



## Eastern Area Planning Committee

**Date:** Wednesday, 10 March 2021

**Time:** 10.00 am

**Venue:** Virtual/ MS Teams Live Event – see link below

**Membership: (Quorum 6)**

Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, Brian Heatley, David Morgan, Julie Robinson, David Tooke, Bill Trite and John Worth

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**Chief Executive:** Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

**For more information about this agenda please telephone Democratic Services on 01305 251010 or David Northover on 01305 224175 - david.northover@dorsetcouncil.gov.uk**



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Members of the public are welcome to view the proceedings of this meeting, with the exception of any items listed in the exempt part of this agenda. MS Team Live Event/Virtual (please see link below)

**Link for the meeting:-**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NDM4YmJlMTktNzlxNC00OTdjLTk1MjltZWFiMmFIOTEyZWQ2%40tHread.v2/0?context=%7b%22id%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22oid%22%3a%226b0f9558-2fa4-49d1-82dc-5ad39a1bb4c7%22%2c%22isBroadcastMeeting%22%3atru%7d&btype=a&role=a](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDM4YmJlMTktNzlxNC00OTdjLTk1MjltZWFiMmFIOTEyZWQ2%40tHread.v2/0?context=%7b%22id%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22oid%22%3a%226b0f9558-2fa4-49d1-82dc-5ad39a1bb4c7%22%2c%22isBroadcastMeeting%22%3atru%7d&btype=a&role=a)

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than **8.30am on Monday 8 March 2021**. This must include your name, together with a summary of your comments and contain no more than 450 words.

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If a Councillor who is not on the Planning Committee wishes to address the Committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative provided that they have notified the Democratic Services Officer by **8.30am on Monday 8 March 2021**.

**Please note** that if you submit a representation to be read out on your behalf at the committee meeting, your name, together with a summary of your comments will be recorded in the minutes of the meeting.

Please refer to the guide to public participation at committee meetings for general information about speaking at meetings [Guidance to Public Speaking at a Planning Committee](#) and specifically the "**Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings**" included as part of this agenda (see agenda item 4 - Public Participation).

### **Using social media at virtual meetings**

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# AGENDA

Page No.

**1 APOLOGIES**

To receive any apologies for absence

**2 DECLARATIONS OF INTEREST**

To receive any declarations of interest

**3 MINUTES**

5 - 12

To confirm the minutes of the meeting held on 10 February 2021.

**4 PUBLIC PARTICIPATION**

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Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the [Guide to Public Speaking at Planning Committee](#).

**5 6/2019/0656 - OUTLINE APPLICATION ON A RURAL EXCEPTION SITE FOR A DEVELOPMENT OF 8 DWELLINGS (6 AFFORDABLE & 2 OPEN MARKET) WITH DETAILS OF ACCESS (ALL OTHER MATTERS RESERVED) AT CRACK LANE, LANGTON MATRAVERS**

15 - 40

To consider a report by the Head of Planning.

**6 6/2020/0154 - PROPOSED ERECTION OF THREE DWELLINGS AND ASSOCIATED PARKING - LAND AT PRIESTS ROAD, SWANAGE**

41 - 62

To consider a report by the Head of Planning.

**7 PLANNING APPEALS SUMMARY**

63 - 66

To consider the outcomes of recent planning appeals.

**8 URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.



## DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON WEDNESDAY 10 FEBRUARY 2021

**Present:** Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, Brian Heatley, David Morgan, Julie Robinson, David Tooke, Bill Trite and John Worth

**Also present:** Cllrs David Walsh, Andrew Starr and Gary Suttle

**Officers present (for all or part of the meeting):** Kim Cowell (Development Management Area Manager East), Elizabeth Adams (Development Management Team Leader), Phil Crowther (Senior Solicitor) and David Northover (Democratic Services Officer).

#### **Public Participation**

Written submissions

Minute172

Alan Davies of Chapman Lily Planning (Agents)

Minute 173

Simon Groves

Kat Burdett – Ken Parke Planning Consultants

Linda and Vaughn Steele

Barry & Janet Moorhouse - applicant

#### 167. **Apologies**

No apologies for absence were received at the meeting.

#### 168. **Declarations of Interest**

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

Councillor Bill Trite indicated that he did not wish to participate in the discussion or vote on minute as he had chosen to comment solely as a local Ward Member. Other than speaking as local Member, he played no part in consideration of that minute.

#### 169. **Minutes**

The minutes of the meeting held on 6 January 2021 were confirmed and would be signed at the first opportunity.

170. **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.

171. **6/2019/0656 - Outline application on a rural exception site for a development of 8 dwellings (6 affordable & 2 open market) with details of access (all other matters reserved) at Crack Lane, Langton Matravers**

The Committee were informed that application 6/2019/0656 – an outline application on a rural exception site for a development of 8 dwellings (6 affordable & 2 open market) with details of access (all other matters reserved) at Crack Lane, Langton Matravers - was being recommended by officers to be deferred in order to update the officer report to address the implications of the latest housing delivery figures for the Isle of Purbeck published on the 20 January 2021.

In understanding and acknowledging the reason given, the Chairman – on behalf of the Committee - agreed that application 6/2019/0656 should be deferred, to be considered at the earliest opportunity.

172. **6/2020/0292 - To erect a temporary agricultural workers dwelling at New Park Farm, Lytchett Matravers**

The Committee considered application 6/2020/0292, to erect a temporary agricultural worker's dwelling at New Park Farm, Dolmans Hill, Lytchett Matravers, in the form of a caravan, on land at New Park Farm, Lytchett Matravers.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; what the proposal was designed to do; and what this entailed. The temporary dwelling would be for a three year period, so as to provide the applicant with the opportunity to develop their business and test the business model.

Plans and photographs provided an illustration of where the caravan would be located, its dimensions and appearance – being in a log cabin style - all being described to the Committee, along with what the characteristics of the landscape in which it was to be sited were. How it would be used, by whom and for what purpose was also explained: being necessary to accommodate herdsman to enable them to have close and ready access to their bovine livestock, so as to be able to monitor them at any given time. As the site was within the Dorset AONB, what considerations needed to be made and criteria to be met for such a development were outlined.

How the enterprise was proposed to be managed, so as to ensure it was as viable as it could be, was explained. A Rural Workers Dwelling Appraisal by

Reading Agricultural Consultants accompanied the application, setting out the perceived necessity for such a dwelling.

Having assessed the material considerations, officers considered there not to be any matters which would warrant a refusal of planning permission. Moreover, the proposal accorded with the focus of the NPPF on building and supporting prosperous rural economies by supporting sustainable growth and the expansion of all types of businesses in rural areas. Accordingly, officer's recommendation was being made on that basis.

The Committee were notified of the written submissions received and officers read these direct to the Committee. 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.

Lytchett Matravers Parish Council had objected to the application on the basis that a precedent would be set by allowing open countryside, particularly in the AONB, to be compromised by very small holdings such as this being disaggregated in such a way to allow for unregulated piece meal development, particularly as there was already a ready supply of existing accommodation locally. However the consultants had established that there were no existing dwellings on site or buildings capable of conversion or indeed any practical alternatives.

The Woodland Trust raised concerns regarding the new site location on account of potential disturbance to Old Park Farm Wood. The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Officers addressed what questions were raised, providing what they considered to be satisfactory answers.

Local ward member, Alex Brenton, was of a similar view to the Parish Council in that this proposal would compromise the open character of the site and would be an encroachment on the Green Belt that could well set a precedent. She considered that everything should be done to protect the principle of the Green Belt. This view was shared by some other members.

However the majority of the Committee considered the proposal to be a practical means for fulfilling the needs of this rural activity and could see the reasons why this would be beneficial. The proposal also supported and encouraged rural business opportunities and economic growth. However, they asked that the condition governing its habitation be limited to, and exclusive for, agricultural activity associated with herdsman and livestock.

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, what they had heard at the meeting, the views of the local ward Member and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on

that basis - in being proposed by Councillor Robin Cook and seconded by Councillor Shane Bartlett - on being put to the vote, the Committee agreed 7:3 that the application should be approved, subject to the conditions set out in paragraph 16 of the report and the amendment of the condition governing habitation.

### **Resolved**

That planning permission be granted for application 6/2020/0292 subject to the conditions set out in paragraph 16 of the officers report and the amendment of Condition 4 to read – “the occupation of the residential caravan shall be limited to a person solely or mainly employed in managing livestock on the land holding shown edged in blue on the site plan, including any dependant of such persons residing with him or her”.

### **Reasons for decision**

- There was an essential need for a full-time worker to live on-site, as identified the Council’s Agricultural Consultant
- The proposed scale, design of the unit would not significantly and demonstrably harm the character and appearance of the area.
- On the basis of the identified need, the principle of development within the Green Belt to support an agricultural business was accepted as a ‘very special circumstance’ subject to a condition ensuring the accommodation is temporary (3 years)
- There were no material considerations which would warrant refusal of this application and no objections had been raised from the Council’s Highways and Drainage Departments.

173. **6/2020/0281 - To erect single storey extensions with pitched roofs and insert three rooflights within the north east elevation and install a rainwater harvest tank at 5 Ballard Estate, Swanage**

The Committee considered an application - 6/2020/0281 - proposing alterations to an existing dwelling at 5 Ballard Estate, Swanage, so as to erect single storey extensions with pitched roofs and insert three rooflights within the north east elevation and install a rainwater harvest tank.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; what the proposal was designed to do; 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 planning history of the site and the Ballard estate was described too.

Plans and photographs provided an illustration of the location, dimensions – form, bulk, size and mass - and appearance of the extension, along with ground floor plans, layout and elevations; comparisons between the existing dwelling and that proposed; the materials to be used; the topography of the site; its relationship with the highway network; the characteristics of the site; its relationship with other adjacent residential development; and the impact on



amenity, environmental and planning designations relating to its setting within Swanage. Views into and around the application site were shown, which provided a satisfactory understanding of what the application entailed.

Whilst a number of objections had been received including from the Town Council, assessments made by officers had considered it to be acceptable in terms of scale, height, design and layout and in terms of impact on local character and neighbouring properties and on that basis, the recommendation to approve was being made.

Following formal consultation, Swanage Town Council had objected to the application on the grounds of its bulk and being detrimental to the street scene and character of the area, considering it to have a potential adverse impact on neighbouring amenity. Representations received from neighbouring residents, also objecting, raised concerns about the design and dimensions of the extension, with its height and mass giving rise to concerns of overbearance: being not in keeping with the character of the area. It was not seen to accord with restricted covenants and conditions emplaced on the estate – particularly that all dwellings on the estate should be single storey.

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 agreed with the views of those objecting and the Town Council - expressing concern that this could well be regarded as a two storey property and, as such, should not be supported.

In asking the Committee to refuse the application, he also asked that there be a site visit, so his concerns might be seen at first hand. The Council's Solicitor had previously 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. The Chairman, in accepting this advice, felt that it was unnecessary to visit the site as the Committee had all the information they needed before them. The other local Ward Member, Councillor Gary Suttle, similarly agreed with the sentiments of Councillor Trite in that the application should be refused.

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 proposal and what it entailed. In particular reference was made to the height and mass of the extension, to the necessity of the roof light windows. 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.

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. Whilst recognising the perception that the extension was not typical of the form of the original estate, officers considered that there were a number of other properties in that part of the estate that had similarly extended their footprint in varied configurations. Windows in other property roofs were also readily apparent. Officers confirmed that as there were no internal stairs proposed within the property, there was no reason to believe the residency would not remain a single storey bungalow. Officers also confirmed that there was no policy to govern the comparative volume of any extension; i.e. there was no means for proportionality to be calculated and that the proposed installation of roof lights could be achieved under permitted development in any event.

However, whilst accepting the clarifications made, the majority of Members remained concerned – and somewhat unconvinced - that what was being proposed could be seen to constitute a two-storey dwelling and would compromise the amenity and character of that part of the Ballard Estate and, if approved, could well set a precedent for similar applications to be made on those grounds and, similarly, be successful. However other members considered the application to be acceptable on the basis that the estate was seen to have evolved into a varying size and appearance of properties and, in that context, this proposal was not considered to be out of keeping.

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 Councillors Bill Trite and Gary Suttle, 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 by reason of the bulk of the roof, in having a harmful impact on the local character of the Ballard Down area contrary to policy STCD of the Swanage Local Plan (2017) and policies LHH and D of the Purbeck Local Plan (2012).

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, on being put to the vote, the Committee agreed that the application should be refused.

### **Resolved**

That planning application 6/2020/0281 be refused.

### **Reason for Decision**

The proposal would, by reason of the bulk of the roof, have a harmful impact on the local character of the Ballard Down area contrary to policy STCD of the Swanage Local Plan (2017) and policies LHH and D of the Purbeck Local Plan (2012).

**174. Planning Appeals**

For its information, the Committee received a summary of recent appeals – and their outcomes - to planning decisions made by the Council.

**175. Urgent items**

There were no urgent items for consideration at the meeting.

**Duration of meeting:** 10.00 am - 12.30 pm

**Chairman**

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## Dorset Council

### **Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings – effective from 29 July 2020**

Due to the Covid-19 pandemic the council has had to put in place measures to enable the council's decision making processes to continue whilst keeping safe members of the public, councillors and council staff in accordance with the Government's guidance on social distancing by applying new regulations for holding committee meetings from remote locations.

The following procedures will apply to planning committee meetings until further notice, replacing where appropriate the relevant sections of the Guide to Public Speaking at Planning Committees:

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the Committee.

2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am, two working days prior to the date of the Committee – **i.e. for a committee meeting on a Wednesday, written statements must be received by 8.30am on the Monday**. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the Committee agenda. The agendas for each meeting can be found on the Dorset Council website:-

<https://moderngov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1>

3. During this period the council can only accept written statements via email and you should continue to bear in mind the guidance in the public speaking guide when preparing your representation.

4. The first three statements received from members of the public for and against the application (maximum six in total) will be read out together with any statement from the town and parish council, by an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your statement will be read out if the same point has been made by another statement and already read to the Committee. This is to align with the pre-Covid-19 protocol which limited public speaking to 15 minutes per item, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit. All statements received will be circulated to the Committee members before the meeting.

5. This addendum applies to members of public (whether objecting or supporting an application), town and parish councils, planning agents and applicants. **The first three statements received from members of the public, for and against the application, (maximum six in total) will be read out, together with any statement from the Town and Parish Council, in its own right.**

6. Councillors who are not on the Planning Committee may also address the Committee for up to 3 minutes by speaking to the Committee (rather than submitting a written statement). They need to inform Democratic Services of their wish to speak at the meeting two working days before the meeting – by the 8.30 am deadline above - so those arrangements can be put in place.

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Eastern Planning Committee  
10 March 2021

## 1.0 **Application Number:** 6/2019/0656

**Webpage:** <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0656>

**Site address:** Crack Lane, Langton Matravers, BH19 3EF

**Proposal:** Outline application on a rural exception site for a development of 8 dwellings (6 affordable & 2 open market) with details of access (all other matters reserved)

**Applicant name:** Ms Sarah Foot

**Case Officer:** Mr J Lytton-Trevers

**Ward Member:** Cllr C Brooks

The application was referred to the Eastern Planning Committee by the Nominated Officer who considered it expedient for the purposes of transparency for this application to be considered in a public forum.

Consideration of the application was deferred on 10 February 2021 to allow officers time to consider of the latest results of the Housing Delivery Test and implications of this on Housing Land Supply. The application is returned to committee for consideration

## 2.0 **Summary of Recommendation:** Grant outline planning permission.

## 3.0 **Reason for the recommendation:**

- The proposal has the potential to deliver affordable dwellings in a sustainable rural location and where there is a demonstrated need, but the site lies outside of Langton Matravers settlement. Securing 2 market units on the site would weigh favourably in the balance given the current lack of housing land supply.
- Limited weight can be given to the emerging Rural Exceptions Sites policy H12 which remains subject to potential modification.
- Purbeck Local Plan Rural Exceptions Site Policy RES remains relevant and supports the provision of affordable housing .
- The proposal would not bring with it harm to the character and appearance of the area and landscape and it would meet highway requirements.
- The proposal would result in less than substantial harm to designated heritage assets which is justified by the public benefit of affordable housing provision.

## 10 MARCH 2021 COMMITTEE UPDATE

This application was to be considered at the Committee's February 2021 meeting and was deferred to allow consideration of the latest results of the Housing Delivery Test and implications of this on Housing Land Supply.

This report updates the previous report and the new information is summarised in paragraph 16.6.

#### 4.0 Table of key planning issues

Issue	Conclusion
Principle	Whilst the development would not be permitted as an exceptional circumstance as set out in Purbeck Local Plan Policy CO it would make provision for housing land supply.
Affordable housing provision	The proposal would not fully meet the requirements of Purbeck Local Plan Policy RES which would normally require 100% provision.
Affordable housing need	There is an identified need in this and surrounding parishes.
Character and appearance of the area	The proposal would be capable of being designed to be in keeping with the area.
The impact of the proposals on the significance of the heritage asset of Langton Matravers Conservation Area, its features of special architectural or historical interest, and its preservation.	The proposal would result in less than substantial harm to heritage assets which is outweighed by the public benefits of affordable housing provision and housing land supply.
Character and appearance of the AONB	The proposal would have acceptable landscape impact.
Amenity	The proposal would be capable of being designed to safeguard amenity.
Highway matters	The provision of an access would meet highway requirements subject to provision of a new footway.
Biodiversity	Acceptable biodiversity impacts in accordance with the Biodiversity Mitigation plan. Mitigation measures would form part of the detailed design. Acceptable impacts on Dorset Heaths International Designations and Poole Harbour Recreation Pressures in accordance with adopted policy and SPD.
Trees and hedgerows	Recommendations made would form part of the detailed design.
Drainage	Drainage would need to incorporate SUDs. Acceptable subject to condition.
Other matters	There are no identified significant matters.

#### 5.0 Description of Site (update not required – no change)

The site is part of a field currently used for riding horses which is accessed through a field gate. The land slopes away from the Crack Lane boundary. It is separated from Crack Lane by



mainly young sycamore trees with some hawthorn. Crack Lane is a narrow lane which connects High Street with the A351 Wareham to Swanage Road. It is lined on both sides with hedgerows and grass verges with occasional informal passing places where vehicles can pass owing to its narrowness. There are no footways.

The site has an area of 0.55 ha and is located outside but adjoining the settlement boundary. It is in the Dorset Area of Outstanding Natural Beauty, adjacent to the Conservation Area along most of the western boundary and several listed buildings of which the closest are 'Twolease Cottage' (Grade II) and 'Twoleas' (Grade II). The Conservation Area is identified as forming Zone 1 and is known as the 'historic hamlets of Coombe and Gully with Leeson House' which are characterised by small clusters of development. Footpath SE16/1 runs to the immediate west of the Lane and the existing Site access point.

## **6.0 Description of Development (update not required – no change)**

The application is in outline with only means of access to be agreed. Permission for layout, appearance, scale and landscaping is not currently being sought. The proposal would be for a single access point from Crack Lane to serve an internal service road which would be shared by the dwellings. This would also involve provision of a kerbed footway along Crack Lane from the High Street to the entrance. The application includes an illustrative layout in which it is envisaged that the houses would form a self-contained group of houses, terraced and semi-detached, grouped around communal parking areas and of conventional design and appearance.

The application is made on the basis of it being an affordable housing rural exception site to accommodate six affordable homes and two market. This would consist of three 2 bedroom affordable homes (two social and one intermediate), three 3 bedroom affordable homes (two social and one intermediate) and, two semi-detached market homes.

## **7.0 Relevant Planning History (update not required – no change)**

There have been no planning applications.

Pre-application enquiry – PAP/2018/0088 – Support in principle, but sensitive location in the AONB and adjacent Conservation Area. The advice was given in good faith under the policy of the time in the infancy of the Local Plan which was at Options consultation stage. Pre-application advice is confidential with the applicant and is neither binding nor public.

The current application was screened under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and was not found to be EIA development.

## **8.0 List of Constraints (update not required – no change)**

The parish of Langton Matravers;  
500m and 200m from ancient woodland  
The Dorset Area of Outstanding Natural Beauty (AONB);  
Adjacent to the Langton Matravers Conservation Area;  
5km of a European Habitat (Site of special scientific interest (SSSI));  
A River Catchment - Poole to Weymouth Coast; and,

Within 2km of Special Area of Conservation (SAC) and Environmental Impact Assessment Regulations (EIA) apply.  
Environmental Impact Assessment Development – No

## **9.0 Consultations (update not required – no re-consultation was required)**

**Natural England** – No objection, conditional of heathland mitigation

**Wessex Water** – No objection

**Transport Development Management** – No objection, subject to provision of a footway and conditional of turning and parking construction and a Grampian condition for the footway.

**Senior Housing Officer** – No objection - the proposal is capable of meeting an identified current, local need within the parish, or immediately adjoining rural parishes.

**Tree Officer** – No reply

**Conservation Officer** – No objection

**Dorset AONB-** Concerns relating to landscape impact.  
Change to rural character;  
Prominent from High Street near the public toilets;  
Prominent from wider landscape;  
A landscape and visual impact appraisal should be carried out.

**Drainage engineer-** No objection conditional of surface water drainage

**Parish Council** – No Objection, other than:  
Access should be a Reserved Matter and not be approved as part of the Outline application.  
The following Planning Conditions should apply:  
1. Biodiversity and appropriate mitigation to minimise light pollution;  
2. Trees removed should be replaced on a 3 for 1 basis, with British Native Species not less than 3.5m tall.  
3. The development should be broadly carbon neutral using renewable energy;  
4. The emerging PLP Second Homes policy should apply.  
Request the Planning Committee to determine applications in Langton Matravers (6/2019/0656, Crack Lane; 6/2019/0604, Old Malthouse; 6/2018/0606, Spyway Orchard) together as related matters.  
Request that Dorset Council assess the condition of Crack Lane.

Clarification was sought from the Parish Council if the lack of objection to the application was based on the provision of affordable housing. It was confirmed that this was not explicit and only implicit in the lack of objection raised. The Parish Council was not aware of the findings of the District Valuer when it made its decision.

## **10.0 Representations (update not required – no change)**

In addition to letters to neighbouring properties, and a press advert a site notice was posted outside the site on 18.12.2019 with an expiry date for consultation of 11.01.2020

11 representations have been received, 9 raising objection; 2 in support. The issues raised comprise the following:

Support:

- Upgrading of the right of way potential
- Additional children would support the local school

Objections:

- Additional traffic
- Unsuitable for pedestrian access
- Damage to property from traffic
- Suitability of Crack Lane: i.e. it regularly is icy in winter
- Biodiversity impacts including woodland, buzzards and bats
- Overlooking
- Overshadowing
- Light pollution from houses and streetlights
- Potential tree loss
- Isolated from village
- Second homes
- Housing need not demonstrated

## **11.0 Policy and other Considerations (update not required – no change)**

### **Development Plan**

Purbeck Local Plan Part 1 (PLP 1)

SD: Presumption in favour of sustainable development;

LD: General location of development;

SE: South East Purbeck;

CO: Countryside;

HS: Housing supply;

RES: Rural Exception Sites;

BIO: Biodiversity and geodiversity;

DH: Dorset Heaths International Designations;

PH: Poole Harbour;

FR: Flood Risk;

D: Design;

LHH: Landscape, Historic Environment and Heritage; and,

IAT: Improving accessibility and transport.

### **Material considerations – draft Purbeck Local Plan 2018-34 (Emerging PLP) and Inspector's report**

The emerging Purbeck Local Plan is at an increasingly advanced stage and on 18 March 2020 the Planning Inspector for the Emerging Local Plan reported back. She considered that she was reasonably satisfied at this stage that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'. The Inspector's letter explains that she will make a final decision on whether the plan is legally compliant and sound after she has considered: responses on Main Modifications following public consultation and an updated Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA). The Inspector indicates that the strategy for meeting the area's needs is sound. An update will be required to both HRA and SA to take into account any changes made through the main modifications.

Planning Policy colleagues are confident that these matters can be addressed and the plan be found sound

Relevant draft 'Emerging PLP' policies:  
Policy H12 Rural exception sites  
Policy H14: Second Homes

### **Supplementary Planning Documents**

Purbeck District design guide supplementary planning document - adopted January 2014.  
Development contributions toward transport infrastructure in Purbeck guidance February 2013.  
Dorset heathlands planning framework 2015-2020 supplementary planning document implemented from 19 January 2016.  
Affordable housing supplementary planning document 2012-2027 adopted April 2013.  
Nitrogen reduction in Poole Harbour supplementary planning document April 2017.  
Strategic Flood Risk Assessment 2018  
Bournemouth, Poole and Dorset residential car parking study May 2011.  
British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.  
Dorset biodiversity appraisal and mitigation plan.  
Langton Matravers Conservation Area Appraisal.  
Dorset AONB Management Plan 2019-2024  
Dorset AONB Landscape Character Assessment & Management Guidance 2008

### **National Guidance**

Planning Policy Guidance (PPG)  
Planning Policy Framework (NPPF) (2019):

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 2: Achieving sustainable development;  
Section 4: Decision-making;  
Section 5: Delivering a sufficient supply of homes;  
Section 8: Promoting healthy and safe communities;  
Section 9: Promoting sustainable transport;  
Section 11: Making effective use of land;  
Section 12: Achieving well-designed places;  
Section 14: Meeting the challenge of climate change, flooding and coastal change;  
Section 15: Conserving and enhancing the natural environment; and,  
Section 16: Conserving and enhancing the historic environment.

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited.

## **12.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

## **13.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

Arrangements would be made to ensure people with disabilities or mobility impairments are accommodated in order to comply with Building Regulations. The provision of a footway in Crack lane would enhance access for pedestrians.

## **14.0 Financial benefits**

- Jobs would be created during the construction stage.
- Jobs would be created for staff of the school with additional pupils.
- The dwellings would generate council tax.

## **15.0 Climate Implications**

The dwellings would be designed to meet current building regulations which would help reduce the carbon footprint of the ongoing heating and running of the buildings. The dwellings would not be Nitrogen neutral.

## **16.0 Planning Assessment**

**(see updated paragraphs highlighted in bold font)**

16.1 The main considerations involved with this application are:

- **Principle of the development**

- **Affordable housing provision**
- **Affordable housing need**
- **Heritage assets**
  - **Character and appearance of the Langton Matravers Conservation Area**
  - **Setting of listed buildings**
- **Landscape of the Dorset Area of Outstanding Natural Beauty**
- **Amenity**
- **Highway matters**
- **Biodiversity**
- **Trees and hedgerows**
- **Drainage**
- **Other matters**

16.2 These points will be discussed as well as other material considerations under the headings below

### **Principle of proposed development**

16.3 The site is located outside of the Langton Matravers settlement boundary as defined by Policy LD of the Purbeck Local Plan Part 1 (PLP1). The site area is therefore classed as 'countryside' where development is only permitted in exceptional circumstances as set out in Policy CO: Countryside of PLP1.

16.4 Paragraphs 77 and 78 of the NPPF set out the government's approach to rural housing provision in the form of rural exception sites. Paragraph 77 notes that: 'local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this'. Paragraph 78 notes that such rural housing should be located where it will enhance or maintain the vitality of rural communities.

16.5 Therefore, the principle of development for 6 of the dwellings as a rural exception site may be acceptable subject to meeting affordable housing requirements and site specific criteria.

**16.6 The proposal would also include 2 market dwellings. The application site is just beyond the settlement boundary for the village, in countryside, where market dwellings would not normally be allowed.**

16.7 Paragraph 11 of the NPPF states that the most relevant local plan housing policies are considered out of date where housing delivery is substantially below, ie less than 75% of, the housing requirement.

16.8 The government has recently published housing delivery test results ([Housing Delivery Test: 2020 measurement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/housing-delivery-test-2020-measurement)). Under the heading 'Recently reorganised local planning authorities with Housing Delivery Test published at predecessor authority level for Housing Delivery Test: 2020 measurement', too few dwellings have been delivered in Purbeck in two of the last three years (in total the number of homes required was 465 and the number of homes delivered was 345). This gives rise to a Housing Delivery Test: 2020 measurement of 74%. Accordingly the presumption in favour of sustainable development applies.

16.9 Each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. The development

**plan in this instances includes Policies of the Purbeck Local Plan. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application. If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.**

**16.10 The most relevant policies for the consideration of the proposal are: Policies CO and LD. Local Plan Policy SD sets out the application of the presumption in favour of sustainable development. Policy SD reflects the provisions of paragraph 11 of the NPPF.**

**16.11 Local Plan Policy LD directs development in rural areas to settlements with settlement boundaries. It is noted that the site is within an AONB and paragraph 11 of the NPPF at Footnote 6 identifies AONB's as a protected area of particular importance.**

**16.12 The site is located within walking distance of the village, public transport and facilities and could be regarded to be a sustainable location albeit not within the settlement boundary. As such, the provision of 2 market dwellings on this site can be considered to be in a sustainable location. The principle of development for 2 market dwellings may therefore be acceptable.**

**16.13 Paragraph 8 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. More discussion of these points will now follow:**

**16.14 Economic - Short term economic benefits would result from the proposal in the form of providing work for contractors and suppliers involved within the construction phase. There may be some longer term benefits by supporting local services. As such it is considered there would be some long term economic benefits to the proposed development.**

**16.15 Social - The proposal would make a small contribution to increasing housing land supply, and would be for 2 market dwellings albeit not affordable dwellings.**

**16.16 Environmental - The proposal would have a limited impact on the character and appearance of the area considered below.**

**16.17 The NPPF sets out at Paragraph 78 that "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."**

**16.18 The site is considered to be very near to the village and subject to there being no harm to the landscape or character and appearance of the area, which is considered further below, it may therefore be justified.**

## Affordable housing provision

16.19 Policy CO of Purbeck Local Plan part 1 permits rural exception sites providing affordable housing in accordance with Policy RES: Rural Exception Sites. Such development is acceptable where it would improve the sustainability of a rural settlement; make a positive contribution to landscape character; and, enhance biodiversity. It should not result in significant adverse impacts on the environment, visually, ecologically, or from traffic movements.

16.20 Policy RES of the PLP 1 requires that the proposal must meet an identified and current local need for affordable housing provision within the Parish, or immediately adjoining parishes, which cannot otherwise be met; must not be remote from existing buildings or comprise scattered, intrusive or isolated development; has access to sustainable transport; is for a number of dwellings commensurate with the settlement hierarchy; and has arrangements in place to secure affordability into the future.

16.21 As aforementioned the emerging plan is now at an increasingly advanced stage and on 18 March 2020 the Planning Inspector for the Emerging PLP reported back. She considered that she was reasonably satisfied at this stage that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'. The Local Plan Inspector's letter explains that she will make a final decision on whether the plan is legally compliant and sound after she has considered: responses on Main Modifications following public consultation and an updated Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA). The Local Plan Inspector indicates that the strategy for meeting the area's needs is sound. An update will be required to both HRA and SA to take into account any changes made through the main modifications.

16.22 In a recent appeal (APP/D1265/W/20/3252152 decision date 11 September 2020) at the former West Lulworth C of E Primary school the Appeal Inspector did not attach weight to emerging policy in the Emerging PLP, in that case with respect to second homes policy.

16.23 The Appeal Inspector concluded that:

*'Nonetheless, at this point in time, the Council is still in the process of the plan examination. It has not reached the stage of publishing intended modifications to the Plan and as such I cannot give Policy H14 the weight of an adopted development plan policy. I am mindful that at the time the condition was imposed on this site the examination was at a much earlier stage though stress that I have to address the situation as it applies now. I also note that the appellant acknowledges that the policy has been deemed capable of being found sound with changes. Consequently, whilst understanding the frustrations of both parties I cannot conclude that the emerging policy has sufficient weight to warrant the retention of the condition though am fully aware that position may soon change.'* (Paragraph 10).

16.24 Therefore, the council has revised its position following this appeal decision and no longer considers that Emerging Policy, including H12 for the provision of affordable housing carries material weight as consideration when assessing applications at this time. The wider discussion about the effect of emerging policy H8 on delivery of affordable homes through rural exception sites was raised in responses to the new local plan and during the public examination hearing sessions held last year. As with H12 it does not have material weight in the determination of this application.

16.25 The applicant's viability report suggests that market housing is necessary in order to enable the development. In defining either 'small amount' or 'significant affordable housing' for the purposes of the policy and this application, the council will need to satisfy itself:



- that the total number of market homes constitutes a small proportion of the overall total (affordable + market); and
- that the development will provide significant additional affordable housing.

16.26 As this planning application is for a rural exception site that includes an element of market housing it was accompanied by an economic viability assessment that demonstrates how the percentage split between the number of proposed market homes required to support the number of proposed affordable homes has been determined. The Council has submitted this to the District Valuation Service (DVS) for an independent review. The DVS disagrees that market housing is necessary:

*16.27 'In the (applicant's) report, (they) conclude that a scheme providing 100% affordable housing is not viable, neither is a scheme with one open market unit. The appraisals provided indicate that a scheme with two open market units, and therefore 75% affordable housing, is viable and would provide a small surplus.'*

*16.28 I have, as requested, prepared a viability appraisal for the proposed scheme on the same basis. My resulting Residual Land Value (RLV) for a scheme on this basis... indicates that a 75% Affordable Housing scheme on this basis is not only financially viable but would also deliver a surplus...). This surplus could be made available for a S106 contribution.*

*16.29 However as I understand you are looking for the optimum number of Affordable Housing units while retaining a viable development I also looked at increasing the level of Affordable Housing, with CIL payable on the open market units where appropriate but no S106 contributions.*

*16.30 Carrying out further appraisals indicates that the optimum level of Affordable Housing is 100%. Changing the open market units to one Affordable Rented and one Shared Ownership unit ...suggests such a scheme is marginally viable.'*

16.31 In summary, the viability evidence suggests that no market housing is needed to enable delivery of affordable homes.

16.32 The applicants argue that the PLP 1 in respect to market housing on rural exception sites states:

'The NPPF suggests that Councils consider allowing the provision of a small amount of market housing outside settlement boundaries to enable the provision of significant additional affordable housing to meet local needs in rural areas. This proposal will be reviewed through the preparation of an Affordable Housing SPD.' (supporting text, Paragraph 8.5.8).

16.33 The last paragraph of Policy RES:

'On rural exception sites, a small amount of market housing may be permitted provided it enables the provision of significant additional affordable housing to meet local needs. Further detail will be set out in the Council's Affordable Housing SPD.' (Policy RES).

16.34 The policy gives discretion to the Council to give permission for a 'small amount of market housing' to enable the provision of 'significant additional affordable housing' on rural exceptions sites. Neither the policy nor supporting text defines 'small amount' (be that 25% or 30%).

16.35 Whether market homes can be permitted as a matter of course by Policy RES and whether this assessment needs to be informed by viability evidence – The SPD clarifies that

'The market housing element of Policy RES is to increase the viability of exception sites' (paragraph 28) and that the Council will make a judgement on the proportion of affordable housing on each site using an open book approach (paragraph 27). This means that when the Council takes decisions as to whether to permit a small amount of affordable housing on a rural exceptions site (as outlined in Policy RES), it should be guided by viability evidence.

16.36 The District Valuer has indicated that no market homes are needed in order to deliver affordable homes on this site.

16.37 The applicants' interpretation of the policy/SPD gives the Council a wider discretion to reach judgements on the proportions of market/affordable homes on rural exceptions sites, provided the proportions of market homes are 'small' and 'significant' additional affordable housing is provided to meet local needs without necessarily referring to viability evidence.

16.38 Judgements relating to the interpretation of this policy will have more weight if they can be justified with a consideration of relevant evidence (i.e. the viability report). For these reasons it is relevant to refer to the viability report prepared by the applicant, and the District Valuer assessment of this report, when making a judgement against policy RES as to whether market homes need to be permitted.

16.39 The details of the viability report and the District Valuer response suggests that market homes are not required to make the development viable, and that therefore none need be permitted through the development. This would allow delivery of 2 additional affordable homes and make a greater contribution to meeting local housing needs for affordable housing in accordance with the policy objectives.

16.40 If the delivery of affordable housing is viable without the need for market housing, the incorporation of market dwellings would be contrary to Purbeck Local Plan Part 1 policy RES and the provisions of the National Planning Policy Framework.

**Whilst the market housing element of the proposal is in conflict with policy RES of the Local Plan, the Council's failure to deliver sufficient housing in Purbeck over the last 3 years (Housing Delivery Test: 2020 measurement of only 74%) alters the Council's position. The Housing delivery test figure is material as it introduces a presumption in favour of sustainable development which has to be weighed in the balance as part of the Council's decision making.**

**As set out above, the site is considered to be very near to the village and in the absence of harm to protected areas or assets of particular importance or identified adverse impacts that would significantly and demonstrable outweigh the benefits, the presumption in favour of sustainable development requires that the application be approved on that basis. The delivery of two open market houses on this site in conflict with policy RES of the Local Plan is not sufficient to warrant refusal of the application, given the Council's altered housing delivery position.**

### **Affordable housing need**

16.41 The Housing Need Survey for Langton Matravers was written in October 2018, the survey is valid for five years and shows an evidenced local need for affordable housing, the housing register also shows additional households that have a local connection to Langton Matravers and require affordable housing.

16.42 Twenty four households returned the survey to say they were in need of housing.

There are an additional 8 households registered on the Council Housing Register that have a local connection to Langton Matravers. The actual breakdown is as follows:

**Rented**

12 x 1 Bedroom  
2 x 2 bedrooms  
2 x 3 bedrooms  
1 x 4 bedrooms

**Low Cost Home Ownership**

7 x 1 bedroom  
6 x 2 bedrooms  
2 x 3 bedrooms

The current proposal is as follows:

Three x 2 bedroom affordable homes (two social and one intermediate);  
Three x 3 bedroom affordable homes (two social and one intermediate); and,  
Two semi-detached market homes.

16.43 There has been a recent planning application granted for a larger rural exception site in Langton Matravers 6/2018/0606 for the provision of 22 affordable homes. Even with this site the proposal is capable of meeting an identified current, local need within the parish, or immediately adjoining rural parishes. In summary, there is an identified need for the affordable provision.

### **Heritage Assets**

16.44 The NPPF at paragraph 192 states *'In determining applications, local planning authorities should take account of:*

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness'.*

16.45 Considering potential impacts the NPPF at paragraph 193. States *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.*

16.46 *And paragraph 196 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.*

### **Character and appearance of the Langton Matravers Conservation Area**

16.47 The application is in outline, with details of layout, scale, appearance and landscaping reserved. An illustrative scheme is provided which suggests a mix of terrace and semi-detached houses in conventional scale and appearance. Parking would be communal in courts between the houses. The whole is suggested as being accessed by a service road running

parallel with Crack Lane from a single access point, but separated from the lane by existing trees and hedges. A Heritage Statement was supplied.

16.48 On the fringes of this village, as well as in Crack Lane, development dates from the 19<sup>th</sup> and 20<sup>th</sup> centuries and illustrates a looser knit pattern in stark comparison with nearby High Street where development is compact. The site is located just outside the eastern boundary of the western part of Langton Matravers Conservation Area.

16.49 The Conservation Area boundary includes the section of Crack Lane adjacent to the application site and the properties directly to the south along Crack Lane, but hugs these property boundaries and follows Crack Lane to enclose the garden of Grade II listed Twolease and further away also on the opposite side of the lane, Leas Wood House.

16.50 The Conservation Area Appraisal identifies Crack Lane as a 'bookend' to development: *'The fields around Putlake Farm, a listed building, play a similar role in breaking the broader townscape though Crack Lane represents a logical place to draw the boundary'*. Crack Lane also borders Zone 1 of the Conservation Area where the Appraisal acknowledges that: *'The break in the broader settlement at Putlake plays an important role in the setting of Zone 1, while the undeveloped fringe at Coombe helps provide an important break between this and Herston. Much of the northern edge of Zone 1 retains a close historic proximity to the surrounding landscape.'*

16.51 While the site proposed falls just outside the Conservation Area and Zone 1, the development proposed would clearly have implications for its setting and that of the two listed buildings identified above which are considered separately below.

16.52 Taking the setting of the Conservation Area, the illustrative scheme would be of a loose knit nature reflecting the semi-rural location on the edge of the settlement. The site would mainly be viewed from Crack Lane where the lane passes in front of it, less so from the High Street in glimpses down Crack Lane, but in full view from the High Street adjacent to the Putlake Adventure Centre car park and toilets.

16.53 Viewed from Crack Lane, as well as the adjoining dwelling, White House, the proposal would appear as a natural continuation of the development along the lane, dropping down below the level of Crack lane on account of the slope and screened by vegetation.

16.54 The proposed parking court would not be unduly conspicuous and the service road could have a surface treatment more akin to a track to avoid undue prominence. Crack Lane is identified as a bookend to development with only 20C White House encroaching further. The limited amount of development proposed and close relationship with Crack Lane would not appear to breach this bookend label that was identified in the Appraisal.

16.55 When viewed from the High Street from the Putlake Adventure Centre the development would be seen in the foreground of the trees bordering Crack Lane and the wider countryside beyond, identified as Zone 1. Zone 1 is not actually seen from this distance as it disappears over the horizon, but there would be an element of harm to the setting of the Conservation Area as key views into the Conservation Area would be altered by the extension of the linear development north which would be more evident during the winter season when tree screening would be reduced.

16.56 The provision of a kerbed footway into Crack Lane, as highway requirement, could bring with it a sense of urbanising which could harm part of the intrinsic unspoilt character of Crack Lane. The section needed would be relatively short and could incorporate a resin bonded gravel finish to reduce its visual impact.

16.57 In view of the above, it is considered that the outline proposals to provide a mixture of affordable and market housing on this site would result in less than substantial harm to the character and appearance of the area and the Conservation Area as a Heritage Asset and this should be given great weight. The degree of harm could be limited by careful design at reserved matters stage and it is judged on this basis that the significant public benefits of the provision of affordable housing would outweigh the harm identified. In determining the proposals, particular consideration has been given to the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), section 72 and paragraphs 189-197 of the NPPF.

### **Setting of listed buildings**

16.58 The two closest listed buildings on the land on the opposite side of Crack Lane have settings with their own significance. 'Twolease Cottage' (which is also attached in a terrace to 'Moonrakers' Grade II and 'Hyde View Cottage' Grade II) owes its setting to the relationship it has primarily with High Street rather than Crack Lane. Its boundary wall follows the curve where High Street joins Crack Lane and provides enclosure and curtailment. The development proposed set on the opposite side of the lane and further along it would not affect this setting.

16.59 'Twoleas' is an imposing detached house set within large grounds. It does not have a direct relationship with Crack Lane. Its setting is derived from the views from the public right of way which follows part of its boundary and to a lesser extent that glimpsed through the trees from Crack Lane.

16.60 It is considered that the proposal on the opposite side of the lane, while slightly urbanising the approach to the footpath which is currently an entirely rural one, would result in no harm during the summer months and less than substantial harm to the distinct setting in winter months when the screening offered by trees is reduced.

16.61 In view of the above, it is considered that the outline proposals to provide a mixture of affordable and market housing on this site would result in less than substantial harm to the setting of the listed buildings which, as with the Conservation Area, should be given great weight. It is considered that this harm is also outweighed by the significant public benefits of the proposal as set out in paragraph 16.45. In determining the proposals, particular consideration has been given to the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), section 66 and paragraphs 189-197 of the NPPF.

### **Landscape of the Dorset Area of Outstanding Natural Beauty**

16.62 Areas of Outstanding Natural Beauty have statutory protection in order to conserve and enhance the natural beauty of their landscapes under National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000.

16.63 Langton Matravers is included within the Dorset AONB and the site location just outside the edge of the settlement is particularly sensitive in terms of visual impacts. The Dorset Council AONB Team have been consulted on the proposed development and object to the development.

16.64 A landscape and visual impact assessment was requested by officers at the pre application stage and during this application, but has not been provided by the applicant. The scheme is small in size and whilst a larger scheme for 19 dwellings in the same village was supported by a LVIA, it is not mandatory to provide one and needs to be proportionate to the scheme and the location of the development in the AONB.

16.65 Whilst the site borders Conservation Area Appraisal Zone 1, where the setting of the Conservation Area is an important consideration, consideration now is given to the wider landscape setting that is designated as the AONB.

16.66 The scheme is illustrative with only means of access to be agreed such that the definite position, size, level and so on of the final development are unknown. It is not possible at this stage to impose any restriction on detail such as these including levels when these details are not being sought and there would be adequate opportunity to address such matters as reserved matters of layout, scale and appearance.

16.67 The site's location, on a slope which is open on its eastern and northern boundaries would be visible in short and long range views. It is anticipated that a development would take advantage of the change in levels both along its length as well as its width, with building stepping down. It would be seen against a back drop of trees and additional landscaping could be introduced. It would be seen as an elongation of the existing development in Crack Lane consisting already of 3 units including White Cottage adjacent to it.

16.68 Such an intervention would neither appear stark as the AONB officer alludes, nor is it considered to be a significant green gap when seen from the High Street, but would blend in with its surroundings. The development would be small, be seen grouped with other buildings, would obey the contours in its location and orientation and be appear to be a natural progression of the built up area. The landscape impact would be small given these attributes. As to long distance views from Nine Barrow Down and the Purbeck way, it is not considered that within such a broad landscape view that so small a development would be prominent.

16.69 Notwithstanding the absence of a LVIA and in view of the above, the wider landscape impacts of the proposal (albeit in outline) would not be so significant as to warrant a reason for refusal in this instance.

### **Amenity**

16.70 The nearest existing neighbour would be White House which is located to the south. White House is two storey, elevated above the application site, such that it has aspect over and above it rather than through it. A number of the windows look toward the site as well as the intervening garden.

16.71 Although the scheme is illustrative, it is considered that subsequent details of layout, scale and appearance would be able to make provision for reasonable separation of at least 19m from White House, advantage taken of the levels to reduce the amount of overbearing for occupants of White House and any potential overlooking or overshadowing. With these measures taken at reserved matters the amenity of White House would be acceptable.

16.72 A degree of overlooking of the gardens of the proposal from White House would be inevitable, but limited and acceptable to subsequent occupants.

16.73 While there is no right to a view, the view from White House would be affected to a degree, although this would be limited in term of the final levels and position of dwellings and as such is currently unknown.

### **Highway safety and access**

16.74 The proposal would have a new access onto Crack Lane to serve a shared service road. In assessing the highway impacts of the development, the Officer has liaised with Dorset Council Highways' officer concerning road safety.

16.75 Although near the High Street, it is likely that most residents and visitors would reasonably be expected to have a preference for using private transport or the bus stops on both High Street or Valley Road (all within 350m of the site) if going out of the village. There is a village shop and post office and permission has been granted for the re-location of these to Putlake Adventure Farm very near the site. There is a new school in Swanage near here and it is only 1.5 miles to the centre of Swanage.

16.76 As the name suggests, Crack Lane is mostly narrow and predominantly only one vehicle in width especially just to the north of its junction with the High Street. The northern section is marked with a centreline (as it is at its junction with High Street, B3069) with there being a number of passing spaces formed along the way. Such an arrangement is frequently used as a form of traffic calming on rural roads. It is unsuitable for Heavy Goods Vehicles and signed at either end as such. The whole of Crack Lane acts as a shared surface as do many country lanes and serves as the main pedestrian route to the front door of at least one property (White House).

16.77 Visibility meets the requirements of Manual for Streets in both directions at either end of Crack Lane onto the main roads (A351 and B3069). Visibility turning into Crack Lane off the A351 from the east (Swanage) is acceptable and has the benefit of avoiding the narrow section of Crack Lane from High Street down to the proposed site access so could be used for waste collection. Visibility looking into Crack Lane itself when approaching from the west (Harman's Cross) is very good, but is restricted to 135 metres looking at approaching traffic coming from Swanage due to the bend. Manual for Streets 2 advises on this being acceptable for speeds up to and including 55mph. Observed speeds taken with a hand held speed radar gun (Bushnell Velocity) gave readings of 50mph at this distance from the bend and less than 40mph at the bend. There is only one recorded injury accident occurring at this junction in the last 10 years of one vehicle crashing into trees on Boxing Day that the police suspect the driver of being impaired by alcohol. Likewise there is only one recorded injury accident occurring within Crack Lane in the last 10 years where a motorcyclist had pulled into a layby to allow a larger vehicle past and then fell off when their wheel spun when pulling away.

16.78 An area has been shown as proposed parking on the site plan although there is nothing hardened off on site. There is evidence of vehicle overrun, nevertheless it is an informal arrangement and arguably as much for passing as anything else.

16.79 There is an existing highway verge fronting the site boundary which is all highway verge including in front of the existing fence of property of White House which is either already highway or in the applicant's ownership and this should be made up as footway for which a Grampian condition would be needed. The coloured surfacing comfort zone incorporated along the edge of the road is no longer deemed appropriate. Neither are steps for a pedestrian route into the development.

16.80 As this minor development would put an increase in traffic on Crack Lane, predominantly to the north to connect with the A351, it is most important that on-site parking provision is generous to avoid off-site parking obstructing the passing spaces along Crack Lane. The illustrative drawings indicate 17 parking spaces for the 8 units proposed with the potential for 3 more within the northern arm of the internal access road that have not been shown. This exceeds current guidance for a development on a public transport corridor (High Street) and Dorset Council Highway engineers recommend it is not reduced in this case.

16.81 The Highway Authority has made a balanced decision in respect of the likely traffic increase of 8 units (from 1 unit for both pedestrians and cars and 3 units for all vehicles) currently being served off Crack Lane; existing traffic flows and speeds; recorded collision

statistics; Revised NPPF (February 2019); the submitted layout design; local opinions; Dorset Rural Roads Protocol and having had regard to the Planning Inspectorate Appeal Decisions that were issued in respect of nearby applications in order to reach this recommendation.

16.82 Importantly the National Planning Policy Framework published in February 2019 states at paragraph 109 that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe” and in this application the increase is from 1 unit to 9 units only.

16.83 Highway officers have been made aware of objections to this application. These and the officer recommendation have been reviewed by both the Transport Development Liaison Manager and his manager, the Highway Development Team Leader, and whilst understanding third party criticism of the Highway Authority’s approach, it remains the recommendation that no objection should be made to this application on highway grounds.

16.84 The Highway Authority is therefore of the view that the proposals do not present a material harm to the transport network or to highway safety.

### **Biodiversity**

16.85 A biodiversity mitigation plan, approved by the Natural Environment Team dated 28/1/20, recommends measures for mitigation that would be secured by condition.

16.86 The application site lies within 5km but beyond 400m of Corfe Common SSSI which forms part of the Dorset Heathlands protected European wildlife sites. The proposal for a net increase in residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the sites. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected sites, in view of the site’s conservation objectives.

16.87 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD).

16.88 The mitigation measures set out in the SPD can prevent adverse impacts on the integrity of the site. Whilst affordable housing is CIL exempt, the Council can secure mitigation for the scheme via the Community Infrastructure Levy.

16.89 With the mitigation secured the development will not result in an adverse effect on the integrity of the designated sites.

### **Trees and hedgerows**

16.90 A mature but overgrown hedgerow forms part of the site boundary along the western side of the site with Crack Lane. An Arboricultural Survey, Impact Assessment and Method Statement have been provided and would inform the landscaping of the reserved matters application. The trees on the boundary would remain and there would be adequate space to accommodate the development without loss. A condition cannot be applied at outline as landscaping is reserved.



## Drainage

16.91 Surface water would be dealt with by the provision of a pond and basin. The flood risk map shows this site to be in flood risk zone1 and in this respect the development would be acceptable.

16.92 The SuDs Drainage Report undertaken by Vectos (South) Ltd, indicates that surface water will be dealt with using a Sustainable Drainage System (SuDS) or soakaway. This site is in an area where the surface water mapping shows that there are flooding problems in extreme events in the adjacent road and further down in the catchment. It is therefore important that the surface water drainage scheme is designed such that it does not exacerbate the flooding problems elsewhere. As this is required at outline, but details of which are not secured, it should be included now as a condition.

## Other matters

16.93 A number have raised damage to property (a bollard) from traffic using the junction of Crack lane with the High Street. Whilst this in itself is not normally a material consideration, it is more likely the bollard was knocked by a lorry than a car.

16.94 There would be no additional street lighting in Crack Lane apart from the existing lamp standard on the junction with High Street. The subsequent design of the reserved matters for the dwellings would be able to design out excessive light pollution from windows.

16.95 The emerging Purbeck Local Plan 2018-2034 includes policy H14: Second Homes. In support of this policy, a background evidence paper has been prepared. The evidence paper indicated that there is a significant number of unoccupied homes in the plan area, with a trend towards greater numbers of unoccupied homes in the southern part of the plan area.

16.96 In the recent appeal (APP/D1265/W/20/3252152) for the former West Lulworth C of E Primary School described at para. 16.9 above, the Inspector did not attach weight to emerging policy and therefore a restriction on use of the properties as second homes cannot be secured with the present scheme.

## 17.0 Conclusion

The proposal has the potential to deliver 6 affordable dwellings in a sustainable rural location where there is a demonstrated need, but the application site lies outside of the settlement boundary and fails to accord with Rural Exception Site policy RES which does not support the inclusion of two market dwellings when the scheme is viable without these. The proposal would not bring with it harm to the character and appearance of the area and landscape. It would bring less than substantial harm to designated heritage assets outweighed by public benefits in the provision of affordable housing and it would meet highway requirements. While the securing of 6 affordable units on the site would not qualify as an exception site where the scheme is viable to deliver 100% affordable housing and no material considerations outweigh the conflict with Policy RES, there would be a contribution of 2 market dwellings to housing land supply.

**On 19 January 2021 the Housing Delivery Test: 2020 measurement results were published. Purbeck Local Plan area was found to have delivered only 74% of the total number of homes required and therefore in accordance with National Planning Policy Framework (NPPF) footnote 7, it is judged that the Purbeck housing policies are out of**

**date. In this case, as housing policies are the most important for determining the application, permission should be granted unless:**

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.**

**Under the 'tilted balance', the presumption in favour of sustainable development could be displaced on the grounds that the 'adverse impacts' of the proposal 'significantly and demonstrably outweigh the benefits' of the scheme when assessed against Local Plan policies and policies in the NPPF (as other material considerations). In cases where the 'tilted balance' is applied, consideration needs to be given to the extent to which the weight given to any restrictive Local Plan policy (whether out of date or not) should be reduced.**

**Despite the housing land supply position and having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Plan policies CO, SD and LD would carry substantial weight. The limited environmental harm identified above would significantly and demonstrably be outweighed by the socio-economic benefits of the proposed affordable housing, also identified above, when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the Framework does apply in this instance. The conflict with the development plan is outweighed by other considerations, including the Framework.**

**Therefore, in this case the NPPF policies do not provide any clear reasons for refusing the development proposed and no adverse impacts have been identified that would outweigh the benefits. The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11.**

**18.0 RECOMMENDATION**

**A) Grant, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:**

The 6 units of affordable housing and to the following conditions:

**CONDITIONS:**

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for the approval of any Reserved Matter must be made not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: Location Plan, 19115.01C, Technical & Context 19115.07D forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

5. Any reserved matters application including details of layout and scale shall be accompanied by a plan showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished floor levels and their relationship with adjoining buildings and ground levels. Thereafter the development shall be carried out in accordance with the approved finished floor and ground levels.

Reason: To control matters which will impact on the visual impact of the development within the Area of Outstanding Natural Beauty.

6. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

7. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority: "The construction of a new footway as shown in principle on plan 19115.07.D".

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

8. Before any groundworks start a scheme for dealing with surface water drainage from the development must be submitted to and approved in writing by the Council. This must include details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus an allowance for the predicted increase in rainfall due to climate change. Prior to the submission of those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDs). The results of the assessment must be provided to the Council. The approved drainage scheme must be implemented before the first occupation of the building/any of the buildings. It must be maintained and managed in accordance with the agreed details.

Reason: These details are required to be agreed before ground works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to this site and adjoining catchment land.

9. The protected species mitigation proposals set out in the approved Protected Species Survey and Mitigation Report dated 28/1/2020 shall be undertaken in full before the development hereby approved is first brought into use and shall be maintained in the approved condition permanently thereafter.

Reason: To ensure adequate habitat is provided and protected to accommodate protected species in accordance with Policy 1.38 of the North Dorset District Wide Local Plan (First Revision).

### **Informative Notes**

1. **INFORMATIVE NOTE: Section 106**  
The land to which this planning permission relates is subject to an agreement, entered into under the provisions of Section 106 of the Town and Country Planning Act 1990, which contains additional obligations, restrictions and requirements.
2. **INFORMATIVE NOTE: Dorset Highways**  
The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at [dorsetdirect@dorsetcc.gov.uk](mailto:dorsetdirect@dorsetcc.gov.uk), or in writing at Dorset Highways, Dorset County Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
3. **INFORMATIVE NOTE: Development team**  
The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, Hall, Dorchester, DT1 1XJ.
4. **INFORMATIVE NOTE: Fire safety**  
To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006 can be fully complied with.
5. **INFORMATIVE NOTE: Developer-Led Infrastructure**  
The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcouncil.gov.uk](mailto:dli@dorsetcouncil.gov.uk), or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.
6. **INFORMATIVE NOTE: Fire safety**  
To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any

premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006 can be fully complied with.

7. **INFORMATIVE NOTE: Community Infrastructure Levy**  
All applications are assessed under CIL. CIL is calculated on the basis of new floor space created by the development and is payable when development starts; payment is slightly staggered and collected by invoice. Please note that the CIL rate is index linked and increases each April. We also provide a calculation service. Please contact Gen Duffy on 01929 557278 who can give you more information about this service. The proposed Rural Exception Site is liable to CIL, however the affordable housing element is eligible to apply for Social Housing Relief. The market housing element will be liable for CIL.
8. **INFORMATIVE NOTE: Considerate Constructors Scheme**  
Please consider signing up to or using a contractor that is registered with the Considerate Constructors Scheme. Members follow a code which promotes best practice for development sites, their workforce, safety, the community and the environment. More details can be found <http://www.ccscheme.org.uk/>
9. **INFORMATIVE NOTE: Superfast broadband**  
Please give some thought to how your new development will be ready to connect to superfast broadband for use by the occupants. Find out more about BT Openreach and the Home Builders Federation cost sharing approach via this website link <http://www.newdevelopmentsopenreach.co.uk/> BT Openreach and Virgin Media also have the following guides:  
<http://www.newdevelopments-openreach.co.uk/developers-and-architects/developershandbook.aspx>  
[https://keepup.virginmedia.com/Content/networkExpansion/doc/New\\_Build\\_Developers\\_Guide.pdf](https://keepup.virginmedia.com/Content/networkExpansion/doc/New_Build_Developers_Guide.pdf)  
Dorset County Council has also produced information for developers about providing fibre broadband in new housing developments at:  
<https://www.dorsetforyou.gov.uk/business-consumers-licences/superfast-dorset/about-superfastdorset/guidance-for-property-developers.aspx>

**B) Refuse permission for the reasons set out below if the agreement is not completed by September 2021 or such extended time as agreed by the Head of Planning.**

1. The proposal would fail to make provision for 75% affordable housing provision where there is an identified need in the area and would therefore be contrary to Purbeck Local Plan Part 1 policy RES and the provisions of the National Planning Policy Framework.

NB. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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Eastern Planning Committee  
10 March 2021

**1.0 Application Number:** 6/2020/0154

**Webpage:** <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2020/0154>

**Site address:** Land at Priests Road, Swanage, BH19 2RL

**Proposal:** Erection of three dwellings and associated parking

**Applicant name:** Synergy Housing

**Case Officer:** Alexandra Dones

**Ward Member(s):** Councillors G Suttle and B Trite

**2.0 Summary of recommendation:**

GRANT planning permission subject to conditions

**3.0 Reason for the recommendation:**

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The proposal will contribute to local housing supply where there has been an undersupply of housing delivery.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The loss of a green space does not significantly and demonstrably outweigh the benefits of the proposal.
- There are no material considerations which would warrant refusal of this application

**4.0 Key planning issues**

Issue	Conclusion
Principle of development	Acceptable within settlement boundary.
Scale, design, impact on character and appearance of the Area of Outstanding Natural Beauty (AONB)	Acceptable scale, design and impact on the character and appearance of the AONB.
Impact on the living conditions of the occupants of neighbouring properties	Acceptable, subject to conditions.
Highway impacts and parking	Acceptable, subject to conditions.
Flood Risk and Drainage impacts	Acceptable, subject to conditions.
Biodiversity impacts	Acceptable, subject to conditions.

Impact on Green Infrastructure	Some harm from development outweighed by benefits of the scheme
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## 5.0 Description of Site

The application site comprises a triangular parcel of land, 0.08ha in size, located on the intersection of Bell Street and Priest's Road, Swanage. The parcel of land has not previously been developed, lies vacant and has been cleared of the trees and hedges previously present on site.

From the junction with Marsh Way/Priests Road, the site rises southwards by approximately 4.5m. This results in the dwellings to the south of the site, 69-79 Bell Street being set at a significantly higher level than the northern site extent.

The site is surrounded by residential development predominantly laid out as two-storey semi-detached and terraced housing to the north, east and south. To the west of the site (on Ash Close) the properties are larger and detached, with detached garages.

A Public Right of Way (#SE3/67) runs along the western boundary of the site southwards for 120m where it connects with Priests Way public bridleway.

The site is located approximately 1.3k from the main service provision and facilities on offer at Swanage seafront to the east. The site is located in the Swanage settlement boundary and Dorset AONB. The Herston Conservation Area boundary is located 15m north of the site.

## 6.0 Description of Development

The application proposes the erection of 3no. 3 bedroom dwellings with associated off-street parking and fenced private gardens. The proposed dwellings will appear as two-storey but have a converted roof space providing an additional third floor for a bedroom served by rooflights. The layout will be terraced, and their front elevations will face southwards, towards 75-79 Bell Street. The materials proposed include plain roof tiles, red brick and grey windows.

A new access point is proposed off Bell Street, a cul-de-sac, to the vehicle parking area for six vehicles, laid out in permeable tarmac.

## 7.0 Relevant Planning History

No recorded planning history relating to the site.

## 8.0 List of Constraints

The following constraints and designations are applicable to this application:

- Within the parish of Swanage
- Within Swanage Settlement Boundary

Dorset Area of Outstanding Natural Beauty (AONB)  
Corfe Valley AONB Landscape Character Area  
Within 15m of Herston Conservation Area Boundary  
Within 350m of Belle Vue Quarry SSSI  
Within 500m of St Albans Head to Durlston Head SAC and Townsend SSSI  
Within 1.5km of Studland to Portland SAC  
Within 5km of Dorset Heathland SSSI

## 9.0 Consultations

All consultee responses can be viewed in full on the website.

### Consultees

- **Dorset Council Highway Engineer (received 29 April 2020)**

No objection. The revised proposals do not present material harm to the transport network or to highway safety.

Conditions and informatives are recommended ensuring turning and parking areas are constructed as per the amended plans and ensuring no surface water drainage onto the adjacent public highway.

- **Dorset Council Drainage Engineer (received 22 April 2020)**

No objection. The flood risk map shows this site to be in flood risk zone1 and in this respect the development would be acceptable.

The application form indicates that surface water will be dealt with using a Sustainable Drainage System (SuDS) or soakaway. This would be a satisfactory way of dealing with this, but no further details were included in the application about the design standard, location or maintenance and management of the drainage system.

This site is in an area where the surface water mapping shows that there are flooding problems in extreme events in the adjacent road and further down in the catchment. It is therefore important that the surface water drainage scheme is designed such that it does not exacerbate the flooding problems elsewhere. There should be adequate arrangements for subsequent long-term maintenance, and this should be detailed in a management plan showing what inspection and maintenance work will be carried out over the lifetime of the development. It should also provide details of who will be responsible for every part of the system.

A condition is recommended to ensure a surface water management scheme is submitted to the Council for approval.

- **Dorset Council Design and Conservation Officer (received 3 June 2020)**

No objection. The proposed scheme does not directly affect any heritage assets although the majority of the site does lie within the boundary of historic quarries.

The site layout is at odds with the general pattern of development in the immediate vicinity in so far as the development shows its rear and side face to the main public realm whereas development generally faces the (through) street. Reconsideration of the layout suggested.

- **Dorset Council Landscape Architect**

No response received.

- **Dorset Council Housing Officer (received 23 April 2020)**

The proposal is not for affordable housing and does not need to provide any affordable housing under the policies in the current adopted Purbeck Local Plan.

- **Dorset Council Public Rights of Way Officer (received 15 April 2020)**

The proposed works are in the vicinity of the public right of way SE 3/67 as recorded on the County Definitive Map and Statement of rights of way. PROW Officer is unaware of any unrecorded paths that may be affected.

The developer has not provided any information on how they intend to undertake this work without affecting the public right of way, as throughout the duration of the development, the full width of the public footpath must be able to remain open and available to the public, with no materials or vehicles stored or using the route.

- **DC Landscaping Team**

The proposals for new tree planting/GI [Green Infrastructure] at Priests Road contained in the Swanage GI Strategy are recommended improvements. There is an aspiration for these improvements to be implemented, but the existing open space is not one of those protected by the open space and recreation Policy in the Swanage Local Plan (Policy OSR).

Swanage Local Plan (Policy SGI) states that damage or loss to the existing GI network should be avoided unless loss or damage is outweighed by the benefits of the development. Given that the open space is not protected, and that the balance is likely to be tilted towards the provision of housing, I think the best solution is to ensure that the

development proposals maximise any opportunities to improve and enhance the green infrastructure network as required by the second part of Policy SGI. This could be achieved by requiring tree and hedgerow planting by condition.

- **Natural England**

None received

- **Swanage Town Council (received 15 May 2020)**

Objection to the proposed development on the following grounds:

Loss of important historic green space.

Adverse Impact on nature conservation interests and biodiversity opportunities

Contrary to Swanage Green Infrastructure Strategy (SGIS) SPD

Overdevelopment/layout and density of building design, visual appearance and materials to be used and potentially detrimental impact on the street-scene.

Potential adverse impact on the Herston Conservation Area (HCA)

Potential adverse impact on neighbour amenity, overlooking and loss of privacy

Highway issues – traffic generation, vehicular access, highway safety

Flooding/excess water run-off from the fields and down the adjacent footpath, particularly after heavy rainfall.

### **Summary of Local Representations received**

The application was advertised by means of a site notice displayed on 04/06/2020, a press notice in the Daily Echo on 23/04/2020 and by letters sent to neighbours.

The Council received a total of 45 letters of objection from neighbours about the application. In addition, a letter was received from Councillor Suttle on behalf of the local residents. The representations are all available in full on the Council's website.

The following list sets out a summary of the key issues raised:

- Concerns regarding the loss of habitat and vegetation during site clearance

- Lack of public advertisement and site visit and insufficient time to fully consider the application
- Overbearing and overlooking on surrounding properties
- Misleading information in submitted plans
- Inappropriate massing, and height is out of keeping with surrounding properties
- Impact on Priests Way footpath
- Loss of privacy and light to dwellings on Ash Close
- Loss of sunlight and the subsequent impact on the health of surrounding residents
- Lack of turning space and parking
- Traffic congestion for residents, emergency vehicles and waste collection
- Overdevelopment of the site
- Red brick aesthetic out of keeping with surrounding Purbeck stone.
- Drainage, surface water runoff and flooding concerns
- Stability of the land and potential for underground quarry tunnels
- Increased pressure on local surgery, county hospitals and schools.
- Impact on local protected wildlife species
- Impact on mental wellbeing
- Lack of affordable housing
- Impact on the local sewer network
- Impact of noise from the development
- Concerns that the properties will be second homes/holiday lets.

## **10.0 Policy and other Considerations**

### **Development Plan**

#### **Purbeck Local Plan Part 1:**

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy HS: Housing Supply

Policy D: Design

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Policy LHH: Landscape, historic environment and heritage

Policy BIO: Biodiversity and geodiversity.

Policy FR: Flood risk

Policy CE: Coastal erosion.

Policy IAT: Improving accessibility and transport.

**Swanage Local Plan – adopted July 2017:**

Policy SS: Swanage Settlement

Policy STCD: Swanage townscape character and development

Policy SGI: Swanage Green Infrastructure

**Other material considerations:**

**Emerging Purbeck Local Plan 2018 – 2034**

Regard has been had to the emerging Purbeck Local Plan 2018-2034. Following initial examination of the plan the Inspector has reported that she is reasonably satisfied that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'. A further consultation has just been completed and the Sustainability Appraisal and Habitats Regulation Assessment will be updated prior to a final decision on whether the plan is found legally compliant and sound.

Paragraph 48 of the NPPF advises that;

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

The following relevant policies of the emerging Local Plan are consistent with the Framework, there are no significant unresolved objections and the emerging local plan is considered to be at a stage where weight can be given to these policies:

E1: Landscape

E12: Design

The following policies of the emerging Local Plan are also considered relevant to the application but cannot be given any significant weight in the decision-making process because there remain unresolved objections and/or there are the potential for further objections through Main Modifications consultation. The weight that can be given to these policies will change as the local plan progresses to adoption:

E8: Dorset Heathlands

E9: Poole Harbour

E10: Biodiversity and geodiversity

I2: Improving accessibility and transport

I3: Green infrastructure, trees and hedgerows

H14: Second Homes

**National Planning Policy Framework:**

Section 2: Achieving sustainable development – paragraph 8(b)

Section 4: Decision making - paragraph 48

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting sustainable transport.

Section 11: Making effective use of land;

Section 12: Achieving well-designed places;

Section 14: Meeting the challenge of climate change, flooding and coastal change.

Section 15: Conserving and enhancing the natural environment.

National planning practice guidance

Purbeck District design guide supplementary planning document adopted  
January 2014.

Swanage townscape character appraisal supplementary planning document  
adopted August 2012.

Swanage Green Infrastructure Strategy supplementary planning document  
adopted June 2018

Dorset AONB Management Plan 2019-2024



Dorset AONB Landscape Character Assessment & Management Guidance 2008

Dorset biodiversity appraisal and mitigation plan.

Purbeck Strategic Flood Risk Assessment 2018

Bournemouth, Poole and Dorset residential car parking study May 2011 – guidance.

## 11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## 12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

It is not considered that the proposed dwellings would result in any disadvantage to persons with protected characteristics.

## 13.0 Financial benefits

What	Amount / value
Material Considerations	
None	N/A
Non-Material Considerations	

CIL Contribution	£64,478.70
Council Tax	£6496.56 (based on average Council Tax Band D)

#### 14.0 **Climate Implications**

The proposal is for three new dwellings located within an established settlement. The properties will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

#### 15.0 **Planning Assessment**

15.1 The main planning considerations in respect of this application are:

- Principle of development
- Scale, design, impact on character and appearance of the AONB
- Impact on the living conditions of the occupants of neighbouring properties
- Highway impacts and parking
- Flood Risk and Drainage impacts
- Biodiversity impacts

These and other considerations are set out below.

##### **Principle of development**

15.2 The application site is located within Swanage settlement boundary as defined by Map 20 of the Purbeck Local Plan Part 1 (PLP1). The proposed development of three additional dwellings is therefore considered to be acceptable in principle in accordance with PLP1 Policies SD: Presumption in favour of sustainable development and Policy LD: General Location of Development.

It is relevant that on 19 January 2021 the Housing Delivery Test: 2020 measurement results were published. Purbeck Local Plan area was found to have delivered only 74% of the total number of homes required and therefore, in accordance with National Planning Policy Framework (NPPF) footnote 7, it is judged that the Purbeck housing policies are out of date. In this case, as housing policies are the most important for determining the application, permission should be granted unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

15.3 The proposed development would provide the benefit of an additional 3no. dwellings to meet the Purbeck area housing supply requirement.

**Scale, design, impact on character and appearance of the area and the AONB**

15.4 The principle of developing the site for residential purposes is acceptable. Policy D of the PLP1 requires proposals to integrate positively in their surroundings, displaying good design practises whilst avoiding overlooking and overshadowing.

15.5 The site is located to the south of the Herston Conservation Area which is also an *Area of High Townscape Value (AHTV)* as referenced in Policy STCD of the Swanage Local Plan. These are areas in which the local vernacular and historic context should be protected, and proposals should be appropriate to the setting in form and scale whilst not exceeding the density levels of existing development within the area. The proximity of the application site to this designated area is a material consideration in terms of the proposal's design, scale, density and layout.

15.6 The proposal sites the three dwellings to the south of the plot, away from the designated Herston area, and maintains a modest landscaping area where planting can screen the boundary enclosure. The design of the terrace is two-storey (with a habitable roof space) reflecting the design of neighbouring properties, which are a mix of terraced and semi-detached houses. The dwelling design is traditional and proportionate in scale, with an eaves height of 4.8m and a ridge height of 8.5m, creating additional accommodation space without the need for an out-of-keeping third storey. Visual elements such as the rustication detail and the columns & trims help interrupt the design to avoid the dwellings appearing plain and featureless.

15.7 The proposed density within the 0.08ha plot equates to 37 dwellings/ha, a lower density than the dwellings opposite the site on Bell Street (66d/ha) and the neighbouring terraced block on Marsh Way (60d/ha). The modest block of dwellings is situated in the centre of the plot with ample space for a parking and turning area and private gardens with rear pedestrian access.

15.8 Policy D of the PLP1 states that new dwellings should reflect the diverse but localised traditions of building material usage found across the district. Concerns have been raised regarding the use of red brick (referred to in the submitted planning statement) and its contrast to the surrounding building materials. Whilst many of the surrounding properties have been constructed in Purbeck stone, the four dwellings north of the site, within the Conservation Area are red brick built with a dark roof tile as have some of the dwellings on Ash Close and all of the

dwellings on Sandbourne Close to the west of the site. On approach to the site and when it is viewed in the street-scene, the proposed dwellings will not appear incongruous in their context so as to amount to significant and demonstrable harm to the surrounding area. In order to ensure the materials proposed will appear cohesive in relation to the nearby properties, a condition (no. 3) is recommended requiring details of the materials to be submitted for consideration.

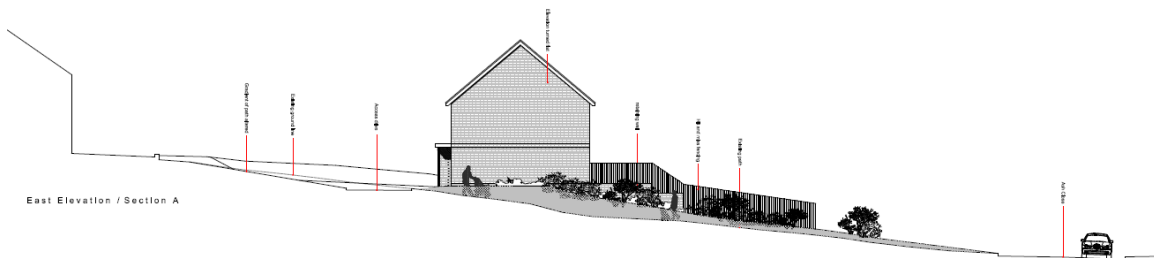
- 15.9 The Swanage townscape character appraisal SPD denotes the development site as being within the “Council Estate Development” character type class. The proposed dwellings broadly comply with the identified elements of visual character in the SPD such as ubiquitous estate architecture, modest porches, two-storey heights and red brick with concrete tiles. The distinct topographic changes are also acknowledged in this area and the use of retaining walls and banks are considered to contribute to the area’s character. Whilst it is acknowledged that the site is located in a relatively prominent position topographically, the proposed density and scale, and presence of further terraced dwellings beyond the site at a higher level sufficiently provide to soften the visual impact associated with the introduction of built form on this plot.
- 15.10 A varied topography and tight networks of streets have contributed to the character of this part of Swanage and the introduction of a single block of built form on a previously undeveloped plot at a staggered road junction would not constitute significant and demonstrable visual harm. It is acknowledged that the houses will face onto a parking area rather than directly onto the street but this enables soft landscaping to be reinstated along the eastern boundary and Bell Street, as a cul-de-sac, does not have the through-road character of neighbouring streets so this departure from the general pattern of development will not result in any demonstrable harm to the character of the area. Furthermore, the proposal will be implemented with a full landscaping scheme (secured by conditions 5 and 6) to ensure additional cohesion with the surrounding area and the previously undeveloped state of the site.
- 15.11 The site is within the Dorset Area of Outstanding Natural Beauty (AONB). The NPPF places great weight to conserving and enhancing the landscape and scenic beauty of the AONB.
- 15.12 In this case, the application site lies within the urban area of Swanage which is extensively residential in nature such that the proposal would have limited impacts on the landscape. Any views from the public footpath are already punctuated by existing dwellings and the site is not on the settlement edge. The development of this formerly undeveloped green space would increase density but would not demonstrably change the settlement pattern and accommodating housing within the settlement is preferable to extending into greenfield areas. It is concluded that the proposal will not have a harmful wider impact on the AONB.

**Impact on the living conditions of the occupants of neighbouring properties**

- 15.13 The proposed development will be situated in proximity to a number of neighbouring dwellings to the east, south and west, at a range of separation distances. To the south, the small terraces at the end of Bell Street would be situated 21m from the front elevation of the proposed dwellings; to the east, 103 Priests Road is sited upwards of 25m away and to the west, 1 Marsh Way is 12m from the rear elevation of the proposal, at it's closest point. There are also the dwellings on Ash Close, 21m from the proposed side elevation, whose rear gardens back onto the footpath adjacent to the site. It is acknowledged that the construction of the 3no. dwellings will have an impact on the residential amenity of some of these neighbouring occupiers. However, this impact is considered to be acceptable on balance for reasons outlined below.
- 15.14 Policy D of the PLP1 seeks to ensure that new development avoids and mitigates effects of overshadowing and overlooking on local amenity; they must also integrate into their existing context, paying equal regard to environmental quality and overall residential amenity. The Purbeck District Design Guide SPD further reiterates the attention to be paid to protecting the quality of life of neighbours in terms of privacy, light and noise.
- 15.15 The SPD recommends, on the subject of overlooking, a minimum recommended distance between buildings on similar levels with windows facing back to back as 21m. The proposed block of dwellings has no side facing windows, ensuring overlooking is negligible to the neighbours to the east and west. The rear elevations (north) contain six first floor windows, serving a bedroom of each of the 3no. dwellings. Due to the proposed orientation of the building, these windows will be located over 40m from the dwellings to the north, and over 21m from the neighbouring dwelling on 1 Marsh Way, at an angle of approximately 37 degrees and with a detached garage obscuring any views. Furthermore, this view would mostly look onto the windowless side elevation of 1 Marsh Way and constitute minimal harm in terms of privacy impingement.
- 15.16 On the main elevation (southern), the separation distance is at least 21m to the dwellings on Priests Road. This elevation features six first floor windows, 3 serving bedrooms and 3 serving bathrooms. These windows, as a result of their separation distance to the dwellings to the south, will not cause a loss of privacy to a degree that is considered demonstrably harmful. The second floor utilises roof lights which offer limited downward views and thus limited risk to neighbours' privacy, even when considering the topography of the wider area.
- The three dwellings themselves will overlook the other's private amenity spaces but this is expected with this form of development and will not wholly compromise the rear garden's proposed use as a private amenity space.

15.17 In terms of the other aspects of residential amenity, an overbearing impact can be avoided by positioning a building far enough from a property boundary and reducing height and mass to avoid dominating its neighbours; and severity of overshadowing will depend on the proposal's aspect, size, position and ground levels. As discussed, the topography of the site and the wider area is not uniform. The area rises from 37.35mAOD at the northern extent of the site to 42.78mAOD at the boundaries of the neighbouring dwellings to the south. This topography helps ensure the proposed dwellings will not appear overbearing to the properties to the south, as demonstrated in the cross-section below.

15.18 Crucially the site does not fall away to the west and results in the proposed ridge height being lower than the ridge height of the neighbouring dwellings on Ash Close. The outlook from some of the properties on Ash Close will be impacted by the presence of the proposal's side elevation, although this will be from a distance of 21m. With regards to the property on Marsh Way, to the north-west of the proposal, the new dwellings will be on higher land and therefore their visual impact will be intensified, however, due to the existing detached garage and proposed separation distance, the presence of built form on this site the proposal can be accommodated without any significantly harmful overbearing impact.



15.19 There will be a degree of overshadowing and loss of light arising from the scheme's presence on a previously undeveloped plot. However, the building will likely only impact on early morning sun to the gardens of Ash Close and late evening sunlight on the front gardens of Priests Close (at midsummer). The remainder of the time overshadowing from the properties will impact only the proposed gardens (north-facing) and the road north of the site. The existing site context is crucial in this assessment; the plot is surrounded by built form, of a similar scale and massing to the proposal, the presence of the double-garage at 1 Marsh Way will result in a minimal change to the sunlight provision of this neighbouring garden, and the existing topographical changes likely result in sunlight provision being limited in this area in any regard.

15.20 Residents of the local area raised concerns as to the disruption caused as a result of the construction of the proposed dwellings, should the application be delivered. However, due to the scale of the development, this would be anticipated to be of a limited duration so does not weight against the scheme.

- 15.21 It is acknowledged that the proposed development will have an impact on the surrounding residents, especially considering the current open nature of the site. However, the proposal is found to be acceptable in relation to neighbouring amenity as it does not threaten the privacy, sunlight provision or overall amenity of the residents of the area to a level sufficiently harmful to form a reasonable reason for refusal of the proposal. The proposal is thus considered to accord with Policy D of the PLP1 and the Purbeck District Design Guide SPD.

**Highway impacts and parking**

- 15.22 The development site would be accessed off Bell Street, a cul-de-sac which terminates to the south, 15m beyond the proposed access point. Policy IAT of the PLP1 seeks to locate proposals in the most accessible locations and reduce the need for travel. The main service provision of Swanage can be safely reached on foot from the property along existing public footpaths and pavements. The policy also requires developers to provide safe access to the highway and provide adequate parking levels.
- 15.23 The location of the parking and turning area is situated between the proposed dwellings and the existing properties, 75-79 Bell Street. The area of hard standing includes space for vehicular turning on-site, and 6no. parking spaces, in a perpendicular arrangement. Following an amendment requested by officers, the proposed parking spaces have been increased in width to 2.8m to improve accessibility. There is a recommendation within the strategy for the provision of an additional visitor space for such a size development. However, the applicant has demonstrated that due to the sustainable location of the site and nearby public transport links that the lack of a visitor space would not compromise highway safety or contribute to negative impacts on the wider road network. In this case, the provision of two spaces per dwelling (3 bedrooms) is in line with the 2011 Bournemouth, Poole and Dorset Residential Car Parking Strategy.
- 15.24 Regarding the access point and arrangement, the Council's Highways Authority has no objections subject to the imposition of conditions relating to drainage and turning/parking construction (condition 4 and 8). The Highway Authority considers that the revised proposals do not present material harm to the transport network or to highway safety and therefore comply with Policy IAT of the PLP1.
- 15.25 Concerns were raised from nearby residents which related to an inadequate provision of parking and thus a reliance on on-street parking in an already congested area. Furthermore, residents were concerned that the proposal would result in additional congestion for emergency vehicles and waste collection. As the scheme complies with the District's recommended parking levels and all parking is provided off the public highway (with space within the site for turning), there are no concerns that the scheme would lead to an increase in on-street parking. Additionally, a full off-street parking provision should not increase

congestion in the local area for residents, emergency vehicles or waste collection; many of the dwellings in the immediate area do not have off-street parking or turning and growing levels of car ownership may be exacerbating the level of congestion in the area; as this proposal will not contribute to this congestion, it is outside the remit of this application to address this issues.

### **Flood Risk and Drainage impacts**

15.26 The application site is not located within an area of identified fluvial or surface water flood risk. However, the proposed dwelling is likely to alter the natural rate of surface water run-off on the site and the Council's Drainage Engineer has been consulted on the proposal in accordance with Policy FR: Flood Risk of PLP1.

15.27 The Drainage Engineer noted that this site is in an area where the surface water mapping shows that there are flooding problems in extreme events in the adjacent road and further down in the catchment. It is therefore important that a surface water drainage scheme is designed such that it does not exacerbate the flooding problems elsewhere.

15.28 The application form indicates that surface water will be dealt with using a Sustainable Drainage System (SuDS) or soakaway. The engineer considers that this is a satisfactory way of dealing with the drainage but no further details are provided in the application about the design standard, location or maintenance and management of the drainage system. Such details can, however, be dealt with by way of a condition on the decision notice, and the engineer, therefore, raises no objection the proposal subject to a standard drainage condition (no. 4).

### **Biodiversity and ecological impacts**

15.29 The application site which is not specifically subject to any designation or ecological protection has recently been cleared of vegetation, as within the landowners right (subject to compliance with The Wildlife and Countryside Act and the Natural Environment and Rural Communities Act). The site has not been identified by the Dorset Natural Environment Team as forming part of an ecological network and is too small to necessitate a biodiversity appraisal.

15.30 Policy BIO of the PLP1 requires new development to ensure no adverse effects upon the integrity of European protected sites (SPA, SAC, Ramsar) or SSSI. The development site is located within 350m of the Belle Vue Quarry SSSI and as such is located within an SSSI Impact Risk Zone. The risk zone encompassing the site requires consultation with Natural England if the proposal contains a net gain in residential units. Natural England were consulted on the proposal but chose not to comment.

15.31 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for a net increase in residential units, in combination with



other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

- 15.32 The appropriate assessment (separate document to this report) has concluded that the likely significant effects on Dorset Heathland arising from the proposal are consistent with the effects associated with new dwellings detailed in the Dorset Heathlands Planning Framework Supplementary Planning Document.
- 15.55 Securing the mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the protected site from the proposed development. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development, the Council will fund the HIP and SAMM provision via the Community Infrastructure Levy. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries. With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with policy ME2.
- 15.34 Considering the relatively prominent position of the site and the loss of trees and as a result of the site clearance, it is reasonable to secure a full landscaping scheme by condition (5 and 6). The scheme should adequately mitigate the development's visual impact and ensure opportunities for biodiversity arise in and around the site. Additionally, as it is a requirement of all development to enhance the natural environment, as stated in the NPPF (2018 as amended), paragraphs 8, 170 and 175, biodiversity enhancements in the form of a bird box and bat tube are to be secured by condition (no. 7).

#### **Impact on Green Infrastructure**

- 15.35 Concerns have been raised by Swanage Town Council that the proposed development of a previously green space is contrary to the Swanage Green Infrastructure Strategy SPD. Swanage Local Plan policy SGI requires that development proposals in Swanage should take account of the strategy.
- 15.36 The National Planning Policy Framework requires that decisions should aim to achieve healthy, inclusive and safe places which, amongst other requirements, '*enable and support healthy lifestyles, especially where this would address identified local health and well-being needs- for example through the provision of safe and accessible green infrastructure...*' (para 91).
- 15.37 The SPD identifies that Herston is a low green infrastructure area so prioritises a tree planting and wildflower meadow project in this area. Appendix 1 of the SPD

provides an audit table of green infrastructure. The current application site is identified as *'Open space and footpath at end of Priests Road'* and is highlighted as a proposal to be written into a development brief. The existing function was identified as *'Open space with communal verges, leading to section of Priests way with hedges'* and the benefits as *'Green corridor from densely populated housing area to open countryside. Hedges have some biodiversity value'*. The ownership was unknown at the time of the audit so it was recognised that there was little potential for change but tree planting scheme was proposed to a value of £1,500. These works are aspirational. The open space is not one that is protected by the open space and recreation Policy OSR in the Swanage Local Plan.

- 15.39 The current application would see the loss of some green infrastructure and increased urbanisation of the site. Replacement hedging can be secured to the east and planting to the north of the site to mitigate the loss and there would be no harm to the existing footpath providing the public right of way, but it is recognised that opportunities for meaningful tree planting would be reduced. Whilst the lost opportunity for improved green infrastructure weighs negatively against the proposal, limited weight can be given to this matter in the planning balance and it is outweighed by the benefit of the development's contribution to housing supply in the area.

#### **Other Material Considerations**

- 15.40 The Public Rights of Way Officer was consulted as part of the consideration process and raised concerns that the application site boundary crossed over the public right of way. On further examination, the existing footpath would remain outside of the application site and unaffected by the proposed development. The applicant can be made aware that any diversion of the public right of way would require separate full width of the public footpath must be able to remain open and available to the public, with no materials or vehicles stored or using the route via an informative note.
- 15.41 If the proposals require a temporary closure of the route it is important this is discussed with the Rights of Way Officer before any works commence. It is for the applicants to assure themselves that any other necessary consents have also been obtained to ensure compliance with the Highways Act 1980.
- 15.42 Neighbours have raised concerns regarding the ground stability of the site due to the impact of the close proximity of a former quarry to the south. The Council's Engineer has been consulted on the proposal and has confirmed that they are not aware of any ground stability issues in the area. They stated that as the site appears to be fairly small and is surrounded by residential development and associated infrastructure, it would be prudent to advise the applicant/developer that some local residents have highlighted the possibility of tunnels near the site. An informative note can be added.

- 15.43 Concerns have been raised regarding the increased pressure on the local surgery, county hospitals and schools as a result of the proposal. Policy LD of the PLP1 recognising Swanage as one of the most sustainable locations in the district and Policy SE recognises a future need for improved service provision should larger residential development sites and settlement extension plans take place. It has not been demonstrated that there is no current capacity in the existing service provision in Swanage to support the construction of three dwellings in the existing settlement.

## 16.0 **Balancing judgement**

As the Purbeck area has not provided the necessary housing delivery over the past three years current housing policies are out of date and there is a presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework.

The proposal for three dwellings on the site will not result in harm to the Area of Outstanding Natural Beauty nor any other protected area. The development is considered to be acceptable in principle, of an appropriate scale, size and design and the impact on neighbouring amenity, highway safety and drainage are also considered to be acceptable.

The proposal will result in an adverse impact arising from the loss of green infrastructure and loss of potential for tree planting improvements. This weighs against the proposal but is not judged to significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the National Planning Policy Framework taken as a whole.

In these circumstances, following NPPF paragraph 11, approval is recommended subject to the conditions as set out below. The agreement of the applicant has been obtained in relation to pre-commencement conditions.

## 17.0 **Recommendation**

To grant planning permission subject to the following conditions:

1. The development must start within three years of the date of this permission.  
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
2. The development permitted must be carried out in accordance with the following approved plans:  
BDS-01-20 (Site Survey)  
P1\_1793\_PLAN1 (Proposed Elevations)  
P2\_A\_1793\_PLAN1 (Proposed Block Plan and Floor Plan)  
SITE\_1793-Location (Location Plan)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The manufacturers name, product name and colour of all external facing and roofing materials must be submitted to and approved in writing by the Council before they are used on the proposal. The development must then be implemented using the approved materials.

Reason: To ensure satisfactory appearance of the development.

4. Before any groundworks start, a scheme to deal with surface water drainage must be submitted to and approved in writing by the local planning authority. The design standard for the drainage system within the scheme must be the 1 in 100 year event plus 40% allowance for the predicted increase in rainfall due to climate change. The scheme must be accompanied by the results of an assessment into the potential for disposing of surface water by means of the sustainable drainage system (SuDS). The scheme must include details of the ongoing management and maintenance of the surface water drainage. The development must be completed fully in accordance with the approved drainage scheme and must thereafter be managed and maintained in accordance with the agreed details.

Reason: These details are required to be agreed before surface water drainage works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to this site and adjoining catchment land.

5. Prior to first occupation of any of the dwellings, a hard and soft landscaping scheme must be submitted to and approved in writing by the Council. This needs to include:
  - i. A landscape proposals plan showing details of hard landscape (any cables, pipes and ducts above ground, all surfacing/paving, walls, fences and other structures, lighting, CCTV etc.) and soft landscape (trees, shrubs, herbaceous plants and grassed areas). The boundary enclosures shall include details of hedgehog holes.
  - ii. Planting plans which must show the species of trees, shrubs and herbaceous plants to be planted and where they will be planted, the size that the trees/shrubs/plants will be on planting, and the number that will be planted.
  - iii. Maintenance schedule details for planting beyond residential gardens identifying parties responsible for the upkeep.

The development must be carried out in accordance with the approved scheme.

Reason: These details are required to be agreed in order to ensure the satisfactory landscaping of the site, and to enhance the biodiversity, visual amenity and character of the area

6. The soft landscaping works detailed in the landscape proposals agreed by the Council pursuant to condition 5 must be carried out during the first planting season (October to March) following either substantial completion of the buildings. The planted scheme must be maintained in accordance with the agreed details.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

7. A bat tube and bird box shall be installed prior to first occupation of the dwellings hereby approved and these shall thereafter be retained and maintained.

Reason: In the interests of biodiversity.

8. Before the development is occupied or utilised the parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

#### Informative Notes:

1. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
2. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating

applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

3. If the proposals require a temporary closure of the public right of way it is important this is discussed with the Rights of Way Officer before any works commence. It is for the applicants to assure themselves that any other necessary consents have also been obtained. It should be noted that the use of this footpath by vehicular traffic without lawful authority is an offence contrary to the Road Traffic Act 1988. Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980. The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above path then a Temporary Path Closure Order must be obtained. This can be applied for through this office but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.
4. The applicant/developer is advised that some local residents have highlighted the possibility of tunnels near the site which may impact on ground stability.
5. In relation to condition 5 the Council will be looking for native species within the planting which contribute to biodiversity.

NB. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

## **Appeal Decisions**

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### **1. PURPOSE AND RECOMMENDATIONS**

<b>Purpose of Report:</b>	To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.
<b>Recommendations:</b>	<b>It is RECOMMENDED that:</b>
	<b>(This report is for Information)</b>
<b>Wards:</b>	Council-wide

### **3.0 APPEAL DECISIONS**

**3.1 Appeal Reference:** APP/D1265/W/20/3258313

**Planning Reference:** 6/2020/0161

**Proposal:** Replace existing dwelling with detached house and erect additional dwelling adjacent. Form new access and parking

**Address:** 1A Battlemead, Swanage, Dorset BH19 1PH

**Appeal:** Allowed.

**Application for costs:** Refused

**3.2** The application to replace an existing dwelling with a detached dwelling and erect an additional detached dwelling adjacent, with new vehicular access and parking was refuse consent, contrary to the officer recommendation of approval subject to conditions, by the Eastern Planning Committee on 29 July 2020. The Committee's reasons for refusal were: increase in density resulting in cramped appearance; failure to sensitively integrate with existing low density character; failure to reflect established building lines; bulk of development; contrived internal layout; and development not being affordable, suitable or decent housing.

**3.3** The main issues of the appeal were:

(i) Effect on character and appearance of the area:

The Inspector noted that the plots would not appear unusually narrow within wider street scene; each house would be set back within the plot with driveways to the side and would appear spacious within street scene; the proposed staggered building lines provides logical design response and suitable transition between existing building lines; less

deep gardens are consistent with the character of the site and adjacent plot (1A and no 37); the neutral increase in density would not be harmful; street facing elevations and height of two dwellings would be more consistent with the Battlemead street scene than the existing side-on appearance and would represent an enhancement. The Inspector concluded that the proposed development would not have an unacceptably harmful effect on the character and appearance of the area.

- (ii) Whether the proposed dwellings would provide acceptable living conditions for their future occupiers with respect to internal layout and outlook:

The Inspector noted that the obscure glazing/non-opening of the rear facing bedroom window is unnecessary as this primarily offers views over end of rear gardens. The existing situation is that a large first floor rear dormer at 1A Battlemead overlooks the neighbouring rear elevation. The proposed development would therefore represent a substantive improvement in terms of No 35's privacy and only a nominal difference in respect of No 1. The first-floor rear bedroom of Unit A would be unconventional in not having a rear facing window, but this is to ensure that the rear elevation of No 35 would not be excessively and unacceptably overlooked. However, the bedroom would have a suitable outlook as there would be a front facing wrap around corner window instead. The Inspector concluded that the scheme would provide acceptable living conditions for its future occupiers in respect of the internal layout and their outlook.

- 3.4 The Inspector also judged in respect of other material considerations that:
- 3.5 Neighbouring Amenity: the position, design and height of the dwellings relative to the surrounding residential properties would not result in unacceptable harm with regard to privacy, outlook, overshadowing or noise and disturbance.
- 3.6 Small garden size: the proposed gardens are not deep but would provide sufficient useable private garden space for future occupiers.
- 3.7 Setting of a precedent: each proposal must be assessed on its own merits and in this case substantial weight is given to the fact the existing occupation of the site by 1A Battlemead is inconsistent with the characteristic layout of the locality.
- 3.8 No affordable housing: there is no policy evidence to indicate the development is required to make affordable housing provision.
- 3.9 Second homes policy: the policy carries insufficient weight at this time for any such restrictions to be applied to the proposal.



- 3.10 Highways: With parking proposed and on-road parking bays available there is no justification to take a different view from the Highway Authority. The increase in traffic resulting from the dwellings would be relatively small.
- 3.11 The Inspector concluded that the proposed development would be in accordance with the development plan and there are no material considerations which indicate the development should otherwise be resisted. The appeal was allowed subject to conditions.

### **Application for costs**

- 3.12 In considering the application for an award of costs the Inspector noted that while unreasonable behaviour by the Council has been established in relation to affordable housing, this was a peripheral matter which the appellant was able to deal with briefly in their statement and did not give rise to discernible additional expense. The award of costs was refused.

## **4.01 Appeal Reference: APP/D1265/W/20/3260010**

**Planning Reference:** 6/2019/0615

**Proposal:** Convert store to residential unit

**Address:** Rear of 31 Station Road, Swanage, BH19 1AD

**Appeal:** Allowed

- 4.02 Permission had been refused via delegated powers for the proposed conversion of the store to a dwelling for the following reasons:
- i) Loss of retail floor space (storage) in an area identified as the primary retail area in the town with implications for viability of the unit contrary to policies RP and STC
  - ii) Poor amenity for future occupiers
- 4.03 The Inspector judged that from available evidence the unit was not essential to support retail activities at number 31; it had been used as storage for local businesses rather than the retail unit. There would not be a loss of retail use arising from the proposal and there was no evidence of an unmet need for storage facilities to support the vitality and viability of the town centre so no conflict with policy RP would result.
- 4.04 The Inspector acknowledged that the proposed development would have small internal spaces and that outlook from the ground floor bedroom into the narrow lane would be restricted but they judged that 'this is not a family dwelling and so this bedroom is unlikely to be heavily used during the day or as an active living space demanding a high quality outlook'. There was no substantive evidence to suggest that the kitchen would not function effectively, the site was close to public open space and the Inspector judged that the living space would provide adequate outlook and daylight. Overall no conflict with the aims of design policy D were identified.

4.05 The appeal was allowed and approved granted subject to plans and flood mitigation conditions.

#### **Application for costs**

4.06 The Inspector noted that the Council took some time to determine the application but different behaviour would not have led to an alternative decision or avoided the appeal so this did not amount to unnecessary or wasted expense in the appeal process.

4.07 The Inspector also noted that although the policy officer had removed their objection following the submission of additional details, their comments continued to refer to uncertainties to the wider vitality and viability of Swanage town centre. Whilst the officer report failed to clarify the extent to which the additional evidence had been considered, ultimately the weight to be given to such evidence is a matter of planning judgement, the Council had made reasoned submissions at the appeal stage and therefore no unreasonable behaviour was identified and the costs appeal was dismissed.