary to policies 2, 4 and 5 of the North Dorset Local Plan (2016), and section 9, 15 and 16 of the National Planning Policy Framework (2019).

- 2. Insufficient evidence has been provided to demonstrate that the proposed development would not have a significant impact upon biodiversity at the site, and in particular European Protected Species, including bats. In particular the lack of Phase 2 survey work removes the ability to fully assess the impacts, together with the acceptability of any mitigation proposed, in respect of minimising impacts on, and providing measurable net gains for, biodiversity. As such the proposed development would be contrary to policy 4 of the North Dorset Local Plan (2016), and section 15 of the National Planning Policy Framework (2019).*

- 3. In the absence of any formally agreed mechanism to secure affordable housing, the proposed development would fail to provide an appropriate level of affordable housing on site, contrary to the provisions of Policy 8 of the North Dorset Local Plan (2016). Furthermore, with no formal mechanism in place to secure planning obligation contributions to mitigate the impacts of the development, the proposed development would place an unacceptable level of pressure on green, grey and social infrastructure. The proposed development thus fails to comply with policies 13, 14 and 15 of the North Dorset Local Plan (2016).*