Planning Inspectorate

Appeal Decision

Inquiry held from 8 April 2025 to 17 April 2025

Site visit made on 9 April 2025

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th May 2025

Appeal Ref: APP/D1265/W/24/3353912
Land West of Church Hill and Land Off Butts Close and Schoolhouse Lane, Marnhull, Dorset, DT10 1PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Paul Crocker against the decision of Dorset Council.
- The application ref is P/OUT/2022/02644.
- The development proposed is as follows.
  - A mixed-use development on land west of Church Hill, for which full planning permission is sought, to erect a food store with cafe, plus office space and 2 No. flats above; erect a building for mixed commercial, business and service uses (Class E), (e.g. estate agents, hairdresser, funeral care, dentist, vet); form vehicular and pedestrian accesses and parking; form a parking area for St. Gregory's Church and St Gregory's Primary School; carry out landscaping works and associated engineering operations; and demolish redundant agricultural buildings.
  - The erection of up to 120 dwellings on land off Butts Close and Schoolhouse Lane, for which outline planning permission is sought with all matters reserved except for access.

Decision

1. The appeal is allowed, and:

   a. full planning permission is granted for a mixed-use development on land west of Church Hill to erect a food store with cafe, plus office space and 2 No. flats above; to erect a building for mixed commercial, business and service uses (Class E), (e.g. estate agents, hairdresser, funeral care, dentist, vet); to form vehicular and pedestrian accesses and parking; to form a parking area for St. Gregory's Church and St Gregory's Primary School; to carry out landscaping works and associated engineering operations; and to demolish redundant agricultural buildings; and

   b. outline planning permission is granted for the erection of up to 120 dwellings on land off Butts Close and Schoolhouse Lane, with all matters reserved except for access;

   at land West of Church Hill and land Off Butts Close and Schoolhouse Lane, Marnhull, DT10 1PU, in accordance with the terms of the application, Ref P/OUT/2022/02644, the plans listed in Condition 2, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues in this case are:

    1. Whether Marnhull is an appropriate location for housing, retail and commercial development of this scale.

    2. The effect of the development on the character and appearance of Marnhull and on the significance of its heritage assets.

Reasons

Issue 1: Whether Marnhull is an appropriate location for housing, retail and commercial development of this scale

Spatial strategy and housing need

3. The spatial strategy contained in Policies 2 and 6 of the adopted North Dorset Local Plan directs most growth to the four main towns of the District: Blandford, Shaftesbury, Gillingham, and Sturminster Newton, because these are the locations that provide the best access to services. Policy 11 takes a similar approach in respect of economic development. Marnhull is one of 18 larger villages expected to take growth to meet local needs. As a general approach this is in line with the National Planning Policy Framework, which states that significant development should be focused on locations which are or can be made sustainable. The minimum level of development envisaged for the villages and countryside by the Local Plan has already been exceeded, and the size of the appeal scheme is not directly related to quantified needs arising in Marnhull. On that basis, the appeal scheme would conflict with Local Plan Policies 2 and 6.

4. However, the Local Plan is more than 5 years old and its spatial strategy and housing allocations were not designed to accommodate the currently identified levels of local housing need in Dorset. The local housing need figure under the new standard method is 3,219 homes per annum; it was previously 1,793 homes per annum, an increase of 1,426 homes per annum. The Council can demonstrate a housing land supply of 5.02 years by reference to its Annual Position Statement of October 2024, but this expires on 31 October 2025 at which point the housing land supply position for Dorset Council will drop to 2.67 years; that is a shortfall of almost 8,000 homes. Evidence also demonstrates that there have been significant shortfalls in the delivery of affordable housing in recent years, and there is currently a deliverable supply of 434 net affordable homes per year against a need for 1,717 net affordable homes per year. Overall, this is a very serious position.

5. Furthermore, there will be no up-to-date framework for accommodating Dorset's housing needs for some time. The emerging local plan is at an early stage and is unlikely to be adopted until the end of 2027. Meanwhile, although work on the Marnhull Neighbourhood Plan is under way, it is in the relatively early stages of production and carries limited weight, and it is clear from evidence given at the inquiry that it is focused on needs arising in Marnhull itself. Indeed, Marnhull Parish Council suggested at the inquiry that, a proportionate housing figure for the village would be 17 dwellings per annum and that, based on local survey work, there is currently no local affordable housing need because it has been catered for by recent planning permissions. This approach may be valid as regards the village of

Marnhull itself, but it does not adequately take into account the bigger picture of housing need described above.

6. Thus although the general principle of concentrating the largest amounts of growth in the main towns remains valid, the Local Plan's policies for the delivery of housing, including its spatial strategy and the amounts of development to be allocated to different locations, now carries little weight. The Council's planning witness stated that it will be necessary for the larger villages to accommodate some growth to help meet Dorset's housing needs. This is likely to require releasing land outside settlement boundaries. Marnhull's settlement boundary, which the appeal scheme falls outside, was established as long ago as 2003.

7. Given Dorset's serious levels of housing need it is reasonable to expect that Marnhull, as a large village, should take a certain amount of growth to meet wider, not just local, needs. The Butts Close part of the appeal scheme, south of New Street, would deliver up to 120 homes. This would not be out of scale in Marnhull, which has accommodated other significant areas of new housing. It would amount to no more than moderate growth even allowing for the cumulative effect of other recent permissions, and it would make a helpful contribution towards meeting Dorset's housing needs.

8. The appeal scheme would deliver 48 affordable homes, again making an important contribution towards meeting this need, and would satisfy Policy 8 of the Local Plan which requires 40% of the total number of dwellings to be affordable.

9. Overall, the scheme would provide a very important public benefit in addressing the serious need for new homes in Dorset and it would support the objective of the National Planning Policy Framework to boost the supply of housing.

Proposed retail and commercial centre

10. The Tess Square part of the scheme, off Church Hill, would deliver a food store and a range of local services and would provide a useful local centre for the village. The terms of the planning obligation include a phasing scheme to ensure that this part of the scheme is delivered at the same time as the market housing, thus creating a balance of development. It would help to retain retail expenditure in Marnhull, create the opportunity for linked trips and improve upon the existing limited retail and commercial facilities as well as creating new jobs. It would also reduce the need for people in Marnhull to travel to other centres.

11. The scheme would not be out of scale with Marnhull, being a large village; it would be below the threshold for a retail impact assessment in the National Planning Policy Framework, even though one was submitted (there being no defined threshold in the Local Plan). The Appellant's evidence suggests that available expenditure within the catchment area will increase to 2035 and that there is significant scope to increase its retention of retail expenditure. This appears realistic given the clear evidence from local people (and borne out by my own site visit) of the constraints under which the small existing village facilities operate, the size of the village, the recent housing permissions and the housing element of the appeal scheme itself. This evidence describes a much more likely scenario than that advanced by the Council of an excessively large scheme reliant on a much wider catchment area.

12. In my assessment there would be some trade draw from a modest rural catchment area, but there is no convincing evidence that the development would be of a scale that would cause a loss of vitality and viability to other centres. As the proposed retail and commercial area would be in the centre of Marnhull and would be designed to serve the village, a sequential test to identify available sites in other centres, as sought by Policy 12 of the Local Plan, would be to no purpose. In terms of its retail and related activities, the scheme would not harm the objectives of Policy 12.

13. Moreover, the proposed development would not conflict with Policy 11 of the Local Plan which is a generally permissive policy towards economic development that does not explicitly resist development of the kind proposed. The scheme would deliver a significant public benefit in providing a much improved range of local services which would reduce the need to travel out of the village. It would accord with the policies in the National Planning Policy Framework which aim to support a prosperous rural economy and encourage the development of accessible local services, and community facilities, which includes local shops and meeting places.

Transport

14. Marnhull is in a rural location, served by the B3092 and a network of lanes. The village is some miles distant from a main line railway station, the bus service is infrequent, and evidence indicates that one of the services will not serve Marnhull in the future. The limited range of transport alternatives means that the village is understandably not one of the town locations to which the Local Plan directs the most development.

15. However, the housing component of the scheme would be balanced by the improved range of village facilities which, because of their central location, would be within reasonable walking and cycling distance of the whole village. Some of the village streets do not have footways, but there is a good network of off road footpaths. Encouragement would be given to walking and cycling by footpath improvements and the cycle parking at Tess Square. Some of the improved footpaths would take more curvaceous routes than at present but not such as to act as a deterrent to their use; they would remain attractive options.

16. The scheme would therefore help to retain trips within Marnhull that would otherwise have been made to other centres by motor vehicle. This would help to mitigate to a degree the potential of the scheme to draw vehicles through the local road network, especially Church Hill. The scheme would also provide a modest level of support for a local bus service and bus infrastructure. The Council has withdrawn its objection on transport grounds following the submission of a revised highway technical note, layout drawings and access details.

17. The Parish Council have however maintained their objection and have sought to criticise the TRICS data used by the Appellant to model traffic generation from Tess Square. TRICS data cannot provide a perfect match for the proposed development but in my assessment the data used by the Appellant provides a reasonable basis for the traffic modelling. Tess Square needs to have enough floorspace to provide a critical mass for commercial success and in that regard it needs to become a local destination, but its modest size would limit the number of movements. It would constitute less than 2,500 square metres of floorspace and a 120 space car park, and against this relatively modest development the Appellant's figure of 3,864 daily

movements appears highly robust as a figure for modelling traffic impact, whilst the Parish Council's figure of 6,303 appears unrealistically large.

18. The Appellant's traffic modelling shows that there would be no material impact on the operation of the junction of Crown Road, Schoolhouse Lane, Church Hill and New Street. In the unlikely event that Tess Square generated higher flows than those anticipated by the Appellant, they would not be such in my view as to cause an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. The Crown Road, Schoolhouse Lane, Church Hill and New Street junction, and some other junctions in Marnhull, do not have full visibility, but this tends to engender caution in road users. The narrow lanes and bends around Marnhull tend to encourage slower speeds. There might be more instances of vehicles travelling in opposite directions having to manoeuvre to avoid each other but not to the extent that significant congestion or highway safety concerns would arise. A delivery and service management plan is required by condition to maintain control over delivery vhicles.

19. Evidence indicates that the access to the Tess Square part of the site, which would use the current pharmacy access, would be adequate to allow large service vehicles to enter and leave. The access functions effectively at present and swept path analysis, which takes a cautious approach, demonstrates that the access would be adequate.

20. The Butts Close scheme would take its vehicular access from both Butts Close and Schoolhouse Lane. The Council have recommended a condition seeking barriers to stop pedestrians from using the Schoolhouse Lane access, to deter them from walking the short distance along the B3092 towards the junction with New Street. However, pedestrians tend to follow the quickest desire lines so there is a residual risk that some people might ignore any deterrent and still use Schoolhouse Lane, making use of the raised grass verge. Evidence given at the inquiry indicated that the verge is highway land and could have the potential to take a footway. This would create a shorter and more desirable pedestrian route than that via Butts Close, and would be potentially safer given the risk that some pedestrians would try to use this route informally anyway. As yet there has been no road safety audit of this alternative approach, but in my view it should be investigated and implemented if feasible and safe. If it is not feasible then the deterrent should be implemented. This is set out in an appropriate condition.

Issue 1: Conclusion

21. There is a very serious level of housing need, including affordable housing need, in Dorset. To the extent that the scheme would be larger than that required to meet housing needs local to Marnhull and its rural environs, it would conflict with the spatial strategy contained in Policies 2, and 6 of the adopted Local Plan. However, those policies carry little weight for the reasons given above. It is acknowledged by the Council that the larger villages such as Marnhull will need to take additional housing development to meet identified needs. The scheme would provide much needed new homes and would accord with Local Plan Policy 8 in respect of the provision of affordable housing.

22. By including retail and commercial facilities, as well as housing, the scheme would represent a balanced development. It would provide a useful range of village facilities and would not be out of scale with the village or draw trade to the extent

that the vitality and viability of other centres would be harmed. It would thus not conflict with the objectives of Local Plan Policy 12. It would help to retain trips in Marnhull, encourage walking, and would reduce the need to travel outside the village by motor vehicle. It would not have an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network and would provide bus contributions and an enhanced footpath network and would accord with Local Plan Policy 13 in respect of its transport impact.

23. Overall, for these reasons, the scheme would provide major public benefits.

Issue 2: The effect of the development on the character and appearance of Marnhull and on the significance of its heritage assets.

Overall village character

24. The Council and Parish Council have both carried out work on village character and setting, and place importance on the linear character of the historic development pattern, the historic buildings, tranquility, dark skies and views from outside and within. These characteristics are recognised and are important, but they do not fully describe the character of the whole village. Marnhull is rather large and spreading, with more recent housing areas to the east, north and west which are consolidated rather than linear. The forms of the Tess Square and Butts Close parts of the scheme would not appear out of keeping with the overall village form. Neither part of the appeal scheme is within the conservation area.

25. The Marnhull Conservation Area is in two parts, centred on Burton Street and New Street, with intervening open land which is outside the conservation area. The conservation area includes the notable buildings of Church of Saint Gregory (Grade I listed) and Senior's Farm and adjacent barn (Grade II* listed) and nearby stable buildings; and Conyers Place and adjacent granary and wall (Grade II listed). There are other designated and non-designated heritage assets in the village, but these in my view would not be materially affected by the scheme. The village also has cultural significance as the setting for parts of Hardy's Tess of the D'Urbervilles.

26. The church, with its 15th Century tower, is important architecturally and historically and is a prominent landmark and contributor to Marnhull's identity. Views of the church tower can be gained across open land from the field gate on Burton Street, from parts of the footpath network that crosses the open land that lies between New Street, Church Hill and Burton Street, from the footpath that crosses land south of New Street and from a field gate in Schoolhouse Lane. There are also longer views in some places within the wider landscape.

The impact of the Butts Close development

27. The proposed housing at Butts Close would occupy a field that slopes away from New Street and the development would not appear intrusive from within the village. It would be seen in some views looking towards the village, but well designed and landscaped new homes need not be harmful to the character or perception of Marnhull and can be assimilated successfully into the settlement. Being adjacent to the countryside with its dark skies, care would need to be taken over lighting, and this is addressed through a condition.

28. The Butts Close field currently affords a view of the church tower from Hardy Way, through a field gate on Schoolhouse Lane, and from a footpath that crosses the

agricultural land. I do not regard this field as the immediate setting of the church; rather, the field is part of the open landscape beyond the village and it is outside the conservation area. A view of the tower from this direction was captured in a watercolour drawing by the artist Gordon Beningfield. The views are pleasant but not particularly special; the tower is seen within the wider landscape behind the convex slope of an arable field. The development would increase the distance between the church and open land in this direction, but more distant views of the tower would remain in the wider landscape. Taking all this into account, the development in my assessment would result in a low level of less than substantial harm to the significance of the church.

29. This harm would be partially mitigated by the landscaping and recreational areas shown on the indicative drawings which would be arranged to create two viewing corridors from key points towards the tower. Since this part of the scheme is in outline, with flexibility in layout and overall housing numbers under the terms of the application, there is scope to create an attractive scheme of well-designed new homes with views through the development that focus on and frame the tower.

30. The conservation area adjoins the Butts Close part of the site at Conyers Place. Again, the scheme would sever the listed building from the adjacent open land, but Conyers Place, being the Old Rectory, is relatively enclosed within its curtilage. This part of the scheme would therefore cause a low level of less than substantial harm to the significance of Conyers Place and its nearby granary, and to the conservation area.

31. There is the possibility that Hardy had this field in mind when writing about certain events in Tess of the D'Urbervilles, but the field itself is not of special aesthetic importance, and the literary association is not proven and relates to fictional events which carry very limited weight.

The impact of the Tess Square development

32. The Tess Square part of the scheme would be located on open land at the lower, northern end of Church Hill, outside the conservation area. This end of Church Hill has a slightly more commercial character as a result of the presence of the pharmacy and garage. The scheme would be grouped with the pharmacy, and its farmyard style would help to a certain extent to assimilate it into its rural surroundings.

33. The Tess Square scheme and its parking area would inevitably make this part of Church Hill feel more commercial. It would also be likely to draw additional customers' cars and delivery vehicles down Church Hill. This would however be mitigated to an extent by the retention of trips that would otherwise be made outside the village, by the improvements to the footpath network that would encourage people to walk to the new facilities, and by the provision of cycle parking at Tess Square. The delivery and service management plan would help to maintain control over service vehicle movements. The proposed parking area for the church and school would help to alleviate on street parking, congestion and inconvenience. Overall there would be some erosion of the rural character of this part of Marnhull, but it would be confined to a relatively small part of the village outside the conservation area. The tranquility of most of the village would be little affected.

34. The Tess Square part of the scheme would be located in the eastern part of the open area that lies between New Street, Church Hill and Burton Street. Though

outside the conservation area, this land allows the historic pattern of development to be appreciated in its immediate agricultural setting. The scheme would be seen in views from the churchyard and most parts of the footpath network as a fairly modest incursion into this open area. There would be a more notable impact on the view from the field gate in Burton Street, from where the development would be seen as a more significant incursion into the wider panorama in which the church and tower are key features. However, the proposed buildings would be modest single and two storey structures; neither church nor tower would be obscured, the great majority of the open land would remain. The development would not unduly conflict with the historic pattern of development or the ability to appreciate it. This part of the scheme would cause a low level of less than substantial harm to the significance of the church and the significance of the conservation area.

35. The scheme would be relatively distant from Senior's Farm and the setting of the building would be improved by the removal of some unsightly chicken barns. There would be no harm to its setting or significance.

36. The provision of open space and upgraded footpaths within the field adjacent to Tess Square has the potential to be a major public benefit, both for recreational purposes and to encourage walking instead of the use of the motor vehicle. Sympathetic handling of the landscaping and maintenance of this area could result in an improvement to the setting of the church when seen from the footpaths and from Burton Street.

Issue 2: Conclusion

37. Dealing firstly with the character of Marnhull, both parts of the appeal scheme would involve the development of open land adjacent to the village, but not to the extent that the essential character of the village or its relationship with the wider landscape would be significantly harmed. The provision of well managed public open space could improve the setting of the village and its heritage assets.

38. The location and form of the appeal scheme would not be out of place because, although Marnhull exhibits historic linear patterns of development, its character also encompasses consolidated 20th and 21st Century development. The scheme would cause some erosion of the rural character of Church Hill, but the impact would be confined to a relatively small part of the village. The village overall would retain its character, and its development pattern would not be unduly affected.

39. As regards the impact on heritage assets, the integrity of the Church of St Gregory as a heritage asset would not be directly affected, nor its immediate setting. The scheme would have an impact on certain views and panoramas, as discussed above, but direct views of the church would still be gained from the north, and viewing corridors would allow views of the church tower through the Butts Close development. The prominence of the building would not be lost and the church tower would remain a significant feature in the wider landscape. Thus the Butts Close and Tess Square schemes taken together would cause a low level of less than substantial harm to the setting and significance of the church. The scheme would give rise to a low level of less than substantial harm to the character of the conservation area caused by the incursion into the open views discussed above.

40. Conyers Place would experience a low level of less than substantial harm whilst Senior's Place would not experience harm and indeed its setting would be improved through the removal of the chicken sheds.

41. I have taken into account all the other evidence on heritage assets but in my view the assets described above are the only ones to experience any degree of harm. The submitted heritage assessment is in my view a very accurate assessment of the impact of the scheme on Marnhull's heritage assets.

42. Local Plan Policy 5, like the National Planning Policy Framework, contains a set of steps to be taken to evaluate schemes that affect heritage assets. Where less than substantial harm is identified, this harm should be weighed against the public benefits of the proposal. Elsewhere in this decision it is concluded that the public benefits of the proposal greatly outweigh the low level of less than substantial harm to the heritage assets. The proposed development would not conflict with the Policy 5 or the National Planning Policy Framework in this regard.

Conditions

43. The set of conditions in the attached schedule is divided into (a) those concerning full planning permission for a mixed-use development on land west of Church Hill (Tess Square); (b) those concerning outline planning permission for the erection of up to 120 dwellings on land off Butts Close and Schoolhouse Lane (Butts Close); and (c) those applying to the whole planning permission. I have made some adjustments to the suggested conditions bearing in mind the test of necessity, the need for clarity and the desirability of avoiding over-prescription.

44. The conditions under (a), relating to Tess Square, require (in addition to the usual conditions relating to timing and drawings), the removal of the redundant agricultural buildings and the submission of details of materials, lighting in public areas, landscape and ecological management in the interests of character, appearance and biodiversity; the submission of details of the highway and parking layout, the provision of cycle parking and a delivery and servicing management plan in the interests of highway safety and sustainable transport; and details of air extraction and noise mitigation measures to protect living conditions. There is no need for the latter to include air source heat pumps. Sufficient details of landscaping have already been submitted, so an implementation condition is attached.

45. The conditions under (b), Butts Close, in addition to the usual reserved matters, relate to highway and visibility specifications at the access in the interests of highway safety, together with foul drainage and lighting in public areas, to ensure that the scheme has an appropriate environmental impact. There is no need to include the suggested condition relating to noise from air source heat pumps. The parties' suggested condition on the restriction of pedestrian access to Schoolhouse Lane, discussed in more detail under Issue 1, has been amended to require the investigation of the potential for the provision of pedestrian facilities on Schoolhouse Lane and either the provision of those facilities prior to occupation or, if not feasible, the provision of physical means to deter pedestrians from using the Schoolhouse Lane exit.

46. The conditions under (c), which apply to the whole permission, relate to surface water management and maintenance, construction traffic management, construction environmental management, unexpected contamination, the protection and enhancement of biodiversity and the implementation of a travel plan, to ensure that the scheme has an acceptable environmental impact.

Planning obligation

47. The unilateral obligation dated 17 April 2025 provides for an appropriate level of affordable housing. It provides for financial contributions towards education, including special educational needs and disabilities; pre-school provision; libraries, allotments and NHS infrastructure; bus services and sustainable transport; public footpaths and their maintenance; and various community, leisure, play, sports and open space facilities. It also provides for the construction and delivery of the informal outdoor public open space at Tess Square; the management and maintenance of private roads and paths; and the transfer, management and control of the Butts Close and Tess Square informal outdoor spaces. Finally, as discussed above, it ensures that the Tess Square element of the scheme is delivered at the same time as the Butts Close homes. These provisions are all necessary and meet the requirements of the Community Infrastructure Levy Regulations 2010.

Overall conclusion

48. The position is one of very high identified housing need. There is no up to date spatial strategy that responds to this position, no up to date policy that establishes the amounts of development to be apportioned to different locations in the light of this need, and no prospect that a new local plan will be adopted until 2027. The position is serious. The scheme would provide much needed housing, including affordable housing, against this background.

49. It is accepted by the Council that the larger villages will be required to accommodate some of Dorset's need. The scale of both the housing development and the retail and commercial parts of the scheme would not be out of character with Marnhull. Part of Church Hill would become more commercial but the character of the great majority of the village would be unaffected.

50. The retail and commercial part of the scheme would provide a useful range of facilities walkable from the whole village. Along with the proposed housing, it would have the advantage of creating a balanced development rather than simply a housing extension to the village. It would help to retain trips within Marnhull, and this together with the improvements to the footpath network would encourage walking rather than the use of the motor vehicle. The transport impacts of the scheme would not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.

51. Great weight attaches to any harm to the significance of heritage assets but, as discussed above, the assets affected by the scheme would experience a low level of less than substantial harm to their significance. My conclusion in respect of any cumulative impact on heritage assets in Marnhull is the same. In contrast, the public benefits arising from the scheme are exceptionally important and greatly outweigh the low level of identified harm to the heritage assets, and indeed any other harm.

52. I have had regard to the appeal decisions submitted by the parties. None of them is similar in respect of the nature of the scheme or the relevant considerations. Each case must be considered on its merits.

53. It must be stressed that this decision has been reached on the basis of a level balance of planning considerations and the straightforward merits of the proposal. It does not rely on there being a so-called tilted balance arising from the 5 year

housing land supply position under paragraphs 11 and 232 of the National Planning Policy Framework. The Local Plan is self-evidently not designed to address currently identified housing need. The serious picture of overall housing need, the absence of a relevant and up to date strategy for housing provision and distribution to deal with that need, and the housing supply position the Council will be in very shortly when the annual position statement on housing land supply expires, are material considerations of the highest importance.

54. I have taken account of all the other matters raised, but they do not alter the balance of my conclusions. For all the above reasons, planning permission is granted.

Jonathan Bore

INSPECTOR

CONDITIONS

(a) Conditions attached to the full planning permission for a mixed-use development on land west of Church Hill (Tess Square)

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   Location Plan 22039 100 P3 [CD1.001]

   Tess Square Proposed site layout plan no. 101 Rev 3 [CD4.006]

   Tess Square Food Store Ground Floor Plan 22039 104 Rev. P1 [CD1.005]

   Tess Square Food Store First Floor Plan 22039 105 Rev. P2 [CD1.006]

   Tess Square Food Store Roof Plan 22039 106 Rev. P1 [CD1.007]

   Tess Square Food Store Elevations 22039 107 Rev. P1 [CD1.008]

   Tess Square Food Store Sections 22039 108 Rev. P1 [CD1.009]

   Business Units Elevations 22039 109 Rev. P1 [CD1.010]

   Business Units Elevations and Sections 22039 110 Rev. P1 [CD1.011]

   Business Units Ground Floor Plan 22039 111 Rev.1 P1 [CD1.012]

   Business Units Roof Plan 22039 112 Rev. P1 [CD1.013]

   Tess Square Site Sections 22039 113 Rev. P1[CD1.014]

   Site access refuse vehicle & private vehicle tracking 106.0026-0010 Rev P02 [CD4.023]

3. The redundant agricultural buildings shall be removed in their entirety and the ground reinstated before any building hereby approved is first occupied.

4. The geometric highway layout, turning and parking areas shown on drawing 101 rev P3 shall be constructed prior to the erection of any building hereby permitted, unless otherwise agreed in writing by the local planning authority and shall thereafter be kept free from obstruction and maintained and made available for the purposes specified.

5. The cycle parking facilities shown on drawing 101 rev P3 shall be constructed prior to the first occupation of any building hereby permitted and shall thereafter be kept free from obstruction and maintained and made available for the purposes specified.

6. A delivery and servicing management plan shall be submitted to and approved in writing by the local planning authority before any building hereby permitted is

first occupied, and all vehicular deliveries and the servicing of the site shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation.

7. Where any commercial unit requires the installation of any system for air extraction, odour control, or discharge from cooking operations, details of the system, including external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The system shall be installed in accordance with the approved details before the operation is commenced and shall be maintained thereafter in an effective condition in accordance with the approved details.

8. Details including samples of all external facing materials for the walls and roofs shall be submitted to and approved in writing by the local planning authority before development is commenced, and the development shall be carried out in accordance with the approved details.

9. A landscape and ecological management plan shall be submitted to and approved in writing by the local planning authority before development is commenced and the development shall be carried out in accordance with the agreed details.

10. Soft landscaping and planting shall be carried out in accordance with the submitted drawings LHC-00-XX-DR-L-94.01-P4, 02-P3, 03-P3, 04-P3, and 05-P2, and hard landscaping shall be carried out in accordance with submitted drawings LHC-00-XX-DR-L-93.01-P4 and 02-P3. The landscaping shall be implemented during the first planting season following the completion of the development or within a timescale to be approved in writing with the local planning authority. If within a period of 5 years from the date of planting any tree, shrub or plant dies, becomes diseased or is removed it shall be replaced within the first planting season by another of similar size and species.

11. Details of all external lighting to be installed in public areas shall be submitted to and approved in writing by the local planning authority and installed before the first occupation of any building hereby approved and shall be maintained in accordance with the approved details unless the local planning authority gives written consent to any variation.

12. A noise impact assessment of the proposed development upon existing nearby receptors and the proposed flats above the food store and café, together with details of any mitigation measures, shall be submitted to and approved in writing by the local planning authority. Any necessary mitigation measures shall be implemented in accordance with the approved details before any part of the development is first occupied and shall thereafter be retained and maintained.

(b) Conditions attached to the outline planning permission for the erection of up to 120 dwellings on land off Butts Close and Schoolhouse Lane (Butts Close)

13. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

14. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

15. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

16. The development hereby permitted shall be carried out in accordance with the following approved plans:

    Location plan- drawing 100 Rev P3 [CD1.001]

    Site access visibility splay 106.0026-0008-P02 [CD4.022]

    Tracking plan 106.0026-0009-P01 [CD1.046c]

17. A detailed foul drainage scheme shall be submitted to and approved in writing by the local planning authority before development is commenced. The scheme shall be carried out in accordance with the approved details prior to the occupation of any dwelling hereby permitted and shall thereafter be maintained.

18. The first 15 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), shall be constructed before the first occupation of any part of the development in accordance with details that shall have been submitted to and approved by the local planning authority, and shall thereafter be maintained as approved.

19. The visibility splay areas shown on drawing 106.0026-0008 rev P02 shall be provided to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway prior to the first occupation of any dwelling hereby approved and shall thereafter be maintained and kept free from all obstructions.

20. Before any dwelling hereby permitted is occupied, details of measures to manage pedestrian movement to and from the development shall be submitted to and approved in writing by the local planning authority. This shall include an investigation, including a road safety audit, of the feasibility of a footway along Schoolhouse Lane to its junction with New Street. If this is shown to be feasible and safe the footway shall be constructed in accordance with the approved details before the first occupation of any dwelling hereby approved. In the event that this is not feasible or safe, details of measures to prevent pedestrian access and egress from the development on to Schoolhouse Lane shall be submitted to and approved in writing by the local planning authority and shall be implemented in accordance with the approved details prior to the first occupation of any dwelling hereby approved. The measures shall thereafter be maintained and retained in perpetuity, unless otherwise agreed in writing by the local planning authority.

21. All external lighting to be installed on the site in public areas shall be in accordance with details submitted to and approved in writing by the local planning authority before the first occupation of any dwelling. The lighting shall be maintained and retained as installed unless otherwise agreed in writing by the local planning authority.

(c) Conditions attached to the whole planning permission hereby permitted

22. Before development is commenced on the relevant parcel (the parcels being Tess Square and Butts Close), a detailed surface water management scheme for that parcel, with a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The surface water management scheme shall be fully implemented in accordance with the submitted details and approved timetable and thereafter maintained as approved.

23. Prior to commencement of development, a construction traffic management plan and programme of works shall be submitted to and approved in writing by the local planning authority. The plan shall include construction vehicle details, vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall be carried out in accordance with the approved plan.

24. Prior to the commencement of development on the site, a construction environmental management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include a risk assessment of potentially damaging construction activities, the management of surface water during construction, lighting during construction, the identification of biodiversity protection zones, practical measures to avoid or reduce impacts during construction, the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, responsible persons and lines of communication. The development shall take place in accordance with the approved plan.

25. If during the course of development any land contamination is discovered that was not previously identified, it shall be reported in writing immediately to the local planning authority, and an investigation, risk assessment and details of remediation measures, including a timetable for the work, shall be submitted to and approved by the local planning authority. The remediation measures shall be implemented in accordance with the approved details and a verification report submitted to the local planning authority on its completion.

26. The development shall incorporate the ecological mitigation and enhancement measures set out in Section 5 of the submitted ecological impact assessment "Tess Square and Butts Close, Hybrid Scheme, Marnhull" (November 2023), by Phlorum Limited [CD2.003] and evidence of compliance shall be submitted to and agreed in writing by the local planning authority prior to the first occupation of the relevant development parcel, and shall be permanently maintained and retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

27. Prior to the first occupation of the relevant development parcel, a full travel plan based on the principles set out in the Framework Travel Plan dated April 2023 [CD1.047] shall be submitted to and approved in writing by the local planning authority. The full travel plan shall be implemented in accordance with the approved details.

APPEARANCES

For the Appellant:

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They called

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DOCUMENTS

CD1.001 to CD1.052: Application documents and Plans

CD2.001 to CD2.003: Additional/Amended Plans/Reports submitted after validation

CD3.001 to CD3.002: Development Plan

CD4.001 to CD4.028: Inquiry Documents

CD5.001 to CD5.025: Other Relevant Documents

CD6.001 to CD6.007: Reg 14 Marnhull Neighbourhood Plan

CD7.001 to CD7.007: Emerging Dorset Local Plan

CD8.001 to CD8.017: Consultee Responses on Planning application

CD9.001 to CD9.002: Additional Responses following Appeal Notification

CD10.001 to CD10.003: Proofs of Evidence - LPA

CD11.001 to CD11.007: Proofs of Evidence - Appellant

CD12.001 to CD12.006: Proofs of Evidence - Marnhull Parish Council

CD13.001 to CD13.011: Case Law and Appeals

CD16.001: Rebuttal - Marnhull Parish Council