

Application:

2/2017/2014/OUT (develop land by the erection of 29 No. dwellings, form vehicular access, on land at Mill Street, Fontmell Magna)

This **OBJECTION** is made on behalf of Fontmell Magna Parish Council

1. The Proposal

- 1.1. The application relates to two fields off Mill Street (amounting to 1.9ha of land) to the east of Collyer's Rise. It is an outline application with all matters accept access reserved.
 - 1.2. It comprises 29 open market homes (unknown bedroom size). No parking detailed were submitted. A new vehicular and pedestrian access are proposed off Mill Street, and the application would provide new public roads within the site.
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2. Key Constraints

- 2.1. The area lies within the Fontmell Magna Conservation Area, for which a Conservation Area Appraisal was proposed for adoption at the Cabinet meeting of North Dorset District Council on 5 February 2018. Glyn Gift Cottage (Grade 2 Listed), adjoins the site on lower ground.
 - 2.2. The Cranborne Chase AONB boundary crosses the fields to the east and north of the site, and pre-submission draft version of the Neighbourhood Plan identifies the land between the AONB and the edge of the village as part of the setting of the AONB and visually sensitive – a statement agreed with the Cranborne Chase AONB Partnership Landscape Adviser (Richard Burden). Public footpath N63/9 runs north-south through the site. A number of veteran native oaks are found on the site boundaries.
 - 2.3. The eastern edge of the development site abuts properties in Collyers Rise and Mill Street.
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3. Core Spatial Strategy

- 3.1. Residential development in the countryside outside of the defined settlement boundary of settlements such as Fontmell Magna is contrary to Policy 2 of the adopted Local Plan.
- 3.2. The emphasis for development at the larger settlements is on meeting local (rather than strategic) growth requirements. However there is no clear definition in the Local Plan as to how local needs are defined – para 8.3 suggests that this is best clarified through processes such as Neighbourhood Planning. There is no indication that local need is limited to affordable housing alone.
- 3.3. Para. 3.40 then explains that “The concentration of strategic development at the main towns, coupled with the emphasis on meeting local and essential rural needs elsewhere, also recognises the importance of carefully managing development at Stalbridge and the larger villages and in the countryside. In the recent past, housing development in the rural areas significantly exceeded planned rates, yet did not always enable rural facilities to be retained or enhanced. The Council does not want to see this unsustainable spatial distribution of development repeated.”

Policy 2: Core Spatial Strategy

All development proposals should be located in accordance with the spatial strategy for North Dorset....

Stalbridge and the Larger Villages

Stalbridge and eighteen larger villages have been identified as the focus for growth to meet the local needs outside of the four main towns.

The Countryside

Outside the defined boundaries of the four main towns, Stalbridge and the larger villages, the remainder of the District will be subject to countryside policies where development will be strictly controlled unless it is required to enable essential rural needs to be met.

At Stalbridge and all the District's villages, the focus will be on meeting local (rather than strategic) needs.

Settlement Boundaries


The settlement boundaries defined around the four main towns, Stalbridge and the larger villages in the North Dorset District-Wide Local Plan 2003 and proposals maps are retained and... will continue to be used for development management purposes until reviewed either: through site allocations in Part 2 of the Local Plan or a neighbourhood plan...


3.4. The local need for housing has been examined through the Neighbourhood Plan process (see [Housing Needs Assessment](#)), with key findings being:

- A reasonable housing target for the period 2017-2031 is in the region of 30 – 35 new dwellings – this is higher than past growth rates, broadly in line with the area's 'fair share' of development needs, and should deliver the amount of affordable housing if all sites deliver 40%
- Housing types required are primarily for starter homes, two and three bedroomed properties, including houses without stairs or otherwise adapted for older residents.
- Four bedroomed and larger properties are not required because of the overbalance towards larger properties in the village.

4. Neighbourhood Plan Site Assessments

4.1. The Mill Street site was considered as part of the Neighbourhood Plan process. The key findings are shown in the table below (published as part of the Strategic Environmental Assessment). As a result of this assessment the site was proposed to be rejected, in favour of the preferred options that were considered unlikely to cause significant environmental harm.

Site 12: Land North of Mill Street			
Location:	Land North of Mill Street, east of Collyer's Rise. Grid Ref 386913 116936		
Photos:			
Current / lawful use:	Agricultural		
Agriculture land value:	Regional map indicates this site could potentially be grade 2 – higher grades nearby		
Planning status:	<p>Outside the settlement boundary, extant permission to form vehicular access to agricultural land (2/2015/1929/FUL)</p> <p>Site was excluded as part of NDDC's SHLAA</p> <p><i>2/19/0002: Site is excluded due to access constraints of the site and the potential impact of development on a designated landscape (AONB & CA).</i></p>		
Area (ha):	2.0ha	Developable area (ha):	2.0ha
Landform:	Broadly level, sloping down slightly to south, then more sharply down at the southern edge, with a bank height of over 3m along the road frontage. Elevated above Mill Street and village as a whole		
EXISTING SITE FEATURES			
Landscape features/ interest:	Outside but close (approx. 50m) to AONB boundary Hedgerow boundaries with mature trees. Small field sizes providing intimacy of character.		
Heritage interest:	Within Fontmell Magna Conservation Area. Glyn Gift Cottage (at existing entrance) Listed, on a lower ground level to site 12.		
Wildlife habitats / interest:	No local wildlife designations within the site. May be unimproved grassland, and hedgerows provide potential foraging and nesting habitats. Fontmell Brook immediately to south of Mill Street locally important wildlife corridor.		
VISIBILITY AND VIEWS			
General prominence and visibility from main public views	Adjoining and in elevated position to Mill St. Potentially visible from footpath N63/9 which crosses the adjoining fields to the east. Highly visible in views from AONB, notably Fore Top, and area of strip lynchets Middle Mill Dam.		
POTENTIAL CONSTRAINTS			
Utility constraints:	Pylons run across the site – would need to be taken into account in layout or relocated		
Flood risk / ground conditions:	No flood risk indicated within the main area of the site. However local knowledge of surface/ ground water flooding and areas of standing water.		
Potential contamination:	No risks identified		

Adjoining land uses:	Residential to south and west, farmland to north and east. Rear gardens of adjoining houses in Collyer's Rise limited therefore any design would need to avoid overlooking issues.			
ACCESSIBILITY				
Vehicular access:	No current access although consent granted for agricultural access off Mill Street which could be used.			
Pedestrian access to key facilities:	0 – 400m	400 – 800m	Over 800m	Facility
	✓	✓		Primary School Village Hall / Healthcare PO / Shop Public House
	✓	✓		
Good access to facilities all within walking distance – however narrow approach roads and lack of pedestrian facilities present safety concerns, and does necessitate crossing A350 which is an identified concern of local residents.				
SUSTAINABILITY APPRAISAL				
Biodiversity		May be unimproved grassland, and hedgerows provide potential foraging and nesting habitats. Ecology impact assessment required due to site size		
Landscape	xx	Visible in views from some key vantage points within the AONB as foreground to village. Relatively elevated in nature, extending village outward. Sites east of the A350 are considered likely to be the most problematic from an AONB perspective. Retention of field boundaries and mature trees would be essential.		
Cultural heritage	x	The site is on a sensitive fringe of the village due to the ground level difference between the road and the site. There is screening but the differences in ground level will make screening the site difficult. The character of the village here is very much of a rural fringe. There are clear views of the site in relation Glyn-Gift when looking to the north-east. Development of this site has the potential to harm the setting of the Listed building and views into the Conservation Area. There may be scope for development in the northern corner in association with the Middle Farm site, but again, this would be limited and would need to reflect a farmstead character.		
Soil, water and air	x	No identified pollution risks. Potential loss of > 1ha higher grade farmland.		
Climatic factors	x	No recorded flood risk identified, however local knowledge of surface/ ground water flooding and areas of standing water. Within walking distance of community facilities, however safety concerns raised by highways authority. No specific carbon footprint measures identified.		
Population and health	✓	Site size could provide > 10 houses and therefore some affordable, however as constrained this may not be possible.		
Material assets	x	No current safe access. Potential access point accepted for agricultural use, but safety concerns raised due to narrow approach roads and lack of pedestrian facilities		

5. Overview of potential planning concerns

5.1. Based on the above factors, there are seven planning issues that may give rise to concern:

- Impact on the setting of the AONB
- Impact on the character of the Conservation Area and the setting of Glyn Gift Cottage (Grade II Listed)
- Loss of agricultural land
- Access to the site
- Potential flood risk
- Impact on biodiversity
- Impact on privacy of adjoining dwellings
- Mix of house types proposed and relevance to local need

Impact on the setting of the AONB

- 5.2. Local Plan policy 4 states that “Within the areas designated as AONB and their setting, development will be managed in a way that conserves and enhances the natural beauty of the area.”
- 5.3. There is no landscape or visual impact assessment included in the submitted documents to appraise the impact of the site’s development on the setting of the AONB. There is no consideration of this issue in the Architect’s Design Statement. The Planning, Design and Access Statement states that a baseline LVIA has been undertaken – but this has not been submitted (or if this is the appraisal included in the same statement it does not follow best practice as required). The selected photographs from the locations chosen clearly do not cover all the areas from which the development may be visible; visibility mapping should be a key part of analysing the visual effects baseline providing a zone of visual influence for what is a potentially prominent site from higher ground as well as near views.
- 5.4. The arboricultural survey identifies three very important veteran native oaks of around 200 years old on the site boundaries. These are considered to have historical and wildlife conservation value that takes them way beyond the simple visual contribution that a hedgerow tree makes to the landscape.
- 5.5. The sites assessments carried out as part of the NP work consider that the site is highly visible in views from some key vantage points within the AONB as foreground to village. On this basis the proposal **FAILS** Policy 4 of the adopted Local Plan.

Impact on the character of the Conservation Area and the setting of Glyn Gift Cottage (Grade II Listed)

- 5.6. Policy 5 of the Local Plan requires that any development proposal affecting a heritage asset will be assessed having regard to the desirability of sustaining and enhancing the significance of that asset, and that harm to the significance of a designated heritage asset, however slight, should not be allowed without clear and convincing justification.
- 5.7. The draft Conservation Area appraisal recognises that the setting of the village within the ‘Rolling Blackmore Vales’ is an important element of the Conservation Area. This rural edge is “characterised by small fields with some hedgerow trees and small copses and

narrow twisting lanes with high banks and hedgerows” – which basically describes the very nature of this application site.

- 5.8. The application documents include a heritage assessment. Section 6 deals with the Conservation Area, and it is clear that the applicant was aware of the draft Conservation Area Appraisal at the time of writing their report. The Heritage statement dismisses the significance of the Conservation Area in this location as “anomalous” and “stretch[ing] the legal definition of what should or should not be included within a Conservation Area” without giving any due consideration to this rural aspect and the role these adjoining small fields play. The statement that the “site does not feature in any of the views from the surrounding landscape, particularly the downland to the east”, is not evidenced given the lack of any robust LVIA. Indeed photos from the planning application show the site is very much visible from long views in the east, and it is also possible to see the church within these views. Furthermore, the rural character of the lane which forms the southern boundary of the application site is likely to be harmed by the proposed development as indicated in the sketches and Transport Statement (which suggests road widening to between 4.2m and 4.9m width plus 1.8m footway on the northern side, and low level wall with banked front gardens). In relation to Glyn Gift, the applicant’s heritage statement acknowledges that the Site makes a contribution to the significance of that Listed Building, given the clear historical and visual relationship between the two. The change of use on the Site from meadow to residential occupation would be discernible from the asset. Again the change in the rural nature of the lane is not assessed. It is clear that some level of harm cannot be avoided to this heritage asset. On all these grounds, the proposal **FAILS** Policy 5 of the adopted Local Plan.

Loss of Agricultural Land

- 5.9. Policy 4 of the Local Plan states that “The best and most versatile agricultural land will be safeguarded from permanent loss unless it can be demonstrated that there are no suitable alternative sites, or that the proposal has significant economic or social benefits that outweigh the loss of the land from agricultural uses, or that the proposal would support an existing agricultural business.”
- 5.10. The Planning, Design and Access Statement recognises that the lawful use of the application site is for agriculture. It states that the land itself is not of the highest agricultural quality and thus is not suitable in size or technical nature for a more intensive enterprise. However the Transport Statement refers to a significant reduction in the number of large farm goods movements (in its justification of highways safety improvements). No evidence on the agricultural land classification is provided, and the regional map indicates this site could potentially be grade 2 farmland. On this basis, **CONCERNS** are raised that this matter has not been properly considered in the application, and further information on the agricultural land value should be sought.

Access to the site

- 5.11. National planning policy (NPPF para 32) requires that in making decisions consideration should be given to whether safe and suitable access to the site can be achieved for all people.

5.12. Concerns were raised as part of the NP sites assessments that this site would potentially lead to more pedestrians crossing the A350, which is considered particularly dangerous for more vulnerable road users. Safety concerns were also raised by the highways authority in relation to the narrow approach roads and lack of pedestrian facilities. The Transport Statement estimates that the site would generate approximately 60 pedestrian trips per day, and suggests footway and carriageway widening is required. The issue of safe crossing of the A350 is not addressed, and **CONCERNS** are raised that this matter has not been considered in the application.

Potential flood risk

5.13. Although not within an area shown to be at risk of flooding according to the published flood risk maps, Fontmell Magna is vulnerable to flood risk as explained in the draft Neighbourhood Plan. The policy wording has been based on discussions with the various flood agencies, and includes the following proposals:

- a site specific and proportionate Flood Risk Assessment (FRA) should be submitted in support of all development proposals
- all development proposals should be supported by a viable and deliverable strategy of surface water management that reflects relevant ground conditions and which adheres to planning guidance and best practice. The specific use of infiltration measures and soakaways is to be substantiated by appropriate investigation and testing.

5.14. The applicant's flood risk assessment notes that the site is situated on bedrock at the boundary of the Cann Sand Member sandstone deposits and Gault Formation Mudstone, and suggests that surface water systems draining to soakaways will be the preferred method of discharging surface runoff. As part of detailed design, soakage tests to BRE365 will be undertaken to determine the ground permeability, and suitability of infiltration type systems. **ADVICE** should be sought from the Flood Risk Management Team at Dorset County Council as to the acceptability of development in avoiding flood risk.

Impact on biodiversity

5.15. The applicant has submitted a biodiversity assessment as part of the planning application. This found that the site provides a suitable habitat for bats, breeding birds, reptiles, dormice, and (to a limited extent) great crested newts. Further survey work is advised in order to properly assess the extent of any interest. On this basis, **CONCERNS** are raised that this matter cannot be properly considered in the application, and further assessment undertaken to assess as to the acceptability of development in avoiding biodiversity harm.

Impact on privacy of adjoining dwellings

5.16. Policy 25 of the Local Plan states that development should be designed to protect the privacy of its occupants and those of neighbouring properties. The supporting text refers to avoiding overlooking, particularly into private garden areas, through

- the erection of screen walls and fencing
- the careful orientation of properties,
- the sensitive arrangement of windows and

- ensuring that there is adequate distance between properties

5.17. The application is in outline and therefore these detailed matters are not available for consideration at this point in time. The Planning, Design and Access Statement recognises that the properties at Collyer's Rise are single storey bungalows and are set at a substantially lower level than the site. It considers that overlooking could be avoided through the introduction of a landscaped buffer along the western edge of the site, which extends down to Glyn Gift cottage, and separation distances in excess of 26m. Given that this and similar solutions could be possible, although **CONCERNS** are raised, it accepted that this issue could be dealt with at reserved matters stage.

Mix of house types proposed and relevance to local need

5.18. The Local Plan Core Strategy Policy 2 emphasises the development within villages such as Fontmell Magna is to meet local housing needs. Policy 7 of the Local Plan says that 40% of market housing in North Dorset as one or two bedroom properties and about 60% of market housing as three or more bedroom properties.

5.19. The housing needs research undertaken for the Neighbourhood Plan has identified a specific need for starter homes, two and three bedroomed properties, including houses without stairs or otherwise adapted for older residents, and that there is no real need for 4 bedroom properties.

5.20. Although the size of dwellings is not specified on the application form, the proposed accommodation schedule is listed in the transport statement. This proposes 23 3-bedroom dwellings (of which 13 would be affordable), two 4-bedroom dwellings and four 5-bedroom dwellings. On this basis, **CONCERNS** are raised that if this mix of housing were proposed, it clearly would fail to meet the local need for housing in line with Policies 2 and 7 of the Local Plan.

6. Prematurity and Weight to be accorded to the Neighbourhood Plan

6.1. In line with para 216 of the NPPF, weight may also be given to relevant policies in emerging Neighbourhood Plans, according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

6.2. The Fontmell Magna Neighbourhood Plan is shortly to be submitted for its examination, with the local planning authority publicity period likely to start in March / April and run for 6 weeks. Subject to no unforeseen issues arising it is quite possible that the plan will be made later this year. The identified local need for new housing that the plan hopes to meet is in the region of 30 – 35 new dwellings over the plan period (to 2031).

- 6.3. National Planning Policy Guidance considers the extent to which a refusal could be justified on the grounds of prematurity. It states that refusal of planning permission on grounds of prematurity will seldom be justified where a before the end of the local planning authority publicity period on a Neighbourhood Plan – though the use of the word ‘seldom’ implied the possibility of exceptions to this rule. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. It sets out two clear tests:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 6.4. The quantum of development proposed by this application (29 new homes) would potentially satisfy almost all the housing need that the Neighbourhood Plan seeks to address through its site allocations. It therefore clearly satisfies the first ground (a). The Neighbourhood Plan is also at an advanced stage – albeit a few months shy of the suggested trigger of reaching the end of the local planning authority publicity period. It is clear that granting permission for the development would prejudice the outcome of the plan-making process, as the main site allocations that have been tested through consultation and accompanied by a Strategic Environmental Assessment (which clearly showed that the proposed site allocations were preferable to the current application) would be redundant.
- 6.5. A copy of the submission draft will be forwarded to the District Council shortly (once formally approved by the Parish Council). At the time of writing the outline application would appear to potentially conflict with all of the following: Policies FM2, FM3, FM4, FM5, FM7, FM10, FM11 and FM17- conflicts with other policies may also be triggered on the receipt of reserved matters.

7. The Planning Balance in the Absence of a 5 Year Housing Land Supply

7.1. Paragraph 14 of the NPPF states that:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *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; or*
 - *specific policies in this Framework indicate development should be restricted.*

7.2. It is clear that the proposal does not accord with the development plan, for the points set out in section 5 above. The Supreme Court ruling in [Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council \[2017\] UKSC 37](#) clarifies that the tilted balance in the second part of paragraph 14 should be applied. Lord Gill summarises how the decision maker should act where there is no five year housing land supply:

“The decision-maker should therefore be disposed to grant the application unless the presumption can be displaced. It can be displaced on only two grounds both of which involve a planning judgment that is critically dependent on the facts. The first is that the adverse impacts of a grant of permission, such as encroachment on the greenbelt, will “significantly and demonstrably” outweigh the benefits of the proposal. Whether the adverse impacts of a grant of permission will have that effect is a matter to be “assessed against the policies in the Framework, taken as a whole”. That clearly implies that the assessment is not confined to environmental or amenity considerations. The second ground is that specific policies in the Framework, such as those described in footnote 9 to the paragraph, indicate that development should be restricted. From the terms of footnote 9 it is reasonably clear that the reference to “specific policies in the Framework” cannot mean only policies originating in the Framework itself. It must also mean the development plan policies to which the Framework refers.”

7.3. The planning balance considered below:

Possible benefits / disbenefits	Critique
Social role	
Provision of housing: 29 houses of unknown types in a housing market area where there is a shortfall in housing land supply	UNCERTAIN IMPACT: The indicative housing mix fails to respond to the local need, although it is accepted that this is indicative only at this stage. Furthermore, the quantum of development proposed by this application (29 new homes) would be so significant, that to grant permission would undermine the neighbourhood plan-making process. The Neighbourhood Plan is at an advanced stage, the main site allocations would be redundant, yet have been tested through consultation and accompanied by a Strategic Environmental Assessment which clearly showed that the proposed site allocations are preferable to the current application.
Safe access: located to the east of the A350, in a village where all the community facilities are to the west	UNCERTAIN IMPACT: Road safety concerns relating to the need for pedestrians to cross the A350, where there is poor visibility (particularly by vulnerable categories of pedestrians)
Minimising flood risk	UNCERTAIN IMPACT: The village is particularly vulnerable to flood risk, and although outside any mapped flood risk area the suitability of soakaways needs proper assessment
Good standard of amenity for all existing and future occupants of land and buildings	UNCERTAIN IMPACT: Potential privacy concerns from overlooking exist – although this matter may be possible to resolve at reserved matters stage
Economic role	

Possible benefits / disbenefits	Critique
Additional spending: new residents' contribution to the local economy, purchasing goods and services.	LIMITED POSITIVE IMPACT: Any jobs provided through the construction will be short-term. There are very few local businesses opportunities within the village, with a high degree of out-commuting. The 2011 Census showed 5.9% of those in employment travel to work on foot or by bicycle, 3.2% travel to work by public transport (mainly by train), with car-based trips being the main mode of transport
Environmental role	
Biodiversity gains	UNCERTAIN IMPACT: The presence of protected species is likely and the impact has not been properly assessed
Landscaping enhancements	NEGATIVE IMPACT: The encroachment of residential development into the countryside will have an adverse impact on the setting of the AONB
Conserving and enhancing heritage assets	NEGATIVE IMPACT: The site contributes to the rural setting of the village and conservation area, and development including the necessary highways improvements would harm the setting of a Listed Building
Avoiding the unnecessary loss of Agricultural Land	UNCERTAIN IMPACT: The agricultural land value has not been assessed and may be high quality

- 7.4. The latest Annual Monitoring Report (published January 2017) provides figures for completions for Stalbridge and the villages since 2011. This shows that in the first 6 years of the plan period these have delivered 252 new dwellings (averaging 42 dwellings per annum). There are a further 264 (23 + 241) dwellings noted for Stalbridge and the villages in the five year housing land supply calculations (not taking into account the anticipated supply of 38 dwellings from occupational dwellings and neighbourhood plan supply). This is equivalent to 6.45 years housing land supply. This more than exceeds the equivalent requirement (if a 5% buffer is applied) which equates to 215 dwellings. There is therefore no doubt that the core strategy as it applies to Fontmell Magna, is on track and being delivered from a purely numbers standpoint.
- 7.5. This is a speculative outline application, with no known active housebuilder involvement. The applicant (London and Wessex Limited) is a maritime transport and property asset management business whose last advertised property investment was the Atrium Luxury Apartments in Southampton in 2004¹.
- 7.6. The Neighbourhood Plan is at an advanced stage, it has assessed local needs and tested possible site allocations through two stages of consultation accompanied by a Strategic Environmental Assessment. The Plan is about to be submitted for examination, and includes land allocations which are clearly preferable to the current application and will deliver the housing and other community benefits needed in a manner appropriate to the environmental sensitivity of the area. There is significant conflict with the policies in the emerging plan, to which some weight should be given in the decision-making process.

¹ http://www.londonandwessex.com/what_weve_done.html

7.7. For the reasons set out in sections 5 – 7 of this report, it is suggested that on balance, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework and relevant policies in the adopted Local Plan.

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