

The Head of Planning Services  
Dorset Council - North Dorset Area  
South Walks House  
South Walks Road  
Dorchester  
Dorset DT1 1UZ

7<sup>th</sup> December 2020

**Your ref: 2/2018/1124/OUT**  
**Our ref: AB/3483**

Dear Sir

**Re: Application Ref. 2/2018/1124/OUT – Land North of Crown Road, Marnhull – Develop land by the erection of 72 No. dwellings and new community facilities. (Outline application to determine access and layout)**

The following letter has been prepared further to our recent meetings and discussions in respect of Land north of Crown Road, Marnhull; application ref. 2/2018/1124/OUT.

Thank you firstly for engaging with us and agreeing to the meeting, which we consider was helpful in allow us to voice our particular concerns with the comments of your technical officers in respect of the proposals.

We are somewhat surprised that the Council is seeking to maintain its position, particularly in respect of the matter of heritage impact having regard for the points discussed.

We welcomed the comments of the Council's Conservation officer Jen Nixon, however we feel that the responses which have both been provided in detailed written form by way of the Cotswold Archaeology rebuttals, and the points made once again in the recent meeting sufficiently and robustly addressed her concerns. As the Council confirmed within the meeting, the matter of impact upon the Conservation Area was not sustainable as an objection and our position remains, and this is fully justified within the submitted technical report, that there would be no impact upon the importance of the listed St Gregory's Church.

Unfortunately, the officer has not offered any commentary on what it is within the scheme that is fundamentally harmful such that we could discuss the point and, if necessary, agree a suitable amendment. There seems to be a lack of clarity on what it is fundamentally that would be harmful about the scheme and what would be necessary to alleviate this. It was disappointing that new aspects to the conservation concerns were verbally detailed during our video conference, in respect of the Church, that do not appear in the previous written response of your officer. The reason, in our

view, why these comments were not previously raised, is that they are not sustainable. Particularly having regard for the technical reporting from Cotswold Archaeology that considered the impact upon the Church in detail.

With respect to the matter of landscape impact and the assertion of moderate to substantial harm to views. We do not agree with this assertion. The LVIA prepared by ACLA Ltd concludes that there are views from which there would be a moderate/substantial effect; however, this is not the same as a conclusion of harm. The considerations of the sensitivity of the individual views and the magnitude of impact upon these views have all been agreed by the Council's Landscape Officer Helen Lilley. There is no dispute between the Applicant and the Council on these points. Likewise, the effect of development in these views; pre-consideration of any mitigation, was not disputed. The pre-mitigation position does not however take into consideration the physical landscaping strategy proposed and the manner in which it has been carefully considered and designed to mitigate harm in these views.

The Applicant's view, and that of their professional consultant is that the mitigation is sufficient to ensure that there is no unacceptable landscape harm, and as per the conclusion at Paragraph 9.18 of the LVIA, it is concluded that the impacts will be adequately mitigated:

*The mitigation measures outlined above (see plan ACLA/BIS 04), should ensure that in the long-term the extended urban edge will be of a high quality with generous areas of landscaping to create a semi-enclosed setting to the development. This should provide a more suitable relationship between the village edge and the rural landscape to the east of Marnhull, together with ensuring that the more substantial landscape and visual effects are appropriately mitigated.*

The fact that the latest landscape comments were uploaded to the Council's website immediately prior to our video conference was unfortunate and a bit of a disappointment for us. The result being that we were unable to provide robust response to these points. Had we had this prior to the meeting this would have facilitated appropriate commentary and an opportunity to consider the points.

In respect of the latest landscape comments, we feel that it would be entirely appropriate for the Council to accept and consider our response to these within the context of the current application and we do not see these matters as incapable of being addressed within the scope of the Applicant's current planning application. A right of response to these comments is not an unreasonable request or expectation.

As you might imagine, the prospect of withdrawal of the application is not appealing to the Applicant and will not be a route we explore.

It is disappointing that the Council is seeking to take the view that further changes to the scheme cannot be accommodated within the scope of this application; particularly having regard for the timescale of the matter and extent to which we have sought to respond to, and work with the Council collaboratively on this matter to date. The suggestion that delaying determination further is 'unreasonable' is something which I struggle with, as it would be more reasonable and just for the Applicant to facilitate further discussion from this point forwards having regard for where we are already in the determination timeframe. It was not long ago that the Council was satisfied in respect of all of these matters before a change in its position.

The ecological matter, as I am sure both parties can appreciate, is somewhat of a 'red herring'. The matter will be resolved through the survey work, which will be instructed

as soon as it can take place. This will not comprise a barrier to the development but instead will be overcome.

With respect to the suggestion of pre-application engagement, it is difficult to see any potential benefit in a pre-application meeting with the local authority on a new planning submission. This comment is measured against a backdrop of 2 years of collaborative working with the local authority to address a range of concerns where the Applicant has been put to significant additional cost and time delay. The result of which has been a 30% reduction in the density and quantum of development and a position where the Council were minded to support the application with a recommendation to approve, which was verbally confirmed to both the Applicant and I ahead of the 13th October, being the original target committee date.

It is difficult to see that, in the frame of a pre-application submission, the discussion would be different to that which has been had at application stage, as we are no clearer on what it is fundamentally that the Council would seek to be changed in respect of the scheme to render it acceptable in its view.

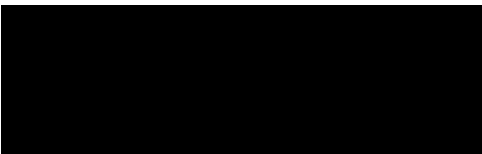
We have reiterated a commitment to working with the Council to address its concerns, but in order to do so we need to know what it is that the Council would seek to see amended to address them. That is not an unreasonable request. There is no lack of willingness from the Applicant's perspective.

On the matter of the passage of time, the significant determination period here is, as recognised by the Council, as a result of the local authority's staffing resource. We have reasonably engaged at every juncture and furnished the authority with the required information, save for ecology, where, it had been advised that the previous BMP was satisfactory for the benefit of this outline application, to then be subject to a request to undertake a Phase II survey in the depths of winter when the Local Authority is in the full knowledge that we cannot carry out the survey work until the appropriate season; being some months away, felt rather unreasonable. We still consider it would not be unreasonable to deal with this matter by condition, but in any event have committed to undertaking the survey work when it is possible to do so.

I believe that, in light of the delays that have not been at the hands of the Applicant, it would not be unreasonable to ask that, now that technical officer resourcing exists, we have the opportunity to have these discussions immediately given that we have not been afforded the opportunity throughout the considerable period of consideration of the application to date.

I would appreciate your comments in response to the above and will be happy to discuss the matter further.

Yours sincerely



Adam Bennett BA (Hons)  
Town Planning Consultant

**Direct email:** 

