



Eastern Area Planning Committee

Date: Wednesday, 5 January 2022

Time: 10.00 am

Venue: MS Teams Live Event / Virtual

Membership: (Quorum 6)

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

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

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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Link for the meeting:-

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTdmN2VkNWYtZWFiNS00YjMyLTkwYWUtY2Y2NTZmMWFhNTM2%40thread.v2/0?context=%7b%22Tid%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22Oid%22%3a%226b0f9558-2fa4-49d1-82dc-5ad39a1bb4c7%22%2c%22IsBroadcastMeeting%22%3a%22true%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 Tuesday 4 January 2022**. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a Councillor who is not on the Committee wishes to address the Committee, they will be

allowed 3 minutes to do so and will be invited to speak provided that they have notified the Democratic Services Officer by **8.30am on Tuesday 4 January 2022**. **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.

Using social media at virtual meetings

Dorset Council is committed to being open and transparent in the way it carries out its business whenever possible. Anyone can use social media such as tweeting and blogging to report the meeting when it is open to the public.

Please Note:

On 16 December 2021 the Chief Executive exercised his delegated power to act in a case of emergency **so as to be able to continue to hold virtual meetings** reflecting the emergence of Omicron and the rise in COVID cases locally, in order to protect elected members, staff and the public and be able carry out the business of the council.

Where a decision is required, committee members will express a 'minded to' decision in respect of recommendations set out in officer reports, with decisions being made under officer delegated authority in the light of 'minded to' decisions expressed by members in the virtual meetings.

Accordingly, this meeting has those arrangements in place.

AGENDA

Page No.

1 APOLOGIES

To receive any apologies for absence

2 DECLARATIONS OF INTEREST

To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their decision councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

3 MINUTES

5 - 46

To receive, note and confirm – on a '**minded to**' basis – the minutes of the meetings held on 29 September, 13 October, 27 October and 1 December 2021, so that the Chairman might ratify them, as necessary.

4 PUBLIC PARTICIPATION

47 - 48

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 SEC/2020/0001 - TO MODIFY A PLANNING OBLIGATION FOR PLANNING PERMISSION 6/2018/0493 (DEMOLISH TEMPORARY CLASSROOMS AND OUTBUILDINGS AND CONVERT EXISTING REMAINING BUILDINGS TO FORM 10 DWELLINGS AND ERECT 20 NEW DWELLINGS WITH PARKING AND LANDSCAPING, REMOVAL OF EXISTING RAISED WATER TANK AND TO REMOVE THE REQUIREMENT FOR AFFORDABLE HOUSING AT THE FORMER ST MARYS SCHOOL, MANOR ROAD, SWANAGE, BH19 2BH

49 - 64

To consider a report by the Head of Planning.

- 6 P/LBC/2021/03854 - INSTALLATION OF ROOF MOUNTED SOLAR PHOTOVOLTAIC PANELS (PV) AND ASSOCIATED INFRASTRUCTURE - DURLSTON CASTLE, LIGHTHOUSE ROAD, DURLSTON, SWANAGE 65 - 84**

To consider a report by the Head of Planning.

- 7 P/LBC/2021/03855 - INSTALLATION OF ROOF MOUNTED SOLAR PHOTOVOLTAIC PANELS (PV) AND ASSOCIATED INFRASTRUCTURE - DURLSTON CASTLE, LIGHTHOUSE ROAD, DURLSTON, SWANAGE 85 - 96**

To consider a report by the Head of Planning.

- 8 3/21/0668/FUL - TO EXTEND THE EXISTING SINGLE STOREY BUILDING AND CHANGE USE TO THAT OF HAND CAR WASH FACILITY AT LAND AT REAR OF 5 HIGH STREET (HIGH STREET CAR PARK) WIMBORNE MINSTER BH21 1HR 97 - 110**

To consider a report by the Head of Planning.

- 9 P/HOU/2021/02711 - CONSTRUCTION OF REPLACEMENT PORCH AT 1 HILLSIDE AFFPUDDLE DORSET DT2 7HQ 111 - 122**

To consider a report by the Head of Planning.

10 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.



EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 29 SEPTEMBER 2021

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

Apologies: Cllr Barry Goringe

Also present: Cllr David Walsh

Officers present (for all or part of the meeting): Mike Garrity (Head of Planning), Kim Cowell (Development Management Area Manager East), James Weir (Senior Conservation Officer SP & Majors), Oliver Haydon (Highways Officer), Phil Crowther (Legal Business Partner – Regulatory), Hannah Massey (Lawyer – Regulatory) and David Northover (Democratic Services Officer).

Public Participation

Written Submissions

Imogen Stacey

Andrew and Janice Smith - applicant

210. **Apologies**

Apologies for absence were received from Councillor Barry Goringe.

211. **Declarations of Interest**

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

Councillor Bill Trite confirmed that as he had previously expressed an opinion about the development – as set out in the report - he would not participate in the discussion or vote on minute 214, but had instead chosen to comment solely as a local Ward Member. Other than speaking as local Member, he played no part in consideration of that minute.

212. **Minutes**

The minutes of the meeting held on 25 August 2021 were noted.

213. **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.

214. **6/2021/0048 - Erection of ground floor entrance porch, bay window extensions at ground and first floor levels, and Juliette balcony at second floor to front (north) elevation. Conversion and extension of existing outbuilding to rear (south) for habitable accommodation with connecting glazed link from first floor level of house. Alterations to windows & doors - 1 Old Coastguard Cottages, Peveril Point Road, Swanage,**

The Committee was asked to consider application 6/2021/0048 for the erection of ground floor entrance porch, bay window extensions at ground and first floor levels, and Juliette balcony at second floor to front (north) elevation; the conversion and extension of an existing outbuilding to rear (south) for habitable accommodation with connecting glazed link from first floor level of house; and alterations to windows and doors at 1 Old Coastguard Cottages, Peveril Point Road, Swanage

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; and what this entailed. The presentation focused on not only what the development entailed and its detailed design – appearance, elevations and dimensions - but what effect it would have on residential amenity and the character the area, including the Dorset AONB and the Swanage Conservation Area and taking into account the policies against which this application was being assessed. The officer provided for an update which confirmed an additional condition: “in the first instance and in all subsequent occasions, the ground and first floor bay windows shall be separated by white panels to match the existing dwelling”. The reason for this was in the interests of visual amenity in the Conservation area.

Plans and photographs provided an illustration of the location and appearance of the development, its design and dimensions, how it would look; the materials to be used; environmental considerations; and its setting within that part of Swanage and the wider landscape - including the Dorset AONB and from Swanage Bay.

The proposal was to make alterations to the north (front) elevation of the house to form a bay window extension at ground and first floor, an entrance porch adjacent to the bay window, and a Juliette balcony on the second floor. On the western (side) elevation, the proposal was to add windows and rooflights to improve internal lighting. To the south (rear), it was proposed to replace a mono-pitch roof with a pitched roof convert and extend the existing outbuilding to form an additional bedroom with en-suite. To achieve this, the ground behind the existing building would be excavated to the level of the outbuilding floor, with retaining walls constructed to hold the adjoining ground. A glass link would be installed between the outbuilding and the house, connecting on the first-floor rear elevation of the dwelling.

Officers showed the development’s relationship with other adjacent residential development and how the extension was designed to be in keeping with the

characteristics of the established local environment, as far as possible. The characteristics and topography of the site was shown and its relationship with the row of cottages. Views around it were shown, which provided a satisfactory understanding of all that was necessary.

In summary, officers planning assessment adjudged that the overall design of the development was considered to be largely acceptable, with all, significant, planning matters having been appropriately, or adequately, addressed. Whilst in a sensitive environmental area, having assessed the material considerations, being seen to be acceptable and sufficiently compliant with national and local planning, the recommendation being made by officers was for Committee to approve the application.

The Committee were notified of written submissions 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.

Councillor Bill Trite, took the opportunity to address the Committee - solely in his capacity as one of the two local Ward Members - objecting to the proposal on the grounds it would adversely impact the Dorset ANOB and the Swanage Conservation Area; that there would be inadequate parking provision; that there was a need to conserve and enhance what was currently there and; that the bay window was obtrusive and the porch and glass corridor were out of keeping and rainfall on the glass would cause a nuisance. He urged the Committee to refuse the application on this basis.

Formal consultation had seen an objection from Swanage Town Council on the grounds that the modern design out of keeping with the character and appearance of surrounding properties and its Conservation Area and AONB setting, the bay window was obtrusive and the porch was contrary to the appearance of terrace, and the glass walkway was out of keeping, leading to overlooking and other adverse effects. However, they concluded that there would be no objection as long as proposals were seen to be more in keeping with character of area and Conservation Area.

The opportunity was then 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. Some important points raised, and about which they considered still required clarification, were :-

- the dimensions of the bay windows and how its appearance would sit with there rest of the terrace
- that although the symmetry of the terrace would be somewhat compromised, would this be of any consequent significance
- how rainwater and surface water could be effectively displaced without resulting in nuisance
- an assurance that the glazed walkway services access didn't interfere with head height or intrusion and could the glass be obscured
- what overlooking and compromise to privacy there might be

- how stability of the ground would be assured and the means of doing this
- what consideration had been given to the viability of holiday homes in this context.

Officers addressed the questions raised - and clarification needed - providing what they considered to be satisfactory answers, which the Committee saw as generally acceptable.

Of importance was that officers were confident the conditions covering the development would satisfactorily address all of the issues raised, with their assessment being based on that and building regulations would provide for an assurance that those issues governed by that code could be readily addressed.

From debate the majority of Members considered the development to be reasonable and acceptable and noted that all building tended to evolve over time to suit a particular purpose. What was being proposed here seemed to remain reasonably true to the character of the terrace and how it was being done was considered satisfactory. The innovative design afforded use of the cottage for a family and the alterations being proposed were considered acceptable in that context. This seemed to be a measured and proportionate extension that would improve the capacity and living conditions at No.1.

However, other Members had reservations, particularly to what was being proposed at the rear and that the general appearance of the terrace would be compromised by what was being proposed.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor Robin Cook, on being put to the vote, the Committee agreed - by 7:1, with one abstention from Cllr Julie Robinson - to be **minded to** grant permission, subject to the conditions set out in paragraph 17 of the officer's report and the update provided in the presentation, with the enactment of their minded to decision being made by the Head of Planning.

Resolved

1) That permission be **minded to** be granted, subject to the conditions set out in paragraph 17 of the officer's report and in the update provided in the presentation with the enactment of their minded to decision being made by the Head of Planning.

2) That having taken into consideration the Committee's 'minded to' decision, the delegation to the Head of Planning to be authorised to grant permission be enacted.

Reasons for Decision

- Para 11d of the National Planning Policy Framework (NPPF) set out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- The location was considered to be sustainable and the proposal was acceptable in its design, general visual impact, and impact on Swanage Conservation Area.
- There was not considered to be any significant harm to neighbouring residential amenity.
- There were no material considerations which would warrant refusal of this application.

215. **6/2021/0283 - Retrospectively to undertake concrete repairs on the underside of arches, repair/replace stones in headwalls and repoint; and to repair a concrete footpath, install loose rock aprons at Briantspuddle Bridge, Briantspuddle,**

The Committee were being asked to retrospectively consider application 6/2021/0283, to undertake concrete repairs on the underside of arches, repair/replace stones in headwalls and repoint; and to repair a concrete footpath, install loose rock aprons at Briantspuddle Bridge, Briantspuddle

With the aid of a visual presentation the Committee were informed about what the application entailed and the reasoning for this, the characteristics of the bridge, its setting within the village and the wider landscape, the highway network, the materials used and how they were designed - as far as practicable - to be in keeping with that which existed.

The works were designed to ensure the future preservation of the bridge structure, its structural integrity and the continued safe and effective operation of the local highway network, including for HGV's

Due to the timing, budget and ecological constraints of the environmental permit, temporary traffic regulation order and road closure permit, the works had to be completed before the winter months and, consequently, since the application was submitted, so that was why the proposal was seeking approval retrospectively.

Given the circumstances, whilst the Committee understood the reasoning for the application being made retrospectively on this occasion – and its necessity - they hoped that this might be avoided in future, if at all practicable, by more efficient coordination of the processes involved.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor David Tooke, on being put to the vote, the Committee agreed - unanimously - to be **minded to** grant permission, as set out in paragraph 15 and the informative note of the officer's report, with the enactment of their minded to decision being made by the Head of Planning.

Resolved

That permission be **minded to** be granted as set out in paragraph 15 and the informative note of the officer's report, with the enactment of their minded to decision being made by the Head of Planning.

2) That having taken into consideration the Committee's minded to decision, the delegation to the Head of Planning to authorise the grant of permission be enacted accordingly.

Reason for Decisions

- The repairs were required to ensure the structural integrity of the structure, for the safety of road users and to enable on-going movement of vehicles including HGVs.
 - The works would lead to less than substantial harm to significance of the heritage asset. The public benefits of the bridge repair works outweighed this level of harm.
 - There were no material considerations which would warrant refusal of this application
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216. Planning Appeals Summary

Members considered a planning appeals summary of recent Inspector appeal decisions.

Whilst noting these, one member considered that decisions taken by the Inspector, relating to Ballard Down, Swanage and Misty Cottage, Worth Matravers -which was contrary to the Committee's decision - to be disappointing.

217. Urgent items

There were no urgent items for consideration.

218. Public Participation - Written Submissions and Representations

6/2021/0048 - ERECTION OF GROUND FLOOR ENTRANCE PORCH, BAY WINDOW EXTENSIONS AT GROUND AND FIRST FLOOR LEVELS, AND JULIETTE BALCONY AT SECOND FLOOR TO FRONT (NORTH) ELEVATION. CONVERSION AND EXTENSION OF EXISTING OUTBUILDING TO REAR (SOUTH) FOR HABITABLE ACCOMMODATION WITH CONNECTING GLAZED LINK FROM FIRST FLOOR LEVEL OF

HOUSE. ALTERATIONS TO WINDOWS & DOORS - 1 OLD COASTGUARD COTTAGES, PEVERIL POINT ROAD, SWANAGE,

Imogen Stacey

This cottage is part of a row of terraced cottages that are almost 200 years old and were built in the original Regency style in 1826 by William Moreton Pitt. The cottages have significant local and historical interest. They are located on the Dorset coastal path and are very visible on the coast line from the shore, and also when at sea. All the cottages have had minimal changes made externally and any changes that have been made were in keeping and also most were made a significant time ago.

I am writing this email on behalf of my mother Diana Stacey (owner of No 2 Old Coast guard cottage) and also the other (objecting) local residents

We feel that the plans will be very overlooking and create a further loss of privacy and light for current owners and residents. We feel that this is an over development for the size of the plot of land and that it is not in keeping with the Regency style that the original cottage was built in. This cottage is located in a Swanage Conservation area. Many of the precedents that are being referenced as justification for these proposed changes were made well before this area was designated a conservation area (in 1970).

The proposed plans include heavy use of glass which will create a further loss of privacy. This in the form of a two-storey bay window extension at the front and a glass corridor on the first floor of the back of their cottage above a communal walkway, which has shared access rights. They are proposing to build a porch with a large glass roof window at the side of their cottage on the land of the communal walkway. The plans will mean that current residents and owners' of the cottages in this terrace will be further overlooked and there will be further loss of privacy.

The proposed front elevation is too modern in style with more glass and also aluminium window frames (in opposition to the conservation officers' recommendations) and not in keeping. Part of the argument for this application has been to create symmetry so number one will look more like number 8. The proposed front bay windows are not planned in the same style as number 8 cottage. They are significantly larger in depth and width and much more modern in window style (using far more glass) than number 8. On their ground floor they plan to have doors spanning the width of their bay window extension, they already have a smaller set of double doors on the front of their cottage. The side porch will not support any symmetry in the row of cottages as there is not one at the other end of the row, at number 8.

The bay window at number 8 was built over 100 years ago prior to planning

consent and prior to the area being designated a conservation area, it has simple bay windows on both floors that are in keeping and is built on a much larger plot of land. They only have close neighbours on one side of their cottage unlike number one. I have also been advised by a previous owner of number 8 cottage that their bay window was built over 100 years ago before planning approval was required. The first floor bay window is in a bedroom whereas number one cottage have now changed the layout so that their first floor bedroom is now a livingroom, and as such it would be used far more often and number 2, number 3 and the watch house would be over looked far more in this proposed set up. We would therefore request that this not be approved.

The current owner of number one has already reconfigured the whole of the internal space within their cottage in preparation for these plans being approved. This plan would reduce the bedrooms within the main building. The proposal includes excavating the very small cottage garden at the back of the building to create more bedrooms/living space at the rear of their out building. We feel that this is likely to have serious consequences to the stability of the surrounding land. Part 01. in section 2.0 of the Stability Report (B.E.Willis Partnership) states that "the proposed rear extension will not cause instability to the sloping land. They have referenced that they have carried out previous slope stability reports within the Swanage and Durlston area as justification for their findings, but there is no specific mention of previous stability reports directly with in the Peveril point area.

Part 03. in section 2.0 states that "The discharge of rainwater should be agreed with the building regulation department and the Water Authority". I do not believe that I have seen any reports from the water authority (Wessex water) in support of this application. I have been advised that there have been significant issues with the drains in the Peveril point area and that major works were recently required very close to this site at the rear of the Lifeboat station and the rear gardens of several of the Old Coastguard cottages as the water mains there cracked. This resulted in the water supply being turned off. In addition, there is already an issue with rain water flowing down from the main road at the back of the cottages and into the gardens of some cottages. There are temporary sandbags regularly placed at the top of the communal steps between number one and the watch house to prevent the water from the back road coming down these steps and then ultimately into the back garden of number one cottage. So I would say that there is already an issue with water flow onto the proposed area of land that they wish to excavate.

Also in the summary of this report they state that at the time of the survey that there is "No evidence of fissures to the sloping land or cracking to the front of the existing building associated with active landslip" but this does not state that doing this work will not cause any landslip.

There is far less space (width/depth) in the communal passageway than is shown in the amended drawings and these proposed plans will dominate and

overshadow this area. The drawings indicate that they are planning to put up a safety railing on the side, opposite to the wall, of the new/proposed external steps entrancing their out building. If so this will significantly restrict access in the communal passageway.

This glass corridor connecting the outside space to the main building has been described as “Light touch”; but I do not feel that this is the case as I believe it will be over 2.5 meters high and it will look very out of place against the surrounding older buildings. If this glass corridor were to be allowed it would feel like number one cottage has been severed from the community style of the terrace. For the residents of number 2 and 3 who regularly use the shared back steps up to their gardens (located directly next to the proposed glass corridor) this will feel very claustrophobic. It will be seriously overlooked by our out buildings, over shadowing them (in size). This will also overlook the potential accommodation of number 2 outhouse (invasion of privacy). Without the glass corridor, there would be no issue with the proposed new steps and railing. Looking out of our second floor back window this area will change our historic view and not be in keeping with the regency style.

We would question that the legal communal “right to air” above the communal passageway is being breached by allowing any structure whether it be glass or otherwise above this passageway.

The watch house will be significantly impacted by the proposed changes as the house is laid out so that the court yard and entrance is at the side and overlooks number one cottage. So the watch house will be more overlooked, and will overlook all the large oversized windows and the side porch build out with glass roof (planned also to be on the shared walkway). The watch house will also have a further loss of privacy as the proposed glass corridor at the back of the cottage will be significantly overlooking their garden and also their bedrooms at the back.

The modernisation of this cottage could be done inside in its current footprint so that the outside remains in keeping with the terrace. We have deep concerns that once one approval is granted it will set a precedent for others to follow, whether this is immediate or in the future. Then over time these cottages will lose their original character and style. I have noted other planning requests online from other cottages have previously been declined.

Andrew and Janice Smith - applicant

We very much hope that this Planning Committee accepts the recommendation of the Planning Officers and Conservation Officer and approves our application. The design has been arrived at after lengthy consultation with the planning and Conservation Officers together with our

neighbours and it is particularly heartening that those neighbours who are resident within the terrace itself have written in support of our application. We confirm that we are happy to accept the conditions proposed by the Case Officer, which we have discussed verbally but, at the time of writing, not seen in writing.

We have a deep love and understanding of the conservation of important historic buildings and two of our past homes have been Listed Grade 11*. We also have a deep love of Swanage and this particular part of Swanage which is a hidden gem. We understand our neighbours concerns and fear of change, but sensitive alteration and conservation is just as important to us as to them – probably more so as this is going to be our permanent home.

Following extensive and sympathetic refurbishment of our house earlier this year, we have now moved in with our three young children and are desperately in need of the additional space that these proposed additions will create.

It has also become very clear that means of escape is a matter of the utmost importance. Access within the house has been vastly improved by the replacement of the lower staircase, and windows have been renewed at the rear with fully compliant means of escape windows. Whilst escape at first floor level through these would be practical, the height of the second floor windows would, contrary to what one of the objectors contended, make a ladder escape extremely hazardous, particularly for the young children. The 1st floor link is therefore vital to provide an alternative safe escape route.

It has also become clear that larger windows in the front elevation are also much needed. The Lounge at 1st floor level currently has a very small window in the north elevation which makes the room very dark internally. A larger window will not only improve the outlook towards the sea, but more importantly vastly improve the natural lighting.

Finally, the issue of privacy and light pollution has been raised by many objectors. We, as residents, are more concerned with our own privacy within the house and are happy to accept the officers conditions with this respect. However, the charm of this terrace is the open plan nature of the front gardens. Residents and holiday home owners and their children and grandchildren have enjoyed this open atmosphere for decades and as far as we know, nobody wishes this to change. As for light pollution, this really is a nonsense. Most people draw their curtains at night, and we will be no exception. If light pollution is a concern, there are numerous examples of bright external lighting to various commercial premises around the bay which have gone unchallenged for years, specifically The Grand Hotel and The Pines Hotel.

This house is to be a long term home for ourselves and our children and grandchildren and as its current custodians we wish to make it comfortable, safe, and sound for the long term future of the terrace.

We very much hope that you will support our application.

Duration of meeting: 10.00 - 11.45 am

Chairman

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 13 OCTOBER 2021

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

Apologies: Cllrs Mike Barron and Julie Robinson

Also present: Cllr David Walsh

Officers present (for all or part of the meeting): Mike Garrity (Head of Planning), Kim Cowell (Development Management Area Manager East), Naomi Shinkins (Lead Project Officer), Neil Turner (Development Team Leader), Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

Public Participation

Written Submissions

Minute 221

Stephanie Tulk

John Burtenshaw

Mr Paull, Divisional MD - McCarthy & Stone - Applicant

218. **Apologies**

Apologies for absence were received from Councillors Mike Barron and Julie Robinson.

219. **Declarations of Interest**

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

Cllr Shane Bartlett took the opportunity to confirm that whilst he was aware of the application, in being a member of the Town Council's Planning Committee, he had taken no part in meetings or decisions on this.

220. **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.

221. **3/21/1556/FUL - Redevelopment of Wimborne Market to continuing**

care community comprising of 67 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, one wellness centre, 9 open market houses, parking , highway improvements and pedestrian link (description amended 24.09.2021 as agreed to include dwelling numbers) at Wimborne Market, Station Terrace, Wimborne Minster

The Committee considered application 3/21/1556/FUL for the redevelopment of Wimborne Market to continuing care community comprising of 67 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, one wellness centre, 9 open market houses, parking , highway improvements and pedestrian link (description amended 24.09.2021 as agreed to include dwelling numbers) at Wimborne Market, Station Terrace, Wimborne.

The Committee were informed that the application had been referred to the Committee by the Head of Planning due to the scale of development and in the public interest and that consideration at this time was due to the fact that there was an appeal for a previous refusal – on the grounds of the need for affordable housing, heathland mitigation and flooding to be adequately addressed - which was imminently due to be heard at a public inquiry and the current scheme was seeking to overcome and address the previous reasons for refusal. Members recognised that given this it was therefore important to get a decision as soon as possible, as this could have a significant bearing upon the twin track appeal.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character the area, taking into account the policies against which this application was being assessed.

The officer provided an update that Condition 21 had been amended to specify the retirement living aspects and accommodation only – so as to not infer that the 9 open market houses were included – with the reason being amended too to state that the parking was specific to the aged restricted development.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development and of the individual properties, with examples being given of how typical properties would be designed, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; access and highway considerations; environmental considerations; drainage and water management considerations, the means of landscaping, screening and open space provision and its setting within that part of Wimborne Minster and the wider landscape. Flooding, heathland mitigation and affordable housing issues were all given particular consideration.

The site was still currently in occasional use as a market - but this was to shortly cease - and currently contained a number of late 20th century market buildings, covered areas and a multi-storey car park, all being situated on tarmacked hardstanding with surface car parking available on site too.

Officers showed the development's relationship with other adjacent residential development and how the buildings were designed to be in keeping with the characteristics of the established local environment. The characteristics and topography of the site was shown and its relationship with the highway network. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary.

Moreover, with regard to financial information of the benefits of the proposal, officers explained what contributions were to be secured through Section 106 legal agreement, these being:

- £111,164 towards heathland mitigation
- £1,066,219 towards affordable housing

together with a net increase in 20 jobs, were considered to be of material consideration to the application.

In summary, the officer's assessment considered the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other materials considerations, with this being considered in relation to the social, economic, and environmental benefits to be provided by the proposal. Therefore, it was considered the proposal was acceptable in relation to material planning considerations with all significant planning matters having been appropriately, or adequately, addressed. Previous reasons for refusal - relating to drainage, heathland mitigation and affordable housing contributions - had now been overcome with the submission of satisfactory additional information and the completion of the S106 Legal Agreement securing required contributions, so this formed the basis of the recommendation being made by officers to approve the application.

The Committee were notified of written submissions 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.

Formal consultation had seen comments from Wimborne Minster Town Council, primarily regarding issues about the highway and parking aspects of the application, and from Colehill Parish Council, who were objecting on much the same grounds. The Environment Agency raised no objection on the basis that conditions regarding flooding, drainage and water management would be enacted. Officers updated on the number of public representations received – this being 6 objecting to and 3 supporting the application.

The opportunity was then 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. Some important points raised were and which they considered still required clarification were :-

- how access arrangements and traffic flows would be managed and how this had been assessed
- how flooding, surface water and drainage issues would be satisfactorily managed, particularly in respect of the area around Leigh Road, which already experienced issues before, very recently in some cases
- what heathland mitigation there was to be and how this would be applied
- what energy efficient measures were being applied
- how meaningful social interaction could be encouraged between the development and areas in and around Wimborne
- how the affordable housing element of the application could be best applied to benefit the area, if at all practicable.

Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable.

Of importance was that officers considered the flooding, water management and drainage issues to be addressed by virtue of conditions and, in the absence of any objection from the Environment Agency (provided these conditions were enacted) and having assessed the available evidence thoroughly, were confident that those concerns relating to water management could be satisfactorily addressed. There was also no reason to believe that surface water run off would inadvertently worsen the effect on surrounding roads and, indeed, the measures being taken could well serve to alleviate matters to a degree.

Similarly given the assurance by the Highways Officer that the highway and traffic management issues could be successfully accommodated as part of the development and having analysed the evidence in respect of this, officers were satisfied that this had been suitably assessed.

Officers informed members that there was provision in the conditions for the need for 10% of the total regulated energy used to be from renewable, low-carbon, and decentralised energy sources, with district heating and/or power facilities being considered too. Whatever green energy provision was practicable would be given consideration and applied as necessary - and Building Regulations providing for certain criteria to be met for energy efficient measures and insulation, to meet the necessary standards - but there was no requirement for any specific application.

One of the two Local Ward members, Councillor Shane Bartlett, took the opportunity to address the Committee. Whilst he had reservations that the site could have been better used, in his opinion, for alternative commercial development, he recognised the need for such accommodation within the town, that there was a need to make the best use of the land, and this

development would contribute towards meeting the need for housing. In being assured that the maintenance of the development's road network would be managed satisfactorily, that the flooding issues would be satisfactorily addressed and that that if there was an opportunity for affordable housing in the vicinity of Wimborne to be actively pursued, then on that basis, he felt obliged to support the application given there were no material considerations on which it could reasonably be refused. Although recognising it was not a planning consideration, he considered that given the significant increase of housing across Wimborne in recent years, this should be seen to justify the need for a substantial supermarket within the town.

The other local Ward member for Wimborne Minster - Councillor David Morgan - was of a similar view to Councillor Bartlett on what use the site could have been put too, but again supported the application as it stood.

The issue raised that the allocation of affordable housing should be within Wimborne, or at least the old East Dorset district area, was echoed by other former East Dorset members as they considered the benefits of this should be maintained as close to the development as possible. However, officers explained the criteria for such allocation and, whilst the affordable housing could not necessarily be guaranteed for the Wimborne or East Dorset area, the Committee were assured that this would be applied so that an identifiable need was met, based on its deliverability, an available site and the viability of the scheme so there was flexibility in how and where this could be best applied.

From debate, the majority of the Committee considered the proposal to be acceptable - understanding the fundamental issue of housing land supply, the need for accommodation of this sort and in making the best use of the land available – and considered that this development would significantly contribute to meeting the identified housing supply need within Dorset and should be seen to be beneficial. They considered this development to be a significant improvement on what was already there and would be an asset to the town and the needs of its residents. They also considered that the outstanding issues previously identified as requiring attention had now been satisfactorily addressed and, as such, progress could now be made.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor David Tooke, on being put to the vote, the Committee agreed - by 7:1, with one abstention by Councillor Alex Brenton - to be **minded to** grant permission, subject to the conditions set out in paragraph 10 of the officer's report and in the officer's presentation update, with the enactment of their 'minded to' decision being made by the Head of Planning.

Resolved

1a) That planning permission be **minded to** be **granted**, subject to the conditions set out in paragraph 10 of the report and in the officer's presentation update, and 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:

- £111,164 towards heathland mitigation
- £1,066,219 towards affordable housing

Or

1b) **Refuse** permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 6 months from the date of the Committee or such extended time as agreed by the Head of Planning.

2) Having taken into consideration the Committee's minded to decision, the delegation to the Head of Planning to be authorised to grant permission be **enacted**, 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:

- £111,164 towards heathland mitigation
- £1,066,219 towards affordable housing

Reasons for Decisions

- The principle of development was acceptable.
- The number of residential units and mix of unit sizes were considered to be appropriate for the site.
- The proposed highway layout was acceptable and sufficient parking was proposed.
- The proposal was considered to be acceptable in its design and general visual impact on the character of the area and the adjacent conservation area.
- Required heathland mitigation and affordable housing contribution would be secured by legal agreement.
- The proposal was considered acceptable and there were no material circumstances which would warrant refusal of this application.

222. Urgent items

There were no urgent items for consideration.

223. **Public Participation Submissions and Written Representations**

3/21/1556/FUL - REDEVELOPMENT OF WIMBORNE MARKET TO CONTINUING CARE COMMUNITY COMPRISING OF 67 AGE RESTRICTED APARTMENTS, 26 AGE RESTRICTED BUNGALOWS, 6 AGE RESTRICTED CHALET BUNGALOWS, ONE WELLNESS CENTRE, 9 OPEN MARKET HOUSES, PARKING , HIGHWAY IMPROVEMENTS AND PEDESTRIAN LINK (DESCRIPTION AMENDED 24.09.2021 AS AGREED TO INCLUDE DWELLING NUMBERS) AT WIMBORNE MARKET, STATION TERRACE, WIMBORNE MINSTER

Stephanie Tulk

I believe the proposed redevelopment of the land at Wimborne Market will be a great improvement on what is there now. This site is surrounded on all sides by either housing or industrial units and does not impact on any SSSIs. Surface water drainage flood risks can be cured by proper soak-away drainage which surely can't be an issue for this company or the council to cure, and with a large elderly population in the area the community can only benefit from this change of usage. The reinstatement of the pedestrian link between Station Terrace and Grenville Road is long overdue. This application appears to be a win-win situation for the Town. The Council and the Applicant should be able to sort this out by conversation without the costs involved of going to appeal.

John Burtenshaw

As my flat overlooks the site I fully support the redevelopment of Wimborne Market as proposed by McCarthy and Stone. The current area is an eyesore with derelict buildings and prone to anti-social behaviour.

The proposal is inline with the Government policy of increasing care facilities for the elderly.

For your information the entrance to the original Cattle Market was always Granville Road prior to the closure of Wimborne railway station on 2 May 1977.

All the plans are doing is to re-establish the entrance to the site.

Whatever development of the Market site is proposed, a minority

Granville Road residents will always attempt to block it. This cannot be allowed.

Mr Paull, Divisional MD - McCarthy & Stone - Applicant

Chairman and Members of the Committee, my name is Shane Paull and I am the Divisional Managing Director of McCarthy and Stone.

As the UK's largest developer of retirement communities I am pleased to present this is exciting opportunity to develop the first ever Urban Retirement Village in the UK and where better than the thriving town of Wimborne, close to the roots of the company and indeed mine.

The local need for this type of accommodation will allow older people to live more independently for longer in accordance with relevant Planning Policy Guidance as detailed in the submitted documentation and endorsed by Dorset's Spatial Planning Team

The pandemic has shown us how important private space, community and companionship is to our homeowners. The landscape led scheme shows bungalows nestled in the grounds of the apartment block which fronts onto the village green and the wide range of communal facilities , health and wellbeing spaces. This scheme provide this and the services on offer includes a 24 hour staff presence and create a minimum of 20 full time jobs.

In addition, the development will embrace modern methods of construction. The bungalows will be developed in partnership with Rollalong, a Verwood based company which provides local employment. The bungalows will be of modular construction, a highly sustainable process which through the "fabric first" approach, will also result in buildings with lower energy needs than traditional buildings. This is good for both the environment and occupiers.

This investment is further enhanced by our commitment to use our local sub contractor network which we have grown after recent schemes in Broadstone, Dorchester and Poole. Financially this proposal is a commitment in excess of £23 million in construction and development costs.

The last two years has seen planning delays, whilst pent up demand has continued for our product. Therefore we are in a position to commit to a build start on site in the first half of 2022 and completion of the scheme in 2024.

I hope members share our excitement in seeing the first of this new flagship product in Wimborne and I am confident that its success will lead to a National roll out. I would also like to thank officers who have worked with us throughout this application and local stakeholders who have listened intently to these plans. Thank you

Duration of meeting: 3.00 - 4.50 pm

Chairman

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 27 OCTOBER 2021

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

Apologies: Cllr Bill Trite

Also present: Cllr David Walsh

Officers present (for all or part of the meeting): Anna Lee (Service Manager for Development Management and Enforcement), Kim Cowell (Development Management Area Manager East), Naomi Shinkins (Lead Project Officer), Neil Turner (Development team Leader), Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

Public Participation

Written submissions

Sarah Pickett

Nick Guildford, Wyatt Homes - applicant

224. **Apologies**

An apology for absence was received from Councillor Bill Trite.

225. **Declarations of Interest**

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

226. **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.

227. **3/17/0848/FUL - Hybrid planning application for (a) a full application for a development of 44 dwellings and associated works and (b) an Outline Application for the construction of a First School of 1.2 hectares in extent , and associate works - at Leigh Road, Colehill, Wimborne**

The Committee considered application 3/17/0848/FUL, which was a hybrid planning application for:-

- Full application for 44 dwellings with associated roads, footways, amenity areas, parking, open space, a drainage pumping station and a sustainable urban drainage system with surface water attenuation ponds in the eastern sector of the site as well as the provision of a principal access road from Leigh road as per the scheme approved under ref 3/14/1097/FUL other than the amended surface water drainage arrangements and ;
- Outline planning application for a First School of 1.2 hectares in extent with means of access via the road and footway system incorporated in the accompanying full application and other matters reserved :- all as part of the development provided for under Policy WWMC8 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014)

at Leigh Road, Colehill, Wimborne.

The Committee were informed that the application had been referred to the Committee by the Head of Planning due to the scale of development and in the public interest.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character the area, taking into account the policies against which this application was being assessed, including the Development Plan: Christchurch and East Dorset Core Strategy (Part 1) 2014, National Planning Policy Framework (NPPF) 2019 and the Dorset Heathlands Planning Framework SPD 2020-2025, East Dorset New Neighbourhood Masterplan 2012 and accorded with policies on Housing Delivery, Affordable Housing and Housing Mix.

The officer provided a series of updates in that:

- the application was within the Colehill and Wimborne East Ward
- that the site was wholly within Flood Zone 2
- that the trigger for a viability study was if the 44th dwelling had not been commenced which would be secured by a legal agreement
- that Dorset Waste Services had agreed with the officer assessment in paragraph 8.11 and
- that Condition 2 had been clarified to read "...that the two speed reducing bends to the south west and the south east".

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development and of the individual properties, with examples being given of how typical properties would be designed, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; access and highway considerations; environmental considerations; drainage and water management considerations, the means of landscaping, screening and open

space provision; local amenity provision; what arrangements there were for the provision of the First School and the development's setting within that part of Colehill/Wimborne Minster, the wider landscape, Dorset Heathland and Green Belt considerations, for the sports facilities of the school. The school site would be slightly elevated so as to better manage surface water and drainage. Whilst the application was being considered in the whole, the presentation focused on the three elements: housing, the school and the access arrangements – and how each would complement the others

Officers showed the development's relationship with other adjacent residential development and how the buildings were designed to be in keeping with the characteristics of the established local environment. The characteristics and topography of the site was shown and its relationship with the highway network. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary.

Moreover, with regard to financial information of the benefits of the proposal, the following were considered to be material to the application with contributions to be secured through Section 106 legal agreement:

- Affordable housing - £110,000
- Education - £235,200
- Education Land - £60,000

In summary, the officer's assessment considered the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other materials considerations, with this being considered in relation to the social, economic, and environmental benefits to be provided by the proposal. Therefore, it was considered the proposal was acceptable in relation to material planning considerations with all significant planning matters having been appropriately, or adequately, addressed so this formed the basis of the recommendation being made by officers to approve the application.

The Committee were notified of written submissions 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.

One of the two Local Ward members, Councillor Maria Roe, took the opportunity to address the Committee, objecting on two grounds: flooding and highways. She raised concerns about how flooding might compromise the site and, whilst mitigation measures were proposed, as it was seen to be a floodplain, did not believe that consideration should be given to building there as parts of Wimborne Minster East were experiencing more frequent flooding and seemingly the drainage system was unable to cope from the surface water when there was heavy rainfall. She considered there was a need to keep natural floodplains because they enable water to drain away naturally into the land. She was also concerned that the local road network capacity would be compromised too from this development.

Formal consultation had seen an objection from Colehill Parish Council, regarding concerns about flood risk and lack of sufficient parking and from Wimborne Minster Town Council who, whilst not objecting, had raised issues they considered required attention. Public objections received related to parking and highway considerations, flooding and the development's effect on amenity.

The opportunity was then 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.

Some important points raised, some of which they considered still required clarification, were:-

- how access arrangements and traffic flows would be managed and what effect there would be on the highway network and how this had been assessed
- how flooding, surface water and drainage issues would be satisfactorily managed, particularly in respect of the area around Leigh Road, which already experienced issues before, very recently in some cases
- how the elevation of the school site might impact, both positively and negatively, on drainage and water management
- the connectivity of the site to Wimborne and Colehill and to local amenities
- what considerations had been given to building within the Green Belt and the implications for this
- what energy efficient measures were being applied
- an assurance that the management and a maintenance of the development's internal road network would be achieved satisfactorily and would be of adoptable standards
- an assurance that trees would be retained wherever possible and practical
- that the attenuation pond would be routinely managed, maintained and monitored, as necessary
- how the S106 contributions would be applied and allocated and particularly how the affordable housing element of the application could be best applied

Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable.

Of importance was that officers considered the flooding, water management and drainage issues of the development, and particularly the school, to be addressed by virtue of conditions and by the elevation of the land on the school site and, having assessed the available evidence thoroughly, were confident that those concerns relating to water management could be satisfactorily addressed, with sufficient mitigation arrangements being built into the conditions.

Similarly given the assurance by the Highways Officer that the highway and traffic management issues could be successfully accommodated as part of

the development and having analysed the evidence in respect of this, officers were satisfied that this had been suitably assessed.

Officers informed members that if practicable green energy provision would be given consideration and applied as necessary generated from renewable, low-carbon, and decentralised energy sources, with district heating and/or power facilities being considered too.

Officers were confident that regarding those issues and concerns raised by Members the application of the conditions and informative notes to any grant of permission would satisfactorily address all of those issues.

Members were advised that whilst the attenuation pond would not necessarily be routinely managed, it was in the interest of residents to report any issue they considered required attention.

From debate, the majority of the Committee considered the proposal to be acceptable - understanding the fundamental issue of housing land supply, and in making the best use of the land available – and considered that this development would significantly contribute and could be seen to be a betterment in meeting the identified housing supply need within Dorset and should be seen to be beneficial, an asset to the town and to the needs of its residents. The benefits of the town having a new first school were evident too.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Barry Goringe and seconded by Councillor Mike Dyer, on being put to the vote, the Committee agreed unanimously - by 9:0 - to be **minded to** grant permission, subject to the conditions set out in paragraph 13 of the officer's report and in the officer's presentation update, with the enactment of their 'minded to' decision being made by the Service Manager for Development Management and Enforcement.

Resolved

1a) That planning permission be **minded to** be **granted**, subject to the conditions set out in paragraph 13 of the report and in the officer's presentation update, and 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:

- Affordable housing - £110,000
- Education - £235,200
- Education Land - £60,000

Or

1b) **Refuse** permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 6 months from the date of the Committee or such extended time as agreed by the Head of Planning.

2)Having taken into consideration the Committee's minded to decision, the delegation to the Service Manager for Development Management and Enforcement to be authorised to grant permission be **enacted**, as per 1 a) and b) above.

Reasons for Decisions

- The delivery of housing on an allocated site to meet the District's needs
- The provision of land for a First School on an allocated site to meet the District's needs
- The offer of appropriate financial contributions to off-set the proposal's impact in relation to education services, protected heathland and affordable housing
- The siting, scale, and design of all buildings are considered appropriate to the site and its surroundings
- It is considered that the proposal would not give rise to any significant adverse impacts in any respect, and that the proposal accords with the Development Plan as a whole, and is acceptable in all material respects

228. **Urgent items**

There were no urgent items for consideration.

229. **Written submissions**

3/17/0848/FUL - HYBRID PLANNING APPLICATION FOR (A) A FULL APPLICATION FOR A DEVELOPMENT OF 44 DWELLINGS AND ASSOCIATED WORKS AND (B) AN OUTLINE APPLICATION FOR THE CONSTRUCTION OF A FIRST SCHOOL OF 1.2 HECTARES IN EXTENT , AND ASSOCIATE WORKS - AT LEIGH ROAD, COLEHILL, WIMBORNE

Sarah Pickett

We object to the scale of development along the boundary to Brookside Road which are all single story bungalows. The proposed development is out of

keeping with the height and scale with first floor windows overlooking our and neighbouring properties resulting in loss of privacy and significant shading and loss of light.

The latest amendments to design include raising the properties by 2ft to satisfy the new flood risk zoning. We haven't had any clarity on what properties this will relate to and the impact on boundary fencing. A 6 ft fence is proposed between our property and plot 26. However if plot 26 is now being raised by 2ft, we object to potential ground floor windows overlooking our property as the net effect will only be a 4ft screening.

The development at Quarterjack park which also backs onto Brookside Road has built single story bungalows along the boundary. Please consider the same planning restrictions to this development for consistency with planning design and consideration to the impact on the single story bungalows.

Nick Guildford, Planning Manager, Wyatt Homes – Applicant

Wyatt Homes is an independent housebuilder with a passion for delivering exceptional build quality and a significant interest in the local community.

The Leigh Road site is an essential part of the council's 5-year housing land supply and will bring forward the final piece of the Council's South of Leigh Road New Neighbourhood Allocation for which Wyatt Homes has already delivered 81 new homes off Parmiter Drive in parallel with:

- The new home for Wimborne Town Football Club
- A popular skate park
- Allotments, public open space and a SANG

Local people are waiting to buy the new homes, our sales team receiving regular queries as to when the Leigh Road development will be available. Over 100 people, the majority currently living within 20 miles, have already registered an interest in purchasing.

In addition to 44 much needed new homes the proposals will provide another key piece of community infrastructure, the land for a new First School that will serve the wider New Neighbourhood including Quarter Jack Park to the south.

We have worked positively with your officers during the application process to refine the scheme in response to comments, including those raised by local residents one of which has thanked us for the proactive approach we have taken to addressing their concerns. The scheme before you is not subject to any objections from technical consultees including Highways, Dorset Natural Environment Team, East Dorset Environmental Partnership, Dorset Wildlife Trust or Natural England.

The proposed sustainable drainage scheme has been designed to take into account future climate change and includes a large detention basin on the

eastern part of the site that will capture all surface water from hard surface areas including buildings. This, alongside diversion and enhancement of the existing ditch along Leigh Road to provide a more natural flow path, will provide betterment over the site remaining undeveloped.

The drainage proposals have been subject to detailed scrutiny by the Council's Flood Risk Management Project Engineer who has confirmed no objection. The Environment Agency has also raised no objections noting the scheme has applied a robust precautionary approach to dealing with flood risk.

To further address climate change, in addition to provision of infrastructure to enable electric vehicle charging on all plots, the new homes themselves will be designed to reduce carbon emissions by at least 30%, in excess of current building regulation and planning policy requirements.

We commend your professional officers' recommendation to you on this application and subject to your endorsement today, look forward to delivering another high-quality development for the area, our intention being to commence on site next summer.

Thank you.

Duration of meeting: 10.00 - 11.30 am

Chairman

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 1 DECEMBER 2021

Present: Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, David Morgan and David Tooke

Apologies: Cllrs Mike Barron, Julie Robinson, Bill Trite and John Worth

Also present: Cllr David Walsh

Officers present (for all or part of the meeting): Mike Garrity (Head of Planning), Kim Cowell (Development Management Area Manager - East), Elizabeth Adams (Development Management Team Leader), Kevin Riley (Senior Planning Officer), Andrew Douglas (Senior Tree Officer), Lara Altree (Senior Lawyer – Regulatory) and David Northover (Senior Democratic Services Officer)

230. **Apologies**

Apologies for absence were received from Councillors Mike Barron, Julie Robinson, Bill Trite and John Worth.

231. **Declarations of Interest**

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

232. **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.

233. **3/20/2260/FUL - To sever Plot, Demolish Remaining Part of Existing Dwelling and Erect Replacement Dwelling at Smugglers Hyde, 47 Brook Lane, Corfe Mullen**

Members considered application 3/20/2260/FUL, which was designed to sever a plot, demolish the remaining part of the existing dwelling and erect a replacement dwelling at Smugglers Hyde, 47 Brook Lane, Corfe Mullen.

Officers explained that following a severe fire at the original property - which had destroyed the majority of the structure - the site had been previously the subject of numerous alternative applications for its redevelopment, all of which

had either not been fully pursued, granted, refused or remained undetermined, with appeals pending, in respect of the latter.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; 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 the area, taking into account the policies against which this application was being assessed.

Plans and photographs provided an illustration of how the plot was proposed to be used overall; the location, orientation, dimensions and appearance of the development and how it was designed to be in keeping with other neighbouring properties; along with its ground floor plans; the materials to be used; access and highway considerations; environmental and land management considerations; drainage and water management considerations, the means of landscaping and screening and the development's setting within that part of Corfe Mullen. Drawings also showed how Smugglers Hyde looked before the fire.

Officers showed the development's relationship with other adjacent residential development, with the characteristics and topography of the site being shown. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary.

What assessment had been made in the officers coming to their recommendation were drawn to the attention of the Committee, with the proposal being considered to be acceptable in relation to material planning considerations, with all significant planning matters having been appropriately, or adequately, addressed.

The Committee were notified of a written submission – received from Corfe Mullen Parish Council - and officers read this direct to the Committee, being appended to these minutes. Their objection was on the grounds of highway and access issues; the size and characteristics of the development and how the plot was to be used; and overlooking.

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.

Officers updated on a response received from the Rights of Way team, who had no objection on the basis that access to the bridleway would not be compromised in any way.

Concerns raised from local representations were that construction of the basement could compromise the stability of the surrounding ground and cause issues to nearby dwellings. However, assessments made showed that that would not be the case, given that there was 12 metres separation between this proposal and the nearest other residential property.

The opportunity was then 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.

Some important points raised, some of which they considered still required clarification, were:-

- how access arrangements and highway issues would be managed and what effect there would be on the highway network and how this had been assessed
- how the S106 agreement would be enacted and on what basis this would be, in the event this element was required
- how the relevant policies in the Local Plan were assessed and applied in respect of this application - in terms of density of development on this specific site
- how the design of this development was assessed and how it compared with the previous applications submitted

Officers addressed the questions raised – and provided what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable.

Of importance was that officers considered that:

- the proposal was located within the boundary of the Corfe Mullen Main Urban Area and was considered to be sustainable and acceptable in its design and general visual impact.
- there was not considered to be any significant harm to neighbouring residential amenity.
highway safety was not harmed by the proposal.
- there were no material considerations which would warrant refusal of the application

and that this was the basis of the assessments made and the recommendation before the Committee.

From debate, the majority of the Committee considered the proposal to be acceptable - in making the best use of the land available – and considered that this development would be of benefit, given the condition of the site as it stood, and had been standing, for a number of years.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representation; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor Barry Goringe, on being put to the vote, the Committee agreed unanimously - by 6:1 - to be **minded to** grant permission, subject to the conditions and informative noted set out in paragraph 17 of the officer's report, with the enactment of their 'minded to' decision being made by the Head of Planning.

Resolved

1) That planning permission for the application be '**minded to**' be granted, subject to the conditions and informative notes set out in paragraph 17 of the report and the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- an agreement not to build out the approved dwelling to the north of the site (3/19/0382/FUL) and recommends that the Head of Planning or Service Manager for Development Management and Enforcement determines the application accordingly.

2) That the Committee would be minded to refuse planning permission, for the reasons set out below, if the legal agreement was not completed by 1st June 2022 or such extended time as agreed by the Head of Planning.

3) Having taken into consideration the Committee's minded to decision, the delegation to the Head of Planning to be authorised to grant permission be **enacted**.

Reasons for Decisions

In the absence of a satisfactory and completed legal agreement not to build out the approved dwelling to the north of the site (3/19/0382/FUL), there would be an extant planning permission for a development considered to be incompatible with the proposal; due to the contrast in design style and close juxtaposition of the dwelling in this proposal and the approved dwelling to the north of the site these two dwellings would read as one disproportionately large building with a visually discordant relationship with each other and the neighbouring development. As such the proposal would be contrary to policy HE2 and paragraph 134 of the NPPF 2021.

and recommends that the Head of Planning or Service Manager for Development Management and Enforcement determines the application accordingly.

234. **6/2020/0560 - To convert and extend existing barn into 4 x 2 bedroom residential units with parking and the reuse of existing access at Spyway Orchard Barn, Durnford Drove, Langton Matravers**

The Committee considered application 6/2020/0560 - to convert and extend an existing barn into 4 x 2 bedroom residential units, with parking, and the reuse of the existing access at Spyway Orchard Barn, Durnford Drove, Langton Matravers.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; 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 the area, taking into account the policies against which this application was being assessed.

Plans and photographs provided an illustration of how the existing barn looked and how it would be reconfigured; the location, orientation, dimensions

and appearance of the development and its elevations and how it was designed to be in keeping with other neighbouring properties; along with its ground floor plans; the materials to be used; access and highway considerations; environmental and land management considerations; drainage and water management considerations, the means of landscaping and screening and the development's setting within that part of Langton Matravers and the Dorset AONB.

Officers showed the development's relationship with other adjacent residential development - including the recently approved new development at Spyway Orchard, which was currently in the process of being constructed - with the characteristics and topography of the site being shown. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary. Officers updated that a Biodiversity Plan had now been agreed by the Dorset Natural Environment Team and certification had been issued to that effect.

What assessment had been made in the officers coming to their recommendation were drawn to the attention of the Committee, with the proposal being considered to be acceptable in relation to material planning considerations, with all significant planning matters having been appropriately, or adequately, addressed.

The Committee were notified of a written submission – received from Langton Matravers Parish Council - and officers read this direct to the Committee, being appended to these minutes. Their objection was on the grounds of how policies in the National Planning Policy Framework (NPPF) were being applied; the lack of affordable housing; the adverse impact on nature conservation and biodiversity; layout and visual appearance; and the proposed design was not in line with Dorset's emerging policies on the environment and the climate change emergency.

Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed in how their assessments had been made and by the provisions of the application. Concerns raised from local representations related to flood risk; the failure to enhance setting and disproportionate additions to the original building; harm to the AONB; and highway safety issues.

The opportunity was then 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.

Some important points raised, some of which they considered still required clarification, were:-

- how a Biodiversity Plan would be applied and what this entailed
- how access arrangements would be managed and maintained during construction, given the limitations of the highway network in that area and what consideration had been given to this
- what consideration had been given to energy efficient infrastructure

- the management of light pollution emanating from any roof lights and how this could be addressed
- how the housing policies in the NPPF were being assessed and applied in this case and the grounds on which those assessments were being made
- what assessment had been made of parking spaces and what consideration had been given to this being sufficient to meet the needs of residents.

Officers addressed the questions raised – and provided what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable.

Of importance was that officers considered that additional conditions and informative notes could be applied to address the issues raised in respect of the Biodiversity Plan being agreed; a Construction Management Plan being applied; the provision of roof light blinds, as practical, to mitigate light pollution and; the consideration of two additional parking spaces, as necessary and if practical to do so – although in practice this could well be achieved by informal arrangements to meet any need.

From debate, the majority of the Committee considered the proposal to be acceptable, in making the best use of the land available, and considered that this development would be an improvement in terms of appearance and use to that which already existed and be beneficial in contributing to meeting the housing needs in Purbeck - understanding the fundamental issue of housing land supply and the delivery of the necessary number of houses in Purbeck, given it had failed the housing delivery test - and bearing in mind that approval had been recently given for the new development being built adjacent, to the north of this. Members considered this development to be modest when set in the context of the new Spyway Orchard development.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representation; and what they had heard at the meeting, in being proposed by Councillor Mike Dyer and seconded by Councillor Shane Bartlett, on being put to the vote, the Committee agreed unanimously - by 7:0 - to be **minded to** grant permission, subject to the conditions and informative notes set out in paragraph 17 of the officer's report - and the additional conditions covering the Biodiversity Plan, a Construction Management Plan; the provision of roof light blinds and; the consideration of two additional parking spaces - with the enactment of their 'minded to' decision being made by the Head of Planning.

Resolved

1) That planning permission for the application be '**minded to**' be granted, subject to the conditions and informative notes set out in paragraph 17 of the report, in the officer's presentation and the following additional conditions:-

Condition 4 - amended in line with presentation

4. The development must strictly adhere to the mitigation measures set out in the Biodiversity Plan approved by the Dorset Natural Environment Team on 25.11.2021. The development hereby approved must not be first brought into

use unless and until the mitigation and enhancement/net gain measures detailed in the approved Biodiversity Plan have been completed in full, unless any modifications as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter the enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To mitigate and enhance/provide net gain for impacts on biodiversity.

Condition 9 - amended

9. Notwithstanding the parking details provided to date, before the development hereby approved is first occupied additional details identifying opportunities for visitor parking must be submitted to and approved in writing by the Local Planning Authority. The turning and parking shall be constructed in accordance with the approved details and 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 in the interest of highway safety.

Condition 10 - added in accordance with presentation

10. Prior to commencement of development hereby approved a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and local amenity

Condition 11 - added by Members

11. In the first instance and on all subsequent occasions the rooflights in the dwellings hereby permitted shall be fitted with automated electronic shutter blinds or louvres. The blinds or louvres shall be closed between sunset and sunrise should the room/s they serve be artificially lit.

Reason: To ensure that light emissions are controlled in the interest of protecting the dark night skies which characterise the Area of Outstanding Natural Beauty.

2) Having taken into consideration the Committee's 'minded to' decision, the delegation to the Head of Planning to be authorised to grant permission be **enacted**.

Reasons for Decisions

1) Paragraph 11 of the National Planning Policy Framework (NPPF) set out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.

2) The proposal would contribute to housing delivery in the Purbeck Area and would reuse an existing building whilst avoiding harm to assets of particular importance, namely the Dorset Area of Outstanding Natural Beauty and internationally designated Dorset Heathlands.

3) There were no material considerations which would warrant refusal of this application.

235. **3/21/1259/TTPO - T1 Oak: Reduce the canopy to the previous pruning points ca. 1.5-2m in all directions. Remove epicormic growth. Remove epicormic growth. Deadwood. T2 Oak: Pollard the tree by reducing the height by ca. 4-5m and the sides by 2-3m. Remove lowest lateral growing into T1 at 23 Beaufoys Avenue, Ferndown,**

Members considered application 3/21/1259/TTPO, so as to manage the growth of two oak trees: in reducing the canopy and removing epicormic growth and deadwood of one and to pollard and reduce the height of the other to more manageable levels, at 23 Beaufoys Avenue, Ferndown.

Officers explained that the reason the Committee were being asked to determine this application was that the applicant was a member of the Tree Team in Economic Growth and Infrastructure. On that basis it was required that, for reasons of transparency and propriety, the Committee should decide.

With the aid of a visual presentation what works would take place and the reasons why this husbandry was required was outlined by officers.

Plans and photographs provided an illustration of the location and of the oak trees themselves and their relationship with 23 Beaufoys Avenue and other nearby properties, being set in context with the characteristics and setting of that part of Ferndown.

Officers explained that the works were generally considered to be run of the mill and could be enacted as a matter of course. As their growth had become unwieldy and overbearing, the objective was to ensure the trees remained stable, safe and more manageable so as to be able to continue to thrive successfully.

Officers were confident that the submitted tree works were acceptable and would result in no harm to the character and setting of the area.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor Robin Cook, on being put to the vote, the Committee agreed unanimously - by 7:0 - to be **minded to** grant permission, subject to the conditions set out in paragraph 7 of the officer's report, with the enactment of their 'minded to' decision being made by the Head of Planning.

Resolved

- 1) That planning permission for the application be '**minded to**' be granted, subject to the conditions set out in paragraph 7 of the report.
- 2) Having taken into consideration the Committee's 'minded to' decision, the

delegation to the Head of Planning to be authorised to grant permission be enacted.

Reasons for Decisions

1)As the applicant was a member of the Tree Team in Economic Growth and Infrastructure.

2)In the interests of safety and acceptable tree management and husbandry for the benefit of the applicant and the management of their property.

236. **Urgent items**

There were no urgent items of business for consideration.

237. **Written Submissions/Public Participation**

3/20/2260/FUL - Sever Plot, Demolish Remaining Part of Existing Dwelling & Erect Replacement Dwelling at Smugglers Hyde, 47 Brook Lane, Corfe Mullen

Nicola Gray, Town Clerk – Corfe Mullen Town Council

Corfe Mullen Town Council should like to make the following statement in respect of the above application:

Having considered the application for this property, which has seen some 20 plus applications being presented to this Council over the last 10 years, all of which have been objected to for substantial and valid reasons. The Town Council is somewhat frustrated by the amount of time wasting which these continued applications cause and should like to request the Planning Authority considers the value of continued applications and the impact they have.

The Town Council recognise the Court Case which took place in March 2020 in respect of the restrictive covenant, which found the owner of Smugglers Hyde, 47 Brook Lane as “having an apparent desire to maximise, sometimes incrementally, the application land’s development potential”. And having “erected a sign at the rear of 155 Hillside Road stating that three houses were going to be built on the application land”, along with having “a fanciful description of Smugglers Hyde as a five-bedroom property, a description which was designed to make it look more similar to his proposed properties than was actually the case”, indicates the owner is attempting to force a decision in his favour. Although the Town Council is not putting forward this statement in relation to any covenant, the facts and outcome of the case which dealt with the covenant does provide a number of legitimate material matters which can form fundamental objections to the application.

Further to the information above, the Town Council has the following objections:

- The application is contrary to NPPF 110(b) in that the proposed development does not provide safe and suitable access to the site for all users. Access to site is dangerous as Brook Lane is a single track, un-adopted gravel lane which will not cope with additional traffic.

- • The proposed development would have an overbearing effect which would result in a detrimental impact to the amenity currently enjoyed by neighbouring properties.
- • Potential severing of the plot would result in high density housing for the remainder of the plot contrary to policy LN2.
- • The size of the proposed dwelling is overlarge for the severed plot and is unsympathetic to the more spacious character and appearance of existing development in the unmade part of Brook Lane. This will result in a cramped development which is out of character with the immediate area of Brook Lane and is therefore contrary to Christchurch and East Dorset Local Plan Policy HE2.
- • It is noted that the street scene provided as part of this application is totally misrepresentative, particularly in relation to the size of existing adjacent dwellings.

Members request the application is considered by the Planning Committee if the Officers comments are at variance to the above.

6/2020/0560 - Mr R Turner, Spyway Orchard Barn, Durnford Drove, Langton Matravers, BH19 3HG. Convert and extend existing barn into 4x2 bedroom residential units with parking re use existing access Use class C3.

Dr Mary Sparks, Parish Clerk, Langton Matravers Parish Council

Langton Matravers Parish Council OBJECTS to this proposal on the following grounds:

1. Policy CO (Countryside) does not apply in this case, The National Planning Policy Framework (NPPF) is explicit that the policy affecting the conversion of existing farm buildings does not apply in AONBs, SSSIs and Heritage sites (eg the Jurassic Coast), in this case all of the above apply (see identified constraints in PAP 2020/0007). Any grant of planning permission on this basis would be invalid and could result in judicial review. In the alternative, policy CO requires that any development in the countryside should make a positive contribution to landscape character and enhance biodiversity. This development neither makes the positive contributions nor the enhancements required. Indeed it detracts from both. (see further objections below). The NPPF does not permit development in the countryside “if the development would result in the external dimensions [...] extending beyond dimensions of the existing building”. As the dimensions of the proposed building do exceed the existing building then again the development is not permitted under the NPPF.

2. Rural Exception Site, As CO does not apply and it is a development outside the settlement boundary then RES does apply. This application fails to provide affordable housing as required the RES policy.

3. Adverse Impact on nature conservation and biodiversity (including the effect on trees). The current site has a rich and diverse ecology. The biodiversity appraisal, which appears to have been undertaken by someone other than a qualified ecologist, only and inadequately addresses matters relating to bats. Such an appraisal needs to be undertaken by a suitably

qualified person who should address all aspects of biodiversity so as to ensure there is no negative impact.

4. **Layout and visual appearance.** This development alongside the already approved Spyway Orchard development is an over-development having a negative impact on the surrounding countryside/AONB. The proposed design is not in keeping with the existing Langton Matravers vernacular style nor is it in keeping with the neighbouring Spyway Orchard development.

5. **Emerging policies (environmental and climate change).** The proposed design is not in line with Dorset's emerging policies on the environment and the climate change emergency.

Duration of meeting: 10.00 - 11.40 am

Chairman

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Dorset Council

Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for 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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Agenda Item 5

Planning Committee 5th January 2022

Application Number:	SEC/2020/0001		
Webpage:	Planning application: SEC/2020/0001 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Former St Marys School, Manor Road, Swanage, BH19 2BH		
Proposal:	Modify a Planning Obligation for planning permission 6/2018/0493 (Demolish temporary classrooms and outbuildings and convert existing remaining buildings to form 10 dwellings and erect 20 new dwellings with parking and landscaping. Removal of existing raised water tank) to remove requirement for affordable housing		
Applicant name:	Bracken Developments Ltd		
Case Officer:	Peter Walters		
Ward Member(s):	Cllr Suttle and Cllr Tritte		
Publicity expiry date:	26/07/2020	Officer site visit date:	N/A
Decision due date:	11/09/2020		

1.0 The application is being returned to the Planning Committee as the application seeks to vary an application previously considered at Committee in 2018 (the former Purbeck Planning Committee)

2.0 Summary of recommendation:

That the Committee would be minded to grant the application to allow the removal of the Section 106 legal agreement from application 6/2018/0493.

3.0 Reason for the recommendation: as set out in paragraph 16 at end of the report.

- It has been demonstrated that the proposed development is not viable if affordable housing is required.

4.0 Key consideration

Issue	Conclusion
Impact on viability of the development	The development is not considered to be viable if affordable housing is provided.

5.0 Description of Site

- 5.1 The site, with an area of 0.54 hectares (1.34 acres) is located to the west of Swanage Town Centre. Access to the site is from Manor Road to the south of the High Street. The site is terraced, with five different levels and slopes downwards in a northern direction towards the High Street. The site is located within the Swanage settlement boundary, within the Dorset Area of Outstanding Natural Beauty and within Swanage Conservation Area and close to several Listed Buildings (all Grade II). The site is also identified as being an area of high townscape value in the Swanage Local Plan. The site comprises the former St Mary's School, now vacant, following relocation to a new site in Northbrook Road, Swanage. The school buildings are located within the northern part of the site.
- 5.2 The main school buildings are constructed of stone elevations with flat, felt covered and part pitched tiled roofs. Others are temporary portable and lean-to structures. The buildings were used as a mixture of classrooms, hall, library and administrative facilities. The southern part of the site is dominated with hardstanding, with top highest terrace being a former parking area and the next terrace down being a playground. The next terrace down is a grass field. An area of hardstanding and temporary portable structures are located on the fourth terrace. On the last terrace is the old school buildings and a portable structure located to the west of the old school which, was formerly used as a pre-school.
- 5.3 There is a pedestrian footpath along the eastern boundary of the site. Immediately to the north of the site is a row of 19th Century terraced houses identified as positive buildings within the Conservation Area. The listed (Grade II) Methodist Church is located to the north of this terrace, with its open parking area fronting the high street. Residential properties are located to the west of the site in Queens Mead, with rear gardens separated from the site by Chapel Lane, a walled pedestrian route. A 3m high wall separates the site and Chapel Lane. A similar walled pedestrian path known as Sunshine Walk runs alongside the southern site boundary. This boundary varies in height from about 2m to about 3m. Along the eastern boundary is a Purbeck stone wall, which is listed due to being within the curtilage of Purbeck House Hotel.

6.0 Description of Application

- 6.1 The applicant is seeking to remove the obligation in the Section 106 legal agreement attached to the accompanying planning permission to provide 11 affordable housing units, on the basis that providing the affordable housing would render the proposal unviable. It should be noted that the proposal does not affect the development itself and so does not involve any changes to the design, layout, landscaping, access, parking or quantum of development.

It is proposed to implement permission 6/2020/0532 which granted permission for the conversion of existing building to form 10 dwellings and erect 20 new dwellings without any affordable housing provision.

7.0 Relevant Planning History

RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Decision issued
6/2018/0493	Demolish temporary classrooms and outbuildings and convert existing remaining buildings to form 10 dwellings and erect 20 new dwellings with parking and landscaping. Removal of existing raised water tank. : Former St Marys School, Manor Road, Swanage, BH19 2BH	Committee resolution to Approve subject to Section 106 Legal agreement 30.01.2019	02/04/2019
The decision to grant consent was subject to a Legal agreement dated 28 th March 2019 (under section 106 of the Town and Country Planning Act 1990) to secure 11 no affordable housing units intended for affordable rented or shared ownership			
6/2018/0494/LB Listed Building consent	Demolition of raised water tank & restoration of the summer house : Land at entrance of former St Marys School, Manor Road, Swanage, BH19 2BH	Approved	27/11/2018
6/2019/0577	Removal of condition 19 of planning permission 6/2018/0493 (Demolish temporary classrooms and outbuildings and convert existing remaining buildings to form 10 dwellings and erect 20 new dwellings with parking and landscaping. Removal of existing raised water tank) to allow unrestricted occupation of the dwellings : Former St Marys School, Manor Road, Swanage, BH19 2BH	Refused	21/04 /2020
Officer note: Condition 19 of planning permission 6/2020/0432, had required that: The properties shall only be occupied by a person as his or her only or principal home. The occupier shall supply to the Council (within 14 working days of the Council's request to do so) such information as the Council may reasonably require in order to determine compliance with this condition.			

Reason: To ensure that the approved properties are not used as second homes, which would harm the sustainability of local communities and would not contribute towards meeting local housing need.

Summary Reasons for refusal for application 6/2019/0577:

The provision of an open market home, would undermine the Local Planning Authority's ability to manage the number of new homes which are built as, or become, second homes in the Area of Outstanding Natural Beauty. contrary to Policy H14 of the emerging Purbeck Local Plan and paragraph 8 of the NPPF.

The Council considered that significant weight could be attached to emerging Policy H14 consistent with Paragraph 48 of the NPPF.

6/2020/0432	Removal of condition 19 of planning permission 6/2018/0493 (Demolish temporary classrooms and outbuildings and convert existing remaining buildings to form 10 dwellings and erect 20 new dwellings with parking and landscaping. Removal of existing raised water tank) to allow unrestricted occupation of the dwellings	Approved	07/12/2020
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Officer note: In the light of appeal decision APP/D1265/W/20/3252152 and the award of costs against the council, it was considered premature to apply this policy. The original S106 remains applicable to this permission.

8.0 List of Constraints

Within Swanage Conservation Area

Within Dorset AONB

Adjacent to Grade II listed building – Clarence Cottage and East Boundary Walls to Garden - Distance: 12m from site

Adjacent to Grade II listed building – The Methodist Church and Hall Immediately East and Boundary Walls to West and North – Distance: 17m from site

Adjacent to Grade II listed building – Stables and Outbuildings to Purbeck House – Distance: 19m from site

9.0 Consultations

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

Consultees

1. Town Council - Swanage

- Objection
- Considered that circumstances have not significantly materially changed since planning application was submitted.

- Considers that the proposal will have a material adverse impact on local housing needs.

2. Dorset Council – Ward Member – Cllr Trite

- Objection
- Considers that the removal of affordable housing is not justified

3. District Valuation Service (DVS)

- Considers that based on the details provided that the proposal is no longer viable if affordable housing is included as part of the scheme.

Representations received

In addition to letters to neighbouring properties, a site notice was posted on the site on with an expiry date for consultation of 12th June 2020. An advert was also published in the local newspaper with an expiry date of 26th July 2020.

Total - Objections	Total - No Objections	Total - Comments
5	0	0

Summary of Comments against:

- Affordable housing is needed in Swanage.
- Purbeck area already extremely expensive to live in.
- Hard to understand what has changed significantly since the application was submitted.

10.0 Relevant Policies

Development Plan:

Purbeck Local Plan Part 1 (2012):

Policy SD - Presumption in favour of sustainable development

Policy AH - Affordable Housing

Swanage Local Plan

Policy SS: Swanage Settlement

Material considerations

Emerging Purbeck Local Plan

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At

the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). An additional consultation on Further Proposed Main Modifications is scheduled to open in December 2021 and close early in January 2022. The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the council's position following consultation on proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

- H11 Affordable Housing
- H14 Second Homes

National Planning Policy Framework (NPPF) revised June 2021

Paragraph 57 of the NPPF states:

“Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.”*

Paragraph 58 of the NPPF states:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

Other material considerations

Purbeck Affordable Housing SPD

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.

- The proposal does not include any physical changes to the previously approved scheme where this matter is considered.

13.0 Financial benefits

- None

14.0 Climate Implications

14.1 The proposal is to remove the requirement for the provision of affordable housing. This will not have any climate implications.

15.0 Planning Assessment

- 15.1 With the exception of the provision of affordable housing the proposal would be identical to that previously approved under extant permission 6/2020/0532 which varied the conditions attached to 6/2018/0493. Both permissions are subject to a planning obligation which secures 11 units of affordable housing to make the development acceptable in relation to Local Plan policy AH.
- 15.2 Policy AH seeks to secure affordable housing contributions but recognises that there will be occasions where exceptional circumstances make this requirement unviable and so provides the opportunity for viability to be appraised.
- 15.3 It is necessary to consider whether the applicant has demonstrated in accordance with policy AH that there are significant economic viability constraints that would prevent the provision of affordable housing, such that the proposal would be acceptable in the absence of the planning obligation.

Impact on viability of the development

- 15.4 The applicant has applied to remove the S106 legal agreement that requires the provision of 11 affordable housing units as part of the development. In this instance, Policy AH of the Purbeck Local Plan allows for development of 100% open market housing where it can be satisfactorily demonstrated that a scheme with affordable housing is not viable. Therefore, if the viability argument is satisfied, the S106 agreement can be removed without resulting in the approved scheme being contrary to the Development Plan. Following the grant of planning permission for the application, the applicant has undertaken a review of the viability of the scheme. The report states that:

“The viability review demonstrates that the site is not deliverable within the current planning gain framework. The reasons for this are the significant CIL contributions, the on-site abnormal works costs and the provision of affordable housing. The CIL charge and abnormal works costs cannot be reduced and as such the project will only come forward on the basis of 100% private sales scheme and even then only on the basis of a reduced profit margin”.

- 15.5 The applicant therefore contends that on the basis of the increased CIL charge and the abnormal costs associated with developing the site along with the high Existing and Alternative Land Use Values the proposal is therefore no longer viable if the requirement to provide affordable housing remains. These increased costs are set out in more detail below.

15.6 The applicant states that abnormal costs, some of which have come to light following the grant of the original planning permission have increased the overall cost of development and resulted in a scheme that is unviable. They state the following costs are abnormal:

• Demolition of Tower	£25,000
• Clearance (slab & structures)	£50,000
• Off Site Heritage Conservation	£45,000
• Underbuild	£38,700
• Retaining walls 1.5m	£168,000
• Attenuation & Hydrobreak	£20,000

15.7 The demolition of the water tower is necessary to provide access to the site, and was approved as part of the original planning application. The site is currently occupied by a number of former school buildings which would not be retained as part of the proposals. The off-site heritage costs were also agreed as part of the planning application. The underbuild relates to some of the parking provision.

15.8 The Council has secured advice from the District Valuer Services (DVS) to assess the applicant's viability review. The District Valuer (DV) acknowledges that although the parking could be provided elsewhere, this is likely to have an impact on property values (as it would require the use of other open space) and therefore the subsequent decrease in property values would have a similar impact to the viability of the scheme. The retaining walls are required due to the topography of the site, which is on an incline and the attenuation and hydrobreak are additional measures required to drain the site successfully. In terms of the values provided for each of these abnormal costs, these have been independently verified by the District Valuer as being reasonable. As a result, the total additional costs are £346,700 in addition to the normal costs of developing the site.

15.9 Officers have discussed with the DVS whether the submitted costs should be considered to be abnormal, given that the developer would have been aware of many of these costs at the point of submitting an application. However, the Planning Practice Guidance (PPG) describes abnormal costs as:

How should costs be defined for the purpose of viability assessment?

Assessment of costs should be based on evidence which is reflective of local market conditions. As far as possible, costs should be identified at the plan making stage. Plan makers should identify where costs are unknown and identify where further viability assessment may support a planning application.

Costs include:

- build costs based on appropriate data, for example that of the Building Cost Information Service
- abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or costs associated with brownfield, phased or complex sites. These costs should be taken into account when defining benchmark land value

Planning Practice Guidance Paragraph: 012 Reference ID: 10-012-20180724

- 15.10 The DV, on the basis of the PPG set out above, advise that the costs that the applicant has submitted as abnormal costs are within the definition above. As a result, they consider that it is acceptable and reasonable for those costs to be taken into account, even if they did not form part of the original assessment.
- 15.11 The development of the site is based on using the BCIS Upper Quartile Rate for development. Although the DV, who provided independent evaluation of the figures, initially raised concerns about the use of the Upper Quartile rate, they have now accepted that this is the correct rate to use as the site is situated within the Swanage Conservation Area and therefore the materials schedule is more expensive than would otherwise be the case. The use of the BCIS Upper Quartile Rate was considered to be acceptable when the parent application (6/2018/0493) was submitted. Officers consider that it is reasonable to continue to use this as the base rate.
- 15.12 As a result of these costs, the overall cost of developing the site is increased to £5,619,774. This proposal includes a 5% contingency for the new build development and a 10% contingency for the refurbishment element of the development. This provides a blended contingency of 5.9% across the whole project (as the new build element accounts for a larger proportion of the development).
- 15.13 The revenue from affordable housing is lower than open market housing, and this has an impact on the viability of the scheme.
- 15.14 The applicant also cites the increase in CIL rates as affecting the viability of the development. The CIL Charging Schedule is reviewed on an annual basis. At the

present time for residential developments, the charge is £256.15 per square metre in Swanage, which is higher than at the time the decision was issued. It is noted that the approved scheme included relief for the provision of the affordable housing. This meant that the CIL rate was £576,044. The removal of all affordable housing from the scheme will result in an increased CIL liability of £738,340, an increase of £215,779. The increased CIL liability is offset by the ability of the applicant to sell the residential units as open market housing.

15.15 The viability assessment completed by the applicant determined that the project residual value of the scheme will be -£801,444. This figure assumes that the scheme will be sold as 100% open market housing. The inclusion of affordable housing would have a greater impact on the viability of the scheme. The scheme can be delivered at a profit margin of 10.5% on the Gross Development Value, which is lower than the industry standard.

15.16 The Council has employed by the District Valuer Service to provide an independent assessment of the viability appraisal. Policy AH of the Purbeck Local Plan Part 1 states that:

Where it is considered that there are significant economic viability constraints that would prevent the provision of affordable housing in accordance with the policy, the applicant will be required to provide full justification of exceptional circumstances to the Council's satisfaction. Such justification will be expected to include a financial viability appraisal, site suitability appraisal, and development mix appraisal. This 'open book' approach will enable the Council to form a view on the viability of the proposed scheme, including the identification of economic constraints (for example, existing high use values) and their impact. The appraisal will be subject to independent verification, which the applicant will be expected to fund.

15.17 The District Valuer has considered the information provided against the current CIL rates and house prices. Officers asked the DV to consider whether a smaller contribution of affordable housing could be provided, as opposed to the provision of no affordable housing. The DV considered whether the level of affordable housing agreed at the time of the planning application could be provided (35%). They also considered the viability of the scheme with lower levels of affordable housing, initially considering that 6% affordable housing provision may be achievable. This was in light of evidence provided in relation to the likely purchase value of the properties which resulted in a revised Benchmark Land Value.

15.18 However, the DV undertook further studies to establish the potential existing use value (EUV) of the site as well as reasonable alternative uses (AUV) for the site (which given the central location within the town is relatively high). On top of the existing use value is the premium of 20% for the landowner to sell the land. Additionally, a third-party landowner is also expected to receive a premium, calculated at £180,000.

- 15.19 This resulted in a Residual Land Value which was less than the adopted Benchmark Land Value that the DVS used when 6% affordable housing was considered (derived from the Existing Use Value (EUV)). This took account of the increase in CIL liability resulting from a higher proportion of open market houses that do not benefit from social housing relief from CIL. The DVS notes that for the proposed scheme to be judged as financially viable on this site the residual land value needs to be higher than the EUV and also offer a sufficient premium compared to other valuation approaches. As a result of this, the DVS advise that the site is not financially viable with the presence of any affordable housing on it.
- 15.20 The abnormal costs, along with the high land values and higher CIL rates in combination reduce the profit margin of the scheme to a point where, in the opinion of the DVS, only a 100% open market housing scheme is viable.
- 15.21 Policy AH of the Purbeck Local Plan Part 1 requires the applicant to justify not providing affordable homes on the grounds of viability. In this instance, officers consider that this is justified and therefore the proposal is compliant with the Development Plan. It is noted that there have been objections to the proposal by the Town Council and members of the public on the grounds of the need for affordable housing in the area. Officers acknowledge that this is the case. However, as set out above, the applicant is entitled to apply to remove the obligation and officers are satisfied that the viability assessment evidences that the development is not viable if affordable housing is provided and is therefore not contrary to Policy AH of the Purbeck Local Plan Part 1.

Impact on the original planning balance

- 15.22 The original permission 6/2018/0493 was judged to be acceptable in all respects subject to conditions. The provision of affordable housing was to be secured in accordance with policy AH, but the benefit of affordable housing provision was not a deciding factor in judging the acceptability of the scheme which, subject to conditions, was in accordance with planning policy.
- 15.23 Since permission was granted the presumption in favour of sustainable development in accordance with paragraph 11 of the NPPF has become applicable in the Purbeck area due to the failure to meet the housing delivery test which renders the Local Plan housing policies out of date. The presumption in favour of sustainable development does not alter the acceptability of the development proposal which was not identified to result in harm to heritage assets or any other protected area or assets. Policy AH remains applicable and although the policy seeks affordable housing provision it also provides for situations where developers are able to fully justify proposals for housing schemes without affordable housing.

16.0 Conclusion

16.1 On the basis of the independent analysis of the viability statement submitted by the applicant, taking account of nationally recognised building cost figures, the approved development is not considered to be viable if affordable housing needs to be provided. Officers therefore consider that permission should be granted for the removal of the Section 106 legal agreement in accordance with Policy AH: Affordable Housing of the Purbeck Local Plan Part 1.

17.0 Recommendation

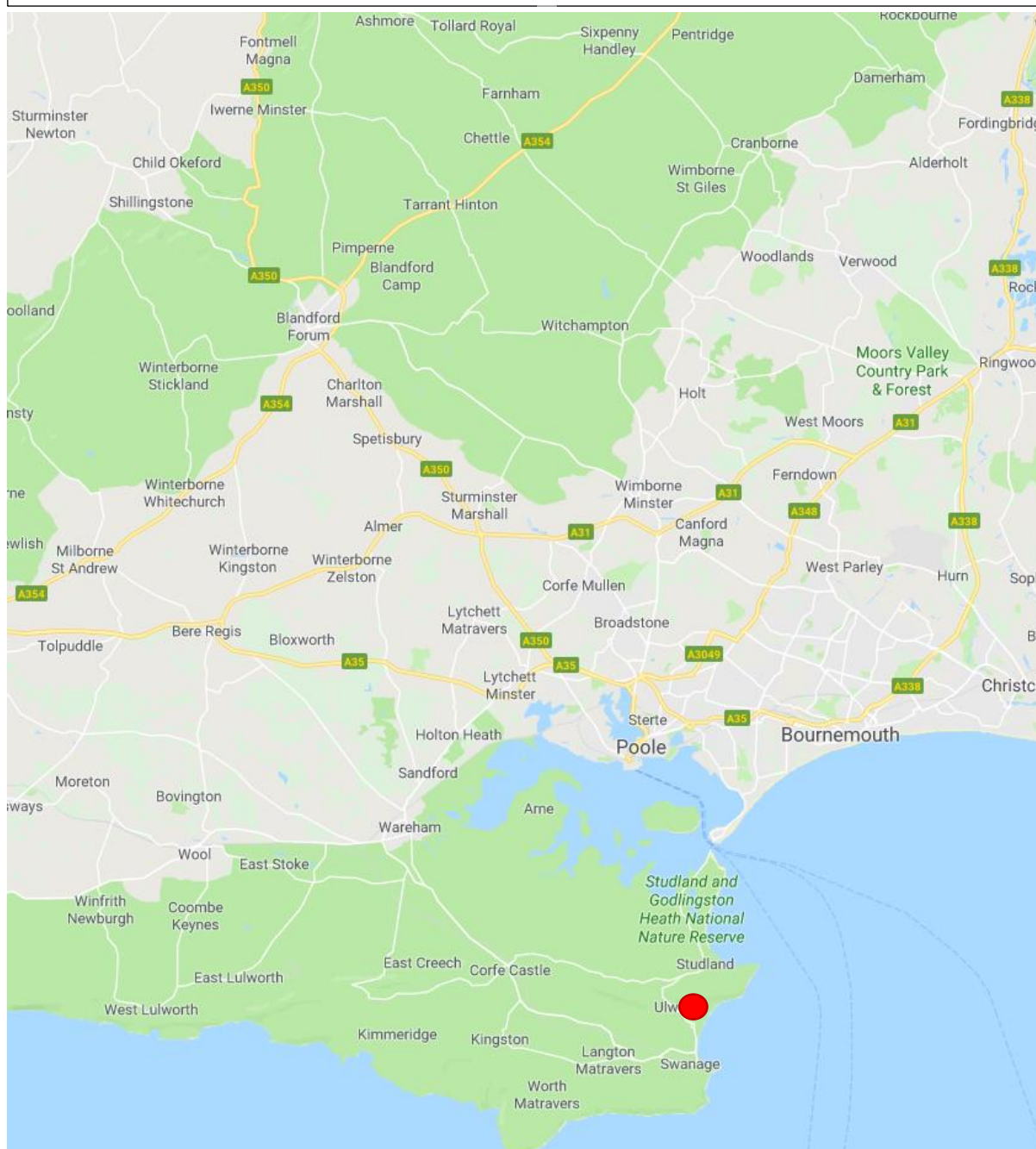
That the Committee would be minded to grant the application to allow the removal of the Section 106 legal agreement from application 6/2018/0493.

● Approximate Site Location

Application reference: SEC/2020/0001

Site address: Former St Marys School, Manor Road, Swanage, BH19 2BH

Proposal: Modify a Planning Obligation for planning permission 6/2018/0493 (Demolish temporary classrooms and outbuildings and convert existing remaining buildings to form 10 dwellings and erect 20 new dwellings with parking and landscaping. Removal of existing raised water tank) to remove requirement for affordable housing



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Agenda Item 6

Eastern Area Planning Committee 5th January 2022

Application reference:	P/FUL/2021/03954		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Durlston Castle, Lighthouse Road, Swanage, BH19 2JL		
Proposal:	Installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure.		
Applicant name:	Dorset Council – Assets and Property		
Case Officer:	Huw Williams		
Ward Member(s):	Cllr Gary Suttle, Swanage Ward Cllr Bill Trite, Swanage Ward		
Publicity expiry date:	10/12/2021	Officer site visit date:	19/11/2021
Decision dud date:	06/01/2022		

1.0 Reason application is going to committee

The application is made by Dorset Council, relates to land owned by Dorset Council and is reported to Committee in accordance with Dorset Council's Constitution.

2.0 Summary of recommendation:

That the Committee would be minded to grant planning permission subject to the conditions set out in section 17.0 below and recommends that the Head of Planning determines the application accordingly.

3.0 Reason for the recommendation:

The recommendation is made taking account of:

- (i) the nature and details of the application proposal;
- (ii) information submitted in support of the application;
- (iii) the development plan;
- (iv) national planning policy and guidance;
- (v) consultation responses; and
- (vi) other material planning considerations set out in this report.

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application has been duly made and has been the subject of publicity and consultation affording those consulted and the public adequate opportunity to make representations about the application.

In response to consultee comments, the application has been amended by the withdrawal of proposals for the installation of solar panels on flat roofed areas of the original Castle building. The proposed development (as amended):

- (i) would result in no harm to the character, appearance, setting or heritage significance of the Grade II listed Durlston Head Castle;
- (ii) would make a valuable contribution to cutting greenhouse gas emissions; and
- (iii) is in general accordance with the development plan.

The amendment of the application involved an important though not substantive change to the application proposal with both the nature and details of the remaining development unaltered. Having regard to the nature of the amendment and to content of the representations received, no interests will be prejudiced by the determination of the application without further publicity or re-consultation.

With no material considerations either necessitating or warranting the determination of the application other than in accordance with the development plan, planning permission can and should be granted.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The development plan is supportive of the sustainable use and generation of energy where adverse social and environmental impacts have been minimised to an acceptable level.
Impact on the character, appearance, setting and heritage significance of Durlston Head Castle	No harm and acceptable.

5.0 Description of Site

Durlston Head Castle ('the Castle') is located on Durlston Head within the Durlston Country Park, south of Swanage and is a Grade II listed building (NHLE 115288).

The Castle has a roughly rectangular plan form with extensions and is used as a visitor centre, art gallery and restaurant. The original building dates from 1877, is set within an ornamental park in a prominent location on Durlston Head and was constructed as the restaurant for a holiday complex. The associated holiday complex was never completed.

The original Castle building was constructed of brick and ashlar stone with two principal storeys and a basement storey. Above the ground floor is a large glazed belvedere and at its angles are 4 octagonal stone turrets masking chimneys. The art gallery is contained within a recently constructed single storey southern extension with timber clad walls and zinc covered roof.

6.0 Description of Development

Planning permission is sought for the installation of roof-mounted solar photovoltaic (PV) panels and associated infrastructure.

As originally submitted, the application sought permission for the installation of 92 panels in 3 arrays on the southern and western roof planes of the original Castle building and on the southward facing roof plane above the art gallery. However, further to concerns expressed in consultation responses, the application was amended by the withdrawal from the proposal of the panels originally proposed in the 2 arrays on flat roof planes of the original Castle building. As amended, the proposal to be determined provides for the installation of a single array of 65 panels on the southward facing roof plane of the art gallery.

Each panel would be of a monocrystalline (all black), half-cell design with a black frame and white backsheet. The panels would be mounted to lie flush with the gallery roof profile.

7.0 Relevant planning history

An associated application has been submitted seeking listed building consent (Application Reference: P/LBC/2021/03955) that is the subject of a separate report .

Submission of the application follows informal pre-application discussions regarding the proposal and informal consultation with Dorset Council's Senior Conservation Officer who commented:

“The proposed panels on the castle appear to be flat-bed style and located on the inner side of the SW parapet. This might be achievable as the panels would not be visible from ground level, though they would likely be visible from the publicly accessible upper floor. The installation of panels on the modern art gallery section could also be possible, but would have to take into account their visibility when the castle is viewed from its surroundings, particularly, for example, from the lower ground down towards the globe.”

The Senior Conservation Officer further advised that a Heritage Statement would be required.

8.0 List of Constraints

As noted above, the Castle is a Grade II listed building (NHLE 1152288). There are two further associated Grade II listed buildings in the near vicinity of the Castle – the Chart (NHLE 1152321) and the Globe (NHLE 1119930).

The Grade II listed Anvil Point Lighthouse (NHLW 1153160) is located approximately 570 metres to the south-west.

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Castle is located:

- (i) within the Dorset Area of Outstanding Natural Beauty;
- (ii) within the Purbeck Heritage Coast;
- (iii) within the Durlston Castle Historic Landscape Registered Park and Garden (Grade II);
- (iv) adjacent to the Durlston National Nature Reserve;
- (v) adjacent to the South Dorset Coast Site of Special Scientific Interest;
- (vi) adjacent to the Island of Portland to Studland Cliffs Special Area of Conservation; and
- (vii) less than 50 metres from the Dorset and East Devon Coast World Heritage Site.

In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty (AONB), public authorities have a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

World Heritage Sites are sites, places, monuments or buildings which are of Outstanding Universal Value (OUV) to all humanity. National planning policy identifies World Heritage Sites as designated heritage assets and requires that great weight be given to their conservation.

9.0 Consultations

Consultees

1. Ward Members – Swanage Ward

No response received.

2. Dorset AONB Team

Do not wish to offer detailed comments but would refer Council to advice from specialists evaluating the impacts on heritage assets, particularly the listed Castle building. Note that impact of the panels proposed close to the Belvedere (i.e. those panels not on the roof of the gallery) could be reduced if these were laid flat, rather than titled at a 10 degree angle. Further notes that the use of frames and the tilting of these panels is likely to increase the visibility of the installations, for example from the main approach to the Castle from the car park, and also add to the perceived mass of the installation as appreciated from the access and within and around the Belvedere.

3. DC Conservation & Design Officer

Responded on 17th December 2021 to the original application proposal commenting that the installation of photovoltaics is found to cause less than substantial harm on the significance of the listed building and the Registered Park and Garden and that the public benefit of these panels is minimal when compared to the less than substantial harm caused to the significance of the listed building and to the significance and setting of the Registered Park and Garden. Further commented that:

“However, if the applicant were to remove the proposed solar panels from the historic roofscape but leave them on the more modern art gallery, this will remove the harm to the significance of the listed building and the Registered Park and Garden, thereby removing the heritage objection.”

4. Swanage Town Council

Responded on 10th December 2021 indicating no objection.

Representations received

The application was advertised by site notice displayed on 19th November 2021.

Save for the consultation responses noted above, no representations have been received relating to the application.

10.0 Relevant Policies

Development plan

(1) Planning Purbeck’s Future Purbeck Local Plan Part 1 (‘the Adopted Local Plan’) (2012):

- Policy SD: Presumption in Favour of Sustainable Development.
- Policy LD: General Location of Development.
- Policy BIO: Biodiversity & Geodiversity.
- Policy CF: Community Facilities and Services.
- Policy GI: Green Infrastructure, Recreation and Sports Facilities.
- Policy D: Design.
- Policy REN: Renewable Energy.
- Policy LHH: Landscape, Historic Environment and Heritage.

(2) Swanage Local Plan, Adopted June 2017:

- Policy OSR Open Space and Recreation.

(3) Emerging Purbeck Local Plan

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). An additional consultation on Further Proposed Main Modifications is ongoing and runs until 24th January 2022. Dorset Council’s website provides the latest position on the plan’s examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and Dorset Council’s position following consultation on the proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

- Policy SD: Presumption in favour of sustainable development;
- Policy LD: General location of development;
- Policy SE: South East Purbeck;
- Policy CO: Countryside;
- Policy D: Design;
- Policy LHH: Landscape, Historic Environment and Heritage; and
- Policy REN: Sustainable use and generation of energy.

Other material considerations

- (1) National Planning Policy Framework ('the NPPF'):
 - Achieving Sustainable development – paragraphs 7-14;
 - Decision making – paragraphs 38-59;
 - Meeting the challenge of climate change, flooding and coastal change – paragraphs 152-173;
 - Conserving and enhancing the natural environment – paragraphs 174-188; and
 - Conserving and enhancing the historic environment – paragraphs 189-208.
- (2) Jurassic Coast Partnership Plan 2020-2025:
 - Policies R1, R2, R4, CSS1 and CSS5.
- (3) Dorset Area of Outstanding Natural Beauty Management Plan ('the Dorset AONB Management Plan'):
 - C3 Necessary Development is Supported.

11.0 Human rights

The Human Rights Act 1998 imposes an obligation on public authorities not to act incompatibly with the European Convention on Human Rights. The articles/protocols of particular relevance are:

- (i) Article 6 - Right to a fair trial;
- (ii) Article 8 - Right to respect for private and family life; and
- (iii) The First Protocol, Article 1 - Protection of Property.

The recommendation made is based on national and 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; and 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.

The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Having considered the information presented in the application, consultation responses and the prevailing planning context, I am satisfied that the proposed development would have no material prejudicial impact on individuals or identifiable groups with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Carrying out the proposed development would have a minor beneficial impact on the local economy through associated expenditure and employment.	Unknown
Operation of the solar panels would likely result in energy cost savings.	Unknown

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with an application for planning permission the authority shall have regard to:

- the provisions of the development plan, so far as material to the application,
- a post-examination draft neighbourhood development plan, so far as material to the application,
- any local finance considerations, so far as material to the application, and
- any other material considerations.

For the purposes of section 70(2) “local finance consideration” means:

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

To be material to the determination of an application of planning permission, a local finance consideration must have the potential to help make development acceptable in planning terms.

It is understood that funding for the installation of the proposed solar panels has been secured under the Government’s Public Sector Decarbonisation Scheme. However, as such grant funding is not provided in order to make development acceptable in planning terms, such that the potential receipt of grant funding is not material to the determination of the application.

The Community Infrastructure Levy (CIL) operates in the former district of West Dorset, but the proposed development is not of a form liable to CIL.

Accordingly, there are no known local finance considerations that are material to the determination of the application.

14.0 Climate implications

Paragraph 152 of the NPPF provides that:

“The planning system should support the transition to a low carbon future in a changing climate and should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

The application proposal is focussed on harnessing a renewable source of energy to generate green electricity and forms part of Dorset Council’s wider estate decarbonisation strategy. The proposed development would make a valuable contribution to cutting greenhouse gas emissions.

15.0 Planning assessment

The main issues in the determination of the application are:

- (i) the acceptability in principle of the proposed development; and
- (ii) the impact of the proposed development on the character, appearance, setting and heritage significance of Durlston Head Castle.

Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

For the purposes of the subject application, the development plan includes

- (i) Planning Purbeck’s Future Purbeck Local Plan Part 1 (‘the Adopted Local Plan’); and
- (ii) The Swanage Local Plan adopted June 2017 (‘the Made Neighbourhood Plan’).

The term material considerations is broad in scope, but includes national planning policy set out in the National Planning Policy Framework (‘the NPPF’) as well as supplementary planning policy and guidance and emerging planning policy.

The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7) and that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives (paragraph 8). Paragraph

38 of the NPPF provides that local planning authorities should approach decisions on proposed development in a positive way and further states that decision-makers at every level should seek to approve applications for sustainable development where possible.

The Application Site is shown on the Proposals Map of the Adopted Local Plan as being located outside of the defined settlement boundaries and within an area of safeguarded open space identified under Policy OSR of the Made Neighbourhood Plan and afforded protection as such through Policy GI of the Adopted Local Plan.

Policy LD of the Adopted Local Plan provides that land outside of settlement boundaries will be classed as 'countryside' where development will be permitted only in exceptional circumstances as set out in Policy CO.

Policy CO of the Adopted Local Plan provides that development in the countryside should aim to improve the sustainability of rural settlements, make a positive contribution to landscape character and enhance biodiversity and further states that development outside of a settlement boundary will be permitted where it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements, and, amongst other circumstances, a countryside location is essential or it comprises the alteration of a rural building.

Policy SD of the Adopted Local Plan endorses the presumption in favour of sustainable development set out in the NPPF and provides that planning applications that accord with the policies of the Adopted Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Amongst other matters, Policy D of the Adopted Local Plan states that the Council will expect proposals for all development and other works to:

- positively integrate with their surroundings;
- reflect the diverse but localised traditions of building material usage found across the District;
- avoid and mitigate effects of overshadowing, overlooking and other adverse impacts including light pollution from artificial light on local amenity; and
- demonstrate a positive approach to delivery of sustainable development objectives through site layout and building design, which should be as comprehensive as other policies and criteria allow.

Policy REN of the Adopted Local Plan states that the Council encourages the sustainable use and generation of energy where adverse social and environmental impacts have been minimised to an acceptable level and further states that proposals for renewable energy apparatus will only be permitted where:

- the technology is suitable for the location and does not cause significant adverse harm to visual amenity from both within the landscape and views into it;
- it would not have an adverse ecological impact upon the integrity of protected habitats unless there is no alternative solution and there are imperative reasons of overriding public interest;

- it would not cause interference to radar or telecommunications, or highway safety;
- it would not cause significant harm to neighbouring amenity by virtue of visual impact, noise, vibration, overshadowing, flicker (associated with turbines), or other nuisances and emissions;
- it accords with Dorset County Council's Landscape Change Strategy and includes an agreed restoration scheme, any necessary mitigation measures, with measures to ensure the removal of the installations when operations cease;
- safe access during construction and operation must be provided; and
- it avoids causing harm to the significance and setting of heritage assets.

Policy LHH of the Adopted Local Plan provides that proposals for development and other works will be expected to conserve the appearance, setting, character, interest, integrity, health and vitality of landscape and heritage assets - be these locally, nationally or internationally designated or otherwise formally identified by the Local Planning Authority and further states:

“In considering the acceptability of proposals the Council will assess their direct, indirect and cumulative impacts relative to the significance of the asset affected, and balance them against other sustainable development objectives. Wherever appropriate, proposals affecting landscape, historic environment or heritage assets will be expected to deliver enhancement and improved conservation of those assets.”

Paragraph 158 of the NPPF provides that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable.

Paragraph 189 of the NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Policy C3 of the Dorset AONB Management Plan supports renewable energy production where compatible with the objectives of AONB designation. The relevant objectives relate to the conservation and enhancement of the natural beauty and special qualities of the AONB.

Principle of Development

Having regard to the location and nature of the application site, there is no in principle land use objection to the application proposal.

The development plan is supportive of the sustainable use and generation of energy where adverse social and environmental impacts have been minimised to an acceptable level.

The application proposal provides for the alteration to a rural building and hence is a form of development permissible outside of the defined settlements under Policies LD and CO of the Adopted Local Plan.

The proposed development would not result in the loss of any open space, sport or recreation areas such that there is no conflict with Policy GI of the Made Neighbourhood Plan. Although located adjacent to statutorily designated areas, the application site is not located within a statutorily designated nature conservation area and no adverse impacts on designated wildlife sites, nature conservation interests, biodiversity or geodiversity are anticipated.

The implications of the proposed development for the character, appearance, setting and heritage significance of the Castel are considered in the subsequent section of this report and found to be acceptable.

The proposed solar panels are of a standard manufactured design with a black frame and a white backsheet. Solar panels are designed to absorb rather than to reflect light and are typically less reflective than standard glazing. Taking account of the panel design and their proposed positioning, material impact on amenity by reason of glint, glare or any other emission is unlikely. Adverse impact on radar, telecommunications and safety is also unlikely.

Accordingly, the key considerations in the determination relate to the impact of the proposed development on the character, appearance, setting and heritage significance of the Castle.

Impact on Character, Appearance, Setting and Heritage Significance of the Castle

The Castle is a Grade II listed building and consequently a designated heritage asset in its own right. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) requires that special regard shall be given to the desirability of preserving the building or its setting or or any features of special architectural or historic interest which it possesses.

The Castle is located with the Grade II listed Durlston Castle Historic Landscape Registered Park and Garden (also a designated heritage asset), within a nationally designated landscape (the Dorset AONB) and in close proximity to the Dorset and East Devon Coast World Heritage Site.

The Durlston Castle Historic Landscape was designated as it was an interesting example of a largely preserved late Victorian ornamental park. Designed to be included as part of the wider but uncompleted holiday complex, it was originally intended for public use with educational and moral inscriptions on the structures within the landscape that are still in situ.

The gardens are laid out with the Castle as a focal point and include designed glimpses along the serpentine paths of the landmark.

The Castle principally derives its significance historically and architecturally, providing a good example of a Victorian mock-baronial style structure with local

materials and through its association with the prominent George Burt, a major player in remodelling Swanage into the Victorian/Edwardian resort it is today.

The Registered Park and Garden derives historic, aesthetic, and communal value due to its design, association with George Burt, and its link to the community as a well-loved, important, open public space on the picturesque Purbeck coastline.

The designed landscape and associated designated structures all provide group value for this Victorian holiday complex.

The setting of the Castle relates to the Registered Park and Garden in which it is located, to the Grade II listed monuments which lie in its environs and the headland and coastline as the source of materials from which it is constructed and to which it has a strong functional connection. The purpose of the building being specifically related to tourism of the area similarly ties it to the landscape surroundings in terms of historic function.

Paragraph 176 of the NPPF provides that great weight should be given to conserving and enhancing landscape and scenic beauty in an AONB and that conservation and enhancement of wildlife and cultural heritage are also important considerations in an AONB.

As noted above, no adverse impacts on designated wildlife sites, nature conservation interests, biodiversity or geodiversity are anticipated. However, architecturally, the Castle is an individual and prominent building built on a platform cut into Durlston Head that overlooks the World Heritage Site. Public access is provided on varying levels up towards the uppermost tower on the Castle to take full advantage of the far-reaching views of the World Heritage Site, Registered Park and Garden, and the Victorian architecture in the forefront. In consequence, the installation of modern solar panels that run a risk of becoming visually intrusive needs to be carefully assessed.

The Heritage Statement submitted in support of the application considers the impact of the originally proposed development on the character, appearance and heritage significance of the Castle and its setting. The Statement identified a low level of consequent harm to the heritage significance of the Castle and a very low level of harm to the Durlston Castle Historic Landscape Registered Park and Garden, but identified no consequent harm to the heritage significance of any other assets considered including the Grade II listed Chart, the Grade II listed Globe and the Grade II listed Anvil Point Lighthouse and the Dorset and East Devon Coast World Heritage Site.

In relation to impact on the listed Castle, the Heritage Statement notes:

“The installation of solar panels to the roof planes of the Art Gallery and restaurant, whilst creating minimal visual disturbance in views of the asset from ground level, will be evident in views from the Belvedere and walkways. The panels will introduce a modernising element at odds with the historic construction and character of the building, although it is recognised that this character has already been compromised by the presence of twentieth century safety measures and access. It is considered that the proposals

would generate a minor level of less than substantial harm to the significance of the heritage asset.”

In relation to impact of the Registered Park and Garden, the Heritage Statement comments:

“Owing to the location of the Castle at the headland and the fact that the RPG slopes downhill from this highest point, together with the outward nature of views, the plethora of designed items within the gardens acting as educational and moral guides and the geological and topographical contribution of the landscape in creating a sublime and picturesque experience, it is considered that proposals, whilst generating a minor level of harm to the principal building, do not significantly detract from the RPG as a whole and the harm generated to this asset is considered to be at the lowest level of less than substantial.”

In relation to impact of the Registered Park and Garden and with respect to historic landscape, the Heritage Statement comments:

“Owing to the location of the Castle at the headland and the fact that the RPG slopes downhill from this highest point, together with the outward nature of views, the plethora of designed items within the gardens acting as educational and moral guides and the geological and topographical contribution of the landscape in creating a sublime and picturesque experience, it is considered that proposals, whilst generating a minor level of harm to the principal building, do not significantly detract from the RPG as a whole and the harm generated to this asset is considered to be at the lowest level of less than substantial.”

In relation the Dorset AONB, the Heritage Statement comments:

“Durlston Castle and the Registered Park and Garden contribute to the cultural heritage element of the Purbeck Plateau area of the AONB, and it has been identified that the proposals generate less than substantial degrees of harm to the significance of the Castle and Garden. Local Policy, however, does not specifically refer to the cultural heritage component of the AONB character, and Policy 176 in the NPPF (2021) states: 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 requirement to give great weight to the cultural heritage within the AONB is therefore not required in either national or local policy. In this instance it would seem that the approach employed under paragraph 203 in respect of non-designated heritage assets, namely a balanced judgement regarding scale of harm and the significance of the asset, is an appropriate guide, and it is considered that the minor level of harm to the Castle and lowest level of harm to the RPG would not negatively impact on its contribution in cultural heritage terms to the AONB.”

In relation to impact on the World Heritage Site, the Heritage Statement comments:

“As identified above in the assessment of the RPG, the proposals are considered to generate the lowest level of less than substantial harm to this asset, by virtue of the Castle being the key building within the RPG and sustaining a minor level of less than substantial harm. The OUV of the WHS relates exclusively to its scientific value and it has no buffer zone, relying instead on the designated status of assets within its environs for protection. The areas of the WHS that are contained within the RPG have limited intervisibility with the Castle and the proposals would not be evident given the distance and orientation of the Castle from the coastal path which marks the boundary of the WHS. It is therefore considered that the lowest level of less than substantial harm generated to the RPG would not have a detrimental impact to the OUV of the WHS.”

The impact assessment presented in the Heritage Statement is considered to be both fair and reasonable.

Dorset Council’s Conservation and Design Officer similarly found less than substantial harm to significance of the Castle and to the Registered Park and Garden, but advised that if the applicant were to remove the proposed solar panels from the historic roofscape but leave them on the more modern art gallery, this would remove the harm to the significance of the listed building and the Registered Park and Garden, thereby removing the heritage objection. Dorset Council’s Conservation and Design Officer further commented that the design of the art gallery extension does not provide significance to the listed building nor to the Registered Park and Garden and that views to or from the castle will be ‘relatively’ discreet and fitting to a modern building.

The application has been amended as recommended. The amendment of the application represents an important though not substantive change to the application proposal with both the nature and details of the remaining development being unaltered. Taking account of the consultation responses received, it is considered that the amended proposal would not harm the character, appearance, setting or the heritage significance of the Castle. Having regard to the nature of the amendment and to content of the representations received, further publicity and consultation is not considered necessary.

The carbon savings associated with the installation of proposed solar panels and associated infrastructure would make a valuable contribution to cutting greenhouse gas emissions and associated cost savings would be to the benefit of the continued use of an important historic building for appropriate and publicly beneficial purposes. On site electricity generation would also make a minor contribution to energy security.

The proposed development is therefore considered to be in general accordance with the development plan.

16.0 Conclusion

For the reasons set out above and subject to the imposition of the conditions set out in section 17.0 below, the proposed development would be in general accordance with the development plan. With no material considerations warranting of

necessitating the determination of the application other than in accordance with the development plan, conditional planning permission can and should be granted.

17.0 Recommendation

That the Committee would be minded to grant planning permission subject to the conditions set out below and recommends that the Head of Planning determines the application accordingly.

Conditions

- (1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

- (2) Unless otherwise required by the conditions of this planning permission, the development hereby permitted shall be carried out in accordance with the following plans and drawings submitted in support of the application for planning permission:

- (i) Drawing Number 01 dated 17/08/2021 and titled SITE PLAN;
- (ii) Drawing Number 02 dated 17/08/2021 and titled LOCATION PLAN;
- (iii) Drawing Number 03 dated 21/09/2021 and titled ROOF PLAN;
- (iv) Drawing Number BLCM0473_E Sheet No 1 of 2 Rev 0 dated 19/09/2021 and titled Elevations (Proposed); and
- (v) Drawing Number BLCM0473_E Sheet No 2 of 2 Rev 0 dated 19/09/2021 and titled Elevations (Proposed).

Reason: To regulate the development having regard to Policies D, REN and LHH of the Adopted Local Plan (Planning Purbeck's Future Purbeck Local Plan Part 1).

- (3) Notwithstanding the details shown on the plans and drawings submitted as part of the application, no solar panels and no externally visible plant or equipment shall be installed on the historic flat southern and western roof planes of the original Castle building.

Reason: In the interest of clarity and in accordance with the application proposal as amended on 17th December 2021 in the interest of preserving the special architectural and historic interest of Durlston Head Castle and its setting having regard to Policies D, REN and LHH of the Adopted Local Plan (Planning Purbeck's Future Purbeck Local Plan Part 1).

- (4) Within three months of any solar panel hereby permitted no longer being used for the generation of electricity, the panel and any associated mounting brackets and framework shall be removed and the underlying roof covering shall be restored to its pre-development condition.

Reason: To secure the timely removal of any unused solar panels and to secure the appropriate restoration of the roof in the interest of minimising harm to heritage significance having regard to Policies D, REN and LHH of

the Adopted Local Plan (Planning Purbeck's Future Purbeck Local Plan Part 1).

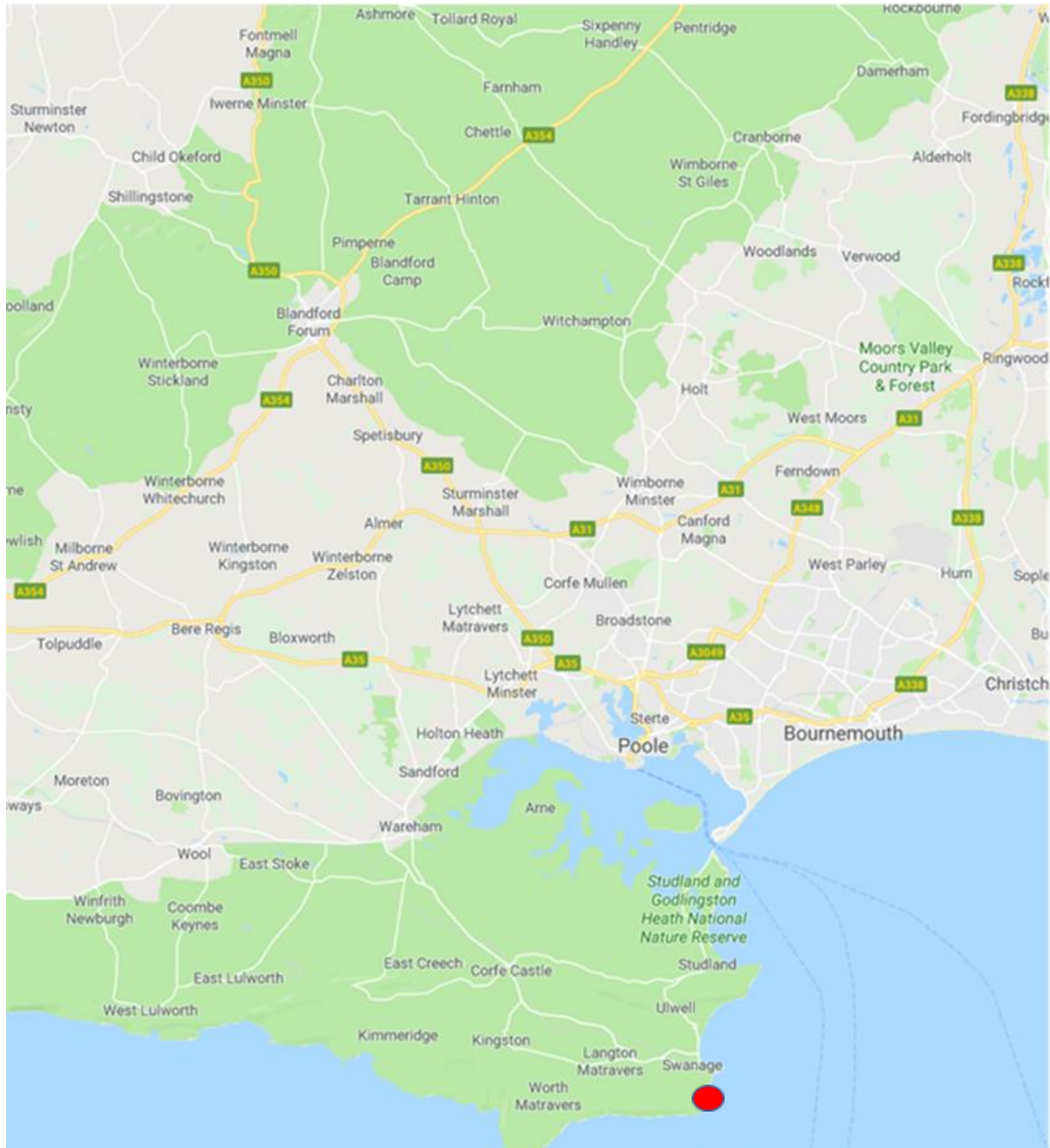
Informative Notes

- (1) In accordance with the National Planning Policy Framework, as the local planning authority, Dorset Council takes a positive and proactive approach to development proposals focused on solutions. Dorset Council worked with the applicant/agent in a positive and proactive manner by providing a pre-application advice service.
- (2) Further information relating to this decision may be viewed online through the application webpages accessible by entering the application details at <https://planning.dorsetcouncil.gov.uk/>.

Application Reference: P/FUL/2021/03954

Site address: Durlston Castle, Lighthouse Road, Swanage, BH19 2JL

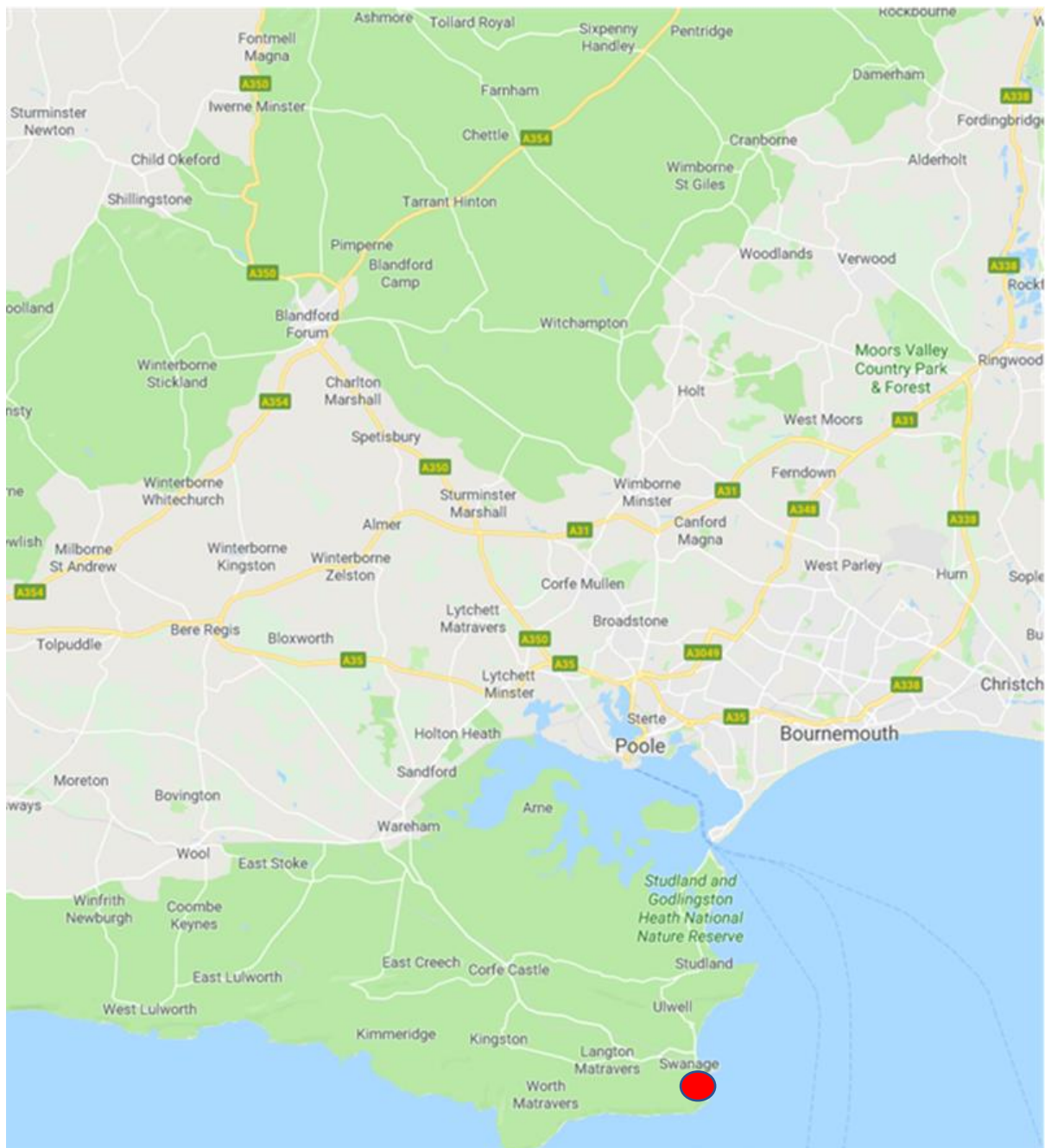
Proposal: Installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure.



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Application Number:	P/LBC/2021/03954 and P/FUL/2021/3955
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Durlston Castle, Lighthouse Road, Swanage, BH19 2JL
Proposal:	Installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure.

Approximate site location 



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Agenda Item 7

Eastern Area Planning Committee 5th January 2022

Application reference:	P/LBC/2021/03955		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Durlston Castle, Lighthouse Road, Swanage, BH19 2JL		
Proposal:	Installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure.		
Applicant name:	Dorset Council – Assets and Property		
Case Officer:	Huw Williams		
Ward Member(s):	Cllr Gary Suttle, Swanage Ward Cllr Bill Trite, Swanage Ward		
Publicity expiry date:	10/12/2021	Officer site visit date:	19/11/2021
Decision dud date:	06/01/2022		

1.0 Reason application is going to committee

The application is made by Dorset Council, relates to land owned by Dorset Council and is reported to Committee in accordance with Dorset Council's Constitution.

2.0 Summary of recommendation:

That the Committee would be minded to grant listed building consent subject to the conditions set out in section 16.0 below and recommends that the Head of Planning determines the application accordingly.

3.0 Reason for the recommendation:

The recommendation is made taking account of:

- (i) the nature and details of the application proposal;
- (ii) information submitted in support of the application;
- (iii) national planning policy and guidance;
- (iv) consultation responses; and
- (v) other material considerations set out in this report.

In considering whether to grant listed building consent for any works a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The application has been duly made and has been the subject of publicity and consultation affording those consulted and the public adequate opportunity to make representations about the application.

In response to consultee comments, the application has been amended by the withdrawal of proposals for the installation of solar panels on flat roofed areas of the

original Castle building. The proposed works (as amended) would result in no harm to the character, appearance, setting or heritage significance of the listed Castle, are in accordance with national planning policy and therefore acceptable. The amendment of the application proposal involved an important though not substantive change with both the nature and details of the remaining works being unaltered. Having regard to the nature of the amendment and to content of the representations received, no interests will be prejudiced by the determination of the application without further publicity or re-consultation.

4.0 Key planning issues

Issue	Conclusion
Impact on the character, appearance setting and heritage significance of Durlston Head Castle.	As amended, no harm and acceptable..

5.0 Description of Site

Durlston Head Castle ('the Castle') is located on Durlston Head within the Durlston Country Park, south of Swanage and is a Grade II listed building (NHLE 115288).

The Castle has a roughly rectangular plan form with extensions and is used as a visitor centre, art gallery and restaurant. The original building dates from 1877, is set within an ornamental park in a prominent location on Durlston Head and was constructed as the restaurant for a holiday complex. The associated holiday complex was never completed.

The original Castle building was constructed of brick and ashlar stone with two principal storeys and a basement storey. Above the ground floor is a large glazed belvedere and at its angles are 4 octagonal stone turrets masking chimneys. The art gallery is contained within a recently constructed single storey southern extension with timber clad walls and zinc covered roof.

6.0 Description of Development

Listed building consent is sought for the installation of roof-mounted solar photovoltaic (PV) panels and associated infrastructure.

As originally submitted the application sought permission for the installation of 92 panels in 3 arrays on the southern and western roof planes of the original castle building and on the southward facing roof plane above the art gallery. However, further to concerns expressed in consultation responses, the application was amended by the withdrawal from the proposal of the panels originally proposed in the 2 arrays on flat roof planes of the original Castle building. As amended, the proposal to be determined provides for the installation of a single array of 65 panels on the southward facing roof plane of the art gallery. Each panel would be of a monocrystalline (all black), half-cell design with a black frame and white backsheet. The panels would be mounted to lie flush with the gallery roof profile.

7.0 Relevant Planning History

An associated application has been submitted seeking planning permission (Application Reference: P/FUL/2021/03954) that is the subject of a separate report.

Submission of the application follows informal pre-application discussions regarding the proposal and informal consultation with Dorset Council's Senior Conservation Officer who commented:

"The proposed panels on the castle appear to be flat-bed style and located on the inner side of the SW parapet. This might be achievable as the panels would not be visible from ground level, though they would likely be visible from the publicly accessible upper floor. The installation of panels on the modern art gallery section could also be possible, but would have to take into account their visibility when the castle is viewed from its surroundings, particularly, for example, from the lower ground down towards the globe."

The Senior Conservation Officer further advised that a Heritage Statement would be required.

8.0 List of Constraints

As noted above, the Castle is a Grade II listed building (NHLE 1152288). There are two further associated Grade II listed buildings in the near vicinity of the Castle – the Chart (NHLE 1152321) and the Globe (NHLE 1119930).

The Grade II listed Anvil Point Lighthouse (NHLW 1153160) is located approximately 570 metres to the south-west.

In considering whether to grant listed building consent for any works a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses – section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

The Castle is located:

- (i) within the Dorset Area of Outstanding Natural Beauty;
- (ii) within the Purbeck Heritage Coast;
- (iii) within the Durlston Castle Historic Landscape Registered Park and Garden (Grade II);
- (iv) adjacent to the Durlston National Nature Reserve;
- (v) adjacent to the South Dorset Coast Site of Special Scientific Interest;
- (vi) adjacent to the Island of Portland to Studland Cliffs Special Area of Conservation; and
- (vii) less than 50 metres from the Dorset and East Devon Coast World Heritage Site.

In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty (AONB), public authorities have a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

World Heritage Sites are sites, places, monuments or buildings which are of Outstanding Universal Value (OUV) to all humanity. National planning policy identifies World Heritage Sites as designated heritage assets and requires that great weight be given to their conservation.

9.0 Consultations

Consultees

1. Ward Members – Swanage Ward

No response received.

2. Dorset AONB Team

Do not wish to offer detailed comments but would refer Council to advice from specialists evaluating the impacts on heritage assets, particularly the listed Castle building. Note that impact of the panels proposed close to the Belvedere (i.e. those panels not on the roof of the gallery) could be reduced if these were laid flat, rather than titled at a 10 degree angle. Further notes that the use of frames and the tilting of these panels is likely to increase the visibility of the installations, for example from the main approach to the Castle from the car park, and also add to the perceived mass of the installation as appreciated from the access and within and around the Belvedere.

3. DC Conservation & Design Officer

Responded on 17th December 2021 to the original application proposal commenting that the installation of photovoltaics is found to cause less than substantial harm on the significance of the listed building and the Registered Park and Garden and that the public benefit of these panels is minimal when compared to the less than substantial harm caused to the significance of the listed building and to the significance and setting of the Registered Park and Garden. Further commented that:

“However, if the applicant were to remove the proposed solar panels from the historic roofscape but leave them on the more modern art gallery, this will remove the harm to the significance of the listed building and the Registered Park and Garden, thereby removing the heritage objection.”

4. Swanage Town Council

Responded on 10th December 2021 indicating no objection.

Representations received

The application was advertised by site notice displayed on 19th November 2021.

Save for the consultation responses noted above, no representations have been received relating to the application.

10.0 Relevant Policies

National Planning Policy Framework ('the NPPF'):

- Achieving Sustainable development – paragraphs 7-14;
- Decision making – paragraphs 38-59;
- Meeting the challenge of climate change, flooding and coastal change – paragraphs 152-173;
- Conserving and enhancing the natural environment – paragraphs 174-188; and
- Conserving and enhancing the historic environment – paragraphs 189-208.

11.0 Human rights

The Human Rights Act 1998 imposes an obligation on public authorities not to act incompatibly with the European Convention on Human Rights. The articles/protocols of particular relevance are:

- (i) Article 6 - Right to a fair trial;
- (ii) Article 8 - Right to respect for private and family life; and
- (iii) The First Protocol, Article 1 - Protection of Property.

The recommendation made is based on national planning 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; and 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.

The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Having considered the information presented in the application, consultation responses and the prevailing planning context, I am satisfied that the proposed development would have no prejudicial material impact on individuals or identifiable groups with protected characteristics.

13.0 Climate Implications

Paragraph 152 of the NPPF provides that:

“The planning system should support the transition to a low carbon future in a changing climate and should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and

improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

The application proposal is focussed on harnessing a renewable source of energy to generate green electricity as part of Dorset Council’s wider estate decarbonisation strategy and would make a valuable contribution to reducing greenhouse gas emissions.

14.0 Officer Assessment

The main issues in the determination of the application are the impact of the proposed development on the character, appearance, setting and heritage significance of Durlston Head Castle (‘the Castle’).

The Castle is situated within a Grade II listed Registered Park and Garden which is incorporated within the wider Durlston Country Park.

The Durlston Castle Historic Landscape was designated as it was an interesting example of a largely preserved late Victorian ornamental park. Designed to be included as part of the wider but uncompleted holiday complex, it was originally intended for public use with educational and moral inscriptions on the structures within the landscape that are still in situ.

The gardens are laid out with the Castle as a focal point and include designed glimpses along the serpentine paths of the landmark.

The Castle principally derives its significance historically and architecturally, providing a good example of a Victorian mock-baronial style structure with local materials and through its association with the prominent George Burt, a major player in remodelling Swanage into the Victorian/Edwardian resort it is today.

The Registered Park and Garden derives historic, aesthetic, and communal value due to its design, association with George Burt, and its link to the community as a well-loved, important, open public space on the picturesque Purbeck coastline.

The designed landscape and associated designated structures all provide group value for this Victorian holiday complex.

Public access is provided on varying levels up towards to uppermost tower on the Castle to take full advantage of the far-reaching views of the World Heritage Site, Registered Park and Garden, and the Victorian architecture in the forefront. Therefore, the installation of modern solar panels that run a risk of becoming visually intrusive need to be carefully assessed.

The Heritage Statement submitted in support of the application considers the impact of the originally proposed development on the character, appearance and heritage significance of the Castle and its setting. The Statement identified a low level of consequent harm to the heritage significance of the Castle and a very low level of harm to the Durlston Castle Historic Landscape Registered Park and Garden, but no harm to the heritage significance of any other assets considered including the Grade

II listed Chart, the Grade II listed Globe and the Grade II listed Anvil Point Lighthouse and the Dorset and East Devon Coast World Heritage Site.

Dorset Council's Conservation and Design Officer similarly found less than substantial harm to significance of the Castle and to the Registered Park and Garden, but advised that if the applicant were to remove the proposed solar panels from the historic roofscape but leave them on the more modern art gallery, this would remove the harm to the significance of the listed building and the Registered Park and Garden, thereby removing the heritage objection. Dorset Council's Conservation and Design Officer further commented that the design of the art gallery extension does not provide significance to the listed building nor to the Registered Park and Garden and that views to or from the castle will be 'relatively' discreet and fitting to a modern building.

The application has been amended as recommended.

Paragraph 189 of the NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The amendment of the application represents an important though not substantive change to the application proposal with both the nature and details of the remaining works being unaltered. Taking account of the consultation responses received, it is considered that the amended proposal would not harm the character, appearance, setting or the heritage significance of the Castle.

With no harm to the character, appearance, setting or heritage significance of the Castle, the application proposal is in accordance with national planning policy and acceptable.

Having regard to the nature of the amendment and to content of the representations received, further publicity and consultation is not considered necessary.

16.0 Conclusion

For the reasons set out above and subject to the imposition of the conditions set out in section 17.0 below, the proposed works are in accordance with national planning policy and listed building consent should be granted.

17.0 Recommendation

That the Committee would be minded to grant listed building consent subject to the conditions set out below and recommends that the Head of Planning determines the application accordingly.

Conditions

- (1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this consent.

Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- (2) Unless otherwise required by the conditions of this planning permission, the works hereby permitted shall be carried out in accordance with the following plans and drawings submitted in support of the application for planning permission:
- (i) Drawing Number 01 dated 17/08/2021 and titled SITE PLAN;
 - (ii) Drawing Number 02 dated 17/08/2021 and titled LOCATION PLAN;
 - (iii) Drawing Number 03 dated 21/09/2021 and titled ROOF PLAN;
 - (iv) Drawing Number BLCM0473_E Sheet No 1 of 2 Rev 0 dated 19/09/2021 and titled Elevations (Proposed); and
 - (v) Drawing Number BLCM0473_E Sheet No 2 of 2 Rev 0 dated 19/09/2021 and titled Elevations (Proposed).

Reason: To regulate the development having regard to Policies D, REN and LHH of the Adopted Local Plan (Planning Purbeck's Future Purbeck Local Plan Part 1).

- (3) Notwithstanding the details shown on the plans and drawings submitted as part of the application, no solar panels and no externally visible plant or equipment shall be installed on the flat southern and western roof planes of the original Castle building.

Reason: In the interest of clarity and in accordance with the application proposal as amended on 17th December 2021 in the interest of preserving the special architectural and historic interest of the building and its setting.

- (4) Prior to the commencement of the works hereby permitted a method statement providing further details of all infrastructure works and a cable routing plan shall be submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved method statement.

Reason: To ensure that cabling, fixings and associated infrastructure does not result in unacceptable damage to the historic fabric of the building or is otherwise inappropriately sited in the interest of preserving the heritage significance of Duston Head Castle having regard to Policies D, REN and LHH of the Adopted Local Plan (Planning Purbeck's Future Purbeck Local Plan Part 1).

- (5) Within three months of any solar panel hereby permitted no longer being used for the generation of electricity, the panel and any associated mounting brackets and framework shall be removed and the underlying roof covering shall be restored to its pre-development condition.

Reason: To secure the timely removal of any unused solar panels and to secure the appropriate restoration of the roof in the interest of minimising harm to heritage significance having regard to Policies D, REN and LHH of the Adopted Local Plan (Planning Purbeck's Future Purbeck Local Plan Part 1).

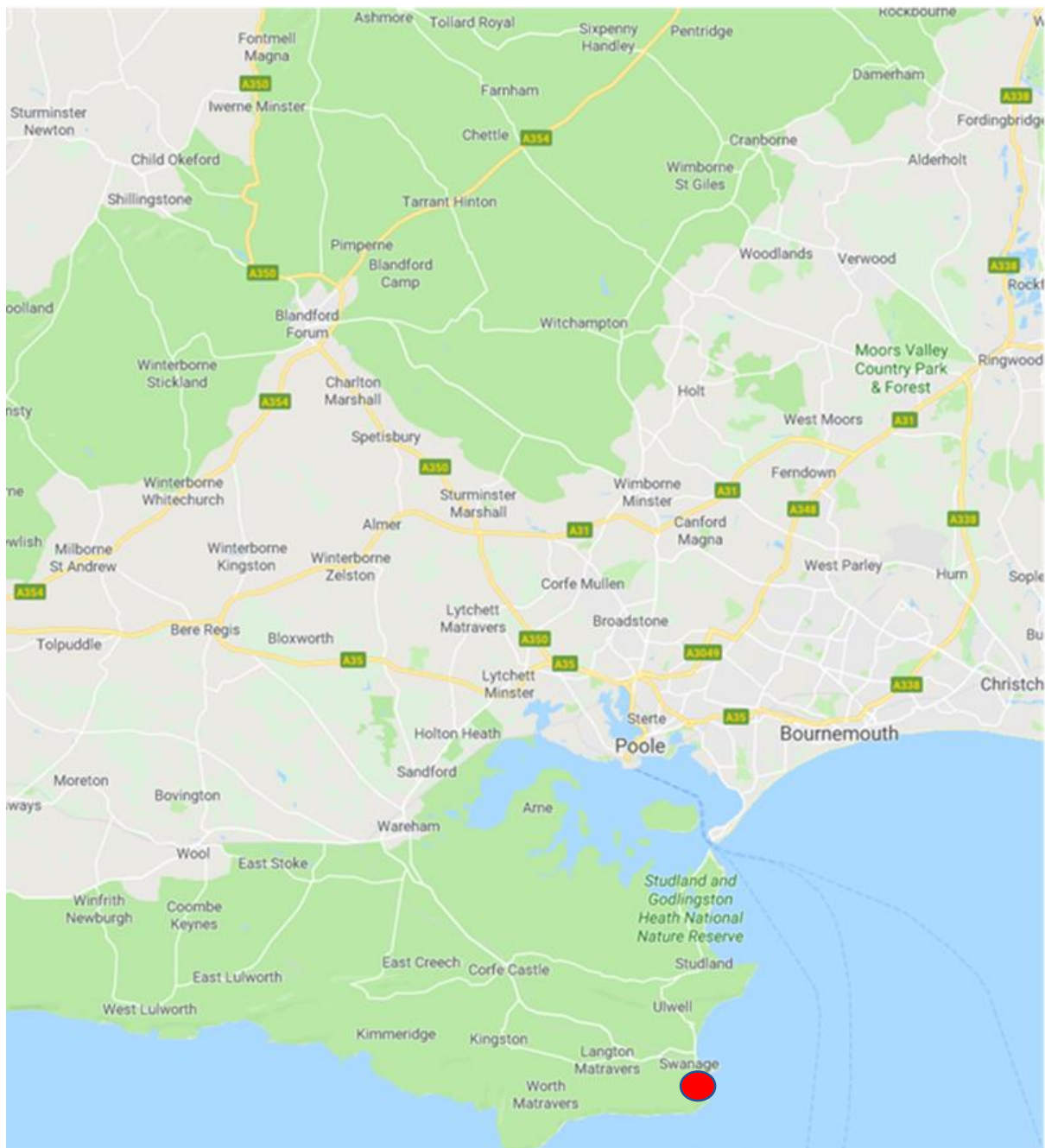
Informative Notes

- (1) In accordance with the National Planning Policy Framework, as the local planning authority, Dorset Council takes a positive and proactive approach to development proposals focused on solutions. Dorset Council worked with the applicant/agent in a positive and proactive manner by providing a pre-application advice service.
- (2) Further information relating to this decision may be viewed online through the application webpages accessible by entering the application details at <https://planning.dorsetcouncil.gov.uk/>.

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Application Number:	P/LBC/2021/03954 and P/FUL/2021/3955
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Durlston Castle, Lighthouse Road, Swanage, BH19 2JL
Proposal:	Installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure.

Approximate site location 



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Application Number:	3/21/0668/FUL
Webpage:	Planning application: 3/21/0668/FUL - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Land rear of 5 High Street (High Street Car Park) Wimborne Minster BH21 1HR
Proposal:	Extend existing single storey building and change use to that of hand car wash facility
Applicant name:	Mr O Urel
Case Officer:	Kevin Riley
Ward Member(s):	Cllr Bartlett and Cllr Morgan

Site Notice expiry date:	20/08/2021
Last comment date :20/08/2021	Extension of time:

1.0 Reason application is being considered by the Committee:

1.1 At the request of the nominated officer

2.0 Summary of recommendation:

That the Committee would be minded to GRANT planning permission for the application subject to the conditions set out in the report.

3.0 Reason for the recommendation:

- On balance, the principle of the development is considered to be in accordance with saved policy WIMCO23 which provides that the High Street Car Park shall be used for car parking.
- The proposed hand car wash will not have a significant impact on Highway Safety. The Highways Authority has no objection.
- The proposal will not harm the historic significance of Wimborne Conservation Area.
- The proposal will not cause significant harm to the amenity of neighbouring development in terms of noise and disturbance.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	On balance the principle of the development is considered to be in accordance with saved policy WIMCO23 which provides that the High Street Car Park shall be used for car parking.

Parking and Highway Safety	The proposed hand car wash will not have a significant impact on Highway Safety
Impact on the Conservation Area and neighbouring Listed Buildings	The proposal will not harm the historic significance of Wimborne Conservation Area or the nearby Listed Buildings.
Amenity of neighbouring properties	Subject to conditions to regulate noise, no significant harm to the amenity of neighbouring properties would be caused.
Wastewater disposal	The proper disposal of wastewater is subject to control by environmental legislation and other regulatory bodies and as such the disposal of any wastewater produced is not a material planning consideration, in this instance.
Public sewer affected	It is likely that the proposal will require the diversion of a public sewer. This is a matter for Wessex Water.
Groundwater flooding	Surface water will be disposed of via the SuDS Hierarchy which is subject to Building Regulations

5.0 Description of Site

High Street Car Park is located to the rear of the eastern side of Wimborne High Street. It is accessed by a narrow lane which passes between No 5 and No 7 High Street. The Car Park is not metaled or formally laid out. It is managed, but not owned, by Dorset Council. At the far (easternmost) end of the car park is a footbridge over the River Allen connecting the car park with the Co-op car park. There is also a fishmonger business at the far end of the car park. Along much of its southern side the car park is enclosed by the rear extensions to No 7 High Street (McColl's newsagent and post office). The building that is proposed to be extended and converted to a car wash is located adjacent to the rear post office extension.

6.0 Description of Development

To extend a single storey building and change its use to that of hand car wash facility. 4 parking spaces will be lost as a result of the proposal.

7.0 Relevant Planning History

3/19/2507/PAL Pre-app advice Advice Date: 09/03/2020
Extend existing single storey building and change use to that of hand car wash facility.

8.0 List of Constraints

Adjacent Listed Buildings including THE SQUARE POST OFFICE/ MARTINS
Newsagent Scrivens and Café Aroma

Conservation Area - Wimborne Minster

Groundwater_PC

Wimborne Minster Town Centre

Primary Shopping Centre

Conservation Area Wimborne and Colehill

Groundwater Source Protection Zones, The total area needed to support the
abstraction or discharge from the protected groundwater source

9.0 Consultations

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

Consultees

1. Dorset Council Highways

The Highway Authority has NO OBJECTION to the proposal

2. DC Conservation Officer

No objection subject to signage conditions

3. DC Environmental Health

No objection:

- Noise impact assessment satisfactory
- Hours of operation to be limited
- Drainage details required

4. Wimborne Minster Town Council

Comment:

- Support for the principle of a hand car wash in Wimborne.
- Concerns expressed re safety of access, noise levels and pollution contaminating river.

5. Ward Member

Comment:

- Concern expressed by members of the public.
- Loss of the amenity space and car park spaces due to the extension of the pre-existing building.
- Additional traffic movement using a confined dog leg single carriage width entrance that is a shared space with pedestrians and vehicular traffic.

6. **Wessex Water**

Comment:

Wessex Water sent a letter of advice addressing the following matters:

- Drainage and water supply connection
- Public sewers
- Foul drainage
- Surface water drainage

7. **Dorset Council Planning Policy**

Comment:

- A 2017 retail study suggests a perception of a lack of car parking close to the town centre
- Ongoing retail study will be looking at availability of car parking.
- Given the lack of up to date evidence and the age of saved policy WIMCO23 we are unable to attribute significant weight to the saved policy.
- Given the points raised above planning policy would recommend a temporary permission in order for the harm to be assessed over a period of say 12-24 months.

8. **Dorset Council Parking Services**

Comment:

- Nothing further to add to pre-application advice comment: "this has the potential to get in the way of other car park users".

Representations received

Forty-three letters of representation have been received objecting to the proposal for the following summarised reasons:

- Dangerous access pavement and close to a bus stop
- Access too narrow; vehicles have to reverse
- Queues for car wash may cause a hazard
- Loss of parking in town centre
- Noise will harm amenity of neighbouring dwellings

- Works will harm the Conservation Area and setting of Listed Buildings
- Wastewater runoff will pollute river
- The car park floods

10.0 Relevant Policies

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan (2002).

Adopted Christchurch and East Dorset Local Plan:

The following policies are considered to be relevant to this proposal:

- KS1 - Presumption in favour of sustainable development
- KS2 - Settlement hierarchy
- KS11 - Transport and Development
- KS12 - Parking Provision
- HE1 - Valuing and Conserving our Historic Environment
- HE2 - Design of new development
- ME1 - Safeguarding biodiversity and geodiversity
- ME6 - Flood Management, Mitigation and Defence

Saved policies of the East Dorset Local Plan 2002

- DES2 - Criteria for development to avoid unacceptable impacts from types of pollution
- WIMCO23 - Land off Old Road and Mill Lane, Wimborne shall be used for car parking

Material considerations

- Supplementary Planning Guidance - SPG 15 Wimborne Minster Conservation Area.

National Planning Policy Framework:

Paragraph 11 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 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

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.

- The provision of a privately operated commercial car wash is not considered likely to disadvantage people with protected characteristics

13.0 Financial benefits

None relevant

14.0 Climate Implications

The site is within the main urban area boundaries of Wimborne. As such the location is considered to be sustainable and the proposal therefore has no significant climate implications.

15.0 Planning Assessment

The principle of the development

15.01 The site is within the urban area of Wimborne where the principle of developing the site is in accordance with Policy KS2 *Settlement Hierarchy*. However, the site is also affected by saved Policy WIMCO23. This policy states:

The following sites will be used for car parking:

- (a) Land north of Old Road, accessed from Old Road;*
- (b) Land south of Mill Lane, accessed from Hanham Road.*

WIMCO23(b) affects the application site.

15.02 Planning Policy have commented:

15.03 *'Given the lack of up to date evidence and the age of saved policy WIMCO23 we are unable to attribute significant weight to the saved policy. However, in light of the responses to the Dorset Council Local Plan consultation and previous survey from the 2017 joint retail study stating residents feel there is a lack of car parking close to the town centre this appears to be a current issue for the town centre. Given the points raised above planning policy would recommend a temporary permission in order for the harm to be assessed over a period of say 12-24 months. This will also ensure the retail study being carried out as part of the Dorset Council Local Plan has been finalised and published and will form some of the evidence base to assess the need of car parking close to the town centre'*. (See Documents for full comment)

15.04 The policy officer's comments regarding a temporary permission are noted. However, the proposal involves the erection of an extension to a building and comments from Wessex Water suggest that the applicant may need to relocate a sewage pipe to facilitate the development. The proposal therefore requires a significant investment in extending a building. A temporary planning permission would not be appropriate in these circumstances as it would not be reasonable to approve costly permanent works under a temporary permission.

15.05 It is noted however that the framing of Policy WIMCO23 does not preclude uses ancillary to car parking at the site and that the proposal would require the loss of only 4 parking spaces, which is just 10% of the stated car parking capacity of the site. As such, were the proposal to be granted, the High Street Car Park could continue to be used for car parking, as required by Policy WIMCO23, albeit at a modestly reduced capacity. It is noted that hand car wash facilities operating as ancillary to the main use of a car park, are relatively common. It is considered therefore that there is no clear conflict with Policy WIMCO23 and as such, on balance the principle of the development is considered to be in accordance with that policy and the development plan.

15.06 Notwithstanding the above, in view of the fact that Planning Policy do not attribute significant weight to policy WIMCO23 and emerging policy for the future use of the High Street Car Park is currently uncertain, it is considered that the presumption in favour of sustainable development under paragraph 11 of the NPPF should be given significant weight with regard to the application of policy WIMCO23. It is noted that Planning Policy do not yet consider WIMCO23 to be out of date, but in view of the comments provided by Planning Policy it would not be appropriate to attribute full weight to that policy at this time.

Parking and Highway Safety

15.07 It is noted that Wimborne Town Council has stated its concerns regarding highway safety, commenting that *"Access and egress to and from the site via a narrow single lane off the main High Street is problematic and will create congestion in the town centre. The safety of pedestrians walking in and around the High Street and into the*

car park is at risk". Similar concerns have also been raised in the letters of objection received. However, these concerns must be considered in the context of the existing use of the site, as a car park, which itself generates significant traffic into the site and due regard must be given to the fact that the Highways Authority has stated "no objection" to the proposal. As the existing use of the site already generates a significant level of traffic using the narrow car park entrance, it is considered that the use of a part of the car park as a car wash will not significantly increase the number of vehicles using the site access and consequently highway safety will not be significantly harmed. For this reason, and because there is no objection from the Highways Authority a refusal on the grounds of significant harm to highway safety cannot be substantiated.

Impact on the Conservation Area and neighbouring Listed Buildings

- 15.08 The Conservation Officer comments that *"The site is situated in the Wimborne Conservation Area; however, the site is set back behind the main street accessed by a lane. The proposed building has no heritage value, and the immediate surrounds are of no historic interest. Two listed buildings are located at the entrance to the lane off High Street, namely Nos 5 & 7. Channelled views along the lane are possible from High Street.[...] I have no objections to the extension of the existing building, which will not compromise any views into or out of the Conservation Area or the setting of neighbouring listed buildings.[...] details of any signage proposed should be provided or made a condition of consent"*.
- 15.09 The Conservation Officer's comments regarding impact on heritage assets are supported. The proposal would conserve the historic importance of the Conservation Area and nearby Listed Buildings and is in accordance with Policy HE1.
- 15.10 The Conservation Officer's comments regarding signage are noted. However, signage is regulated by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and there are no circumstances particular to the site to suggest that additional advertisement controls are necessary.

Amenity of neighbouring properties

- 15.11 Wimborne Town Council has stated a concern that *"[...] dB figures potentially fall within the dangerous continuous levels which are classed as between 80-89dB. At this level range there is a risk of permanent damage to hearing if sustained exposure at that level were to occur. The impact of noise pollution on neighbouring properties and businesses is a concern.[...]"*
- 15.12 The Environmental Health Officer has commented:

I am happy with the conclusion of the [Noise Impact Assessment] report that the proposed development is likely to have a low noise impact upon nearby receptors. I have no adverse comments to make subject to the mitigation measures as detailed in the assessment "6.4 Required Remedial Works 6.4.1, 6.4.2 & 6.4.3".

Any radio or amplified sound should not be audible past the boundary of the premises.

Due to the location of residential properties near to the proposed facility, Environmental Protection would expect a restriction to be placed upon hours of operation. The noise assessment has taken into account the operation times given in the application form.

*Monday to Friday: 0900 – 1800
Saturday: 0900 – 1800
Sundays and bank holidays: 1000 – 1600*

[...] Our records indicate that the proposed development lies within 250m of areas with current/historic potentially contaminative land uses. Please apply the unexpected contaminated land condition to any permission granted.

- 15.13 In view of the findings of the Noise Impact Assessment and from its review by the Environmental Health Officer, it is considered that, subject to the officer's recommended conditions, the proposal will not cause significant harm to the amenity of neighbouring development in terms of noise and disturbance. No other significant amenity issues are created by the proposal. As such the proposal is considered to be in accordance with Policy HE2 and Saved Policy DES2.

Wastewater disposal

- 15.14 Wimborne Town Council has also stated a concern that wastewater from the car wash could contaminate groundwater and the River Stour and River Allen. The Environmental Health Officer has also recommended that further information is provided in relation to the proposed drainage. However, the proper disposal of wastewater produced by the operation of the car wash is subject to control by environmental legislation and other regulatory bodies and as such the proper disposal of wastewater disposal is not a material planning consideration in this instance. Notwithstanding this point, it is considered prudent to attach an informative note to the planning permission, if granted, to draw the attention of the applicant to the advice given by Wessex Water. Wessex Water were consulted regarding the proposal and have provided advice for the applicant regarding wastewater drainage in its letter reference ED/NC/430 dated 13/08/2021.

Public sewer affected

- 15.15 Wessex Water have commented:

According to our records there is an existing public foul sewer crossing this site. Your contractor must undertake a private survey to determine the precise location of the existing sewer. There must be no structures over the public sewer manhole and the sewer will require diversion. Further information on sewer diversions can be found on our website.

In the circumstances it is recommended that a revised drawing showing how the existing sewer will be protected is submitted to the planning authority prior to planning decision.

15.16 The drainage overlay requested by Wessex Water has been provided by the applicant and it shows that, based on existing survey information, the proposal would be built over a sewer and manhole cover. Wessex Water advice note *WWDS-DEV 014G Sewer diversion* states that “*under no circumstances will we permit building over a sewer where [...] a manhole would be inside a building*”. Subject to further surveys, it appears likely that it will be necessary for the applicant to apply to Wessex Water for permission to divert the sewer. However, this is a matter for Wessex Water. An informative drawing attention to the Wessex Water’s advice in this regard would be added to the planning permission if granted.

Groundwater flooding.

15.17 Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations. Subject to compliance with Building Regulations the proposal will not increase surface water flows or the risk of sewer flooding and pollution.

16.0 Conclusion

- On balance the principle of the development is considered to be in accordance with saved policy WIMCO23 which provides that the High Street Car Park shall be used for car parking.
- The proposed hand car wash will not have a significant impact on Highway Safety.
- The proposal will not harm the historic significance of Wimborne Conservation Area.
- The proposal will not cause significant harm to the amenity of neighbouring development in terms of noise and disturbance.
- There are no material considerations which would warrant refusal of this application

For these reasons the proposed development is considered to be acceptable and in accordance with the development plan.

17.0 Recommendation

That the Committee would be minded to GRANT planning permission for the application subject to the conditions set out below.

Conditions:

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

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing No 001 Site Location and Block Plan
Drawing No 002 Proposed Site Plan 1:500
Drawing No 003 Proposed Site Plan 1:200
Drawing No 005 Proposed Elevations

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

3. The external materials to be used for the walls shall be similar in colour and texture to the existing building to be extended or white painted render unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance of the development.

4. No machinery shall be operated and no activity carried out at the car wash premises outside the hours of 0900 to 1800 Monday to Saturday and 1000 to 1600 on Sundays or Bank Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

5. The extended building hereby permitted shall not be used for the purposes hereby permitted unless and until the remedial works detailed under section 6.4 of Impact Acoustics Ltd report reference IMP7017-1 have been implemented in full. The installed remedial works shall be permanently maintained and retained unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area. Reason: In the interests of the amenity of the area.

6. No plant or machinery associated with the operation of the car wash shall be operated outside of the extended building hereby approved.

Reason: In order to protect nearby residential properties from the adverse effects of excessive noise.

7. Any radio or amplified sound must not be audible past the boundary of the application site.

Reason: In the interests of the amenity of the area. Reason: In the interests of the amenity of the area.

8. In the event that contamination is found at any time when carrying out the approved development, works for the development shall cease until notified otherwise by the Local Planning Authority and it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). If any contamination be found requiring remediation, a remediation

scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. All remediation measures identified in the approved remediation scheme must be carried out in accordance with the approved scheme. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

Informatives:

1. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
2. 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.
3. The applicant is advised that certain types of signage require express consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. The applicant's attention is drawn to the letter from Wessex Water referenced ED/NC/ 430 dated 13/08/21 in respect of this application. The letter advises that according to Wessex Water's records there is an existing public foul sewer crossing the site and provides information regarding drainage and water supply connections

Background Documents:

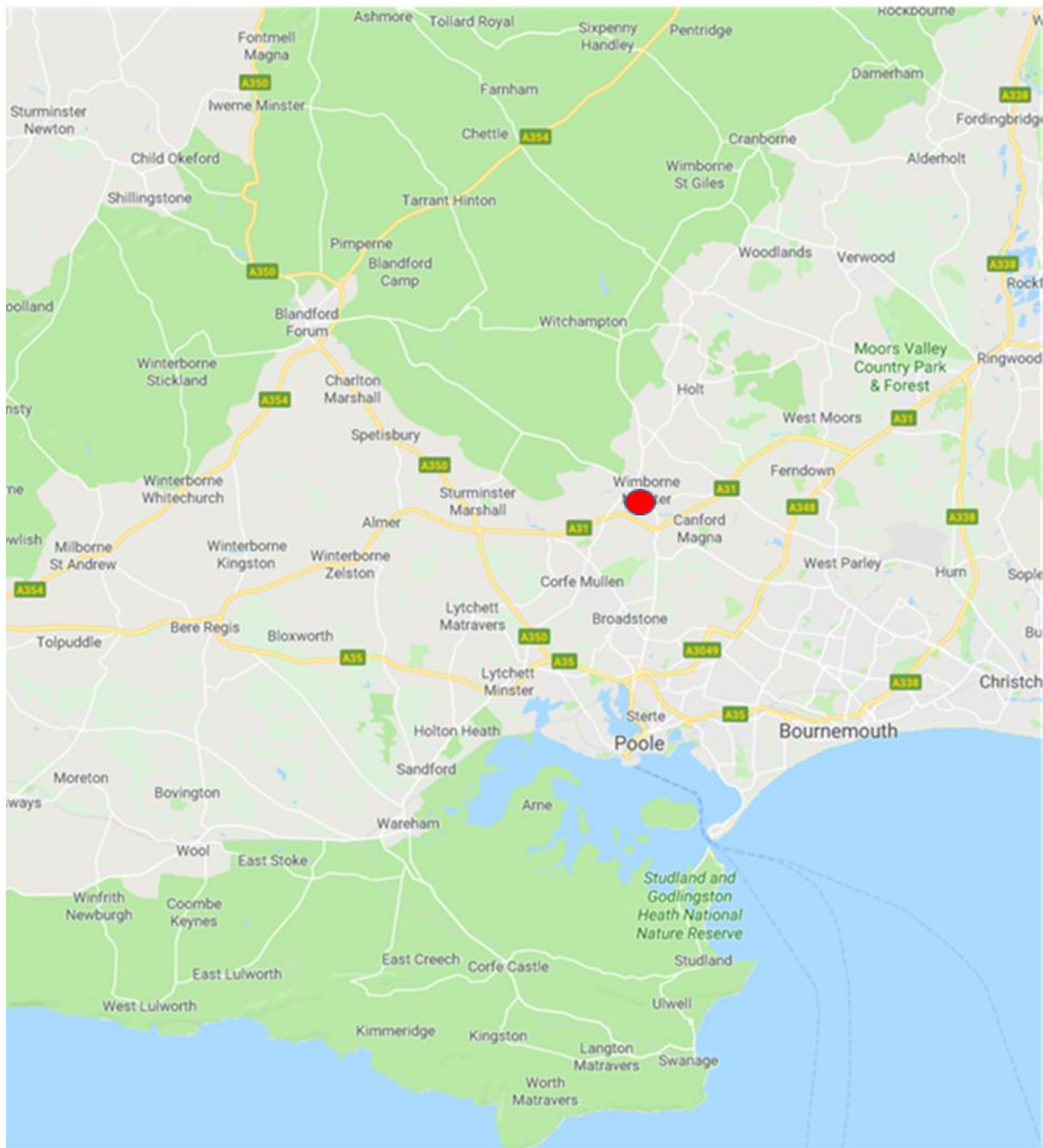
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

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

Application Reference: 3/21/0668/FUL

Site Address: Land rear of 5 High Street (High Street Car Park), Wimborne Minster, BH21 1HR

Proposal: Extend existing single storey building and change use to that of hand car wash facility



Application Number:	P/HOU/2021/02711		
Webpage:	Planning application: P/HOU/2021/02711 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	1 Hillside Affpuddle Dorset DT2 7HQ		
Proposal:	Replacement porch		
Applicant name:	Mr G Sagar		
Case Officer:	Steve Clothier		
Ward Member(s):	Cllr Miller and Cllr Wharf		
Fee Paid:	£206.00		
Publicity expiry date:	28 October 2021	Officer site visit date:	12 October 2021
Decision due date:	18 November 2021	Ext(s) of time:	Not agreed

1.0 The Nominated Officer has identified this application to come before the Planning Committee at the request of the nominated officer.

2.0 Summary of recommendation:

REFUSE planning permission for the reasons set out below.

- Para 11d 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, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- The porch, on account of its design and elevated position, would result in less than substantial harm to the Piddle Conservation Area and there are no public benefits to outweigh the harm to the Conservation Area.

3.0 Reason for the recommendation:

- The proposed porch would have a dominating effect in this prominent location in the Conservation Area.

4.0 Key planning issues

Issue	Conclusion
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Principle of development	The principle of a replacement porch on this property is acceptable subject to an appropriate design.
Scale, design, impact on character and appearance	Inappropriate in this prominent location in the Conservation Area.
Impact on neighbouring amenity	Acceptable.

5.0 Description of Site

The application site comprises a semi-detached, two storey, modern dwelling with front and rear garden situated on the south side of the main road running through Affpuddle, a village without a settlement boundary.

The house has a rendered, timber and stone clad exterior with a tiled roof and an attached single storey flat roofed garage to the side. The property is not of historic significance but is located in the Piddle Valley Conservation Area with the Grade II Listed 'River Cottage' opposite. Although the building is set back from the road, its elevated position means that the front elevation is visible in the Conservation Area and from the nearby designated 'River Cottage' from which oblique views of the application site are possible. There is a deciduous tree in the front garden but the level of screening this offers will be dependent on the time of year.

The current porch is a simple open sided glazed structure with a flat roof which has a symmetrical partner in no.2 Hillside next door. While the porch is not of architectural interest, its form and structure has a lightweight appearance and limited impact on the appearance of the Conservation Area.

6.0 Description of Development

The proposal is to remove the existing flat roof porch and replace it with a larger brick built structure with a tiled roof

7.0 Relevant Planning History

6/2001/0355 Decision: GRA Decision Date: 31/01/2002

Removal of condition 3 of PA 308551 (Agricultural occupancy condition).

8.0 List of Constraints

Within the Countryside

Within the Piddle Valley Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

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

Consultees

1. Affpuddle & Turnerspuddle Parish Council (received 14.10)

Support: the property is set back from the road, is largely screened by shrubbery and is of fairly modern design. The increased size of the porch will not be at all detrimental to the character of the property or conservation area.

2. West Purbeck Ward – Cllr Wharf (received 3.11)

This application should be referred to Committee. Agrees with the views of the Parish Council – feels the Officer is “being far too prescriptive on a matter of little consequence and was over interpreting the rules”.

3. DC - Conservation Officers (received 12.10)

Unable to support: No objection to the principle of a replacement porch but the proposed design has a dominating affect due to its increased height, width, solidity and roof form which is considered to cause less than substantial harm to the character and appearance of the Piddle Valley Conservation Area

Representations received

One letter of support has been received from third parties stating that the porch proposed will be a considerable improvement and will not clash with the existing building – it will enhance it. The porch would not compromise the appearance or context of River Cottage (Grade II Listed).

No letters of objection were received.

10.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan Part 1:

The following policies are considered to be relevant to this proposal:

- Policy SD - Presumption in favour of sustainable development
- Policy LD - General location of development
- Policy D - Design
- Policy LHH - Landscape, Historic Environment and Heritage
- Policy CO - Countryside

Material Considerations

Emerging Purbeck Local Plan:

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out

between November 2020 and January 2021). An additional consultation on Further Proposed Main Modifications is scheduled to open in December 2021 and close early in January 2022. The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the council's position following consultation on proposed Main Modifications and the scheduled consultation on Further Proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:
E1: Landscape

- E2: Historic Environment
- E12: Design

Other Material Considerations

National Planning Policy Framework revised July 2021

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 12: Achieving well-designed places

Section 16: Conserving and enhancing the historic environment

Purbeck District Design Guide Supplementary Planning Document adopted January 2014

Piddle Valley Conservation Area Appraisal adopted January 2018

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 extension would result in any disadvantage to persons with protected characteristics.

13.0 Financial benefits

There are no financial benefits relating to this householder application. The proposal is not liable for a CIL payment.

14.0 Climate Implications

The proposal is for extensions and alterations to a dwelling. The property 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 and coastal erosion that may be exacerbated by future climate change.

15.0 Planning Assessment

The main considerations are

- The principle of development
- The scale, design and impact on heritage assets
- The impact on neighbouring amenity.

Principle of Development

Affpuddle is a village without a settlement boundary. The site is therefore located in open countryside where policy CO is applicable. Modest extensions to existing residential dwellings are acceptable in principle subject to compliance with adopted Development Plan policies and other material planning issues.

Scale, design and impact on heritage assets

Local Plan Policy D: Design requires (inter alia) that proposals positively integrate with their surroundings. Policy LHH: Landscape, Historic Environment and Heritage requires that proposals conserve the setting, character, interest, integrity, health and vitality of landscape and heritage assets. Wherever appropriate, proposals affecting heritage assets will be expected to deliver enhancement and improved conservation of those assets.

The proposed new porch represents a substantial increase in size and massing to that of the existing porch, effectively doubling its depth (from approximately 1.3m to 2.7m), increasing the width (from 2.7m to 3.8m) and introducing solid rendered walls and a hipped roof (max height increased from 2.7m to 3.7m). The resulting structure will dominate and be at odds with the design of its attached partner porch at No. 2 Hillside disrupting the symmetry and form of the two dwellings which is critical to their architectural integrity.

The property is located in the Piddle Valley Conservation Area. Conservation Areas are designated for their special architectural and historic interest and the Council has a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when considering any application.

There is no summary of special interest for the Piddle Valley Conservation Area but the following relevant characteristics emerge from the Appraisal:

- Special architectural interest arising from sixteenth and seventeenth century buildings and the exceptional number of protected twentieth century buildings.
- Strong associations with the Morteton Estate and the Bladen Farms project provide special historic interest
- The rural setting of the constituent linear settlements alongside the flood plain of the River Piddle characterises the area.
- In Affpuddle the modern pattern of development is inconsistent with that which existed in the past where plans show an almost continuously developed frontage in 1760s; the street edge position of the few historic cottages that survive recalls the historic layout. Historic visual character is richest where historic buildings form clustered groups including the west end of Affpuddle.
- Vernacular cottage development is generally cob and thatch and is characterised by broad frontage narrow depth (single room deep) plan forms.

The Conservation Area Appraisal notes that '*The majority of post-war development adopts generic suburban designs lacking any obvious affinity to the locality, which if*

anything undermines local distinctiveness. This is seen at its worst on the south side of the main street in Affpuddle...' (para 75).

The Conservation Area Appraisal map identifies positive and negative contributors to the area. Negative elements by their nature detract from the character and appearance of the Conservation Area and the application site dwelling is one of these. *'In Affpuddle modern housing has come to dominate the main street, the elevated position occupied along the south side of Southover Road bearing no relation to the historic pattern at street level. Elevation was apparently a response to the possibility of flooding.'*

While the property is not of historic significance and there is no objection in principle to a replacement porch, the application site is in a highly visible location within the Conservation Area and the generic design of the dwelling and its neighbours on the south side of the main street already undermines local distinctiveness.

The dwellings are identified as having a negative impact on the Conservation Area Quality Map so there is opportunity for positive change. The Conservation Area appraisal refers to the way that *'creative new design which seeks to use traditional details or materials in architecturally interesting ways'* can reinforce local distinctiveness (p. 50). Encouragement is given to improve the contribution made by buildings which are currently negative elements but this scheme does not appear to be creative or architecturally interesting.

Instead the scale and design of the proposed porch would not result in benefit but rather would have a negative impact on the symmetry of the semi-detached pair and introduce a bulky front projection with an overly large front window which would appear incongruous in relation to its attached dwelling. The Conservation Area appraisal references harm that has already arisen from the *'disproportionate size and uncomplimentary form of some modern extensions'* (p25). The visual impact of the poor design would not positively integrate with its surroundings, contrary to policy D, and would fail to preserve or enhance appearance of the Conservation Area.

It is judged that the increase in size and scale of the proposed new porch is significant due to the visual prominence of the site within the Conservation Area and the visual impact of the proposal would result in 'less than substantial' harm to the special interest of the Piddle Valley Conservation Area.

In accordance with paragraph 202 of the NPPF consideration has been given to the public benefits of the proposal but in this case none have been identified. The proposal fails to preserve or enhance the character and appearance of the Conservation Area contrary to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and is contrary to policy LHH and the requirements to conserve and enhance heritage assets as set out at chapter 16 of the NPPF.

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) requires that special regard shall be given to the desirability of preserving the building or its setting. On the northern side of the highway River Cottage, a Grade II listed thatched building, stands opposite the application site on lower land. The proposed porch will be evident in oblique views but building to building there is a separation distance of approx. 33m. It is judged that the porch will not have a harmful impact on the setting of the listed building.

Impact on neighbouring amenity

The proposed porch being of a modest size would have no adverse implications for occupants of neighbouring property. While it would be sited on the boundary with No. 2 Hillside the modest forward projection would not give rise to unacceptable impacts in terms of loss of light or overbearing impact.

16.0 Conclusion

The proposed porch due to its size, design and visually prominent position, fails to positively integrate with its surroundings. The proposal would add a further negative design element to a building already identified as a negative contributor in its original, symmetrical form, contrary to the statutory requirement to pay special attention to preserving or enhancing Conservation Areas and resulting in less than substantial harm to the heritage asset which is not outweighed by any public benefit.

17.0 Recommendation

That Members be minded to refuse permission for the reason set out below:

1. The proposed porch is considered to have a visually dominating effect in this prominent location above the road level having regard to its height, width, solidity and roof form which would be completely at odds with the porch at the neighbouring property (No. 2 Hillside) disrupting the symmetry and form of the original post-war suburban architecture. As a result, the porch would heighten the negative visual impact of the dwelling which is of suburban rather than vernacular design and fails to preserve or enhance the character and appearance of the Piddle Valley Conservation Area. The proposed extension would lead to less than substantial harm to the designated heritage asset of the Conservation Area, and there are no substantial public benefits to outweigh the level of harm that would be caused. As such the proposal is considered to be contrary to paragraphs 197, 199, 202 and 206 of the NPPF, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990; Policies LHH: Landscape, Historic Environment and Heritage and D: Design of the Purbeck Local Plan 2012; and the Purbeck District Design Guide Supplementary Planning Document adopted January 2014.

Informative Notes:

1. National Planning Policy Framework

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and –
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

2. The plans that were considered by the Council in making this decision are: Location and Block Plans; 21/1013/001, 21/1013/002 rev2; 21/1013/003; 21/1013/004; 21/1013/005.

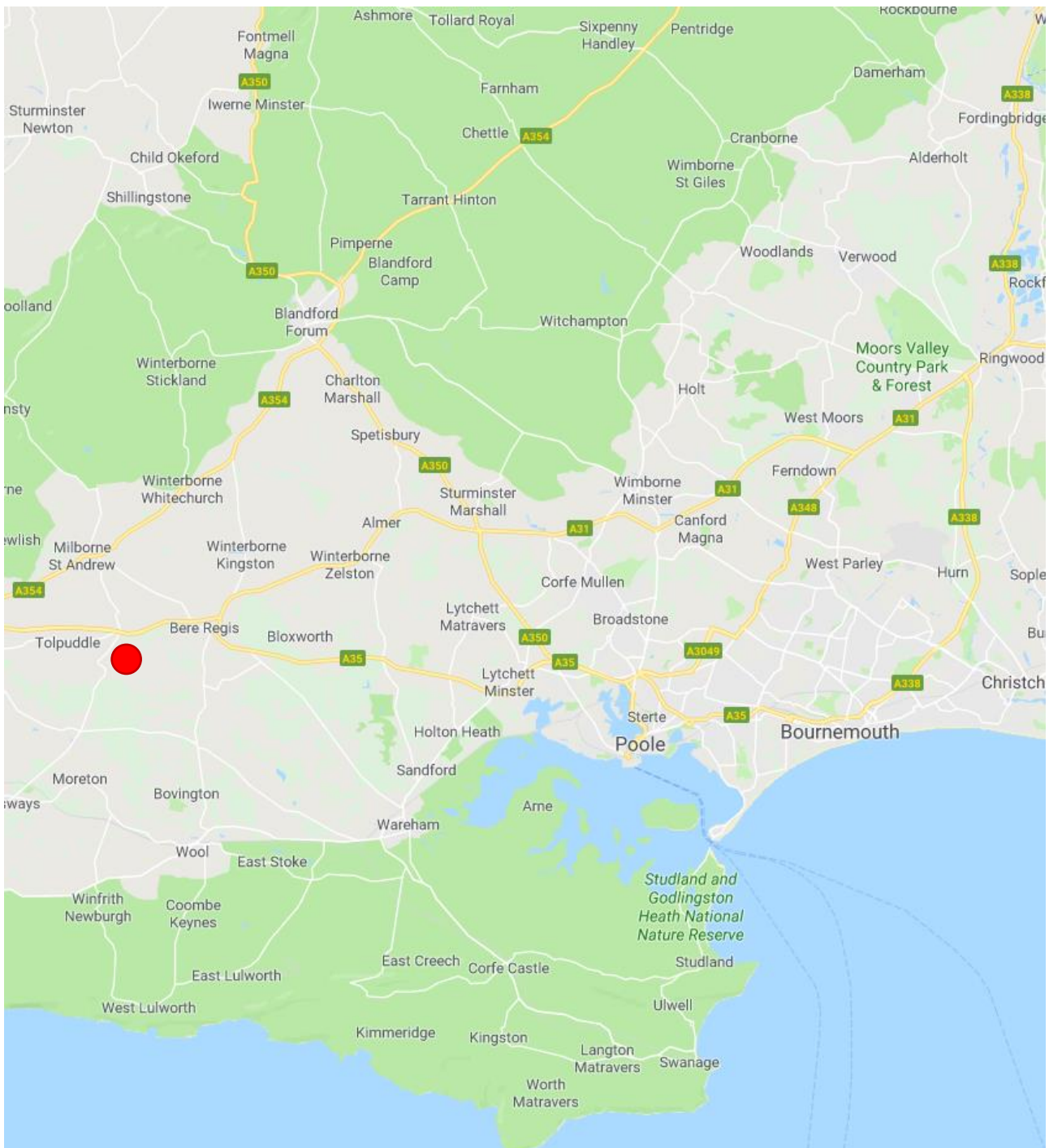
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● Approximate Site Location

Application reference: P/HOU/2021/02711

Site address: 1 Hillside Affpuddle Dorset DT2 7HQ

Proposal: Replacement porch



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