

DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 29 JULY 2020

Present: Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Cherry Brooks, Robin Cook, Mike Dyer, Beryl Ezzard, Barry Goringe, David Morgan, David Tooke, Bill Trite and John Worth

Officers present (for all or part of the meeting): Officers present: Kim Cowell (Team Leader –Development Management), Liz Adams (Principal Planning Officer), Chelsey Golledge (Technical Support Officer), (Phil Crowther (Senior Solicitor), Lindsey Watson (Senior Democratic Services Officer) and David Northover (Democratic Services Officer).

Representations/Statements

Minute 119

Nick Wood, Michael Campbell, Stuart and Susan MacMillan Pratt
Malcolm Brown – on behalf of Justin Streams

114. Introduction by the Chairman

Given that the meeting was being held as a MS Team Live Event virtual meeting owing to the need to do so during the coronavirus/Covid -19 pandemic, the Chairman took the opportunity to explain how the meeting would take place, the way this would be done and the reason for this. She explained the protocols and processes to be followed and that doing so give gave the Council the ability to continue to fulfil its obligation of delivering the planning function and determining applications.

115. Apologies

No apologies for absence were received at the meeting.

116. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

Councillor Bill Trite had previously indicated his views on this development so considered he was unable to participate in the discussion and decision as part of the Committee. However, he wished to retain his right to impart his views as one of the two Ward members for Swanage.

117. **Minutes**

The minutes of the meeting held on 1 July 2020 were confirmed and would be signed at the earliest opportunity.

118. **Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

119. **6/2020/0161 - Replacement of existing dwelling with a detached dwelling and to erect an additional detached dwelling adjacent at 1A Battlemead, Swanage**

The Committee considered application 6/2020/0161 for the replacement of the existing dwelling - a bungalow - with a detached, two storey dwelling and to erect an additional detached two storey dwelling adjacent to it along with the formation of an access and parking at 1A Battlemead, Swanage.

With the aid of a visual presentation, officers explained what the proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character of that area of Swanage, being in the Dorset AONB.

The application site consisted of the dormer bungalow -1a Battlemead - and its plot. The original plot of 1a Battlemead had recently been acquired by the applicant and had already been subdivided, to provide for an additional, second, dwelling to the east, which is close to completion. The current application proposed to demolish the dormer bungalow and its attached garages to create a new plot on which two detached houses would be constructed.

Plans and photographs provided an illustration of the location, dimensions – form, bulk, size and mass - and appearance of the development and of the two individual properties, along with their ground floor plans, layout and elevations; how they would look; comparisons between the existing dwelling and those proposed; proposed street scenes; the materials to be used; the topography of the site and what landscaping there would be; its relationship with the highway network; the characteristics of the site; its relationship with other adjacent residential development; the impact on amenity, environmental and planning designations relating to its setting within Swanage - it being identified as area of distinctive local character, as designated in the Swanage Local Plan Policy STCD: Swanage Townscape Character and Development. Views into the site and from it were shown, which provided a satisfactory understanding of what the application entailed.

As to the relevant planning history of the site, comparisons were made with a previous refusal - 6/2019/0702 - which proposed to retain 1A Battlemead and add a two storey dwelling, would have appeared cramped and of high density on a small and constrained infill plot. Pre-application considerations for the current proposal had assessed two options: one being for one large building to be subdivided into five flats. However, this was considered to be unacceptable on scale, height, design and layout and in terms of impact on local character and neighbouring properties. Another option - the one the Committee was now being asked to consider – was for two detached houses, which officers considered to be more readily acceptable and the basis on which this application was now being made. A third application - 6/2019/0492 - had been previously granted: in severing the whole plot, and erecting a two storey dwelling, immediately to the east of this proposal, and which was currently under construction.

The officer's recommendation was for permission to be granted on the basis that:-

- the principle of development was acceptable
- Emerging Local Plan Policy H14: Second Homes – there was insufficient weight to be applied to decisions relating to replacement dwellings.
- layout, scale, design, impact on character and appearance of area and Dorset AONB – there was no harm to the Dorset AONB. Layout, scale, design and impact on townscape character acceptable subject, to a materials condition.
- impact on neighbouring amenity was acceptable subject to conditions
- biodiversity impacts was acceptable.
- flood risk and drainage was acceptable subject to SuDs condition.
- highway impacts and car parking was acceptable subject to conditions and informative note.
- the proposal will contribute to local housing supply.
- there are no other material considerations which would warrant refusal of this application.

Officers considered that whilst the layout of the development could be seen as slightly contrived in design, it made the best use of the available land, with the orientation of the houses not compromising privacy of neighbouring residents, with obscured glazing of bedroom windows, as necessary, to achieve this and with there being considered to be adequate distance maintained between them. The proposed development offered an attractive design of some merit, which would complement those property already there.

Following formal consultation, Swanage Town Council had objected to the application on the grounds of overdevelopment and being detrimental to the important street scene and character of the area: being contrary to Policy STCD and the Swanage Townscape Character Appraisal. It considered it would have a potential adverse impact on neighbouring amenity - with overlooking and loss of privacy - and on environmental considerations, with the loss of a sizeable area of existing greenspace.

Representations received from neighbours and residents, also objecting, raised concerns about the design and dimensions of the development, with its height giving rise to overlooking, overshadowing and overbearance; outside space and gardens would be very limited in size; was not in keeping with neighbouring spacious plots; as restricted covenants and conditions were emplaced on the estate, this development did not necessarily accord with those; parking and road safety would be compromised; and that the character of the de Moulham Estate would be compromised by such cramped and intensive development.

The Committee heard directly from one of the two Ward members for Swanage, Councillor Bill Trite – on this occasion solely as a Ward member in his own right – who in reiterating his previously submitted written representation - once again in his own right and on behalf of his constituents - expressing concern that the site was being overdeveloped and would have an adverse effect on the open character of the area and compromise what this estate was intended to embody. He felt that at such density, overdevelopment was demonstrated by the need for glazing to be obscured in the bedroom. Moreover, he considered that the parking proposed would be inadequate and would lead to pressure on-street. In there being no significant revisions made to what had been refused previously, he could see no reason why this application was being recommended for approval. In asking the Committee to refuse the application, he also asked that there be a site visit, so his concerns might be readily seen.

The Council's Solicitor outlined the guidance from the Planning Advisory Service and the LGA that, in the current circumstances, site visits were not appropriate at this time and could not necessarily accord with social distancing measures. As an alternative, a video could capture what was necessary if required. The Committee, in accepting this advice, felt that it was unnecessary to visit the site as they had all the information they needed before them.

The Committee were then notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application and the assessments made.

The opportunity was given for members, to ask questions of the presentation and what they had heard, in seeking clarification of:

- the status of the Swanage Local Plan and how its provisions played a part in this application,
- the covenants and conditions that governed the de Moulhem estate,
- how the application sat with the spacious characteristics traditionally afforded to the estate;
- what parking and road safety issues had been considered;
- what input Dorset AONB had made;
- how the design, dimensions and elevations of the development would look;

- what significance overlooking and overbearing had on amenity, given the need for obscured glazing;
- and that Dorset Council's housing policy should have a bearing on any development proposal. Members asked what consideration had been given to factoring in the provision of affordable housing in this development.

In particular Members referred to this area as being of distinctive local character - as defined in Policy STCD: Swanage Townscape Character and Development of the Swanage Local Plan – “with any new development in that area should protect and enhance the distinctive local characteristics of these areas in being characterised by predominantly detached properties, of modest size, individual design and usually set within reasonably generous plots. It is important that new development does not reduce the spacious character of this area and the informal qualities of the backland areas”.

Officers addressed the questions raised, providing what they considered to be satisfactory answers based on the assessments made, the material planning considerations applicable and for the reasons set out in their report and presentation.

Whilst most points had been covered in the report and officer presentation, officers took the opportunity to confirm that whilst it was recognised that there was a perception of harm in the effect the development could have on the open space character, it was not the case that this would be compromised and did not have the negative impact that the previous application had. The design, layout and dimensions of the dwellings were acceptable, with distances between the dwellings and neighbouring properties being satisfactory. Moreover, there was an obligation to achieve an effective use of land for homes and good housing, as provided for in Policy 117 of the in National Planning Policy Framework (NPPF). Whilst accepting that some windows were designed to be obscure glazed to mitigate any overlooking issue and ameliorate any neighbouring concerns, they still offered adequate illumination within those rooms, with the bedroom being served by clear glazing too.

Whilst some loss of green space was an understandable concern, there was the opportunity for new, alternative landscaping to be achieved.

Parking was satisfied by the two parking spaces, in line with Dorset guidance for a dwelling of these proportions, and the highway officer was satisfied that highway safety would not be compromised by manoeuvring movements or extraneous parking, even give the popularity of the area during summer.

Whilst there was some non-conformity in size of plots, there was a mix of housing styles and types along Battlemead, all with varying plot proportions and, on balance, this was not so very much removed from that, certainly not to be able to justify refusal.

On this occasion it was unnecessary for there to be any input from the Dorset AONB as a major assessment was not required for this particular, minor

development, on already developed land and which was, essentially, similar to other neighbouring property.

Officers clarified that the policy referencing the subdivision of plots in the Purbeck Local Plan was focused on affordable housing provision, so did not apply in this case. Officers confirmed that all the relevant policies and plans had been taken into consideration in assessing this application and the weight given to them by officers, again, assessed accordingly.

In respect of any second homes policy within the previous Purbeck District area - to regulate the ability for ownership of such – officers confirmed that such a condition could not be applied to any grant of permission as the policy was currently still being assessed within the Emerging Purbeck Local Plan process and therefore the weight that could be given to it was limited.

In making their planning assessment, officers had considered the proposed development to be acceptable in principle, of an acceptable scale and design and, on balance, it was considered to be acceptable in terms of the impact on the character and appearance of the area and the amenity of the occupiers of neighbouring properties. Impacts such as flood risk, highways and biodiversity were all considered to be acceptable subject to conditions.

However, whilst accepting the clarifications made, some Members remained concerned – and somewhat unconvinced - that what was being proposed would compromise the amenity of that part of the de Moulham estate and that the capacity of the site was too constrained to accommodate the development being proposed.

They agreed with Councillor Trite that this was evident by the need to have obscured glazing in the first floor bedroom windows. The siting of two properties on the plot would result in overdevelopment and an inappropriate density on the site; spaciousness, particularly garden and outdoor space, would be significantly compromised and out of keeping with neighbouring properties – in being contrary to the provisions for this estate set out in the Adopted Swanage Local Plan - Policy STCD: Swanage Townscape Character and Development or to the Council's own policy to provide for quality homes. Indeed, the original plot had now been subdivided into three, where only one house had previously been. This in itself indicated that the site would be overdeveloped. Given Policy STCD, there was an obligation for the quality of the area to be upheld and the Local Plan had been developed to ensure the best interests of local residents were served. It was considered that the Purbeck District Local Plan and Swanage Local Plan still had relevance, should be adhered to and had a bearing on this application and should be afforded sufficient weight.

Concern at what effect parallel parking would have on manoeuvring so close to a junction was also raised. Whilst understanding the planning considerations being given to second homes policy in Purbeck, reservations were nevertheless still maintained in that, to some extent, weight should be given in preventing the occupation of dwellings as second homes. They referred to the Committee's stance on this in refusing a previous application in

Purbeck in the recent past, West Lulworth - 6/2019/0553, and considered this should be similarly applied in this case.

As the Planning Authority, members said that the Council had an obligation to ensure development achieved good planning standards and design and met what was necessary and expected, in being wholly satisfied that those standards had been met. They considered that this was not the case for this development.

Other members agreed with the officer's assessment of the development in that whilst not all aspects of the layout of the development could be considered ideal, on balance, it made the best use of the available land. The mitigating measures were designed to not compromise the privacy of neighbouring residents. They considered the proposed development to be an enhancement to the street scene than was currently the case, the design being of some considerable merit which would go a long way to complementing other properties in Battlemead. Given the limited supply of development land available in Swanage, the opportunity should be taken to develop the land as proposed. Moreover, the obscured glazing was a means to mitigate any overlooking concerns; the current street line was far from regularised; and rooms sizes adhered to the necessary building standards. They impressed that Swanage needed housing to attract and retain families – and young families at that – for economic and employment opportunities and social need. On the basis of this, they saw no material planning consideration to warrant refusal or reason that there would be any demonstrable harm arising from what was being proposed. Given this, they considered the officer's recommendation should be supported.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting; and the views of Councillor Bill Trite, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this. The Committee considered that, notwithstanding the assessments made by officers that the proposal should be granted permission, they could not agree to what was being recommended on the basis that the site was too constrained for the development proposed, the building lines, internal layout and obscured glazing were contrived and did not meet the Local Plan policies.

Before being put to the vote, the officer provided the proposer and seconder with an opportunity for them to accept a form of wording for refusal she had drafted. On that basis – and being proposed by Councillor Cherry Brooks and seconded by Councillor Alex Brenton - on being put to the vote, the Committee agreed 6:5 – the Chairman having voted - that the application should be refused.

Resolved

That planning application 6/2020/0161 be refused.

Reason for Decision

The proposed increase in development density would result in a cramped scheme which fails to sensitively integrate with the low density of the existing estate and prevailing setting provided by established building lines. The bulk of the two dwellings would negatively impact on the spacious suburban distinctive character area. The internal layout and obscured glazing is contrived and the proposal does not achieve affordable, suitable and decent housing, contrary to the Purbeck Local Plan Part 1 Policy D: Design, Swanage Local Plan, Policy STCD: Swanage Townscape Character and Development, National Planning Policy Framework Sections, 11: Making Effective Use of Land (para 117 and 122) and Section 12: Achieving Well Designed places (para 127) of the National Planning Policy Framework, the Purbeck District Design Guide Supplementary Planning Document adopted January 2014 and Swanage Townscape Character Appraisal Supplementary Planning Document adopted August 2012.

120. **Urgent items**

There were no urgent items of business for consideration at the meeting.

121. **Statements / Representations**

Nick Wood

This proposed development has caused significant stress and mental turmoil to many of my retired neighbours some of which could be regarded as vulnerable. It has also caused significant negative comment amongst many in the local De Moulham Trust area where the characteristics of reasonably sized front and back gardens prevail, allowing people views from their gardens and houses of the Area of Outstanding Natural Beauty that we live in. It is why it is an Area of Distinctive Local Character in the Swanage Town Plan.

I strongly feel that with the Restrictive Covenants governing the development of the area (now managed by Swanage Town Council through the De Moulham Trust) plus the characteristics of the area should prevent this development.

The developer first severed the site. We felt this was a good development though were concerned not enough garden had been allowed for a house of this size and therefore out of keeping with the characteristics of the area. Neighbours were assured by the developer that the original chalet bungalow (sited well away from surrounding boundaries) would be just refurbished. Over Christmas 2019 application 6/2019/0702 was submitted for the original bungalow to be demolished on this now halved plot and two detached two storey tall houses with very limited outside space to be built in its place. This development was rejected. And many in the area breathed a sigh of relief and stress levels reduced. However, at about lockdown, we were then hit by this new proposal. Again, wonderful timing! It is NOT significantly different but very surprisingly the Officers are now recommending acceptance. The proposed over development of this site is still there.....The massing of these two detached houses is visible from our garden and is extremely large

compared to the current low level chalet bungalow; and the effect on the neighbouring properties will be negative in terms of their enjoyment of their own properties (massing, noise levels from intensity of use, parking, amenity, street scene) and their views of either the sea or Ballard Down will disappear. We urge the committee to reject this development.

In a country that has just been through a lock down, with many people valuing their private outside space, properties should be built with a decent amount of garden. Only 6% of the UK is developed; why shove everyone into a smaller and smaller space...it is the perhaps the thing that most highlights inequality between people. People move to this part of Swanage for the garden and more open spaces between properties; please do not allow this development to go ahead and set a dangerous precedent for other sites in the area.

Michael and Penny Campbell

Application 6/2019/0702 was refused and the reasons given remain valid for this current application. We are perplexed why it has become "in the balance" given little has changed.

Reasons for objection are:

1 Over development

The builder wants to replace one building with four with insufficient amenity space and overcrowding. The 2 floored, 3 bedroom house (built) has already been extended to 3 floors and 4 bedrooms. This proposal is totally out of character with the street scene in Battlemead. Battlemead is a mixed development of detached properties, with garages, driveways and substantial rear and front gardens. This proposal does not adhere to any of these characteristics and will set a dangerous precedent within this area of distinctive local character.

We quote from the case officer's reasons for refusal on the previous application "... cramped and high density in appearance on a small and constrained infill plot to the detriment of the distinctive regular and low density pattern of townscape character in the area..." We urge you to refer to the officer's previous refusal. Her reasons remain equally valid for this application.

2 Overlooking

The proposed houses will overlook their neighbours at 35 and 39 De Moulham Road and 1 Battlemead. Opaque, non-opening windows in principal bedrooms indicates the builder is aware of the intrusive design and seeks to remedy this with an unsatisfactory solution. Future occupiers will seek to replace them to provide light and ventilation, causing stress and discord with neighbours.

This proposal for 2 tall houses so close to the boundaries goes against European Law entitling neighbours to privacy.

3 The De Moulham Estate

This is a special, carefully preserved part of Swanage with a unique character to which many restrictive covenants and conditions were attached to protect

the area. Again we quote “The proposal does not maintain the prevailing character and setting of the area and is therefore contrary to the National Planning Policy Framework”.

4 Dorset Parking Standards

The original property is a 2 bedroom chalet bungalow and had 2 single garages and 2 parking spaces, a ratio of 2 bedrooms to provision for 4 vehicles. Now this proposal is for 3 houses with 10 bedrooms with 1 single garage, 2 parking spaces for the existing house and 4 extremely cramped parking spaces for the development, a ratio of 10 bedrooms and dubious in dimensions provision for 7 vehicles. This is not in line with Dorset Parking Standard as there is no provision for visitor parking.

We can see no improvement to the previous application 6/2019/0702 or in the amendments to this application and therefore object to this application and request it be declined.

Stuart and Susan MacMillan Pratt

We have seen the submissions of various neighbours to the Committee regarding this Application (and those previously associated with it). We fully endorse the points they make and so do not propose yet further repetition.

Instead, we wish to draw your attention to the background of the De Moulham Estate (DME), of which Battlemead is a part, and to highlight to you why it is so important that you do not allow a development which could open the flood-gates for the eventual destruction of this Area of Distinctive Local Character.

The DME is a 90 year old concept and was designed to ensure that the expansion to the north of the town was accomplished in a controlled manner under the guidance of Trustees, currently Swanage Town Council. Aerial photos dated 1935 and 1937 (which were attached as part of our earlier submissions opposing this development) clearly show that the estate was to be laid out in an orderly and formal manner. The houses, albeit of varied design, were to be detached, have good separation, be of modest size and surrounded by good sized gardens.

The building line was clearly defined; the houses were to be set back from the pavement such that they would be fronted by relatively large gardens and thus create the spacious, uncluttered feel of the estate as a whole.

Virtually without exception the 100 or so buildings on the estate conform to these requirements and there is evidence that caveats specifying these requirements are contained in the Land Registry documents of some houses, including ours.

A review via Google Earth will confirm the current spaciousness of the estate.

The proposed development puts three houses and a detached garage on to a plot designed for one decent sized house and good sized garden. The building lines are being completely ignored.

The proposed back gardens have been described by local estate agents as 'compact patio gardens' or 'totally out of keeping with the area'. The car parking arrangements will only work if the vehicles are small, the passenger has already got out and the driver is fairly agile ...and then there's the real issue of road and pedestrian safety when sight lines are poor (we question whether the Highways engineer has actually seen the site, especially when the on-road parking is jammed with holiday-makers (not the visitors to the new houses who will be lucky to find anywhere to park at peak times).

Para 195 of The Swanage Local Plan states that: "The Areas of Distinctive Local Character include a variety of townscape character types and new development should protect and enhance the distinctive local character of the area". The SLP goes on to say that "It is important that new development does not reduce the spacious character of the area". Elsewhere we find that "Officers should not rely on 'windfall' developments to meet overall new-build objectives of the PLP1- SE Dorset."

We urge you to reject this Application.

Malcolm Brown - on behalf of the applicant, Justin Streams

I commend to you your officer's report.

This proposal is entirely different to the previous application 6/2019/0702.

Further pre-application advice was sought from the planning officer. The advice states:-

The two detached dwellings are modest in size (3 bed) and of an acceptable height, scale and mass in relation to surrounding properties and the street scene. The traditional but varied design is considered to be acceptable. The dwellings sit comfortably within the plot...

There is therefore no conflict with the local character and the pattern of development.

The advice continues:-

Subject to suitable modification, this option could be supported in terms of impacts on neighbouring properties and future occupiers of the proposed dwellings.

The applicant took that advice on board and the application incorporates those modifications.

Your officers accept that there is not unacceptable overlooking and loss of privacy to neighbours.

The car parking provision is in accordance with your standards. There is no loss of greenspace. In addition to the existing dwelling house there are two existing garages, an outbuilding and a conservatory and hardstanding.

The Existing Site coverage is 141 sq. metres

Proposed Site Coverage is 135 sq.metres

There is therefore a small reduction in site cover and no loss of greenspace.

The officer's report refers you to a recent appeal decision in relation to subdivision of a lengthy rear garden at 61 Rabling Road Swanage which was allowed.

I need to draw your attention also to an approval by this authority as recently as May this year at 3 De Moulham Road. Planning was granted to build 4no. 3 storey houses. The houses are detached of contemporary design to appear as two blocks. They replace a single storey dwelling in a verdant setting. The approval will see the 4 houses built with no back gardens whatsoever and a three storey elevation about 5metres from the side boundary of no.1a Rabling Road and its back garden. The benefit of the provision of homes to be used as a person's sole or principal residence was considered to outweigh the loss to the non-designated heritage asset.

Contrast the proposal before you today with that approval. This proposal fits comfortably within the street scene, retains a reasonable amount of greenspace, and is sustainable in terms of the National Planning Policy Framework.

There is no suggestion in the pre-application advice that a decision would be finely balanced. It is in accordance with the Local Plan.

Duration of meeting: 10.00 - 11.30 am

Chairman

.....