



# Eastern Area Planning Committee

**Date:** Wednesday, 9 March 2022

**Time:** 10.00 am

**Venue:** The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

**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](mailto:david.northover@dorsetcouncil.gov.uk)**

---



For easy access to the Council agendas and minutes download the free public app Mod.gov for use on your iPad, Android and Windows tablet. Once downloaded select Dorset Council.

Members of the public are welcome to attend this meeting with the exception of any items listed in the exempt part of this agenda. **Please note** that if you attend a committee meeting and are invited to make oral representations your name, together with a summary of your comments will be recorded in the minutes of the meeting. Please refer to the guide to public participation at committee meetings for more information about speaking at meetings. **Procedures and protocols for public speaking are set out in Item 4 – Public Participation.**

Members of the public who wish to speak are asked to submit that request to the Democratic Services Officer no later than **8.30am on Monday 7 March 2022.**

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 Monday 7 March 2022.**

## **Recording, photographing and using social media at meetings**

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

---

public, so long as they conform to the Protocol for filming and audio recording of public council meetings.

**This meeting will be webcast/live streamed for those who wish to view the proceedings on the day.**

# A G E N D A

## Page No.

### 1 APOLOGIES

To receive any apologies for absence

### 2 DECLARATIONS OF INTEREST

To disclose any pecuniary, other registerable or non-registerable interests as set out in the adopted Code of Conduct. In making their disclosure 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 - 122

To confirm the minutes of the meetings held on:-

- 28 July 2021
- 25 August 2021
- 29 September 2021
- 13 October 2021
- 27 October 2021
- 1 December 2021
- 5 January 2022
- 9 February 2022

### 4 PUBLIC PARTICIPATION

123 - 126

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 PLANNING APPLICATIONS

127 - 216

To consider the applications listed below for planning permission.

- a) 6/2021/0262 - Withy Lakes, Church Knowle, BH20 5NG - Erect detached self-build rural exception site dwelling
- b) 6/2021/0249 Tower House, Tower Hill, Bere Regis - Demolish existing property and erect 5 detached properties with associated parking, access and landscaping.
- c) P/HOU/2021/04823 - 7 Stanbarrow Close, Bere Regis, Wareham - Proposed single/two storey extension to rear elevation. Extension of side boundary wall and form new pedestrian access.
- d) P/FUL/2021/04102 - Pear Tree Nursery School, Parley First School, Glenmoor Road, Ferndown, BH22 8QD - Demolition of existing nursery structures and construction of replacement nursery building.
- e) P/FUL/2021/03912- Hayeswood First School, Cutlers Place, Colehill – Formation of a new vehicle entrance, relocate existing pedestrian entrance and reformation of the car parking and car park spaces. New access ramp, fencing and gates.

## **6 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 28 JULY 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, Bill Trite and John Worth

**Apologies:** None

**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), Peter Walters (Senior Planning Officer), Colin Graham (Engineer (Development Liaison)), Patrick Carpenter (Traffic Engineering technical Officer), Mike Potter ( Road safety Team Leader), (Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

#### **193. Chairman's Introduction**

The Chairman explained that, whilst it had been intend to hold the meeting in person for the first time since the start of the Coronavirus pandemic, in the light of the increasing Covid-19 case rates and the projected increases through August and into September, in consultation with group leaders, the Chief Executive had exercised his emergency powers to revert to informal virtual meetings.

Accordingly, for this meeting - where a decision was required - it was delegated to the most appropriate officer to make the decision, having listened to and taken into account the views expressed by the wider Committee membership. Arrangements were in place on that basis.

The Chairman also took the opportunity to explain how the meeting would take place, the way this would be done and the reason for this. She explained the protocols and processes to be followed and that doing so give gave the Council the ability to continue to fulfil its obligation of delivering the planning function and determining applications.

The Chairman also took the opportunity – on behalf of the Committee - to welcome Councillor Mike Barron to the Committee and to thank Councillor Brian Heatley for his valued contribution whilst he had served on the Committee.

As this would be the last meeting for both Colin Graham and Mike Potter she also extended sincere thanks to them for their valued contributions and advice in the past and wished them both well and for every success for the future.

194. **Apologies**

No apologies for absence were received at the meeting.

195. **Declarations of Interest**

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

196. **Minutes**

The minutes of the meeting of 7 April 2021 were noted and acknowledged.

197. **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.

198. **6/2019/0639 - Outline application for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all matters reserved apart from vehicular access from West Lane at land North of West Lane, Stoborough, Wareham**

The Committee considered an outline application - 6/2019/0639 - for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all matters reserved apart from vehicular access from West Lane at Land North of West Lane, Stoborough, Wareham

The Service Manager for Development Management and Enforcement considers that the concerns raised by the Parish Council warrant the application being considered by the planning committee.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; 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, including the Dorset AONB and taking into account the policies against which this application was being assessed, with consideration also being given to the Arne Neighbourhood Plan.

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; the means of landscaping and screening and its setting within that part of Stoborough and the wider landscape - including the AONB the nearby heathland and its proximity to the River Frome.

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 were shown, which provided a satisfactory understanding of all that was necessary. As part of the scheme, a footway would be provided linking the development to the village

How the relationship between the proposal and the provisions of the Local Plan; the NPPF and the Arne NP were applied and what considerations needed to be given to each were explained, as well as the weight to be given to each.

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. Having assessed the material considerations these were seen to be acceptable and sufficiently compliant with national and local planning, so the recommendation being made by officers to approve the application was based on this.

The Committee were notified of the written submission received – from the agent of the applicant - and officers read this 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.

Cllr Ryan Holloway took the opportunity to address the Committee, both in his own right and on behalf of his fellow Ward Member, Councillor Beryl Ezzard, in objecting to the proposal due to the amount of affordable housing provided, the location of the development flooding concerns, highway safety provision and environmental issues during construction. He was also concerned that the adopted Arne NP did not accord with what was being proposed as not accord with it.

Formal consultation had seen an objection from Arne Parish Council in that the Neighbourhood Plan stated that site should not be used for development, this should not be considered as a Rural Exceptions site, as the proportion of open market housing was too high, a lack of pedestrian link to the village; and there would be an increase in traffic and impact upon highway safety.

In addition, 26 objections, and a petition with 35 signatures, were received citing environmental, amenity, traffic and development concerns, as well as not being an allocated site and not being in accordance with the Arne Neighbourhood Plan.

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.

The Committee were informed that in the light of the Housing Delivery test it has been necessary to consider this application against paragraph 11 of the National Planning Policy Framework (NPPF). In this case the NPPF policies did not provide any clear reasons for refusing the development proposed and no adverse impacts had been identified that would outweigh the benefits.

The proposed erection of up to 15 residential dwellings made efficient use of land without harming the character of the area and would contribute to housing supply, including the provision of affordable housing which can be secured by a planning obligation. The proposed dwellings were considered to be of an appropriate scale, size and design and acceptable in terms of impact on the character and appearance of the local area. The impact on neighbouring amenity, highway safety, biodiversity and drainage were also considered to be acceptable, subject to conditions and securing appropriate heathland mitigation via a planning obligation. The proposal was therefore considered to be sustainable development for the purposes of NPPF paragraph 11. The application had been considered in the light of the presumption in favour of sustainable development so officer's view was that permission should be granted. It was now for the Committee to adjudge whether this was the case and whether the number of dwelling proposed was acceptable.

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:-

- access arrangements
- footway needs and how these were to be accommodated.
- how flooding and drainage issues would be satisfactorily managed
- what Heathland mitigation there was to be
- The effect on the Dorset AONB
- how the number of buildings proposed; their affordability, allocation and where they were to be sited conformed with the provisions of the Neighbourhood Plan and what considerations should be taken in to account in how this might be satisfactorily addressed so as to provide what was necessary and, in doing so, maintain the affordable housing ratio
- the provision for green space/ recreation.

Officers addressed the questions raised, providing what they considered to be



satisfactory answers, which the Committee saw as generally acceptable.

Of importance was that officers did not consider that the proposal conflicted with the Arne NP for the following reasons:

- That although The NP formed part of the Development Plan documents that must be considered when assessing the application, it did not allocate any specific sites for development. Therefore, in the absence of a site allocation policy within the NP Arne neighbourhood Plan and taking into account the Housing Delivery Test results for the Isle of Purbeck, it was reasonable to conclude that there was a presumption in favour of sustainable development on the site.
- For the above reasons it has been found that, in this case, the NPPF policies did not provide any clear reasons for refusing the development proposed and no adverse impacts had been identified that would outweigh the benefits of the provision of affordable and market housing. The proposal was therefore considered to be sustainable development for the purposes of NPPF paragraph 11 and approval was being recommended subject to conditions and a s106 legal agreement to secure the affordable housing and necessary highway improvements. Accordingly, the application relied on this policy to deliver small sites for housing need.
- Given that the site was in the Dorset AONB, some concerns had been raised as to the detrimental impact this development would have. However, officers had given great weight to the localised harm to the AONB - taking into account the AONB Management Team's views - officers considered that the substantial public benefits of providing 15 homes, including 7 affordable dwellings (plus an off site affordable housing contribution), were sufficient to outweigh any harm.

What was being proposed was designed to satisfy need as identified in the Arne Parish Housing Needs Survey - in terms of the provision of affordable housing, although being below the 50% proposed, a commuted sum would be required to redress this, equating to £82,500.

Whilst the majority of the Committee considered the proposal to be acceptable - 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, there was a presumption to grant unless there was clear reason otherwise to demonstrably outweigh this - members considered that this development would significantly contribute to the housing supply in Dorset and meet the identified need and should be seen to be an asset. Moreover the SANG being provided was within reasonable distance, there would be an improvement for the village with the provision of a pavement, ensuring a safer route to school, meets need in Purbeck fallen below housing provision delivering. A balanced judgement had to be made on what number of dwellings was acceptable but, given the officer's recommendation and the basis for this; that this was an acceptable small development which would make the best use of the land available - with affordable housing being guaranteed – and in the absence of any other

development land being identified in the Arne NP, then they considered the proposal to be acceptable, as proposed.

However other members were of the view that whilst affordable housing should be welcomed, in their view this didn't override the provisions of the Arne NP and what this was designed to achieve – through a democratic process – in terms of housing allocation and location, and that its provisions should be upheld. They also were concerned about the adverse effect the development would have on the Dorset AONB, nearby Heathland, the effect of flooding and highway safety provision and concern over second homes.

The Solicitor clarified that any planning judgement made should not assess what was before members with any future applications in terms of numbers which would be assessed against the Arne NP at that time.

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 Mike Barron, on being put to the vote, the Committee agreed - by 9:2 - to be **minded to** grant permission, subject to the conditions set out in paragraph 17 of the officer's report, with the enactment of their minded to decision being made by the Service Manager for Development Management and Enforcement

### **Resolved**

1) That planning permission be **minded to** be **granted** subject to conditions and the completion of a S 106 Legal agreement – to provide (summary) affordable housing provision of 7 dwellings plus financial contribution of £82,500.

**or**

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

2) Having taken into consideration the Committee's minded to decision, the delegate to the Head of Planning be authorised to grant permission 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:  
Affordable housing provision of 7 dwellings in accordance with the mix set out above plus financial contribution of £82,500.

### **Reason for Decision**

- As set out in paragraphs 17 in the report
- The proposal is compliant with the Arne Neighbourhood Plan
- Para 14 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

- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

**NOTE :- RECONSIDERATION OF 6/2019/0639 - OUTLINE APPLICATION FOR UP TO 15 RESIDENTIAL DWELLINGS, SITE RE-PROFILING AND ASSOCIATED INFRASTRUCTURE, WITH ALL MATTERS RESERVED APART FROM VEHICULAR ACCESS FROM WEST LANE AT LAND NORTH OF WEST LANE, STOBOROUGH, WAREHAM**

Note:

Due to unforeseen technical issues which meant letters e-mailed to consultees in advance of the 28th July 2021 Eastern Planning Committee meeting had not been sent, officers (in consultation with the Eastern Planning Committee Chairman) have made the decision to **return application 6/2019/0639 - Outline application for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all matters reserved apart from vehicular access from West Lane at land North of West Lane, Stoborough, Wareham** - to the Eastern Planning Committee for consideration at the meeting on 25 August 2021.

The Service Manager for Development Management and Enforcement considers that the concerns raised by the Parish Council warrant the application being considered again by the Planning committee. The Chairman of the Committee endorsed this.

**199. Proposed Traffic Regulation Order – Waiting Restrictions on Pony Drive, Upton**

The Committee considered a report by the Director of Place which explained that, following the advertising of proposed implementation of parking restrictions in Pony Drive in Upton, objections had been received to the proposals. Consequently, the Committee was now being asked to give consideration to those objections and decide whether the proposals should be implemented as advertised. The waiting restrictions on Pony Drive, Upton were seen to be necessary as a result of unregulated parking that was causing congestion and safety issues.

With the aid of a visual presentation, officers explained the reasoning behind the need to impose the waiting restrictions and the basis on which the

objections received had been made. Photographs and plans were shown to the Committee by way of illustration. These showed where the proposals would be situated, the character of the roads and their setting within the town in that Pony Drive lead to a residential area, situated opposite a free car park that was used predominantly for walkers using Upton Country Park, there being another pay and display car park in an easterly direction approximately three hundred metres from Pony Drive.

What was being proposed was designed to improve the safety situation and congestion being caused by unregulated parking on or near the junction of Pony Drive and Poole Road.

Objections received considered that the new proposals would serve to disenfranchise those residents who wished to, or needed to, park on street or visitors to them and the inconvenient this would cause.

When the public consultation completed, those objections raised enabled Dorset Council to consider a revised proposal which could well better accommodate residents and visitors – this being ‘No Waiting Between the Hours Of 9.00am and 5:00pm’ The views of Lytchett Minster & Upton Town Council and Local Councillors were sought on this. However, they confirmed their decision to continue to support the original proposal.

Two of the local Ward Members for Lytchett Matravers and Upton – Councillors Alex Brenton and Bill Pipe - supported the proposals, as did the Town Council, as mentioned previously

Officers acknowledged that whilst the changes would not necessarily be universally welcomed, on balance, they were considered to be beneficial and, on that basis, were now being recommended for approval as advertised.

Notwithstanding the objections received, the wider community had seemingly accepted the proposals, so they were now being recommended to be implemented on that basis.

Of some consideration was that the Upton House, BCP managed car park had recently started charging for its use that this had seemingly coincided with and exacerbated the issues being seen on Pony Drive, with displaced parking needs being met there instead. It was felt that the Upton House car park could be better utilised with improved signage, its proximity to the house and in being more convenient.

The implementation of a ‘No Waiting at any Time’ restriction along sections of Pony Drive would address the issue of inconsiderate and potentially dangerous parking whilst improving access at junctions for large vehicles including refuse vehicles, delivery vehicles and emergency service vehicles. The downside to this proposal was that, during non-peak hours, the restriction would still be active thus restricting residents possible parking opportunity.

The revised proposal after the public consultation for the implementation of the ‘No Waiting between 9am and 5pm’ restriction along sections of Pony

Drive, would also address the issue of inconsiderate and potentially dangerous parking whilst improving access at junctions for large vehicles including refuse vehicles, delivery vehicles and emergency service vehicles.

The limited time restriction might well ensure that availability for residents to park in the evening and overnight on the road was available, if required. The downside to this proposal was that after 5pm, when the restriction ended, the junctions and areas where parking would cause visibility and traffic flow issues would be unprotected.

Officers considered that the Implementation of yellow lines would help enforce no parking around junctions or opposite junctions and increase visibility when emerging from Pony Drive. The revised proposal was put forward for consideration after feedback was received from residents during the public consultation stage. The proposed single yellow line could enable residents parking options if required between the hours of 5pm until 9am thus addressing concerns raised about safety and opportunity to park on the highway if required by visitors and residents. This would however leave the identified disruptive and possibly dangerous areas exposed when the restriction ends.

Having considered all the responses received and proposed an alternative restriction to Local members and Lytchett Minister and Upton Parish Council, officers conclude that both proposals had equally balanced advantages and disadvantages. As a result, officers considered it appropriate to recommend proceeding with the proposal as originally supported by the Parish Council and local members rather than leave the situation as existing.

The majority of the Committee supported this stance, however a minority of members asked what prospect there was of some sort of hybrid measures being implemented that would both satisfy the issue of the congestion being experienced and the residents' parking needs and concerns. The solicitor explained that such provision would require a readvertisement of measures from scratch - as it had not be proposed or considered before – and, in that event, might not necessarily progress given the need for the support of the Town Council in its advancement. Even if this was to be the case, then local public opinion might well again be divided, all of this taking some considerable months to progress, whereas what was being proposed was seen to be necessary to be implemented now to address the issues identified.

Having had the opportunity to discuss the merits of the proposal 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 Alex Brenton and seconded by Councillor Mike Dyer, on being put to the vote, the Committee agreed - by 9:2 - to be **minded to** accept the recommendation as set out in the officer's report.

### **Resolved**

1) That the waiting restrictions proposed for Pony Drive Upton be implemented as advertised and that a TRO be made to that effect

2)That the Cabinet and/or the Portfolio Holder for Highways, Travel and Environment - be authorised to endorse this decision.

Reason for Decision

To regulate parking in the interests of road safety and the free flow and passage of vehicles.

200. **Planning Appeals Summary**

A planning appeals summary was presented to Committee for its information and consideration.

201. **Urgent items**

There were no urgent items for consideration.

**Duration of meeting:** 10.00 am - 12.40 pm

**Chairman**

.....



## EASTERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON WEDNESDAY 25 AUGUST 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, Bill Trite and John Worth

**Apologies:** -

**Also present:** Cllr David Walsh – Portfolio Holder for Planning  
Cllrs Beryl Ezzard and Ryan Holloway – Wareham Ward

**Officers present (for all or part of the meeting):**

Anna Lee Service Manager for Development Management and Enforcement), Naomi Shinkins Principal Planning Officer), Peter Walters (Senior Planning Officer), Steve Savage (Transport Development Liaison Officer), (Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

**202. Apologies**

No apologies for absence were received at the meeting.

**203. Declarations of Interest**

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

**204. Minutes**

The minutes of the meeting held on 28 July 2021 were noted.

**205. 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.

**206. 6/2019/0639 - Outline application for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all matters reserved apart from vehicular access from West Lane at land North of West Lane, Stoborough, Wareham**

The Committee considered an outline application - 6/2019/0639 - for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all

matters reserved apart from vehicular access from West Lane at Land North of West Lane, Stoborough, Wareham.

The Service Manager for Development Management and Enforcement considers that the concerns raised by the Parish Council warrant the application being considered by the planning committee.

Due to unforeseen technical issues which meant letters e-mailed to consultees in advance of the 28th July 2021 Eastern Planning Committee meeting had not been sent, officers (in consultation with the Eastern Planning Committee chairman) made the decision to return this application to the Eastern Planning Committee for consideration. The Chairman of the Committee endorsed this. The officer report remained unaltered.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; 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, including the Dorset AONB and taking into account the policies against which this application was being assessed, with consideration also being given to the Arne Neighbourhood Plan.

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; the means of landscaping and screening and its setting within that part of Stoborough and the wider landscape - including the AONB the nearby heathland and its proximity to the River Frome.

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. As part of the scheme, a footway would be provided linking the development to the village and a SANG would be provided for recreational needs.

How the relationship between the proposal and the provisions of the Local Plan; the NPPF and the Arne NP were applied and what considerations needed to be given to each were explained, as well as the weight to be given to each.

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. Having assessed the material considerations these were seen to be acceptable and sufficiently compliant with national and local planning, so the recommendation being made by officers to approve the application was based on this.

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.

The Local Ward member, Councillor Beryl Ezzard, took the opportunity to address the Committee, in objecting to the proposal on the grounds of the delivery of affordable housing being compromised at the expense of the provision of a footway; the considerations of a Rural Exception site; that the application did not necessarily accord with the Arne NP; the adverse effect it would have on the AONB; highway safety concerns and; particularly, concerns regarding flooding, given her experience of the sites conditions. Accordingly, she considered that at the very least the application should be deferred to provide for the necessary hydrological assessment being available. She was also disappointed at the absence of reference to Council's Climate Change emergency.

The other Ward member, Councillor Ryan Holloway, also addressed the Committee, in objecting to the proposal due to the amount of affordable housing provided, the location of the development flooding concerns, highway safety provision and environmental issues during construction. He was also concerned that the adopted Arne NP did not accord with what was being proposed.

Formal consultation had seen an objection from Arne Parish Council in that the Neighbourhood Plan stated that site should not be used for development, this should not be considered as a Rural Exceptions site, as the proportion of open market housing was too high; flooding concerns; noise concerns; a lack of pedestrian link to the village; and there would be an increase in traffic and impact upon highway safety.

In addition, 26 objections, and a petition with 35 signatures, were received citing environmental; - particularly flooding – amenity; traffic; and development concerns, as well as not being an allocated site and not being in accordance with the Arne Neighbourhood Plan.

The principal concern of Ward Members, the Parish Council, objectors and contained in those written submissions was about flooding and surface water runoff and containment and how this could adversely affect the residents in Hollow Oak Road.

Having heard all 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.

With regard to flooding officers confirmed that the Environment agency was satisfied that their assessments indicated that this would not be an issue, but that there would be provision for a detailed hydrological study to be made to confirm this assertion when a Reserved Matters application was submitted and could be considered in more detail by Committee at that time. There was also no reason to believe that surface water run off would affect Hollow Oak Road either, given the alignment and configuration of levels proposed within the site.

Officers also confirmed at a s106 would provide for the footway necessary to link the site with the village and that this application was not being made under the Rural Exception site criteria.

The application accorded with the Neighbourhood Plan which did not identify any particular site for development, this application being made on the basis of the availability of small sites for modest development.

The Committee were informed that in the light of the Housing Delivery test it has been necessary to consider this application against paragraph 11 of the National Planning Policy Framework (NPPF). In this case the NPPF policies did not provide any clear reasons for refusing the development proposed and no adverse impacts had been identified that would outweigh the benefits. The proposed erection of up to 15 residential dwellings made efficient use of land without harming the character of the area and would contribute to housing supply, including the provision of affordable housing which could be secured by a planning obligation. The proposed dwellings were considered to be of an appropriate scale, size and design and acceptable in terms of impact on the character and appearance of the local area. The impact on neighbouring amenity, highway safety, biodiversity and drainage were also considered to be acceptable, subject to conditions and securing appropriate heathland mitigation via a planning obligation.

The proposal was therefore considered to be sustainable development for the purposes of NPPF paragraph 11. The application had been considered in the light of the presumption in favour of sustainable development so officer's view was that permission should be granted. It was now for the Committee to adjudge whether this was the case and whether the number of dwelling proposed was acceptable.

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 :-

- access arrangements
- footway needs and how these were to be accommodated
- how flooding and drainage issues would be satisfactorily managed
- what Heathland mitigation there was to be
- the effect on the Dorset AONB

- how the number of buildings proposed; their affordability, allocation and where they were to be sited conformed with the provisions of the Neighbourhood Plan and what considerations should be taken in to account in how this might be satisfactorily addressed so as to provide what was necessary and, in doing so, maintain the affordable housing ratio the provision for green space/ recreation.

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 did not consider that the proposal conflicted with the Arne Neighbourhood Plan (NP) for the following reasons:

- that although the NP formed part of the Development Plan documents that must be considered when assessing the application, it did not allocate any specific sites for development. Therefore, in the absence of a site allocation policy within the NP and taking into account the Housing Delivery Test results for the Isle of Purbeck, it was reasonable to conclude that there was a presumption in favour of sustainable development on the site.
- for the above reasons, it had been found that, in this case, the NPPF policies did not provide any clear reasons for refusing the development proposed and no adverse impacts had been identified that would outweigh the benefits of the provision of affordable and market housing. The proposal was therefore considered to be sustainable development for the purposes of NPPF paragraph 11 and approval was being recommended subject to conditions and a s106 legal agreement to secure the affordable housing and necessary highway improvements. Accordingly, the application relied on this policy to deliver small sites for housing need.
- given that the site was in the Dorset AONB, some concerns had been raised as to the detrimental impact this development would have. However, officers had given great weight to the localised harm to the AONB - taking into account the AONB Management Team's views - officers considered that the substantial public benefits of providing 15 homes, including 7 affordable dwellings (plus an off site affordable housing contribution), were sufficient to outweigh any harm.
- what was being proposed was designed to satisfy need as identified in the Arne Parish Housing Needs Survey - in terms of the provision of affordable housing – and, although being below the 50% proposed, a commuted sum would be required to redress this, equating to £82,500.

Whilst the majority of the Committee considered the proposal to be acceptable - 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, there was a presumption to grant unless there was clear reason otherwise to demonstrably outweigh this - members considered that this development would significantly contribute to the housing supply in Dorset and meet the identified need and should be seen to be an asset. Moreover, the SANG being provided was within reasonable distance, there would be an improvement for the village with the provision of a

pavement, ensuring a safer route to school, meets need in Purbeck fallen below housing provision delivering. A balanced judgement had to be made on what number of dwellings was acceptable but, given the officer's recommendation and the basis for this; that this was an acceptable small development which would make the best use of the land available - with affordable housing being guaranteed – and in the absence of any other development land being identified in the Arne NP, then they considered the proposal to be acceptable, as proposed.

However other members were concerned at the risk that flooding might pose, particularly after what they had heard from the local members and in written representations. Moreover, they were of the view that whilst affordable housing should be welcomed, in their view this didn't override the provisions of the Arne NP and what this was designed to achieve – through a democratic process – in terms of housing allocation and location, and that its provisions should be upheld. They also were concerned about the adverse effect the development would have on the Dorset AONB, nearby Heathland, the effect of flooding and highway safety provision and concern over second homes.

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 7:4 - to be **minded to** grant permission, subject to the conditions set out in paragraph 17 of the officer's report, with the enactment of their minded to decision being made by the Service Manager for Development Management and Enforcement

### **Resolved**

1) That planning permission be **minded to** be **granted**, subject to conditions and the completion of a S106 Legal agreement – to provide (summary) affordable housing provision of 7 dwellings plus financial contribution of £82,500.

**or**

**refuse** permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed within 6 months from the date of 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:

Affordable housing provision of 7 dwellings in accordance with the mix set out above plus financial contribution of £82,500.

### **Reasons for Decisions**

- As set out in paragraphs 17 in the report
- The proposal is compliant with the Arne Neighbourhood Plan

- Para 14 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
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

207. **Planning Appeals Summary**

A summary of recent planning appeal decisions were noted by the Committee.

208. **Urgent items**

There were no urgent items for consideration.

209. **Written Representations - 6/2019/0639**

**6/2019/0639 - OUTLINE APPLICATION FOR UP TO 15 RESIDENTIAL DWELLINGS, SITE RE-PROFILING AND ASSOCIATED INFRASTRUCTURE, WITH ALL MATTERS RESERVED APART FROM VEHICULAR ACCESS FROM WEST LANE AT LAND NORTH OF WEST LANE, STOBOROUGH**

.....

**Jane Freeman**

I strongly object to the Planning Application Numbered: 6/2019/0639.

I have lived in Hollow Oak Road for many years and have seen the field behind my house saturated most years. This flood plain between my house and the tidal River Frome prevents my land flooding. My fear is that if this field is displaced by the proposed materials for a large building site, the present safety of Hollow Oak Road will be lost. We already see the severe impact of flooding at the junction of West Lane with the A351. Sea levels are rising and the flood risk from the River Frome will increase. The International Panel on Climate Change Report (IPCC) this month reports weather patterns changing markedly.

Can Hollow Oak Road residents see the Hydrology Report on what will happen to our gardens and homes if the site is developed? How will surface water be disposed of? What will the effect of the existing watercourse, the soakaways and the main sewer be on our homes?

Dorset Council's Flood Risk Team said that the management of surface water runoff must demonstrate the proposed development is not to be placed at risk and that no off-site worsening is to result. There has been no assurance that

no off-site worsening is to result. The platforms may help the new development, but they will not help Hollow Oak Road. Having nowhere else to go, the water will flow down and into the gardens of Hollow Oak Road. The impervious surfaces on the proposed site and extensive concrete areas will not allow drainage and will push water elsewhere.

A Material Consideration is that the proposed platform will overlook our properties in Hollow Oak Road being above the hedge at the end of our gardens.

Will Hollow Oak residents receive an Assurance from the Council that Hollow Oak Road will not flood? What indemnity will the Council provide for existing properties in the event of them being affected in the future?

This site has no flood defences. We are told that Hollow Oak Road might flood. I fear that my home and those of my neighbours' will flood. The risk is too high, as is the risk to highway safety on West Lane.

I also have concerns about highway safety. Given the amount of traffic I see on West Lane, particularly on school days, a precedent to double it would be reckless given the proximity of the proposed site's main access to the A351. Will there be sufficient parking on the new site for two car households and their visitors? If not, even more people will try to park on West Lane. This already hampers visibility for motorists.

.....

### **Beatrice Smith**

I Strongly Object to the above Outline Planning Application to build 15 homes on the field adjacent to Hollow Oak Rd.

- I have lived in Hollow Oak Rd. adjacent to the site for **fifty-seven** years and know that every winter season this field becomes very wet. The situation has worsened since the building of the A351 bypass. This has meant that water flowing from the Purbeck Hills which previously dispersed across fields and woodlands to the River Frome, is now restricted. Flooding regularly occurs at the junction of West Lane and the A351 bypass. This flooding increases the water level in Ryder's Field and if more hedgerows and trees are removed this will only add to the problem. With climate change, increased rainfall and an increase in sea levels this very low level site seems **entirely unsuitable** for development. Placing new houses on a platform may protect that development but will certainly increase the flood levels to our existing properties in Hollow Oak Rd.
- From a road safety point of view a fourth opening on to the narrow West Lane seems foolhardy. West Lane is often used as a 'rat run' between the A351 bypass and Corfe Rd. and vehicles frequently turn in at high speed. The proposed development site exit is very near to this turn-off making safe exiting risky.

- I understand that the proposed development is not required to meet any current unmet housing need. Arne Parish Council are opposed to any building on this site.
- The site is within open countryside outside the current **Stoborough Settlement Boundary**. It is an Area of Outstanding Natural Beauty at the gateway to the Isle of Purbeck. Tourism being one of Dorset's main industries a long acoustic fence and yet more houses as our visitors enter the Isle will not be a welcoming sight.
- How much more suitable to continue to see cows grazing and the wildlife flourishing.
- Government guidelines on carbon levels should surely be encouraging everyone to preserve as much of the natural habitat as possible. Cutting down trees and tearing up hedgerows plus pouring concrete into a green site defeats these aspirations.
- To conclude I feel that this site is entirely unsuitable for housing development. The site is too wet, low lying and liable to flooding.

.....

### **Miriam Abbott and Richard Holroyd**

We would like to express our objection to Planning Application Number 6/2019/0639 due to interlinked concerns about flood risk, climate change and urbanisation of the water meadows.

1. The flood risk assessment is based on out-of-date sea level and peak river flow climate change allowances. Both higher central and upper end allowances should be calculated for both the sea level rise and the peak river flow as the field is vulnerable to flooding. Considering projected sea level rises, the still water tidal level is closer to 4 metres, whilst the level of the site and of Hollow Oak Road is *below* 4 metres. The national policy is not to develop new homes on land lower than this level, so this alone should rule out the field for development.
2. The drainage system proposed does not offer adequate flood protection. Any malfunction of the system, or a large storm which uses the whole field to channel rainwater to the Frome, or a higher tidal flood (set to increase 1.6m in the south-west over the next 100 years), risks flooding the site, Hollow Oak Road and/or the A351 bypass. In the long term, if the new and/or existing housing become untenable due to flooding, then there will be a loss rather than gain of housing provision.
3. The wider context for this is that the Intergovernmental Panel on Climate Change has just issued the starkest warning that we must act immediately to avoid catastrophic climate change: "we must treat climate change as an immediate threat, just as we must treat the connected crises of nature and biodiversity loss, waste and pollution as immediate threats

(...) ecosystem degradation damages nature's ability to reduce the force of climate change (...) every tonne of CO<sub>2</sub> adds to global warming, every citizen needs to play their part in making systemic changes to stop the current warming".

4. Consider your legacy. To approve this development runs counter to the need to mitigate climate change, protect and restore ecosystems and biodiversity. For future generations, consider a planning policy that involves the redevelopment/ repurposing of existing urban areas to lower their carbon impact, minimising embodied carbon through the reuse of existing structures and building materials. A policy of guaranteeing protection for all green spaces and wetlands and enhancing their ability to act as 'carbon sinks'. To prioritise development over climate change mitigation risks exceeding a 3°C global temperature rise - rendering many low-lying coastal cities and economic regions uninhabitable, leaving millions of people without homes.

.....

### **William Evans**

I have previously stated in full my strongest possible objection to the planning application for 15 residential dwellings on West Lane in my letters to Dorset Council on 13 December 2019 and 11 May 2020. I hereby briefly list two very serious issues of concern raised to ensure that the Committee fully take account of the ramifications should permission be granted.

The proposed site is outside the existing defined settlement boundary,

High risk of flood within the development,

Increased risk of flooding adjacent to the development. **Please note that the road at the junction of West Lane and the bye-pass flooded again on 12 July 2021.** Events such as this are more likely to occur due to global warming. This matter alone should be sufficient to stop any development.

Loss of farmer's grazing for cattle.

Loss of farmer's hay crop and silage for winter feed.

Loss of farming heritage that currently form part of the tradition and character of the village.

Increased pressure on places at the local junior school.

Traffic risk to pedestrians on West Lane.

Increased risk of road traffic accidents at the junction with the bye-pass and the proposed new junction.

Increased traffic congestion.



Loss of rural culture and green space.

Increase likelihood of second home ownership.

The scheme goes against Arne Parish Neighbourhood Plan.

Too large a development for the location and village setting.

Density of the development is too high.

Proposed design not in keeping with rural aspects.

The overall design pushes too many boundaries.

High impact on wildlife. Green space, farmland watercourse, hedgerows and general wildlife habitat lost.

Encroachment into the AONB.

There is no drastic need as housing requirements will be met in other identified locations.

Finally, if this development were permitted it would be a mistake that could never be reversed. I request that the planning application be rejected.

.....

**Shelley Cranshaw – Chair, Arne Parish Council**

On behalf of Arne Parish Council and our parishioners, we put these objections to the Planning Committee.

1. This land will be increasingly vulnerable to flood risk from the River Frome due to sea level rise - the river is tidal up to Wareham and beyond. The EA anticipates this rise to be between 200-400mm by 2060, over 1990 levels. Higher sea levels combined with stormier conditions add to the risk. We are concerned that freshwater drainage at the site will in consequence be severely impaired. Already, significant rainfalls lead to surface water being unable to drain away at the junction of West Lane with the A351. Flood plain sites are not normally used for housing and this site has no flood defences. We acknowledge and applaud DC's targets to reduce greenhouse gases. In an effort to deal with the site's wet conditions, the applicant would introduce to the site a large amount of concrete. Not only would this add to our carbon problems, it would adversely affect the drainage of the neighbours' land in Hollow Oak Road.

2. We do not accept that this application meets the definition of a Rural Exception Site. It is not a small site to be "used for affordable housing in perpetuity".

8 of the 15 proposed properties are to be on the open market. Of the 7 affordable units, 4 are 1 bedroom flats.

3. We are concerned about Highway safety. West Lane is a short narrow curving country road. It has visibility problems and is largely without a pavement.

There is a primary school situated at its north end. The main access to the proposed site is close to the busy A351- the Wareham bypass with its 70 mph speed limit. Were this site to be built, the site's traffic on and off the lane would be at serious hazard from and to traffic leaving the bypass.

4. A noise monitoring survey was carried out at the site with its highest reading recorded at 89.9 decibels. We understand that the maximum permissible instantaneous noise levels in bedrooms should not exceed 45 decibels.

These are all Material Planning Considerations which the parish ask you to take into consideration when you make your decision.

For greater detail of our objections together with photographs locating the site in its landscape, please look at our Response dated January 2020 to planning application 6/2019/ 0639.

.....

**Martin Miller - agent**

### **Statement in support of planning application 6/2019/0639**

Good morning Councillors.

The application has been made by the Trustees of the Stoborough Settlement who are part of the Rempstone Estate. The Estate is located in the Purbecks and its business interests include renting and managing a large number of residential, commercial and agricultural properties in the Wareham area to over

100 local people. The Estate has submitted this planning application in order to

increase the supply of housing available to local people and it wishes to retain the ownership of, and manage the 7 affordable housing units in perpetuity.

It is exactly five years since the Estate first held discussions with Arne Parish Council and Purbeck District Council officers about the potential of this site to accommodate housing for local people. The application before you today is the

culmination of five years of discussions, design iteration and assessment, and we are pleased that it is recommended for approval.

As highlighted in the officer report, the application accords with the policies of the Arne Parish Neighbourhood Plan which was made by Dorset Council just last

month following 93% public support in the May 2021 referendum. The proposed development will deliver 15 badly needed homes in the Purbecks of a

range of sizes, with 7 affordable housing units being provided for rent.

The application site does not flood and is not predicted to flood in the future.

All

the proposed houses will have decent sized gardens and parking and a footway

is to be provided linking the development site to the primary school and village centre. The proposed development connects to an existing SANG via an existing public footpath, it will deliver ecological mitigation measures and biodiversity net gain and will not give rise to unnecessary light pollution, overlooking or loss of privacy for adjoining residents.

Whilst the application accords with the neighbourhood plan, it also accords with

the small sites policy (policy H8) of the advanced Purbeck Local Plan and is specifically identified within Appendix 2 of this plan as a small development site

that Dorset Council wishes to see come forward for housing in the Purbeck area.

The development of this unconstrained site provides an excellent opportunity to

deliver badly needed housing for local people in the Purbecks in accordance with very recent adopted development plan policies. There are no substantive objections to the application from the Environment Agency, Natural England, the

Dorset AONB Partnership or Dorset Council Highways and we ask that you endorse the recommendation to approve before you today. If you do, the Estate

looks forward to working further with council officers and stakeholders to deliver

a small but sustainable development of the very highest quality.

---

**Duration of meeting:** 10.00 - 11.40 am

**Chairman**

.....

This page is intentionally left blank



## 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 the 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
- 

## **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 1<sup>st</sup> 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 1<sup>st</sup> 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**

.....

This page is intentionally left blank





## 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**

.....

This page is intentionally left blank



## 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 44<sup>th</sup> 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**

.....



## **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**

.....

This page is intentionally left blank



## **EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON WEDNESDAY 5 JANUARY 2022**

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

**Apologies:** Cllrs Julie Robinson and John Worth

**Also present:** Cllrs David Walsh and Gary Suttle

#### **238. Apologies**

Apologies for absence were received from Councillors Julie Robinson and John Worth.

#### **239. Declarations of Interest**

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

Cllr Bill Trite declared that as he had been seen to predetermine the application - in respect of minute 242 - in views he had expressed at a Swanage Town Council meeting he would speak as local member but take no part in the vote.

#### **240. Minutes**

The minutes of the meetings held on 29 September, 13 October, 27 October and 1 December 2021 were received, noted and confirmed – on a '**minded to**' basis – , so that the Chairman might ratify them, as necessary.

#### **241. 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.

- 242. 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

The Committee considered application 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.

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 application were; how these were to be progressed; and what this entailed.

For context, plans and photographs provided an illustration of the location, orientation, dimensions and appearance of the development and of the individual properties access and highway considerations; the characteristics and topography of the site and views into the site and around it; environmental designation considerations; drainage and water management considerations, the means of landscaping, screening the development's setting within that part of Swanage. Critically the reasons why the applicant now considered to be unable to fulfil the originally planning obligations in providing 11 affordable housing elements were emphasised, all of which provided a satisfactory understanding of all that was necessary.

The basis for the application was explained by officers in that the applicant did not now consider able to fulfil the original planning obligations – in providing affordable housing on as part of the development - given their assessment of commitments required to deliver the development. Given this, they maintained that the scheme would not be viable should this obligation be retained. Based on the evidence provided by the applicant, this had been corroborated by the District Valuer in their independent assessment of the viability of the scheme.

For members understanding officers set out the particular reason for the application in that:-

“The applicant had applied to remove the S106 legal agreement that required the provision of 11 affordable housing units as part of the development. In this instance, Policy AH of the Purbeck Local Plan allowed for development of 100% open market housing where it could be satisfactorily demonstrated that a scheme with affordable housing was not viable. Therefore, if the viability argument was satisfied, the S106 agreement could be removed without resulting in the approved scheme being contrary to the Development Plan.”

Given all the evidence provided and in taking into consideration the assessment made by the District Valuer, officers were satisfied that the reasons for the removal of this obligation had been met and this formed that basis of their recommendation to Committee.

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 Bill Trite, spoke as a local member only. He was concerned that the element of affordable housing was being asked to be removed as there was a critical need for this within Swanage. The other local Member, Councillor Gary Suttle, was of this view too.

Formal consultation had seen an objection from Swanage Town Council, and numerous public objections received expressed concern at the removal of the obligation, considering there to be a real need for affordable housing in Swanage.

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:-

- what assessment had been made on how viable the scheme would be both with and without the affordable housing element
- concern that the applicant was not now being able to fulfil that obligation and why this was the case

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.

From debate, the majority of the Committee had serious misgivings about the removal of the obligation given that in their opinion all the reasons being used to apply for this would have been readily known at the time the application was approved. Despite the evidence provided by the applicant and corroborated by the District Valuer, members were unconvinced at the assessment made that if the affordable housing element obligation was maintained the development would no longer be viable. Members considered that every opportunity should be given to identifying some means that the affordable housing – or a proportion thereof – could be retained and hoped that there could be some means to still achieve this. Some members considered that the original obligation should be maintained, and that not flexibility should be given to this, insisting that the provision of this obligation should be upheld, in so far that Councillor David Tooke proposed and Councillor Alex Brenton seconded that the application being made should be refused. A vote was taken to refuse the application on that basis, but this vote was lost.

A proposal was then made by the Chairman that consideration of the application be deferred to allow further negotiations on the viability of the scheme with the applicant, to include an assessment of land values and building costs. This would give members a better understanding of the grounds for consideration of the application and could well achieve some

means for the obligation to be maintained, at least to some extent, that was in the interests of and to the satisfaction of all. The proposal was seconded by Councillor Robin Cook.

Having had the opportunity to discuss the merits of the application and an understanding - as best they were able - 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 Toni Coombs and seconded by Councillor Robin Cook, on being put to the vote, the Committee agreed – by a majority of 5:4, with one abstention - to be **'minded to' defer** further consideration of the application to allow further negotiations on the viability of the scheme with the applicant, to include an assessment of land values and building costs.

The Head of Planning, having considered the representations and the officer's presentation and having taken into account the views of the committee, made the following decision under delegated authority.

**Decision of the Head of Planning:** That the application be deferred to allow further negotiations on the viability of the scheme with the applicant, to include an assessment of land values and building costs.

243. **P/LBC/2021/03854 and P/LBC/2021/03855 - Installation of roof mounted solar photovoltaic panels (PV) and associated infrastructure and Listed Building consent - Durlston Castle, Lighthouse Road, Durlston, Swanage**

The Committee considered applications:

- P/LBC/2021/03854 – for the installation of roof mounted solar photovoltaic panels (PV) and associated infrastructure

and

- P/LBC/2021/03855 - for listed building consent

at Durlston Castle, Lighthouse Road, Durlston, Swanage. The two applications were being considered together as each complemented the other.

With the aid of a visual presentation, and taking account the detail in the report, officers showed what the main proposals, principles and planning issues of the development were. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on existing amenity and the character the area - particularly, the Grade II Listed Durlston Castle – situated within a country park - and that it was:-

- within the Dorset Area of Outstanding Natural Beauty;
- within the Purbeck Heritage Coast;
- within the Durlston Castle Historic Landscape Registered Park and Garden (Grade II);
- adjacent to the Durlston National Nature Reserve;

- adjacent to the South Dorset Coast Site of Special Scientific Interest;
- adjacent to the Island of Portland to Studland Cliffs Special Area of Conservation; and
- less than 50 metres from the Dorset and East Devon Coast World Heritage Site.

and taking into account the policies against which this application was being assessed.

Plans and photographs showed the appearance and design of the installation and its dimensions; its setting in conjunction with Durlston Castle and within that part of the Durlston site and - in taking into account the environmental and ecological sensitivities of the site - the installation's relationship with the characteristics of the other assets in and around Durlston Country Park. Views of how it would look and where it would be situated from around the site were shown.

In taking into account those considerations, officers considered the installation would be largely discreet and unobtrusive and would not detract from the important characteristics of the site.

The basis of the application was designed to achieve carbon savings associated with the installation of proposed solar panels and associated infrastructure which would make a valuable contribution to cutting greenhouse gas emissions. 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.

However, on the basis of comments from the Council's Conservation & Design Officer, a modification had been made to the amount of panels and where they were to be situated so that none now were being proposed for installation on the Castle itself and, where they were proposed, there would be fewer of them. Whilst this would reduce their ability to generate the energy originally envisaged, they would still significantly contribute towards green energy generation and their installation was still considered to be viable.

In summary, the officer's assessment considered that as the Development Plan was supportive of the sustainable use and generation of energy where adverse social and environmental impacts had been minimised to an acceptable level, this could be seen as a good illustration of what could be achieved on a Council owned asset.

Formal consultation had seen no objection from Swanage Town Council and the two Ward members, Councillors Gary Suttle and Bill Trite, were supportive.

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. Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers.

In understanding how the officer's assessment had been made, the Committee considered that the proposal would make a contribution towards achieving reduced carbon emissions, by the utilisation of a natural resource in providing both an environmental and economic benefit to Dorset and in supporting Dorset Council's case for doing what they could to achieve this.

On that basis and having had the opportunity to discuss the merits of the application and an understanding of this; 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 Bill Trite, in being put to the vote it was agreed, unanimously – on a 'minded to' basis - that the application should be approved.

The Head of Planning, having considered the representations and the officer's presentation and having taken into account the views of the committee, made the following decision under delegated authority.

**Decision of the Head of Planning:** That the application be approved on the basis of the report and presentation and subject to the conditions and informatives set out in Sections 17 of both reports, respectively.

244. **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**

The Committee considered application 3/21/0668/FUL, designed 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. The town did not currently have such a car wash within its vicinity.

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. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on local 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 the location, orientation, dimensions and appearance of the facility; access and highway arrangements; what screening there would be and the development's setting within that part of Wimborne Minster town centre.

Officers showed the development's relationship with other adjacent development in the town centre – that lay within the Conservation Area of Wimborne and Colehill. High Street Car Park - in which the facility would be sited - was located to the rear of the eastern side of Wimborne High Street, being

accessed by a narrow lane which passed between No 5 and No 7 High Street. Views into the site and around the site was shown, which provided a satisfactory understanding of all that was necessary. Four parking spaces would be lost as a result of the proposal.

In summary, the officer's assessment considered the acceptability of the proposal in relation to the Development Plan on the basis that:-

- 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 was considered to be acceptable and in accordance with the development plan and 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 no objection in principle from Wimborne Minster Town Council although some concerns remained about access issues and, particularly, that Dorset Council Highways had raised no objection to the proposal

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, the car park and the access lane itself and how this had been assessed
- how surface water and drainage issues would be satisfactorily managed, particularly as the site was in close proximity to the River Allen
- how the constraints of the site could be managed and how manoeuvring of vehicles could be satisfactorily managed to ensure that congestion was kept to a minimum or, ideally, avoided altogether.
- what considerations had been given to the effect this would have on the Wimborne Conservation Area.

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 that the assessment made by the Highways Officer that the highway and traffic management issues could be successfully accommodated as part of the development should be reassuring to Members and that, to improve access arrangements, provision would be made to install a mirror to assist motorists at the 'dog-leg' approach to the facility to better anticipate incoming and outgoing vehicles.

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.

One of the two local ward Members, Councillor Shane Bartlett, considered that the proposal would have a detrimental effect on the conservation area and its appearance. Along with the concerns about access and site constraints, he felt unable to support the application.

From debate, the majority of the Committee considered that what was being proposed was contrived and expressed concern at the access arrangements, considering these to be inadequate for what was necessary to be able to operate the facility satisfactorily. Concern was also raised that the constraints of the site would not provide for the necessary safe or practical manoeuvring of vehicles that would be required to access the facility, with the probability of significant congestion from queuing and manoeuvring vehicles at that point. Members also felt that those arrangements could seriously compromise safety of pedestrians, given that the car park was a well-used pedestrian route across town. On that basis, whilst they saw the benefits of such a facility within the town, they considered the proposal, as it stood, to be unacceptable.

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 unanimously - by 9:0 - to be **minded to refuse** permission.

The Head of Planning, having considered the representations and the officer's presentation and having taken into account the views of the committee, made the following decision under delegated authority.

That the application be **refused** for the following reasons:-

- The site is too constrained for the proposed development to function well and without conflict with the existing use of the site as a car park. As a consequence the development would fail to function well or add to the overall quality of the area contrary to paragraph 130 of the National Planning Policy Framework 2021.

- The proposal would lead to the loss of parking spaces contrary to saved policy WIMCO23 of the East Dorset Local Plan 2002.
- The proposal fails to demonstrate that it would not lead to a significant increase in vehicular traffic entering the site, increasing the risk to the safety of vehicles and pedestrians passing through the site and past the junction of the site access with the High Street. As such the proposal is contrary to Policy KS11 of the Christchurch and East Dorset Local Plan 2014.
- The vehicle exit from the proposed car wash building would appear as an industrial and utilitarian construction in views from the High Street causing harm to the historic setting and significance of the Conservation Area and adjacent Listed Buildings. As such the proposal would lead to less than substantial harm to the significance of designated heritage assets that is not outweighed by a public benefit contrary to paragraph 202 of the National Planning Policy Framework 2021.

**245. P/HOU/2021/02711 - Construction of replacement porch at 1 Hillside Affpuddle Dorset DT2 7HQ**

The Committee considered application P/HOU/2021/02711 for the construction of replacement porch at 1 Hillside, Affpuddle, Dorset.

With the aid of a visual presentation, and taking account the detail in the report, officers showed what the main proposals, principles and planning issues of the development were. 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 showed the appearance of the development and its dimensions; its setting within that part of Affpuddle and the development's relationship with other adjacent residential development and their characteristics.

The officer's assessment was based on the provisions of Para 11d of the National Planning Policy Framework (NPPF) and, particularly, on the view of the Conservation Officer in that, whilst there was no objection to the principle of a replacement porch, the proposed design had a dominating affect due to its increased height, width, solidity and roof form which was considered to cause less than substantial harm to the character and appearance of the Piddle Valley Conservation Area.

In summary, the officer's assessment considered that the proposed porch - due to its size, design and visually prominent position - failed to positively

integrate with its surroundings and was contrary to the statutory requirement to pay special attention to preserving or enhancing Conservation Areas, resulting in less than substantial harm to the heritage asset which was not outweighed by any public benefit.

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 support for the application from Affpuddle Parish Council and one of the two Ward members, Councillor Peter Wharf.

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. Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers.

Whilst understanding how the officer's assessment had been made, the Committee did not consider that the application would cause less than substantial harm. Indeed, they considered that there would be no harm as it could be seen as an enhancement to the street scene and would be a considerable improvement on what was currently there. Moreover, both Affpuddle Parish Council and one of the two local members supported it too. Members asked that, if at all practicable, the porch's appearance be as complementary as it could be with that of its semi-detached neighbour and that appropriate glazing be considered, as necessary.

On that basis and having had the opportunity to discuss the merits of the application and an understanding of this; 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 Alex Brenton and seconded by Councillor Shane Bartlett, in being put to the vote it was agreed, unanimously – on a 'minded to' basis - that the application should be approved.

The Head of Planning, having considered the representations and the officer's presentation and having taken into account the views of the committee, made the following decision under delegated authority.

**Decision of the Head of Planning:** That the application be approved on the basis that it was adjudged that the proposed front extension would improve the visual appearance of the existing dwelling which was sited within a row of modern dwellings with varying form. The proposal was modest development within the countryside in accordance with policy CO and its impact within the streetscene would be limited by its position set back from the highway and screening by intervening boundary enclosure and vegetation. The proposal did not impact on the setting of River Cottage, a Grade II listed building and was not found to result in harm to the Conservation Area. It was therefore



judged to accord with policies D and LHH of the Purbeck Local Plan Part 1, Chapter 16 of the NPPF and the statutory requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

246. **Urgent items**

There were no items of business considered by the Chairman as urgent.

247. **Written Representations**

**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,**

-----

**Jenny Hounsell**

I'm dismayed to hear that the developers of the site of the former St Mary's School, Manor Road, Swanage are asking to remove the requirement for affordable housing from their plans. I do not think Swanage needs another 30 houses/flats that local families cannot afford to live in. I would therefore like to register my objection to the amendment to the plans.

-----

**Paul Angel**

I am writing to object to the application by Bracken Developments Ltd to remove the requirement for affordable housing on the site of the former St Mary's School in Swanage.

The developer knew what they were taking on, a difficult site in the town centre, and they always intended to renege on the requirement to include affordable housing within the development. If they genuinely believed that the development wasn't economically viable they wouldn't have proposed development in the first place. The figures shown in their Economic Viability Assessment demonstrate a loss based on 2019 property values. While the cost of build will inevitably have risen, house valuations in Swanage have far outstripped inflation and it is likely that they would now see a fair profit if the market-value houses are sold at 2021 prices.

Please don't let them get away with this. Swanage does not need a high-density development in this location and the only mitigating factor for the town is that there may be some homes that are affordable for local families.

-----

**Becky Stares**

I understand that the developer of the former St Mary's School site in Swanage has applied to reduce/remove affordable housing from this site. There is a huge need for affordable housing in Swanage, with so many second homes and people from elsewhere moving in and driving up housing prices.

As a person who was born and bred in Swanage, the only way I have been able to afford to continue living here is to live with my parents in the house where I grew up - something I did not envisage doing at the age of 44. Although I work in a professional job, as a single adult with a child I am not able to afford to buy even a one-bedroomed flat. In my opinion, affordable housing schemes are absolutely essential, to give local people to chance to stay in the area.

I therefore strongly urge you to reject the developer's request.

.....

**Richard and Liz Moremon**

We wish to OBJECT to the modification of this planning application to remove the requirement for affordable housing for this development.

As a resident of the town, with a daughter who has recently benefited from a similar scheme locally, we think this is an abject dereliction of duty by the Council if they agree to remove this provision.

I hope this objection is registered at the next meeting to discuss this request, and that the developer is told to revert to their original plans.

-----

**Philippa Coates**

Please would you register my strong objection to the alteration of the above planning application to remove the requirement for an allocation of affordable homes.

Swanage is struggling to house the local people upon whom it relies to provide shops and other services. It is vital to the survival of the town that these people can be offered affordable housing. There are too many second homes in the town along with people who have moved here often retired, and can afford expensive properties.

This development needs to have the allocated affordable homes.

-----

**Martin Grimsdale**

I have just been made aware that the above planning application has been modified to request the removal of the provision of affordable housing. This is completely unacceptable. As you will no doubt be aware Swanage has a large population of young families and their children, supporting three primary schools. There is a very clear and obvious need for affordable housing if Swanage is to retain and maintain its heritage through our young and developing population. The current economic climate is difficult enough for young families without reducing their limited opportunities to remain in the area.

I strongly object to this application and hope that you make the right decision.

-----

**Chris Bond**

I would like to register my objection to the revision of the planning for St Mary's Road.

When I saw the original application, a major benefit was the percentage of affordable homes making up the development. On this basis I was happy not to raise any objections.

Now the developers want to remove/reduce this.

Swanage DOES need new houses, but these should be prioritised for locals and their families. Removing the affordable element effectively means more of these houses will end up second homes/AIR BNB etc. I'm sure this goes against the original intention of use from when it was a convent and then subsequently a school.

Also in general, I do not understand why developers are allowed to get away with this cynical ploy. Initial application has affordable housing included, then over time this commitment is watered down as supplementary applications . I would hope that Dorset Council have sufficient principles to stand against this sinister practise.

I strongly object to the revision of terms – please ensure this is recorded against the application.

-----

**Julian Morley**

I am writing to object to the modification SEC/2020/0001 of the Planning Application 6/2018/0493, site of the former St Mary's School, Manor Road, Swanage. The modification SEC/2020/0001 is for the removal of the existing requirement for affordable housing and I ask that the modification be refused.

A corporate priority of Purbeck District Council is to meet local housing needs and evidence shows that affordable housing can be provided as part of some developments, whilst still remaining financially viable (source "Calculating affordable housing (AH) planning obligations in Purbeck"). Policy AH requires that any schemes for new residential development over two dwellings must provide a proportion as affordable housing. The number of new dwellings in the development is 20, so based on [How to calculate the contribution for affordable housing as part of a planning application](#) the number of affordable homes should be 10, based on the 50% rule.

-----  
**Nicola Brown**

Please register my objection to the above planning application based on the modification not to include affordable housing.

As far as I am aware the Purbeck planning guidelines state that any 50% of new homes at any site must be affordable which is clearly not the case with the above modification.

Please confirm that my objection has been registered.

-----  
**Jason Elford**

In regards to the above planning application I am writing due to being very concerned about its modification on the subject of the removal of the provision of affordable housing.

I feel for various reasons this amendment should not be agreed. Furthermore the stipulation for the provision of affordable housing be re-instated and no planning for this site be considered or sanctioned without it in place for this or any future proposal. Swanage has a large population of young families and their children whom should be rightly considered in regards to future developments in the areas they are born and live. Removing the option of affordable housing simply discriminates against local people requiring the opportunity/need of the provision. It forces them to leave the area and in many cases move away from other family members who they either support or are supported by. The removal of the provision of affordable housing to maximise profits over local interest should not be the way our local authorities proceed in such matters. The requirements of those in need

whom are part of our community should be the first consideration and should be protected. As such I STRONGLY OBJECT to the amendments.

-----

**Maria Green**

In regards to the above planning application I am writing due to being very concerned about its modification on the subject of the removal of the provision of affordable housing.

I feel for various reasons this amendment should not be agreed. Furthermore the stipulation for the provision of affordable housing be re-instated and no planning for this site be considered or sanctioned without it in place for this or any future proposal.

Swanage has a large population of young families and their children whom should be rightly considered in regards to future developments in the areas they are born and live.

Removing the option of affordable housing simply discriminates against local people requiring the opportunity/need of the provision. It forces them to leave the area and in many cases move away from other family members who they either support or are supported by.

The removal of the provision of affordable housing to maximise profits over local interest should not be the way our local authorities proceed in such matters. The requirements of those in need whom are part of our community should be the first consideration and should be protected; not blindsided by amendments being seemingly 'snuck' through over the busy festive period. Again, I VERY STRONGLY OBJECT to the amendments and am hopeful that the correct decision will be made regarding this.

-----

**Silena E Calvo**

It has come to mine and many others notice that the above planning application has been modified to request the removal of the provision of affordable housing.

This is totally unacceptable, with the amount of young families and couples that are already struggling to find affordable homes and they are being pushed further and further out of Swanage.

In years to come for Swanage to still be "on the map" we need to support our local young people to live and work here and to do that there needs to be properly priced affordable housing. We have no need for more hugely inflated priced homes that generally fall into the hands of 2nd home owners as they are the only ones that can afford them.

I strongly object to this application and am greatly disappointed that this development is trying to use the Christmas period to "sneak" in this request in the hope that we are all too busy with our Christmas plans and what to do about Omicron, shameful!

This would be depriving the area of what is much needed affordable housing, (which by the way still leaves much to be desired as affordable, affordable should be based on the average wage of those living and working in the area and be realistic).

So, you hereby receive my total objection to the removal of affordable housing within the plan .

-----

**Daniel Calvo-Westcott**

It has come to mine and many others notice that the above planning application has been modified to request the removal of the provision of affordable housing.

This is totally unacceptable, with the amount of young families and couples that are already struggling to find affordable homes and they are being pushed further and further out of Swanage.

In years to come for Swanage to still be “on the map” we need to support our local young people to live and work here and to do that there needs to be properly priced affordable housing. We have no need for more hugely inflated priced homes that generally fall into the hands of 2nd home owners as they are the only ones that can afford them.

I strongly object to this application and am greatly disappointed that this development is trying to use the Christmas period to “sneak” in this request in the hope that we are all too busy with our Christmas plans and what to do about Omicron, shameful!

This would be depriving the area of what is much needed affordable housing, (which by the way still leaves much to be desired as affordable, affordable should be based on the average wage of those living and working in the area and be realistic).

So, you hereby receive my total objection to the removal of affordable housing within the plan

.....

**Beth Roberts-Miller**

I am writing regarding the above development (of the old St Mary's School grounds) and the recent application to remove the requirement for affordable housing.

I feel it is necessary to point out a few things regarding this application...

1. It is, of course, categorically reprehensible to attempt to bypass the provision of affordable housing in this development, much needed in the area. Property prices are rising steadily and many locals are being priced out of Purbeck by the wealthy (or second homers, whose absence kills the town, the community and its services).

2. It is, also, categorically reprehensible to make this application precisely now, when most people are trying to enjoy the holiday season, especially since last year's Christmas was so heavily restricted.

It smacks of a developer with no moral code. Just the sort of developer who would promise to gift land to the council if his building application went through and then, as soon as it went through, decide not to gift that land after all.

There are already a great many concerns about the development - safeguarding the children of St Mary's School first and foremost (in terms of privacy, air quality AND road safety). I have made my views clear on this before but may I reiterate that Swanage medical practice is wholly overrun and it takes weeks and weeks for an appointment. I have had to wait nearly a year for treatment on my hand, which stopped me from being able to work. I knew Covid has a lot to answer for, but the people of Swanage are under threat. There are threats to take the ambulance car away. The dentists are full, the surgery is bursting its capacity. The locals are working very hard to keep this community together and to keep this community safe. What we don't need is a greedy developer hoodwinking the council and the locals. And we certainly don't need a council to look the other way.

Allowing this developer to profit so substantially from the town without giving anything back, would be a very erroneous move indeed. It would destroy the goodwill of the whole town.

As a parent of a child at St Mary's, I hear an awful lot of opinions of those who will be directly affected by this development. We all agree the town needs housing - but for locals to be able to benefit, there must be affordable housing. It is as simple as that. We also all agree that Northbrook Road is a disaster waiting to happen - traffic is only getting worse. Parking for the school is hazardous, the pavements are too narrow. Children of all ages, scooters, buggies, parents, go up and down that pavement twice a day and always have to walk in the road to pass one another. We also all agree that it is unacceptable to have houses and gardens overlooking our children's play fields, with no visual barrier provided such as tall trees or shrubs. I could go on...

I am begging you to consider extremely carefully the choices made regarding this development, and of course to dismiss outright the application to remove the requirement for affordable housing. Please do not be complicit with this underhand and Machiavellian application.

.....

**Barrie Friend**

I am writing to object to the developer's attempt to modify the planning application at the site of the former St Mary's School, Manor Road, Swanage.

Swanage needs affordable housing and the developer was granted planning permission to develop the site which included affordable housing within the 30 planned properties.

He is now attempting to evade, ?again, providing this affordable housing by modifying the plans. Planning permission was given because of the affordable housing clause and it should remain as such.

Call me old fashioned and cynical but his making this amendment just before the Christmas and New Year period of festivities when most people would not see the amendment or be too busy to object is very suspicious as the planning meeting considering the amendment is on 5th January and the objections would need effectively to be received by you on 3rd January.

We need affordable housing in Swanage. Please do not allow the amendment to be approved. Thank you.

.....

**Veronica Fraser**

Affordable housing equals **significant economic impacts**, including increases in local purchasing power, job creation etc. Please continue to require developers to include affordable housing in the schemes they put forward.

.....

**Clare Nonhebel**

I'm appalled to learn that an application has been put forward to evade the need to provide affordable housing, by the developers of the site of the former St Mary's School, Manor Road, Swanage.

Local families seriously need provision made for affordable housing - both house prices and rentals are extremely high and out of reach of many working people.

Please take this comment into account, together with the general feeling of local Swanage people - many of whom will not have heard about this, as the application has gone in just before Christmas and many families are also affected by Covid.

.....



**Dan Goode**

I am writing register my objection to the modification of the subject planning application to remove the provision for affordable housing.

Firstly I think I can be forgiven for thinking that attempting to modify the application while many people are pre-occupied with another Covid Christmas is quite crafty.

Swanage has a large population of young families and their children whom should be rightly considered in regards to future developments in the areas they are born and live. Removing the option of affordable housing simply discriminates against local people requiring the opportunity/need of the provision. It forces them to leave the area and in many cases move away from other family members who they either support or are supported by.

The removal of the provision of affordable housing to maximise profits over local interest should not be the way our local authorities proceed in such matters. The requirements of those in need whom are part of our community should be the first consideration and should be protected.

There is already a large number of second homes and holiday lets in the town and it's most obvious during out of season months. Entire streets are in darkness leaving little room for any town community of the kind that will provide for those that stay in these properties.

For these reasons, this amendment should not be agreed. Furthermore the stipulation for the provision of affordable housing should be re-instated and no planning for this site be considered or sanctioned without it in place for this or any future proposal.

.....

**Rowland Hughes**

Please include my objection to the Modification of Planning Application SEC/2020/0001 - To "REMOVE THE REQUIREMENT FOR AFFORDABLE HOUSING".

This is in direct contravention of why planning permission was granted to the applicants in the first place. I ask DDC to see that this is a very cynically timed move on behalf of the applicants to subvert the planning procedure so that they can further their own ends.

.....

**Melanie Field**

I wish to appeal against the latest modification of the above plans with regards to the removal of the requirement for affordable housing element.

We definitely need to have more housing available for the locals at local prices so we need to keep the requirement of affordable housing on all plans.

The current house prices are just ridiculously high and there is no possibility of locals being able to buy with a salary of less than £50k and with a £50k deposit.

Also I wish to suggest that with the other houses which would go on the open market. (Not just this plan but all future housing and hopefully applied retrospectively). That there should be a clause: That the housing needs to be OCCUPIED all the time as a main residence. (Either owners or renters). With checks in place to make sure. As I know alot of properties in Swanage have just one person supposedly living here for council tax purposes, so not classed as second homes, but the houses are actually empty for the majority of the year.

(A separate future project for the council to qualify these empty homes and tax them more! As my estimates are 1 in 5 houses and over 50% flats in Swanage fall into this category or even worse, classed as small business (Airbnb and other rental) and not paying any council tax at all. Bearing in mind that there are approx 4000 residences in Swanage, you should get 2000 to pay up more council tax.)

I trust that the council will not allow the affordable housing requirement to be dropped off the above plan and future ones, otherwise the whole area will just become a ghost town as the younger generations have been priced out and moved out of area. Especially as there is hardly any new social housing being built to replace the old social housing being sold without a local covenant on! Also it is almost impossible to actually be eligible to go on the social housing waiting list in the first place.

Ask yourself with 1000 on the original social housing waiting list before new criteria was imposed and reduced the list accordingly, we could have easily rehomed them in the existing 2000 empty houses if local rules permitted it. Therefore it would save building alot of very small footprint houses and titchy gardens. (Current policy is to maximise £'s to quality of life in a bigger roomed house and gardens).

-----

### **Ms C Frohwein**

I am writing to say that I STRONGLY OBJECT to the application to modify the planning obligation for Planning Permission 6/2018/0493 in order to remove the requirement for affordable housing.

I support the development of this disused site of the former St Mary's School on Manor Rd, for much-needed housing in this area, however I am appalled that the developer is applying to evade providing affordable housing which is desperately needed in Swanage.

It would be a travesty if this application were to be approved and it would set a precedent for other developers in the area to avoid providing affordable housing. Affordable housing should be a priority for Dorset Council, especially somewhere like Swanage which is awash with empty second homes/holiday rentals, while the local population is priced out of the market.

I therefore ask that you REFUSE the above application.

.....

**Chris Bradey (Chair)/ Peter Jacobs - Swanage and Rural Purbeck Labour Party**

The Swanage and Rural Purbeck Branch of the Labour Party have been made aware that Bracken Developments Ltd have applied to modify the Planning Obligation for planning permission 6/2018/0493. They are seeking to remove the obligation in the section 106 legal agreement to provide 11 affordable housing units. This comes before the Planning Committee on 5 January 2022.

The Developer has repeatedly attempted to modify the approval since it was originally provisionally granted in 2018. The material circumstances around the development site have not significantly changed despite the developer claiming that a series of abnormal costs have “come to light” since the original grant of approval. These “abnormal” costs include some demolition and clearance of existing buildings and site features, construction of a retaining wall to deal with site topography and an attenuation tank to deal with surface water drainage management. It is hard to see how these issues have only come to light now and were not apparent in the original extensive planning application.

What is self evident is that local property prices have increased substantially over the period and a competent developer will make significant profits when selling in a market even more favourable than that in 2018.

Another self evident truth is that Swanage is in desperate need of more Affordable Housing. The best data available suggests that local residents waiting to be housed in Purbeck, in a 2 bedroom dwelling, have to wait between 14 months and 29 years to reach the top of the list. The Swanage & Rural Purbeck Labour Party will continue to campaign on this issue and wish to record our strong opposition to Bracken’s attempt to develop the site without Affordable Housing.

.....

**Linda Baker**

I object to the developers request that the commitment to included affordable homes in the above application be removed. The circumstances have not changed since the original planning application was submitted so they should have been fully aware of their costs and profit margins.

.....  
**Karen Foster**

I am writing this email to express my objections to modify the existing planning application to drop the affordable housing.

Swanage desperately needs affordable housing for the town to grow and to keep families in the area, if this was dropped most of the properties would become second homes which will kill the lovely community of Swanage, you only have to look at Worth Matravers.

I feel it is about time builders apply for building plans with all these promises of affordable homes, shared ownership or converting an existing property then once the plans have been granted they then try to modify them. They should be made to do these buildings first and then they cannot get out of it.

Please please turn this down let's keep Swanage the special place it is by having affordable homes that families can afford to buy to become part of this amazing community and for the town to grow.

.....  
**Cllrs. Debbie Monkhouse (Lab) and Nicola Rogers (Con) - Swanage Town Council**

The affordable housing requirement should not be removed because:

1. Swanage needs affordable homes to remain a thriving community.
2. "Abnormal costs" were largely known at first planning application.
3. The Chairman of Swanage Community Land Trust (CLT) would like to explore the possibility of a no loss option for the developer in favour of 100% social housing where the affordable housing would have been.

#### 1. Affordable Homes

In 2020 DC reported over 150 households waiting for Swanage, with a wait of up to 29 years for a 2-bed property in Purbeck. Local people rely on DC to represent them, and will see the Officer's recommendation as putting developers' profit above a roof over their heads.

The DC Swanage Housing Needs Survey (2016) said the majority in housing need reported an income below £26,000 pa. Families can't afford to buy, and private rented housing is unaffordable and insecure. 8% of the 1,000 respondents reported family members having to move out of Swanage because of housing costs here.

In 2019 17% of Swanage dwellings were second homes, but this figure excluded those not claiming second home council tax discount, and holiday lets. The real figure today is closer to 25% non-primary residences. We need affordable housing to halt the hollowing out of our community.

## 2. "Abnormal Costs:"

We respect the DVS, however do not understand some figures allowed.

- The Water Tower was demolished by 2 men in 5 days with one low loader and light scaffolding (allowed cost £25,000 (15.6)).
- Can off-site heritage costs, agreed at first application, be 'abnormal'? (15.7).
- Why were costs not factored in for retaining walls for a site on a slope? (15.6).
- Can premiums for the landowner/third party landowner, known at first application, be justification for AH removal?

House prices continue to rise. The pandemic increased demand in Purbeck, as more home working enabled people to move out of virus-ridden cities. What current house prices figures are being used? (15.17)

The Purbeck local plan is likely to be finalised shortly, giving H11 Affordable Housing, and H14 Second Homes, full weight, calling into question the timing of this application.

That increased CIL costs from selling the houses at 100% open market value can be accommodated confirms they will be out of reach of local people.

3. Another Option – Robin Sutcliffe, the Chairman of SCH, would very much welcome the possibility of looking at the feasibility of making the affordable homes portion of the site available for the beautiful, green and practical social housing Swanage desperately needs, with the developer suitably recompensed.

Please investigate before a decision is made .

.....

### **Barry Cullimore**

I have lived in Swanage for 26 years and my two sons went to school locally but have now moved away from Purbeck, partly due to the lack of affordable housing in the area.

I feel it is essential that Dorset Council does all it can to ensure developers meet the requirements for affordable housing and hope that you see fit to refuse any modifications by this particular property developer in this instance.

.....

### **Peter Bowyer - Chair the Purbeck Society**

The Purbeck Society objects to the proposal to remove the provisions for affordable housing from the development of the site of the former St.Marys school in Swanage ref SEC/2020/0001.

The Economic Viability Assessment does not appear to present a full and up to date picture.

First, the site was purchased by Bracken at the time of the Economic Viability Assessment. The purchaser should have been aware of the planning conditions for the provision of affordable housing.

Second, the Economic Viability Assessment has not valued the increase in house prices since the date of writing the report. [www.home.co.uk](http://www.home.co.uk) quotes a rise of 30% in the prices of detached houses in Dorset over the period November 2019 to September 2021.

Third, even though the expected profit is c 17.5% this is a high return. The increases in house prices since November 2019 are significant and enhance the opportunity for the developer to sell market housing thereby increasing this % return. Greater success and effort by the developer to sell the market housing would enable the developer to comply with the condition to provide the required affordable housing.

Relying on a dated Economic Viability Assessment undermines public confidence in the planning service and appears to distort the applicant's case for the requested amendment to this application.

The Purbeck Society strongly opposes this proposal.

.....

### **Nicola Clark, Clerk to Swanage Town Council**

The Town Council would wish to express its complete disappointment and frustration that the developer has submitted an application to remove the requirement for affordable housing so soon after obtaining planning approval for this development, the decision on which could have a material adverse impact on local housing needs/requirements. Further comments are made as follows:

- In accordance with Policy AH – Affordable Housing of the Purbeck

Local Plan, the development is required to make a contribution towards the provision of affordable housing.

- Pre-application advice (x2) had been taken by the developer regarding

this development, which included details/advice regarding the affordable housing policy and guidelines, and attention is also drawn to the Senior Housing Officer's Report (8/11/2018) and email dated 10/01/2019.

- Members have reviewed the developer's Economic Viability

Assessment dated 26th November 2019, which has been completed

less than eight months after planning permission had been granted (on 2nd April 2019). Questions are raised regarding the reliability of the values and valuations contained therein, and comments are made that house prices in the local area have not materially changed since that time. It is further felt that these financial projections should not overturn/be a valid reason to go against the Council's Affordable Housing Policy.

**The Town Council therefore wishes to make it clear that it deplores any move to withdraw the affordable housing element of this development scheme.**

.....

**Jo Tasker – Ken Parke Planning Consultants – on behalf of the applicant**

Thank you for this opportunity to make a representation to you.  
I am speaking on behalf of the applicants to support the application.

After very careful consideration we found that unfortunately this application was needed because the current scheme is found to be unviable.

We submitted this application in May 2020. The applicants took specialist advice from engineers, quantity surveyors and a valuation consultant. Expert advice underpins a detailed Economic Viability Assessment prepared by Mr Newman who is a Chartered Surveyor and Registered RICS Valuer. We paid the Council's fees for independent consideration of Mr Newman's assessment by the Government's Valuation Office Agency (District Valuation Service, known as DVS).

Supplementary information and clarification was required during the process and we provided this and paid an additional fee to the DVS for their further consideration.

This very thorough assessment process has taken more than 18 months.

The DVS has agreed that the development is not viable if affordable housing is provided. This is set out in detail in your officer's report to committee, a recommendation made following a lengthy and detailed technical assessment by experts.

The applicants reasonably and respectfully request that Members support their Officer's recommendation and allow the removal of the Section 106 legal agreement in this case.

-----

**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**

.....

**John Gatrell (on behalf of Wimborne Residents Action Group)**

As a resident of the town and representative of the Wimborne Residents Action Group, I wish to object to the above application on the following grounds.

1. We believe the proposal site is within the Wimborne Minster Conservation area and is adjacent to listed buildings yet no Heritage Statement has been provided.
2. The proposal is within the Primary Shopping Area as defined by policy WMC1. We do not believe the use can be classified as retail.
3. Policy WMC1 states *"The Townscape quality of the town centre will be enhanced; only high quality development proposals that respect and enhance the local character of the centre... will be permitted"*. The proposal neither respects nor enhances the area.
4. Policy WMC1 states *"..in order to improve pedestrian safety, traffic movement and improve the ambience of the public realm, traffic management and calming measures will be considered to reduce pedestrian/vehicular conflict and enhancements to the High Street will be introduced..."* The proposal requires vehicular access across a busy pavement and narrow passageway and runs directly contrary to this policy.
5. Policy WMC1 states *"New development...in the town centre will be of the highest standard of design...to reflect the architectural and historic significance of the town centre."* The proposed design is not of high quality nor in keeping with the town centre. This requirement is also reinforced by policy HE2.
6. The noise impact on neighbouring residential properties will be considerable. The submitted sound report notes the proposal will require mitigation because of the noise generated, but these measures may not be employed and in any case are likely to be ineffective in containing low frequency noise. A number of premises in the town already flout various regulations regarding licenses (such as A-boards). It should also be noted that most of the surrounding residences are Grade II listed and therefore will not be permitted to make changes to their properties to mitigate the noise that this development will generate daily. For these reasons the proposal is contrary to Policy DES2.
7. As the proposal requires an oil interceptor (as noted in the Vehicle Waste Water Recycling System document), we would expect there to be details of the drainage system. The proposal will generate oil and other pollutants but sits within a flood plain, adjacent to a chalk stream of national importance. Yet the application form states the existing drainage system as "unknown". This is woefully inadequate information.



8. As the proposal will increase the number of car movements per day via an already unsafe entrance/exit, I would question whether Dorset Council Highways have fully understood the proposal?

To conclude, the proposal is contrary to several guiding principles of Policy WMC1, HE2 and DES2. There is insufficient information to guarantee that there will not be an environmental catastrophe.

For these reasons the application should be rejected.

.....

### **Rumen Velev**

I fully support this application for the below reasons,

-Wimborne has not got any hand wash facility business, and Wimborne citizens need that service.

- Location is already a car park and has traffic and a slight increase of the traffic won't create a problem.

- that the Business request has completed all legal and technical requirements.

- I believe Wimborne residents should be served with high end services and applications. Wimborne needs change in a positive way , and this business enterprise will be one of them. I believe this will bring more attraction to town centre, people will enjoy their food and drink when their cars are being washed and will be going home happy with shining cars.

Hope this can be granted and will be serving Wimborne for many years.

.....

### **James Cain - Planning Base Ltd - planning consultant and the agent**

I have read the officer's report and agree wholly with the contents of it. This proposal should be approved and we have followed to the letter the appropriate planning guidance. I have experience of appeal hearings concerning car washes in urban areas and have won costs against local authorities on the subject (see PINS Refs 3013850 and 3193984 for example).

In this application at the rear of 5 High Street, we undertook pre-application consultation with the conservation officer and highways authority and have been meticulous in terms of satisfying the necessary issues with regards to access, noise and conservation. We have provided professional reports from outside consultants where necessary and the scheme has been produced by a local RIBA practice. There are consequently no objections from the various statutory consultees and that is testament to the robustness of this application.

As your officer concludes, there are no grounds to refuse this application and the applicant will comply fully with the proposed conditions set out. He is eager to start in 2022 and create employment in the town.

This will bring into being a much needed facility for the town of Wimborne and will save on numbers of car journeys by locating a car wash in the town centre within an existing car park. It is the epitome of sustainability and accessibility as the car drivers of Wimborne won't have to travel to have their vehicles cleaned.

I trust that Members can see the efforts put into the preparation of this application and that it can now be approved at long last.

.....

## **P/HOU/2021/02711 - CONSTRUCTION OF REPLACEMENT PORCH AT 1 HILLSIDE AFFPUDDLE**

### **Paul Foot - Agent's Statement**

The size of the proposed porch extension has been carefully considered based on:

- Previous pre-application advice where an earlier design was rejected for being too large.
- The need to provide a space which is more usable than the existing porch.
- Built with cavity walls to current Building Regulations standards.
- The application design is of moderate size and does not overpower the applicant's or the neighbour's properties.

The roof has been designed to be in character with the existing house. The pitched roof would be tiled to match the main house. It is common practice to design porches with lean-to roofs on all types of properties whether historic or more modern.

A flat roof would have to be a lot higher at the eaves than that of the pitched roof proposed to provide adequate internal headroom and to achieve the insulation levels required under the Building Regulations. The imposing height of this resulting flat roof would be out of character to this property and the Conservation Area as a whole.

-----

## Geoff Sagar - applicant

I would like to offer comment which disagrees with the recommendations of the Case Officer for this application and I would urge the committee to please approve this application.

This application is being made simply to improve the appearance and general utility of the property, to bring it more in line with

- Current building regulations (replacement of poorly insulated roof and single-glazed windows)
- General expectations of ground floor space for a typical 3-bedroomed property
- Space and utility requirements for a family home where home-working with a young family is now becoming the norm.

The design of the proposed scheme has been specifically made to incorporate building methods from the main property to minimise visual impact and to provide consistency with the main property and neighbouring buildings. Therefore, we refute your comment 3.0 that the proposed porch would have a *“dominating effect”*; an opinion which is supported by our neighbour’s comment that *“the porch will be a considerable improvement and will not clash with the existing building – it will enhance it”*. This assessment seems to be endorsed by your report’s later comment on page 118 that the proposal is *“of a modest size... would have no adverse implications for occupants of neighbouring property.”* In addition, it should be clarified that the building-to-building distance to our neighbour you have referred to in this comment of 33m is incorrect, the actual distance is 51m, and we are not directly opposite them.

We agree with the description in section 5.0 of your report that the property is *“not of historic significance”* but your comment regarding visibility is factually incorrect, as it refers only to screening from a deciduous tree and ignores the presence of evergreen Privet hedges to the road and Photinia hedge on the driveway.

Your comment on page 116 regarding the proposal making *“substantial increase in size and massing”* should be considered alongside the fact that this design is only approximately a 6% increase in current lower ground floor area, and the design’s footprint incorporates cavity walls to replace the current single-skin brick wall.

Furthermore, your comments relating to the characterisation of cottage development are inconsistent with recent developments which have been permitted in the village for properties on the south side to the main road (where we are located), so it seems unfair that our proposal is being recommended for refusal?

Finally, I would like to refute your comment on page 119 that pre-application advice was offered. This was not the case when our application was made (*re: telephone conversation with Ros Drane, May 2021*). Therefore, your assertion that *“the applicant was advised that the proposal did not accord...”* is factually incorrect.

.....

**Sue Jones – Chairman of Affpuddle & Turnerspuddle Parish Council**

...

The Parish Council supports this application. Overall, it considers it a minor change to the property which is situated amongst a very varied collection of more recent none – listed homes. Parish Councillors do not consider that the proposal would have any significant impact on the special character and historic interest of the conservation area. In contrast it would seem to enhance the appearance of the property and offer a real increase in the quality of life of the applicant.

Whilst the Parish Council appreciates the point of view the Conservation Officer has reported, the question of whether the application would cause less than substantial harm to the character and appearance of the Piddle Valley Conservation Area is necessarily a subjective one. In this case the Parish Council considers that the proposed design does not have a dominating affect in the Conservation Area.

Whilst the site is elevated it is well screened by hedging, fencing and a substantial apple tree. Whilst the apple is deciduous it remains as a screening silhouette during winter months. The green fencing and substantial evergreen hedging comprising privet and photina screens the property looking up from and along the road as does a high boundary privet hedge between the property and its adjoining neighbouring property 2 Hillside.

Beyond the road the applicant looks onto open countryside which does not have close footpaths or bridleways. As such it is difficult to see how the Conservation Areas character and historical interest could be detrimentally affected by the impact of the proposed modest extension. In the opinion of the Parish Council the proposal will enhance the appearance of the property which will replace a rather flimsy flat roof addition with a roof that will be more in keeping with the existing tiled roof of the house.

The property is one of many properties extending on this long stretch of road with the majority enjoying an elevated position. Properties have been added and extended over decades and consequently the streetscape is very mixed in terms of style and materials. Taken in the context of this setting Parish Councillors do not consider the proposal would harm the character of the Conservation Area, and on balance it would enhance it.

Parish Councillors are familiar with the site and several have visited the location in person following this application. The Parish Council voted unanimously to support this application and continues to do so following the Conservation Officers report.

**Duration of meeting:** 10.00 am - 2.15 pm

**Chairman**



This page is intentionally left blank



## EASTERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON WEDNESDAY 9 FEBRUARY 2022

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

**Apologies:** Cllrs David Tooke

**Also present:** Cllr David Walsh; Gary Suttle and Cherry Brooks

**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), Peter Walters (Senior Planning Officer), Andrew Collins (Development Management Team Leader – North), Susan Hetherington (Engineer – Development Liaison), Oliver Rendle (Senior Environmental Assessment Officer), Cari Wooldridge (Planning officer), Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

#### 248. **Apologies**

An apology for absence was received from Councillor David Tooke.

#### 249. **Declarations of Interest**

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

Cllr Bill Trite declared that as he had been seen to predetermine the application - in respect of minute 242 - in views he had expressed at a Swanage Town Council meeting, he would speak solely as local member in respect of minute 252, but take no part in the vote.

#### 250. **Minutes**

The minutes of the meeting held on 5 January 2022 were noted.

#### 251. **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.

252. **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**

The Committee considered application 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.

Consideration of the application had been deferred by Committee at their meeting on 5 January 2022 to allow further negotiations on the viability of the scheme with the applicant, to include an assessment of land values and building costs. This was designed to give members a better understanding of the grounds for consideration of the application and so that some means could be achieved for the obligation to be maintained, at least to some extent, that was in the interests of and to the satisfaction of all. Modifications to the report presented to Committee on 5 January were highlighted in bold in the report.

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 application were; how these were to be progressed; and what this entailed.

For context, plans and photographs provided an illustration of the location, orientation, dimensions and appearance of the development and of the individual properties; access and highway considerations; the characteristics and topography of the site and views into the site and around it; environmental designation considerations; what groundworks would be necessary in managing this “brownfield” site to an acceptable standard for development; drainage and water management considerations; the means of landscaping and screening; the development’s setting within that part of Swanage and that it was sited within the Swanage Conservation Area and the Dorset AONB.

Critically the reasons why the applicant now considered to be unable to fulfil the originally planning obligations in providing 11 affordable housing elements were emphasised, all of which provided a satisfactory understanding of all that was necessary.

The basis for the application was explained by officers in that the applicant did not now consider able to fulfil the original planning obligations – in providing affordable housing on as part of the development - given their assessment of commitments required to deliver the development. Given this, they maintained that the scheme would not be viable should this obligation be retained. Based on the evidence provided by the applicant - which had been corroborated by the



District Valuer in their independent assessment of the viability of the scheme – the application had been submitted.

For members understanding officers set out the particular reason for the application in that:-

“The applicant had applied to remove the S106 legal agreement that required the provision of 11 affordable housing units as part of the development. In this instance, Policy AH of the Purbeck Local Plan allowed for development of 100% open market housing where it could be satisfactorily demonstrated that a scheme with affordable housing was not viable. Therefore, if the viability argument was satisfied, the S106 agreement could be removed without resulting in the approved scheme being contrary to the Development Plan.”

The applicant contended that on the basis of the significant increase in CIL charges and the abnormal costs associated with developing the site, along with the high Existing and Alternative Land Use Values, the proposal was no longer viable if the requirement to provide affordable housing remained. Planning Practice Guidance (PPG) definition of abnormal costs was considered by the District Valuer to apply in this case as a basis for the application.

Subsequent to the deferral of this application by Committee, the applicant had submitted an additional supporting statement that sought to clarify matters raised during that committee meeting, these being:

- site ownership – the applicant confirmed that since the application was submitted, they had purchased the site. Therefore there was no prospect for further negotiation on the price to be paid to purchase the land.
- the applicant confirmed that on other developments they had provided affordable housing where it was possible to do so.
- the applicant advised that banks would not finance a development with a profit of less than 15% Gross Development Value (GDV). While private lending could be attained when a lower profit margin was expected, it tended to attract higher interest rates which would render the development unviable.
- the applicant considered that the proposal was compliant with Policy AH of the Purbeck Local Plan Part 1 and paragraph 58 of the National Planning Policy Framework.
- the applicant submitted the requirement viability assessment for consideration by the District Valuation Service (DVS) on behalf of the Council.
- the applicant noted that the Dorset Council Constitution stated that a role of Members is “To receive appropriate professional advice from officers and to have that advice recorded, so that all Members are fully aware of the implications of their decisions and have the assurance that their decisions comply with the law”. (Paragraph 1.3 (c). Members and Officer Protocol).
- the applicant stated that members were asked to accept the professional recommendation provided by their own expert and independent consultant that the conclusion of the appraisal was sound.

Given all the evidence provided; in taking into consideration the assessment made by the District Valuer; and that further discussions had taken place with the applicant as to whether there were opportunities to improve the viability of the scheme, with none being identified, officers were satisfied that the reasons for the

removal of this obligation had been met – in that it had been demonstrated that the proposed development was not viable if affordable housing was required - and this formed the basis of their recommendation to Committee.

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 Bill Trite, spoke as a local member only. He was concerned that the element of affordable housing was being asked to be removed as there was a critical need for this within Swanage. He remained sceptical as to the applicant's intentions and could not see any good reason why the applicant was asking for this to be removed now, given what should have been known about the site previously and what might well have been anticipated. The other local Member, Councillor Gary Suttle, was of this view too.

Formal consultation had seen an objection from Swanage Town Council, and numerous public objections received expressed concern at the removal of the obligation, considering there to be a real need for affordable housing in Swanage - especially that young, local families would not now have the opportunity to access this provision.

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:-

- what assessment had been made on how viable the scheme would be - both with and without the affordable housing element
- concern that the applicant was not now being able to fulfil that obligation and why this was the case
- what costs there were associated with affordability
- how abnormal costs had been defined, determined and applied as the basis for this application
- what profits would be made and how were profit margins assessed in determining what was and was not viable
- what the practicalities of developing this brownfield site had been identified
- what issues could have been reasonably known by the applicant at the time of the original application being submitted and what issues had been identified subsequently.

Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers, reiterating that the investigations undertaken had come to this conclusion. Officers confirmed that, where appropriate, they had challenged the District Valuer's assessment, with there being evidence that the District Valuer had modified his

assessment as and where necessary. Moreover, the District Valuer had assessed various permutations of what level of affordable housing might be able to be achieved to make the development viable, but had been unable to identify any such circumstances in which this might be the case.

This clarification was generally accepted by the Committee, albeit with some scepticism remaining: on what was known, or should have been known or anticipated by the applicant when their original application was submitted.

From debate, the majority of the Committee still had serious misgivings about the removal of the obligation given that, in their opinion, all the reasons being used to apply for this would have been readily known at the time the application was approved. Despite the evidence provided by the applicant and corroborated by the District Valuer, members were sceptical at the assessment made that if the affordable housing element obligation was maintained, the development would no longer be viable. Members considered that every opportunity should be given to identifying some means that the affordable housing – or a proportion thereof – could be retained and hoped that there could be some means to still achieve this.

As at the previous meeting some members considered that the original obligation should be maintained, and that no flexibility should be given to this, insisting that the provision of this obligation should be upheld.

However the majority of members now understood more readily that, given the evidence provided, the District Valuer's assessment and the efforts made by officers to find some satisfactory solution, there appeared to be little scope other than to approve the application for the reasons in the officer's report and presentation. However, they asked that consideration be given to including a clause in any grant of permission, that at an appropriate stage in the development – to be determined - a reassessment of viability be made to determine whether an affordable housing contribution could, or indeed, should 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 John Worth, on being put to the vote, the Committee agreed – by a majority of 7:2 - to be '**minded to**' grant the application, subject to the inclusion of the relevant clause.

The Head of Planning, having considered the representations and the officer's presentation and having taken into account the views of the committee, made the following decision under delegated authority.

**Decision of the Head of Planning:** That the application be granted in that the S106 Legal agreement be modified to remove the affordable housing requirement and subject to the inclusion of the clause: on condition that a further viability assessment be undertaken during the course of the development at a time to be determined by legal negotiation. If that viability

review showed an improvement in the financial viability of the site, then a financial contribution towards the provision of affordable housing would be required.

253. **6/2018/0566 - Redevelopment of existing hotel to provide new tourist accommodation including 30 bedroom hotel, apartments & villa accommodation, associated leisure & dining facilities (Environmental Impact Assessment development) at Knoll House Hotel Ltd, Knoll House Hotel, Ferry Road, Studland, Swanage,**

The Committee considered application 6/2018/0566 for the redevelopment of existing hotel to provide new tourist accommodation including 30 bedroom hotel, apartments & villa accommodation, associated leisure & dining facilities (Environmental Impact Assessment development) at Knoll House Hotel Ltd, Knoll House Hotel, Ferry Road, Studland, 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 application were; how these were to be progressed; and what this entailed.

The development would generate a £60 million investment in the site, create some 230 jobs and, because all staff accommodation from the site was to be removed, offered an electric shuttle bus service to bring staff to and from work.

For context, plans and photographs provided an illustration of the location, composition, dimensions and appearance of the development and of the individual accommodation units - and their proportion - that would make up the overall hotel complex; what leisure facilities and amenities there would be, access and highway considerations; the characteristics and topography of the site and views into the site and around it; environmental designation considerations; what demolition would take place and what groundworks would be necessary in managing this “brownfield” site to an acceptable standard for development; drainage and water management considerations; the means of landscaping and screening; the development’s setting within that part of Studland and what constraints governed how the site should be managed and could be developed.

These constraints in developing this site were significant, being:-

- within the Site of Specific Scientific interest, Special Protection Area, Special Area of Conservation, Ramsar site
- within the Dorset Area of Outstanding Natural Beauty (AONB)
- adjacent to Heathland Consultation Area
- adjacent to the Dorset Heritage Coast
- adjacent to UNESCO World Heritage site Jurassic Coast
- surrounded by National Trust owned land

all of which played a significant part in the assessment of considerations for the officer's recommendation.

Whilst the development would remain within the footprint of the existing development, there would be a significant change in appearance in terms of an increase in mass, bulk and dimensions which was considered to significantly impact on the adjacent environmental designations and in particular, the heathland.

Given all this, the proposal - by reason of its scale, massing and impact on environmental designations - was considered to be a major development within the AONB and the tests - as specified in the NPPF - had not been fully satisfied. However, the applicant was of the view that the development did not constitute a major development.

In addition, Natural England were unable to confirm that the proposals would not adversely affect the integrity upon international and European designated sites (Ramsar, SPA, SAC). Whilst mitigation measures had been suggested, there was no guarantee that these could be implemented satisfactorily.

Whilst it was acknowledged that the development would have substantial local economic benefits, given that it had been assessed as being major development within the Dorset Area of Outstanding Natural Beauty (AONB); by reason of its scale, form and massing and the impact it would have on the special character of the Heritage Coast, heathland and other environmental designations, these considerations formed the basis of officer's recommendation to refuse 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.

The Local Ward member, Councillor Cherry Brooks, addressed the Committee asking that the application be supported in that it would provide much needed economic benefits for that part of Dorset and would be a considerable asset to Purbeck. The Portfolio holder for, Councillor Gary Suttle, was of this view too, considering that more emphasis should be given to the economic benefits the development would bring, which in his opinion outweighed any negative impact.

Formal consultation had seen an objection from Studland Parish Council on the grounds of the mass and impact of the development; harm to environmental designations and inadequate parking. Dorset AONB, Natural England and the Campaign to Protect Rural England all objected on similar grounds. Dorset Highways had considered the traffic management and hotel parking plan to be acceptable. There was also no guarantee that the National Trust would enter into an agreement for use of their neighbouring land for any mitigating landscaping and screening - as asserted by the applicant - having raised concerns over the scale and massing on the Dorset AONB and on the

character and appearance of Studland and the surrounding protected heathlands.

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:-

- concerns over the number of car spaces available on site and how traffic would be managed on the highway network to avoid congestion
- how effective the shuttle bus service would be
- what guarantee there was for the use of National Trust land for any mitigation works as being proposed
- what the environmental designations there were and what impact the development would have on them
- the massing of some of the buildings to the rear of the development and how these might be modified to be more acceptable
- what use there was to be of the chalets and when these would be occupied
- how the staff were to be accommodated and where this could be

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.

From debate, the majority of the Committee welcomed the £60million investment for the site and saw the economic benefits this could bring; appreciated that the development would create some 230 jobs; and, in principle, considered that development of the site would be beneficial but expressed concern that the mass and bulk of some of the proposed buildings to the rear of the development would need to be reduced considerably to be acceptable to them. There were also concerns over the number of car spaces available, that there would be no staff accommodation on site and that the environmental designations could be adversely compromised.

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 Mike Barron, on being put to the vote, the Committee agreed unanimously - 10:0 - to be '**minded to**' refuse the application, on the basis of the officer's report and presentation i.e. scale, form and massing and Heathland impacts.

The Head of Planning, having considered the representations and the officer's presentation and having taken into account the views of the committee, made the following decision under delegated authority.

**Resolved**

That application 6/2018/0566 be refused.

#### Reasons for refusal

1)The proposal results in major development within the Dorset Area of Outstanding Natural Beauty (AONB) and would not conserve or enhance the character and appearance of the AONB or Heritage Coast. The application would continue to generate significant adverse effects and would compromise the special qualities that underpin the AONB's designation.

2)It has not been adequately demonstrated that the proposal would not have an adverse effect upon important international and nationally protected wildlife sites and as such it must be considered that there would be a likely significant effect which cannot be adequately mitigated against.

3)Economic benefits do not outweigh harm

4)There are clear material considerations which justify a refusal of this application.

254. **6/2021/0204 - Demolition of single storey classroom building and construction of replacement two storey classroom building at Lytchett Minster School, Lytchett Minster, Dorset**

The Committee considered application 6/2021/0204 - Demolition of single storey classroom building and construction of replacement two storey classroom building at Lytchett Minster School, Lytchett Minster.

The application was obliged to be considered by Committee as it was an application on behalf of Dorset Council.

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 application were; how these were to be progressed; and what this entailed.

For context, plans and photographs provided an illustration of the development and its appearance and characteristics; what demolition would take place and what groundworks would be necessary in managing this "brownfield" site to an acceptable standard for development; the topography of the site and views into the site and around it; environmental considerations; drainage and water management considerations; the means of landscaping and screening; the development's setting within that part of Lytchett Minster and what constraints governed how the site should be managed and could be developed as it was situation in the Conservation Area and the Green Belt.

Officers considered the proposal to be acceptable in principle within the countryside and Green Belt; scale, design and impact on the character and appearance of the area; impact on heritage assets; and, impacts on neighbouring amenity and protected trees. The proposal would also provide public benefit. It was therefore considered to be sustainable development for the purposes of NPPF paragraph 11.

Lytchett Matravers and Upton Ward Councillors considered the replacement would be an improvement to the appearance of the site and Lytchett Minister and Upton Town Council had no objection to the application.

The Committee understood the need for this development but asked that sufficient ventilation of the classrooms be stipulated in any conditions, as necessary. They also asked that the timber cladding used be compatible with that which was used on adjacent buildings.

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 Alex Brenton (one of the three local Ward members), on being put to the vote, the Committee agreed unanimously - 10:0 - to be '**minded to**' **approve** the application, subject to the conditions – to include an additional condition about ventilation of the windows - and informative notes set out in paragraph 17 to the report.

The Head of Planning, having considered the representations and the officer's presentation and having taken into account the views of the committee, made the following decision under delegated authority.

**Decision of the Head of Planning:** That the application be approved on the basis of the report and presentation and subject to the conditions and informatives set out in Section 17 of the report – to include the additional condition:-

- Before the building is brought into use, at least one opening window to serve each classroom must be installed. Thereafter the windows shall be retained as such.  
Reason: To ensure adequate air circulation around the building in the interest of the health of occupiers.

#### Reasons for Decision

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The needs of the established school and heritage constraints are judged to provide very special circumstances which outweigh the harm to the Green Belt
- No harm to heritage assets
- There is not considered to be any significant harm to the, Countryside, or protected trees.
- There are no material considerations which would warrant refusal of this application



255. **Urgent items**

There were no urgent items for consideration.

256. **Written Submissions**

**Written Representations for applications to be considered by the Eastern Area Planning Committee – 9 February 2022**

**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,**

-----

**Warren Sellers**

I sincerely request a gift of your time to read this letter before the next meeting of the Eastern Area Planning Committee of Dorset Council regarding the Agenda item viz: SEC/2020/0001 To modify Planning Obligation for planning permission 6/2018/0483..to remove the requirement for Affordable Housing (AH) at the former St Mary's School, Manor Road, Swanage.

Please reconsider the urgent need for *an increase* in Affordable Housing in Swanage and restore the requirement for AH in application 6/2018/0483. I am seriously alarmed to read in your minutes of 5th January 2022 that Officers of the Council have thus far rejected the pleas of Swanage Councillors and others to include the Obligation as a condition of planning.

It is not too late to politely set aside the previous decision to accept the District Valuers' recommendation to remove this Obligation and so finding in favour of owner, Trustees and the developer, of the land instead of the future owners of the dwellings proposed, especially those who hope to purchase AH.

If the trustees and the developer will not produce an alternative financial statement of their individual needs in favour of the *original proposal to include* a proportion of AH, your action as a member of the Area Committee to restore this Obligation at your next meeting will give opportunity for other developers to have more time to present their proposals to the trustees, however long that procedure may take.

Please do not lose this chance to restore the hope of more Affordable Housing.

Our Grammar School in Swanage closed its doors for pupils in 1974. In 2021 proposals were announced for the building of 90 dwellings, 60 for the open market and 30 AH on that school site to the delight of many, some also breathing a happy sigh of relief after more than 45 years of effort from planners, councillors, constructors and members of the community. This site in Manor Road may be more complicated and smaller in size. It is obviously worth taking more time to reflect on the personal needs of owners, trustees, developers and future Swanage occupiers.

I am also aware that allowing the removal of this Obligation will severely affect every community in the area of Dorset Council where there are hopes for more AH. I hope each Councillor will read again the pleas of Swanage Councillors who have already spoken so firmly about our local need for AH.

.....

### **Colin Brixton**

The development within the town is also within the AONB, where development is allowed as an exception, subject to a S106 agreement. I object to the removal of the S106 obligation in this case on the grounds that the prime objective of site development in Swanage is to gain more affordable housing. If this is lost the resulting outcome will no doubt be a greater influx of either non resident owners; and/or the semi or fully retired from outside the area, so further increasing the unbalance of the population by age group.

The applicant has had ample time to revise the application or withdraw. Failure to adequately anticipate problems with the site and the effect on profit margin is in my opinion irrelevant.

Furthermore acceptance of this application will no doubt encourage future applicants to take similar action.

The consideration in my opinion should go against the officers recommendation, and be refused.

.....

### **Bracken Developments – applicant**

Following the last committee meeting where members voted to defer the planning application for further discussion with us, as the applicants, we have held a virtual meeting with your case officer.

This submission was made in May 2020 and has been the subject of considerable open book scrutiny by the councils own appointed RICS accredited surveyor, the district valuer, who has confirmed that the site is not

developable on reasonable commercial terms if it includes any affordable housing. Your officers agree with these findings and have, again, recommended this application for approval.

This is not a speculative application put forward to maximise our financial return, as has been suggested. Rather we are in a position where we want to deliver these 30 units in

Swanage, with all of the benefits to the town that will bring, including a very considerable CIL contribution, but we are unable to do so as the site is financially unviable.

The viability of the planning permission is not a matter of judgement, it is a matter of fact, and you will recall from the previous committee meeting that officers repeatedly said that they would recommend the original planning application for approval with no affordable housing, based on the viability exercise that has been carried out and that is now before you.

Just for the record, Bracken has no issue whatsoever with providing affordable housing on the land it develops, where it is viable to do so. For example, we have just handed over 13 houses to Sovereign Housing Association in Weymouth, and have a further 33 affordable units currently in the planning system in Dorset.

As you will have noted from the officer's report, Bracken owns this site, having acquired it in July 2019, and therefore there is no possibility of renegotiating the land transaction.

Our land at Swanage is a technically challenging and difficult brownfield site to develop, and the application before you has been the subject of proper detailed scrutiny by your officers and the Councils appointed experts. We therefore ask you to accept your officer's recommendation and approve this application, thereby allowing this site to be developed.

.....

**Jo Tasker, Ken Parke Consultants**

I am speaking on behalf of the applicants to support the application.

I will not take up much of your time as you have also heard a statement read out from Bracken Developments, the applicants.

As you are aware we have gone through a very thorough assessment process for this application and have followed the exact process allowed for by adopted Development Plan policy as well as Government Policy.

The applicant's professionally prepared economic appraisal, which has been confirmed as a legitimate and accurate analysis by the Council's own independent professional, is the evidence before the Council.

**(continued below)**

The economic appraisal is evidence based and accurate. Members are asked to accept the professional recommendation from their own expert and independent consultant that the conclusion of the appraisal is sound. The development cannot be delivered unless the requirement for affordable housing is removed.

Members are also asked to accept the recommendation from legal and planning officers who sanction the validity of the application and that the approach is correct and sound in law.

.....

**6/2018/0566 - REDEVELOPMENT OF EXISTING HOTEL TO PROVIDE NEW TOURIST ACCOMMODATION INCLUDING 30 BEDROOM HOTEL, APARTMENTS & VILLA ACCOMMODATION, ASSOCIATED LEISURE & DINING FACILITIES (ENVIRONMENTAL IMPACT ASSESSMENT DEVELOPMENT) AT KNOLL HOUSE HOTEL LTD, KNOLL HOUSE HOTEL, FERRY ROAD, STUDLAND, SWANAGE,**

**Mark Funnell, National Trust**

The National Trust is a conservation charity that looks after nature, beauty and history for the nation – for everyone, for ever. The Trust owns the land around Knoll House Hotel, which it holds for its charitable purposes. This land includes areas of Dorset Heathland, woodlands and beach facilities. Part of the Trust's land is leased to the hotel.

Knoll House Hotel has a long history, with associations with the Bankes family of Kingston Lacy, who bequeathed the lands surrounding the hotel to the Trust. The Trust would like to see the sensitive, sustainable re-development of the hotel.

The Trust maintains its objection on three grounds: landscape, ecology and parking.

**Landscape:** The proposed development would more than double the floorspace on-site, with building heights increased considerably. We consider that the proposals would over-develop the site and have a detrimental impact on key views and the landscape and scenic beauty of the AONB and Heritage Coast. The proposals do not appear to meet the tests for 'major development' in the AONB. The AONB Partnership and Dorset CPRE have raised similar concerns.

**Ecology:** The proposals would introduce 63 residential units and other leisure uses to the site. The Trust understands that under the applicant's proposed operating model the intention is to manage these 63 units in conjunction with the 30-bed hotel. In the long term these 63 units could become individually sold and occupied. Even if they remain tied to the hotel, there would still be 63 new residential units adjacent to the internationally important Dorset Heathlands. As well as the increase in guest bedspaces on-site, there would

be a significant uplift in staff numbers, as well as day-users of the leisure facilities. Further, the surface water drainage from the entire site has not been resolved and the current proposition is likely to have ecological implications. We agree with Natural England and the RSPB that the proposals would have adverse effects on the integrity of the Heathlands. The applicant has proposed ecological mitigation measures on Trust land but appears to have no secured means of delivering them. The 1999 lease of amenity land from the Trust to the hotel has expired and a renewal has not been agreed. To be clear, the Trust would not agree to a renewal lease, section 106 or other agreement with the applicant to support development in this form.

Parking: The major increase in floorspace (c.138%) would be matched by a very small increase in car parking (c.10%). Experience suggests this will lead to parking problems in the local area, especially during peak season. The National Trust maintains its objection on landscape, ecology and parking grounds. We trust that this is a useful summary of our position.

.....

**Ian Girling, Chief Executive, Dorset Chamber**

My name is Ian Girling and I am the Chief Executive of Dorset Chamber, the county's leading business organisation and a member of the British Chambers of Commerce.

We fully recognise the heritage and beauty of the Knoll House Hotel. However it is clear the hotel is in major need of renovation and as it stands, is no longer fit for purpose. This is why major investment is required to maintain tourism and keep the Purbecks on the map as a world class destination and without this, the area and many businesses will suffer. The wider benefits of the hotel to other businesses in the area should not be underestimated.

The new plans seek to mitigate impact on the natural environment and our understanding is the new proposals are very understanding of this very important point. The proposals would significantly revitalise tourism in the local area as well as creating a first-class resort that would add significant economic benefit to the wider area. The new hotel would create significant employment in a relatively rural area, particularly offering young people seeking a career in hospitality a huge opportunity.

Our concern is if this proposal is not approved, the local economy will suffer and a major opportunity for a hugely exciting and beneficial resort that will really lift the area will be lost. This is a beautiful part of Dorset but without sympathetic investment, we will see decline and major revenue and employment opportunities lost. Such a beautiful part of the world deserves a world class destination, and this is why we support this planning application.

.....

**Ben Read, Black Box Planning Ltd – on behalf of the applicant**

This planning application is presented to members after a long period of consideration, since its first submission in 2018. The applicant, Kingfisher Resorts, recognises the sensitivity of the surrounding landscape and this has been central to the proposals from the outset.

The proposal does not seek to deliver a significant intensification in use. Overall, there will be a reduction of people accommodated on site. However, those guests will be afforded more space and access to a greater range of facilities, which is what is required of a five star destination. It is the number of people on site which has formed a considerable debate with Natural England over the last three years and the Officer Report helpfully recognises that the proposal will result in a reduction.

Knoll House was once an iconic destination on the Dorset Coast, an asset to the area.

However, now the condition of the hotel, which is spread across 30 buildings, is in sharp decline. The proposal seeks to restore the quality that Knoll was once known for.

The objective is to deliver a range of enhancements to the surrounding area, which will be beneficial for the local environment, including:

- A Woodland Management Plan;
- Heathland restoration;
- Mire restoration, restoring local wetland habitat;
- A circular walk which can be taken as an alternative to the Heathland;
- Informative signage which highlights the sensitivity of the area;
- Visitor Information Packs for each guest;
- A Construction Environmental Management Plan;
- A Staff and Skills Strategy which will include education on the local environment as part of their training; and
- Not to permit the keeping of dogs on site.

The measures will be secured by a binding Legal Agreement. There is no risk to the Council that planning permission will be issued if the measures are not secured. It would be unusual to have completed a s106 before a Committee Resolution. These measures are recognised by Natural England.

With regard to the AONB and impact, the assessment in the Officer Report is extremely narrow. It also appears to have been based on errors in the OR in respect of building sizes, a number of which have been reported as more than twice the size of those proposed. This is a major concern.

Notwithstanding the errors, it does make clear that 'major development is a matter for the decision maker. This is right. It is perfectly appropriate for members to reach a different conclusion to the OR. The applicant, in undertaking an Environmental

Impact Assessment,

including Landscape Visual Impact Assessment, has reached a different conclusion to officers. It is not considered that it does constitute major development. The key area of difference on this issue is that the comments of the AONB Board and in the OR do not recognise that the site is already previously developed and has visual presence in the AONB. It is not a greenfield site. This has resulted in impacts being overstated. The proposal will actually reduce the area of the site which is to be developed, rationalising the existing sprawl.

Members will be aware of the High Court Judgement handed down by Justice Swift in respect of 750 homes to be built in the AONB at Bridport. It was recognised in the judgement that the AONB is not a bar on development, a much larger development on a greenfield site. In that case, the development was concluded to be in the public interest to meet housing needs. In this case, the same can be concluded in delivering economic and social objectives.

Officers

recognise that there is a need for this development and that it cannot be delivered outside the AONB.

If members are in any doubt about landscape impacts, I would encourage them to visit the site.

As a matter of planning policy, and law, it is important that members consider the issue of major development but in doing so, they are entitled to conclude that it is not major development.

#### The Benefits of the Scheme

The Officer Report takes a very light touch approach to the benefits of the proposal. It does recognise the substantial economic benefits arising from the investment, which is welcomed, it fails to mention them in totality:

- Economic benefits:

- o Total construction investment – circa £40m (at 2019 prices);

- o Jobs:

- 233 jobs in total. This amounts to a 14% increase in employment in Hotels and Restaurants in the former Purbeck District area

- Economic Projections:

- o £40m construction investment

- o £5m GVA every year in operation for the local economic from onsite activity

- o £1m GVA a year in the supply chain

- o £2.5m a year in additional spend in the local area.

- Qualitative benefits:

- o Year round jobs

- o Improved quality of jobs offering above average salaries; career progression opportunities and apprenticeship schemes

- o Increased confidence in the local tourism market, encouraging further investment

- o Higher quality tourism offer in the area, encouraging other businesses to improve theirs, encouraging a cluster of high quality provision.

- Environmental benefits:

- o Energy efficient buildings, including provision of renewable energy (combined heat and power)

- o Sustainable buildings in excess of that required by Building Regulations
- o Agreement to condition securing Electric Vehicle Charging Points on site (Kingfisher deliver these in any event)
- o Promoting more sustainable patterns of transport and an electric staff bus to be secured in the s106 Agreement
- o Opportunity to regulate existing drainage, reducing runoff rates and cleaning runoff through infiltration systems.
- Local resident benefits:
  - o Improved local offer accessible to existing residents
  - o Job and career progression opportunities for local people
  - o Memberships for local residents within a defined catchment (which will also divert people from using the heathland)
  - o Retaining Knoll House as a local asset to be proud of in the long term.

The benefits of the proposal are significant and will also provide a long term and sustainable solution for Knoll House. For the reasons set out in the extensive assessment undertaken to support the proposal, there is no reason why members cannot reach a different conclusion to Officers and resolve to grant planning permission subject to the completion of a S106 Agreement and a Habitat Regulation Assessment. Kingfisher respectfully invite members to support the proposals on that basis. Thank you.

.....

### **Tim Watton, Clerk to Studland Parish Council**

Studland Parish Council have unanimously decided to object to this planning application on the grounds of: size, mass, and impact of the development; harm to designations, and inadequate parking. More detail on our objections are shown below.

#### **Main objections and concerns:**

- **Impact on nature conservation:** the development will be within the 400m boundary that prohibits developments close to the heathland. Studland is in an AONB, and these plans are totally out of character with the area, and the conservation of the area
- **Size / bulk / impact on outlook:** the scale of the development is disproportionate to the site. The proposed total floorspace would be 250% greater than the current hotel. One section will be five storeys high (compared to three now). Given its height and scale, not only will it be highly visible from the heath (e.g. Agglestone Rock), from parts of the village, but also very clearly from the sea
- **Loss of trees:** 40 trees are to be cut down. Whilst there is a replacement plan, there is no clarity of the type and size of trees to replace the mature trees being cut down; inevitably the mature trees would only be replaced by smaller saplings, changing the character of the site
- **Highway issues:** we believe the highway and transport plans outlined are totally inadequate and are inaccurate. The hotel / resort will have a higher number of guests than the current hotel, and will have a much greater number of staff. The guests arriving, especially in the larger



flats, will come in multiple cars. The 5 star, 24 hour nature of the hotel will require staff arriving and leaving throughout the day and possibly night. Not all staff will want to come by shuttles and will need car parking space, as well as increasing traffic volumes. As the hotel is proposed to operate 12 months a year, as opposed to 9 as currently, these will be year around issues.

Other objections and concerns:

- **Lack of staff accommodation:** we do not believe that the hotel will be able to function without some staff accommodation. Given the aspirations of the hotel to provide a 5 star service, this will mean having some staff available on site
- **Lack of car parking:** despite the large increase in number of residents and staff, only four additional car parking spaces (83 as opposed to 79 currently) will be provided; this issue is compounded by the fact that most staff are currently residential, whereas under the proposed plans, no staff will be residential and therefore will require to travel to the site. We find this astounding, and believe the hotel will require much greater volumes of car parking space; if this is not provided, then there is the potential that staff and guest will find other car parking spaces in Studland e.g. in NT car parks, or on the roads.
- **Impact on infra-structure of Studland:** the roads and utilities for Studland are designed for a small village, with some seasonal fluctuations. However, the size of the hotel will lead to increased usage of roads and other utilities throughout the year
- **Construction noise / traffic:** the scale of the development will lead to a huge increase in construction traffic – which will predominately use the Ferry Road / Swanage Road, and the Studland to Corfe Castle Road: these are relatively narrow roads not suitable for large volumes of large and wide lorries. The number of ongoing service vehicles will also increase – compared to now – due to the size and scale of the hotel: this will increase traffic flows.
- **Safety of foot pedestrians:** there is no pavement between Studland and the hotel, which means that hotel residents who wish to use facilities in Studland – such as the shop, Social Club, pub, or Church – will either have to walk along the road, or drive (increasing traffic flows and parking issues in the village)
- **Light pollution at night:** being an AONB, Studland is very dark at night, with very few street lights. Having a hotel of the size of that proposed would lead to a dramatic increase in light pollution, making the hotel very visible from several parts of Studland, the sea, and potentially from Bournemouth

## Support

- **Retail facility:** we are pleased that the hotel will have no retail facility. The current hotel is the largest single user of the shop in Studland – the Studland Stores – and loss of business from the hotel would challenge the viability of the shop.

**Additional comment made at Studland Parish Council meeting on  
7 February 2022:-**

At a recent public meeting in Studland the majority of residents supported the idea of an upmarket development in Studland. Studland Parish Council hope the planners at Dorset Council and at Kingfisher / Knoll House Hotel can come to a solution that would allow a more suitable and sensitive development to go ahead.

.....

**Duration of meeting:** 10.00 am - 1.30 pm

**Chairman**

.....



## **A Guide to Public Speaking at Planning Committee**

All members of the public are welcome to attend formal meetings of Planning Committees to listen to the debate and the decisions being taken.

If you have written to the Council during the consultation period about an application that is to be considered by the committee, any relevant planning or rights of way issues raised in your letter will be appraised by the case officer and summarised within the committee report. You will also receive a letter informing you of the committee date and inviting you to attend the meeting.

The agenda for the meeting is normally published five working days before the committee date and is available to view on the council's website at <https://moderngov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1> or via the Modern.gov app which is free to download.

You can also track progress of a planning application by visiting the council's website at <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/planning-application-search-and-comment.aspx>.

Alternatively you can contact a member of the Democratic Services Team on 01305 251010 or email [david.northover@dorsetcouncil.gov.uk](mailto:david.northover@dorsetcouncil.gov.uk) for Eastern Area Planning Committee, [megan.r.rochester@dorsetcouncil.gov.uk](mailto:megan.r.rochester@dorsetcouncil.gov.uk) for Northern Area Planning Committee [denise.hunt@dorsetcouncil.gov.uk](mailto:denise.hunt@dorsetcouncil.gov.uk) for Western and Southern Area Planning Committee and [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk) for Strategic Planning Committee. They will be able to advise you on whether an application will be considered by a committee meeting.

Formal meetings are open to the press and the public and during the meeting you may come and go as you wish. Please keep disruption to a minimum to allow the business to be conducted smoothly. Members of the press and public will normally only be asked to leave the meeting if confidential/exempt items are to be considered by the committee.

Members of the committee and the public have access to individual representation letters received in respect of planning applications and rights of way matters in advance of the meeting. It is important to note that any comments received from the public cannot be treated as confidential.

### **How do I register to speak?**

Planning committee meetings are held in public but they are not a public meeting; as a result you need to register to speak as below.

The first three members of the public, including any community or amenity group, who register to speak, for and against the application, including the applicant or their representative (maximum six in total) will be invited to address the committee. If the applicant or their representative registers to speak, then only the first two members of the public who wish to speak for the application may address the Committee. MPs need to register in the same way and will count as one of the six speakers.

If you wish to address the committee at the planning meeting it is essential that you contact the Democratic Services Team on 01305 251010 or email addresses set out above before 8.30am at least two clear working days before the meeting. If you do not register to speak, you will not normally be invited to address the committee. When contacting the Democratic Services Team you should advise which application you wish to speak on, whether you are objecting or supporting the application and provide your name and contact details.

### **The Member who chairs Planning Committee**

Ultimately the Chairman of the Planning Committee retains the power to determine how best to conduct a meeting. The processes identified below are therefore always subject to the discretion of the Chairman.

### **What will happen at the meeting and how long can I speak for?**

The Chairman will invite those who have registered to speak to address the committee. Each speaker will have up to **three** minutes each to address the committee.

When addressing the committee members of the public should:

- keep observations brief and relevant;
- speak slowly and clearly;
- for rights of way matters, limit views to those relevant to the legal tests under consideration;
- for planning matters limit views to relevant planning issues such as:
  - the impact of the development on the character of the area;
  - external design, appearance and layout;
  - impact of the development on neighbouring properties;
  - highway safety;
  - planning policy and government guidance.
- avoid referring to issues such as safety, maintenance and suitability for rights of way definitive map modification matters, as they cannot be taken into account;
- avoid referring to matters, which are not relevant to planning considerations, such as:
  - trade objections from potential competitors;

- personal comments about the applicant;
  - the developer's motives;
  - moral arguments;
  - matters covered by other areas of law;
  - boundary disputes or other private property rights (including restrictive covenants).
- remember you are making a statement in public: please be sure that what you say is not slanderous, defamatory or abusive in any way.

### **Can I provide handouts or use visual aids?**

No. Letters and photographs, or any other items must not be distributed at the meeting. These must be provided with your written representations during the consultation period in order to allow time to assess the validity, or otherwise, of the points being raised. To ensure fairness to all parties, everyone needs to have the opportunity to consider any such information in advance to ensure that any decision is reasonably taken and to avoid potential challenge.

### **What happens at the Committee?**

After formal business such as declarations of interest and signing of minutes the meeting moves on to planning applications.

- The planning / rights of way officer will present the application including any updates.
- The Chairman will invite those who have registered to speak to address the committee and each speaker is allocated a maximum of three minutes.
- The applicant or their representative will be allowed up to three minutes speaking time in total between them both.
- The order of speaking will normally be: individual members of the public and groups; the applicant or their representative and then; parish/town council representative. Any such group or council will normally be given one three minute slot each for any representations to be made on its behalf.
- If one or more of the relevant Dorset Council Ward Members wishes to address the committee, they will each be allowed three minutes to do so.
- Neither the objectors or supporters will normally be questioned. However, the Chairman may ask questions to clarify a point of fact in very exceptional circumstances.
- Public participation then ends and the committee will enter into the decision making phase. During this part of the meeting only members of the

committee and officers may take part.

- The Chairman of the Committee has discretion over how this protocol will be applied and has absolute discretion over who can speak at the meeting.

You should not lobby members of the committee or officers immediately prior to or during the committee meeting. Members of the public should also be aware that members of the committee are not able to come to a view about a proposal in advance of the meeting because if they do so it may invalidate their ability to vote on a proposal. Equally any communication with members of the committee during the meeting is to be avoided as this affects their ability to concentrate on the matters being presented at that time.

You should note that the council has various rules and protocols relating to the live recording of meetings.

### **What happens after the Committee?**

The minutes, which are the formal record of the meeting, will be published after the meeting and available to view in electronic and paper format, as a matter of public record, for a minimum of six years following the date of the meeting. Please note that if you attend a committee meeting and make oral representations to the committee, your name, together with a summary of your comments will be included in the minutes of the meeting.

# Agenda Item 5

Eastern Area Planning Committee

9 March 2022

<b>Application Number:</b>	6/2021/0262		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/6/2021/0262">Planning application: 6/2021/0262 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Withy Lakes Church Knowle BH20 5NG		
<b>Proposal:</b>	Erect detached self-build rural exception site dwelling		
<b>Applicant name:</b>	Mr and Mrs Smith		
<b>Case Officer:</b>	Cari Wooldridge		
<b>Ward Member(s):</b>	Cllr Brooks		
<b>Publicity expiry date:</b>	21 September 2021	<b>Officer site visit date:</b>	3 August 2021
<b>Decision due date:</b>	30 July 2021	<b>Ext(s) of time:</b>	

**1.0** The nominated officer has decided that this application should be considered by the Planning Committee.

**2.0 Summary of recommendation:**

**GRANT** permission subject to conditions and the completion of a satisfactory S106 Legal Agreement to secure the provision of the affordable housing in perpetuity  
or

**Refuse** permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed within 6 months from the date of committee or such extended time as agreed by the Service Manager for Development Management and Enforcement.

**3.0 Reason for the recommendation:** as set out in para 16 at end

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The proposal is compliant with the NPPF, Purbeck Local Plan Part 1 and the Affordable Housing SPD in terms of Rural Exception Site Affordable Housing provision.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

Issue	Conclusion
Principle of development	Acceptable – taking account of Purbeck Local Plan Part 1 policy RES, the Purbeck Affordable Housing SPD and guidance and objectives contained in the NPPF.
Affordable Housing Provision	Acceptable – provision considered to be affordable and meets local housing need. To be secured in perpetuity through Section 106 Legal Agreement.
Impact on Dorset Area Of Outstanding Natural Beauty (AONB)	Acceptable –not harmful to the special qualities of the AONB.
Scale, layout, appearance, and impact on the character and appearance of the area	Acceptable in principle – full details to be provided at reserved matters stage (conditions 1-5)
Impact on neighbouring amenity	Acceptable in principle - full details to be provided at reserved matters stage (conditions 1-5)
Biodiversity Impacts	Acceptable – mitigation and enhancements considered to be appropriate (condition 9)
Flooding and drainage	Acceptable – subject to condition (condition 7)
Highway safety and access	Acceptable in principle – full details to be provided at reserved matters stage (conditions 1-5)
Impacts on trees / hedges	Acceptable – subject to condition (condition 8)

## 5.0 Description of Site

- 5.1 The application site is located to the south of the village of Church Knowle and is accessed by a track that serves other dwellings and surrounding agricultural land. Directly to the north of the site are the dwellings known as Withy Lakes and Becher Stables, both of which are owned by the applicants' wider family.
- 5.2 The site is accessed via a field gate within the eastern boundary at the southern end of the track. It is currently in use for grazing and is enclosed to the north, east and south by post and wire fencing with mature hedging and trees outside the fencing on the south and east boundaries. To the north, the post and wire fencing provides the boundary with the maintained garden of Withy Lakes. To the west, the application site is open and forms part of the wider holding (outlined in blue on the location plans) with land levels sloping downhill into a small valley.
- 5.3 The application site for the proposed dwelling is roughly square in shape and small in size (0.099ha). The red line extending along the access track to Church Knowle is not included in this calculation. There are no buildings within the site boundary.



- 5.4 The settlement boundary of Church Knowle is drawn tightly around the main built development of the village to the north and the site is located outside this, in the countryside and the Dorset AONB. The Conservation Area which includes much of the main part of the village is also located to the north, some distance from the application site.
- 5.4 A number of other dwellings are located along the access road in a low-density form, being largely single storey in nature and finished in a mixture of styles and materials including Purbeck Stone and a more recent timber clad stables conversion. Neighbouring uses are a mixture of residential and agricultural, with several dwellings being associated with extensive areas of land, including the bungalow of Withy Lakes which is subject of an agricultural tie.

## 6.0 Description of Development

- 6.1 The application is for outline planning permission to erect a single detached, self-build, rural exception site (i.e. affordable) dwelling with all matters reserved.

*‘Rural exception sites – small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding’ – Purbeck Affordable Housing SPD definition.*

As the application is in outline form, only the principle of the proposal is being considered. All other details of layout, scale, appearance, access, and landscaping are reserved for later approval.

- 6.2 Whilst the application is in Outline, indicative plans of the proposed dwelling have been submitted locating a single storey 3-bedroom L-shaped dwelling to the north of the plot. The indicative plans suggest a wooden clad building, with low level pitched roof with solar panels, and of a similar external design and appearance to the converted Becher Stables to the north.

## 7.0 Relevant Planning History

- 7.1 There is an extensive planning history relating to the application site and the wider land holding known as ‘Withy Lakes’. Much of the history relates to the agricultural use of the land and applications for an agricultural worker dwelling as summarised below:

Planning application	Proposal	Decision	Comments
6/1978/0546	O/A - Erect a dwelling and garage with garden and paddock	Refused	
6/1979/0569	O/A - Erect hay barn, implement shed, two animal sheds and food store	Approved	

6/1979/0570	O/A - Station mobile home	Refused	
6/1979/0762	O/A - Use land for erection of unit of residential accommodation	Refused	
6/1980/0029	Site temporary mobile home or caravan	Approved	Approved for a temporary period due to the special circumstances of the applicant.
6/1980/0378	Erect stable, garage and site oil tank	Approved	
6/1980/0938	O/A - Erect bungalow	Refused	
6/1982/0804	Erect stable, garage, oil tank and glasshouse (renewal)	Approved	
6/1982/0805	Station temporary mobile home (renewal)	Approved	Approved for a temporary period due to the special circumstances of the applicant.
6/1983/0517	O/A - Erect agricultural bungalow	Refused	
6/1985/0881	Retain stable, garage, oil tank and glasshouse (renewal)	Approved	
6/1985/0882	Station mobile home (renewal)	Approved	Approved for a temporary period due to the special circumstances of the applicant.
6/1986/0285	O/A - Erect a bungalow	Refused	
6/1988/1023	O/A - Erect an agricultural bungalow		Approved based on the agricultural need for the dwelling. Condition 4 restricts occupation to a person solely or mainly employed, or last employed prior to retirement, in the locality in agriculture or forestry (as defined by the Town and Country Planning Act), or a dependent of such a person residing with

			him or her, or a widow or widower of such a person.
6/1989/0769	Erect an agricultural bungalow with integral garage. RESERVED MATTERS	Approved	
6/2004/0045	Certificate of proposed lawfulness- Use of land for nursery, installation of polytunnels and cold frames and occupy dwelling accordance with PA 6/1988/1023 - Condition 2 - Agricultural occupancy	Refused	Refused as the Council was not satisfied that the evidence submitted demonstrated that the agricultural occupancy requirements of condition 4 of 6/1988/1023 would be met
6/2004/0725	Erect three Polytunnels	Approved	
6/2012/0333	Erect extension	Approved	
6/2016/0544	Sever land and redevelop existing redundant agricultural building with small extension to north east side to create a single storey residential dwelling within its own curtilage	Approved	

### Pre-application Advice

- 7.3 Pre-application advice was provided in March 2020 on the principle of the proposed erection of a single storey dwelling. The officer response advised that officers could not support an application for a new market dwelling on the site due to the impacts on the countryside unless it would meet one of the exceptions of the [then] NPPF paragraph 79 such as the essential for a dwelling for a rural worker or exceptional design.
- 7.4 Further advice was obtained from the both Planning and Housing Officers in October / November 2021 in relation to a single self-build rural exception dwelling at Withy Lakes (site non-specific). This noted that a rural exception site dwelling may be acceptable subject to meeting policy requirements and the consideration of all other material planning issues.

### **8.0 List of Constraints**

- Within Poole Harbour River Catchment
- Within Poole Harbour Nutrient Catchment Area

9 March 2022

- Surface Water Flood Risk – 1 in 100 and 1 in 1000
- Within Dorset AONB (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)
- Within 5km of a European Habitat (SSSI)
- Adjacent to Public Right of Way - Footpath SE9/20

## 9.0 Consultations

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

### Consultees

#### **DC - Housing Enabling Team (received 19/08/21 & 23/12/21)**

- No objection for one unit of self-build housing on a rural exception site.
- The Purbeck District Council Affordable Housing Supplementary Planning Document 2012-2027 states *“Self-build rural exception sites can be single plots or in a group. The Council will continue to explore ways of supporting self-build, either as individual bespoke properties or group projects, as part of achieving mixed and balanced communities. Households wishing to build a self-build affordable home have to be on the Council’s housing register.”*
- From 1<sup>st</sup> December 2021 the new Dorset Council housing register went live. The applicants applied to join the new register and their application is pending. The old register is now closed but Mr & Mrs Smith were on it with a proven local connection to Church Knowle.
- Self-build affordable housing must remain affordable in perpetuity via a S106 legal agreement between the leaseholder and the Council to ensure that the property cannot change ownership without the written consent of the Council. The Council will only grant consent for resale if it is satisfied that the new purchaser is paying the prevailing ‘affordable’ price and meets the terms of the S106 legal agreement. Inheritance of the property by family members is permitted in the first instance, provided that they meet the local needs criteria. Otherwise, the new owners may sell the property in accordance with the provisions of the S106 agreement.
- Following the recommendation of the District Valuer I agree with the resale value at 47% of market value.
- Currently there are 4919 households on Dorset Council housing register. Due to the increasing numbers on the housing register and the shortage of general needs affordable housing it is vital to provide affordable housing. This

9 March 2022

applicant is trying to address their own situation by building a self-build affordable house with a signed S106 detailing all the restrictions.

- application supported.

**DC – Planning Policy Team (received 21/12/21)**

- The Affordable Housing SPD was adopted in 2013 and explains how self-build exception sites should be considered through planning applications.
- The SPD sets out a capped resale value for self-build exception sites. The cap has never been updated.
- Alternatively, the NPPF has introduced new affordable housing delivery mechanisms since the publishing of the Affordable Housing SPD. This indicates that affordable home ownership tends to be 20% less than market value, either via discounted market sales or other mechanisms. Furthermore, the First Homes mechanism sets the discount at 30% and the council have not altered this requirement through a local plan.
- The case officer should consider whether the discount of 61% being offered via this application, is appropriate given the above information.

**DC - Highways (received 01/08/21)**

- No objection to proposal but sustainability of the location may be an issue for further consideration.

**DC - Land Drainage (comments 21/12/21)**

- Verbal consultation response – outside areas of flood risk. No objection subject to SUDS condition (condition number 7)

**DC - Trees (received 10/08/21)**

- A Tree Survey & Arboricultural Impact Assessment has been submitted. The survey information suggests that some of the trees may be good long-term retentions and they would help in the setting of proposal. If minded to approve then should seek to retain the trees. The proposed unit, as indicated, appears to be sufficiently distant from existing trees.
- Conditions detailed- Arboricultural Method Statement and soft landscaping scheme (Condition nos. 8 and 1).

**Dorset AONB Team (received 29/07/21)**

- The scale of the proposal is below the threshold for seeking advice from the AONB Team. Signpost case officer to The AONB Landscape Character

Assessment (particularly the Corfe valley chapter) and the AONB Management Plan (particularly the Planning for Landscape Quality chapter).

**Natural England (received 26/08/21)**

- No objection subject to mitigation being secured in relation to Dorset Heaths and Poole Harbour Nutrients in accordance with the relevant SPDs.
- Application may provide opportunities to incorporate design features which are beneficial to wildlife in accordance with the NPPF e.g. swift bricks, sparrow terraces and implementing hedgehog friendly boundary treatments.

**Church Knowle Parish Council (received 04/08/21 & 21/09/21)**

Comments of meeting on 27<sup>th</sup> July 2021:

- Oppose application. Key objection to attempt to build / develop agricultural land outside the defined settlement boundary and in the AONB.
- Site has a long history of applications refused for exactly these reasons.
- Consider application incorrectly completed and misleading on several points (applicant name details, agent details same as applicants', commencement of work, vacancy of field, affordable housing provision, pre-application advice, ownership of the lane).
- Consider Planning Statement is incorrect and misleading on several crucial points relating to siting, access details, description of built character, certificate of lawfulness and relevant planning history. The circumstances of the applicants should have no bearing on the application.
- Presumption in favour of sustainable development does not apply in NPPF (para 11) where adverse impacts outweigh benefits. Site is not sustainable. There is no employment, facilities, shop, or bus route in village. There are no benefits to the community of developing in the AONB and irreversible adverse impact on countryside is immeasurable. Contrary to paragraphs 72 & 177 of the NPPF relating to entry-level exception sites and major development in the AONB.
- Planning history for this site and adjacent properties includes agricultural ties and impacts on the AONB / countryside. There has been a stringent insistence that agricultural tie requirements are met for occupation of properties so tied.

9 March 2022

- Proposal is contrary to Dorset Council's policies and plans as set out in Appendix 3 (Purbeck Local Plan Policies SE, CO, AH, RES, LHH, DH; Dorset Council Local Plan Spatial Development Strategy, DEV7 & HOUS3).
- Mr Smith has stated that he has an agricultural holding number and the land is still agricultural but Form A of his previous application 6/2016/0544 states that none of the land is part of an agricultural holding.
- Proposal would set a precedent that would permit development on much of the agricultural land in Church Knowle.
- There is no need for the development and there would be no impact on the local economy in refusing it.
- There is no need to be met. The local planning register for Church Knowle will confirm this.
- The detrimental effect on the environment and landscape would be massive.

Comments of meeting on 14<sup>th</sup> September 2021:

- Primary objections remain.
- The applicants are unclear. Neither is without a place to live.
- The only way that they can build a house that can be considered affordable to a household that could not otherwise purchase/rent a house in the open market is because they already own the land. Which is, the main Parish Council objection, lovely agricultural land in a particularly beautiful area of rural England in an Area of Outstanding Natural Beauty. If the land were development land, properly purchased as such then the economics of any development in this location would preclude it from any consideration of "affordable housing".
- The concept of a Rural Exception Site is being misused.
- The indicative drawings have been produced in middle of this application, have no real bearing on the application and are a spurious distraction. There is no obligation to build anything like these indicative drawings. It is difficult to understand why they have been allowed at all.

**Church Knowle Ward Councillor – Cllr Brooks (received 07/09/21)**

- Understand that the Parish Council have objected on the grounds that there is an existing agricultural tie. I would like to request that this is called in to be decided by the planning committee.

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

The application was advertised by the posting of 2 site notices on 12/07/2021 with an expiry date of 5/08/2021. The application was also advertised in a local newspaper (the Dorset Echo) with an expiry date for comments of 22/08/2021.

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
7	1	0

### **Letter of Objection from Dorset branch of CPRE (1)**

- Outside settlement boundary.
- Conflicts with the Management Plan and the policies of the Dorset AONB.
- The concept of a Rural Exception Site is being misused. Such sites are supported by the communities in Purbeck where they are within development boundaries, are owned and managed by local Community Lands Trusts, and serve the long-term needs of the community rather than the self-interest of an applicant. There may well be other locations for any genuine affordable housing for local residents in the parish.
- The countryside of Church Knowle is precious and deserves to be afforded the highest degree of protection in accordance with relevant designations and planning policies.

### **Comments of Objection (6)**

- Land subject of agricultural tie and should not be allowed to be severed. No agricultural use since former owners left.
- Applicant details are unclear from application form and planning statement.
- Harm to character and appearance of the area – outside settlement boundary and visual impact within AONB. Will set a precedent.
- Already partial loss of hedgerow to provide access.
- Concerns about track maintenance and track ownership unclear.
- Additional traffic and light pollution.
- History of development on adjacent site (stable block).
- A timber-clad dwelling would be unsympathetic in appearance.
- Asking for exception site but not excepting the council's valuation and conditions shows being built for profit.



9 March 2022

- Against NPPF as does not contribute to protecting or enhancing the natural built and historic environment of Church Knowle.
- With exception of the pub, there are no facilities or services in the village.
- As previous owners of the property we fulfilled our Agricultural Tie conditions but were never allowed to deviate in any way with change of use of the buildings due to the sensitive site it occupies.

Comments of support (1)

- Village is in desperate need of affordable housing.
- Very difficult for ordinary working families to move into the area.
- The parish council have previously considered sites for affordable housing in the village, including along the track.
- The local primary school is already operating below its nominated pupil admission number and is in need of more children.
- Disappointing that the parish council object to an application for affordable home in the village when they were previously actively seeking sites in the village for affordable housing to be built.
- Type of development should be actively encouraged as otherwise Church Knowle will continue to become a place of second homes and for those most fortunate.

## **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.

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

- Policy SD: Presumption in favour of sustainable development
- Policy LD: General location of development
- Policy SE: South East Purbeck
- Policy CO: Countryside
- Policy HS: Housing supply
- Policy RES: Rural Exception Sites
- Policy BIO: Biodiversity and geodiversity
- Policy DH: Dorset Heaths International Designations
- Policy PH: Poole Harbour
- Policy FR: Flood Risk

9 March 2022

- Policy D: Design
- Policy LHH: Landscape, Historic Environment and Heritage
- Policy IAT: Improving accessibility and transport

**Other 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). 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 councils 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:

- Policy E1: Landscape
- Policy E4: Assessing flood risk
- Policy E5: Sustainable drainage systems (SuDs)
- Policy E7: Conservation of protected sites
- Policy E8: Dorset heathlands
- Policy E9: Poole Harbour
- Policy E10: Biodiversity and geodiversity
- Policy E12: Design
- Policy I2: Improving accessibility and transport; and,
- Policy I3: Green infrastructure, trees, and hedgerows.

**Supplementary Planning Documents/Guidance:**

Purbeck District design guide supplementary planning document adopted January 2014.

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted March 2020.

Affordable housing supplementary planning document 2012-2027 adopted April 2013.

Purbeck Strategic Flood Risk Assessment 2018

Nitrogen reduction in Poole Harbour – supplementary planning document April 2017.

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

British Standard 5837:2012 Trees in relation to design, demolition, and construction – recommendations.

Dorset Biodiversity Appraisal and Mitigation Plan.

Dorset AONB Management Plan 2019-2024

Dorset AONB Landscape Character Assessment & Management Guidance 2008

National Planning Policy Framework (NPPF):

- Section 2: Achieving sustainable development:  
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.
- Section 4: Decision-taking:  
Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5: Delivering a sufficient supply of homes  
  
Outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 9: Promoting sustainable transport  
  
Requires potential impacts of development on transport networks to be addressed and opportunities for sustainable travel to be identified.
- 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.

9 March 2022

- 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 climate change, flooding, and coastal change

Requires development to avoid areas of highest flood risk and be made safe for its lifetime without increasing flood risk elsewhere.

- Section 15: Conserving and enhancing the natural environment

In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Planning Policy Guidance (PPG)

## 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, single storey dwelling would result in any disadvantage to persons with protected characteristics.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
Rural Exception Self-Build Affordable Dwelling	Single affordable dwelling
Non- Material Considerations	
CIL	Liabe - to be calculated at Reserved Matters stage but self-build Exemption applicable
Council Tax	£2056.78 (based on average Council Tax Band D)

### 14.0 Climate Implications

The proposal is for one new dwelling which will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

### 15.0 Planning Assessment

The main planning considerations have been identified as:

- The principle of development
- Whether the proposal accords with affordable housing policy
- Impact on the AONB
- Scale, layout, appearance, and impact on the character and appearance of the area
- Impact on neighbouring amenity
- Impact on biodiversity
- Highway safety
- Flooding and drainage
- Impact on trees

These and other considerations are set out below.

#### Environmental Impact Assessment

Due to the type of development proposed and the siting within a 'sensitive area' of the AONB the proposed development has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. The screening opinion concludes that the proposal is not considered to be EIA development and that the provision of detailed plans at reserved matters stage, together with the application of adopted planning policies, can ensure that any environmental effects resulting from the proposed development can be minimised.

### **Principle of development**

- 15.1 The Council's planning policies contained in the adopted Purbeck Local Plan Part 1 (PLP1) aim to achieve sustainable development in line with the key objectives of the National Planning Policy Framework (NPPF). Whilst noting that isolated homes in the countryside should be avoided, paragraphs 77 – 79 of the NPPF set out key objectives for the provision of rural housing that reflects local needs. Paragraph 77 specifically notes:

*“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs...”*

- 15.2 Local planning policies within the adopted Purbeck Local Plan Part 1 are considered to generally conform to the NPPF. Policies SD: Presumption in favour of sustainable development and LD: General Location of Development encourage new development to be located in the most sustainable locations, including within existing towns and villages. The village of Church Knowle is identified as an 'other village with a settlement boundary' and has a tightly defined settlement boundary as set out on the Local Plan Proposals Map (Inset Map 4).
- 15.3 The application site is located outside the defined settlement boundary of the village and is therefore classed as 'countryside', where development is permitted only in exceptional circumstances as set out in Policy CO: Countryside of PLP1. Policy CO seeks to protect the countryside from inappropriate development, apart from in exceptional circumstances where a countryside location is deemed to be essential. This includes (as listed in the policy text) '*a rural exception site providing affordable housing in accordance with Policy RES: Rural Exception Sites*' (definition at para 6.1 of this report).
- 15.4 Objections have been received from the Parish, CPRE and others stating that the development outside the settlement boundary and in the AONB is unacceptable. The proposal for the erection of a self-build rural exception dwelling falls under Policy RES: Rural Exception Sites and must be assessed against the requirements of the policy. The principle of the proposed residential development within the countryside is considered to be acceptable in accordance with the NPPF (paragraph 77) and policies SD, LD, and CO of the Purbeck Local Plan provided that the proposal meets the specific requirements of Policy RES, the Purbeck District Affordable Housing Supplementary Planning Document (SPD) 2012 – 2027, and the consideration of all other material planning issues.
- 15.5 Objections to the proposal also note that the agricultural occupancy tie on Withy Lakes should prevent the proposed dwelling. The Withy Lakes permission was sought on the basis of a 6-acre smallholding which had been farmed by the applicant for approx. 10 years. The County Land Agent at the time considered that the long-term viability was insufficient to justify a dwelling but the Committee in 1988 determined that permission should be granted. The proposed dwelling would utilise a modest area of agricultural land on the holding, reducing land available for farming

9 March 2022

by 0.244 acres. Whilst this has the potential to reduce the viability of the land holding for agriculture, the occupation of Withy Lakes is not tied to that particular land but is for anyone who is employed in agriculture or forestry in the locality in order to meet local need. As such it is not judged that the proposed dwelling would undermine the purpose of the planning condition.

- 15.6 Responses also raise issues of the current application setting a precedent for future development outside of the settlement boundary. Whilst Officers note that any application is assessed on its own merits, the policy basis for rural exception sites within the countryside is well established at both national and local level and the current application is not considered to set any greater precedent than other rural exception sites within the former Purbeck District Council and current Dorset Council areas.

#### Housing Delivery Test

- 15.7 Within the Purbeck Local Plan area, there is currently a deliverable housing supply equivalent to 5.15 years, taking into account delivery against the housing target and the application of a 20% buffer as required under the Housing Delivery Test.
- 15.8 On 14 January 2022 the Housing Delivery Test: 2021 measurement results were published. The Purbeck Local Plan area was found to have delivered 76% of the total number of homes required and therefore there remains the need for a 20% buffer to be added to the five-year housing supply requirement in the Purbeck area and for an action plan to be published. However, the presumption in favour of sustainable development does not apply. Officers have taken a precautionary approach and at the end of the report (paragraph 16) have considered whether the proposal would be acceptable if the presumption was triggered.

#### **Affordable Housing Provision**

##### Does the proposal meet the specific requirements of Policy RES of the Purbeck Local Plan Part 1?

Policy RES of the Local Plan states that affordable housing will be allowed in the open countryside in and around settlements where residential development is not normally permitted, provided that the following criteria are met:

1. The Council is satisfied that the proposal is capable of meeting an identified, current, local need within the parish, or immediately adjoining rural Parishes, which cannot otherwise be met
2. Ideally, the site is not remote from existing buildings and does not comprise scattered, intrusive and isolated development and is within close proximity to, or is served by, sustainable transport providing access to local employment opportunities, shops, services and community facilities. However, if evidence can be submitted to demonstrate the site is the only realistic option in the parish, the Council will give consideration to supporting the proposal;

9 March 2022

3. The number of dwellings should be commensurate with the settlement hierarchy set out in Policy LD: Location of Development, of character appropriate to the location and of high quality design; and
4. There are secure arrangements to ensure that the benefits of affordable housing will be enjoyed by subsequent as well as initial occupiers.

15.9 Criterion 1. Local Need

Objections to the application have stated that there is no need for the dwelling within the Parish. However, the applicants are on the Council's Housing Register (December 2021) and have a proven close family continuous residency connection to the Parish of Church Knowle of over 5 years. This position has been confirmed by the Council's Senior Housing Officer. There is no other affordable housing provision within the Parish which is available to meet the applicants' needs. On this basis, the application meets the requirements of criterion 1 of Policy RES.

15.10 Criterion 2. Location

The second criterion of the policy notes that ideally the proposed site should not be remote from existing buildings or comprise scattered, intrusive, and isolated development. It should be within close proximity to, or served by, sustainable transport providing access to local employment opportunities, shops, services, and community facilities.

15.11 The application site is located approx. 333m to the south of the settlement boundary for Church Knowle which is drawn tightly around the main village development to the north. However, access to the site is via an existing track which also serves the village hall and a number of other dispersed dwellings beyond the settlement boundary. These dwellings include Clayfield and Russett Hollow to the north of the application site, and within closer proximity of the application site, Withy Lakes (belonging to the applicant's parents) and Becher Stables (a stables conversion also belonging to relatives) so the proposed dwelling would not be physically isolated.

15.12 Despite being located to the south of Withy Lakes, the proposed dwelling would be screened by existing hedgerows to the east and south, the dwellings of Withy Lakes and Becher Stables and their curtilages to the north and could be screened by appropriate soft landscaping to the west. Given the low-density dispersed pattern of development that already exists along the access track, and the potential for new and enhances landscape screening, the siting of the proposed dwelling to the south of Withy Lakes is not considered to be remote from existing buildings or comprise scattered, or intrusive development.

15.13 In terms of proximity to existing services and public transport, such provision is by the very nature of the rural setting isolated. The village is served by a Public House and Village Hall but the nearest key shops and services (school, doctors etc) are located at Corfe Castle approx. 2 miles to the east. The village does not benefit from a bus service. However, any new dwellings within Church Knowle, including those constructed within the settlement boundary, would be subject of such limited provision due to the rural location. Policy RES makes provision for



9 March 2022

such situations, stating that *‘if evidence can be submitted to demonstrate that the site is the only realistic option in the parish, the Council would give consideration to supporting the proposal’*. In this case, there are no other options of affordable housing available within the village. Whilst service and facility provision are limited, this would also be the case for any new dwellings proposed within the settlement boundary. On balance, although it would be preferable for such a dwelling to be in a more accessible location, Officers consider that the provision of an affordable dwelling that would meet a local housing need outweighs the limited harm that a single dwelling would create in terms of accessing service provision elsewhere by car.

15.14 Criterion 3. The Number of dwellings

The third criterion requires that the number of dwellings proposed should be commensurate with the settlement hierarchy set out in Policy LD of PLP1 and of a character that is appropriate to the location and of high-quality design. Policy LD identifies Church Knowle as an ‘other village with settlement boundary’. The construction of a single dwelling of limited size and site area in accordance with Policy RES is considered to be commensurate with the small size of the village. In terms of impacts on the character of the area and the need for high-quality design, whilst details would be dealt with as part of a later Approval of Reserved Matters (ARM) application, it is considered that a suitably high-quality designed building that respects the setting and design of neighbouring rural dwellings and buildings could be achieved.

15.15 Criterion 4. Subsequent occupiers

Finally, the policy requires that there are secure arrangements in place to ensure that the benefits of the affordable housing will be enjoyed by subsequent as well as initial occupiers of the dwelling. This will be dealt with by way of a signed legal agreement which will restrict the future occupancy and re-sale value of the dwelling to ensure that it remains affordable in perpetuity.

15.16 Based on the above assessment, Officers consider that the proposed self-build rural exception dwelling meets the requirements of Policy RES of PLP1.

Does the proposal meet the specific requirements of the Purbeck Affordable Housing SPD 2012 – 2027 in relation to Policy RES?

15.17 The Affordable Housing SPD sets out additional guidance on the provision of such housing across the former Purbeck District Council area. In relation to rural exception sites, the SPD provides additional information on the provision of self-build sites. Paragraph 30 notes that such sites can be *‘single plots or in a group’* and the current proposal for an individual bespoke property accords with this.

15.18 Paragraphs 33 – 38 of the SPD explain how self-build rural exception site properties will be maintained as affordable in perpetuity for future re-sales. The completion of a Section 106 (S106) Legal Agreement between the leaseholder / freeholder and the Council will ensure that:

- The property cannot change ownership without the written consent of the Council.

9 March 2022

- Consent for resale will only be granted where the Council is satisfied that the new purchaser is paying the prevailing 'affordable' price and meets the terms of the S106 Legal Agreement; and,
- Inheritance of the property by family members is permitted in the first instance provided that they meet the local needs criteria.
- The re-sale value of the affordable dwelling as a percentage of the market value.

15.19 The current proposal will be subject of a S106 Legal Agreement addressing the above issues and retaining the affordability of the proposed new dwelling in perpetuity.

15.20 The SPD provides a formula (para 34) for calculating the re-sale value of the proposed dwelling as a percentage of the market value, as follows:

$$\text{(standard cost of construction x internal floorspace + nominal plot value) / prevailing market value} = \text{xx\%}$$

15.21 Since adoption of the SPD in 2013, the standard costs of construction, plot values and market values have all increased. A viability report accompanies the application which includes advice on current construction costs, current plot value costs, an assessment of comparison market values and additional costs not included in the SPD formula (including external works, contingency fee of 5% and design fee of 7%). The formula calculation in the applicant's viability report results in a re-sale value of 50.56% of the prevailing market value.

15.22 In accordance with Policy RES, Officers commissioned (fee met by applicants) an independent assessment of the submitted viability report by the District Valuation Service (DVS). Values and construction costs were calculated differently to the viability report but additional costs included by the applicant (contingency etc) were not considered unreasonable and are therefore accepted by Officers. The DVS has re-calculated the SPD formula (including the additional costs of contingency etc) as follows:

$$\text{(Standard cost of construction of £2,401 x internal floorspace of 100m}^2\text{ + nominal plot value of £20,000) / prevailing market value of £550,000} = 47\%.$$

This gives a resale figure of £260,128 which equals 47% of the prevailing market value.

15.23 As noted in paragraph 36 of the SPD, as the affordable re-sale figure is a percentage of the open market value, this will increase or decrease in accordance with prevailing local market prices.

15.24 However, the SPD in paragraph 37 sets a resale cap to prevent resales from becoming unaffordable. In 2013 (date of adoption) the resale cap was set at £140,000. The cap was based on standard build costs and nominal plot value in the highest value area of Purbeck in 2013, and a ceiling of £140,000 was considered more than enough to acquire a plot and build a 4 bedroom, 100sqm property, with six bed spaces at that point in time. The SPD notes that the Council

9 March 2022

will review the cap annually to take into account changes to standard build costs and plot values. The Council's Planning Policy Team have confirmed that a review of the cap has never taken place and therefore the original cap is out of date. It is therefore necessary to determine the current application on the basis of current costs and value and the independent DVS assessment of the formula approach.

- 15.25 Further to the above, more recent NPPF updates have introduced new affordable housing delivery mechanisms. The definition of 'Affordable Housing' in the NPPF is:

*"Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions..."*

*..c) Discounted market sales housing: is that sold at a discount of **at least 20% below local market value**.....*

*..d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, **other low cost homes for sale (at a price equivalent to at least 20% below local market value)**.....*

- 15.26 Additionally, the First Homes mechanism ([First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/first-homes)) which also meets the definition of affordable housing for planning purposes, sets the discount at a **minimum of 30% against the market value**, and the Council has not altered this requirement through a local plan.

- 15.27 Nevertheless, paragraph 219 of the NPPF advises that:

*".....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given".*

Despite the increasing age of the SPD, the intention of the cap which is to ensure that affordable housing remains affordable in perpetuity, is consistent with the Framework; the reference to 20% and 30% are minimum discounts. Officers consider that the current application should be determined with due weight attributed to the SPD formula.

- 15.28 It is noted that a current planning application in the Northern Planning Team Area (P/FUL/2021/01742 for the erection of rural exception site dwelling – currently awaiting completion of S106 Legal Agreement) will provide a 20% discount on the market value (80% of market re-sale value). This has been judged acceptable in accordance with current definitions of affordable housing included in the NPPF. The difference in that case is that there is no specific SPD formula to apply, unlike the Purbeck Affordable Housing SPD formula which officers consider continues to hold

9 March 2022

weight in the determination of applications within the former Purbeck District Council area.

- 15.29 The agent has confirmed that the applicants are content to enter into a s106 agreement in accordance with paras 15.18 and 15.22 securing a 47% discount. Subject to the completion of a S106 Legal Agreement and control of the size of the dwelling via condition (nos. 5 and 10), the proposed development is therefore considered to be acceptable in accordance with the objectives of the NPPF in Section 5: Delivering a sufficient supply of homes, the definitions of Affordable Housing included in the NPPF Glossary, Policy RES of PLP1 and the general objectives of the Purbeck Affordable Housing SPD 2013.

**Impact on the Dorset Area of Outstanding Natural Beauty (AONB)**

- 15.30 The application site is within the Dorset AONB and lies within the 'Corfe Valley' character area of the Dorset Landscape Character Assessment. This area forms "*a broad sweeping clay valley with a patchwork of rough pastures and dense hedgerows, set along the Corfe River*". The Assessment also notes that "*Discrete picturesque villages set within small scale woodlands on the valley bottom, particularly within the western portion, possess a peaceful and unspoilt character.*"
- 15.31 Key characteristics of the character type which are considered relevant to the current proposal include:
- Continuous and complex patchwork of small regular intimate pastures with dense hedgerows and small broadleaved woodlands of oak and hazel.
  - Small scattered nucleated villages and farmsteads of limestone on valley floor with adjacent paddocks and piecemeal enclosures and dense small broadleaved woodlands.
  - Winding rural lanes with dense hedgerows and hedge banks.
  - Strong undeveloped rural character, particularly in the western portion, where traditional agricultural character and dark night skies have been largely maintained.
- 15.32 Officers are satisfied that the plot site, location and ownership of adjacent land will enable the AONB objectives to be addressed at the reserved matters stage to achieve a scheme which responds appropriately to the overall objectives and planning guidelines for the character area (conditions 1-5). By limiting the proposed dwelling to a single storey property an appropriate scale, form and density can be achieved. Use of appropriate materials has been factored into the viability appraisal. The impacts of lighting can be minimised by avoiding rooflights and controlling external lighting. Small scale broadleaved planting can be secured to reduce visual impacts of the development. The proposed access is suitable in the landscape and parking can be appropriately sited while biodiversity benefits are to be secured (see below).
- 15.33 Objections to the application have raised concerns about the proposal forming 'major development' within the AONB. The NPPF sets out national policy in relation

to the scale and extent of development within designated areas, and notes that (paragraph 177): *“permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest”*.

- 15.34 Foot note 60, page 51 confirms that *“whether a proposal is major development is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”*.
- 15.35 The proposal for a single ‘rural exception’ dwelling, of a restricted size to accord with policy RES and the Affordable Housing SPD, is not judged to constitute major development in the AONB.
- 15.36 In summary, impacts of the proposal on the Dorset AONB are considered to be very limited due to the small scale of the development, existing landscape screening by hedgerows and mature trees, and the ability to further mitigate impacts by additional and enhanced landscape screening which will be considered at Approval of Reserved Matters stage. The public benefit of providing an affordable dwelling would outweigh the very limited harm to the landscape designation. The proposal is therefore considered to be acceptable in terms of landscape impacts in accordance with Policy LHH: Landscape, Historic Environment, and Heritage of the Purbeck Local Plan Part 1.

**Scale, layout, appearance, and impact on the character and appearance of the area**

- 15.37 The current outline application is only considering the principle of the proposed development, together with the details of access. As the application is being considered in accordance with Policy RES and the self-build rural exception site policy set out in the Affordable Housing SPD, the plot size is limited to 0.1ha and the dwelling size is limited to 100sqm with permitted development rights to be removed (conditions 5 and 10).
- 15.38 Whilst indicative plans of the proposed dwelling have been submitted to aid assessment of the affordability of the proposed dwelling and determination of an affordable resale value, the plans are not for detailed consideration at this stage. The details of the dwelling’s appearance, scale and layout will be considered via reserved matters application(s).

**Impact on neighbouring amenity**

- 15.39 The application site is greenfield and only adjoins residential development on its northern boundary (Withy Lakes and Becher Stables). On the basis of the indicative plans it is considered that there are unlikely to be any future issues arising in relation to impacts on neighbouring amenity, but these will be considered at the Reserved Matters stage.

**Biodiversity Impacts**

- 15.40 In accordance with the ruling of ECJ C-323/17 People Over Wind, Sweetman v Coillte Teoranta, Natural England have advised the Council an Appropriate Assessment (AA) is required in accordance with Regulation 63 of the Habitats Regulations. The AA is to enable full consideration of the proposed development

9 March 2022

and any likely adverse effects on the integrity of European and internationally designated Dorset Heathland sites, Nitrogen reduction in Poole Harbour, and recreational pressures on Poole Harbour, which may remain if avoidance / mitigation measures are carried out as proposed. An AA has been undertaken in advance of the planning application being determined by the Council. This shows that impacts of the proposed dwelling can be suitably mitigated in accordance with adopted SPDs. Natural England have raised no objection subject to mitigation being secured.

- 15.41 An Ecological Impact Assessment Report has been submitted as part of the application to demonstrate that there will be no harm to biodiversity on the site. The report concludes that the development proposal will mean the potential loss of foraging habitat for several protected bat species and dormice, a declining species in the UK. The report notes the legal protections offered to these different species which means that mitigation will be required in order to allow the scheme to gain planning permission. However, it also advises that mitigation and enhancements can be secured due to the small size of the site so as to secure minimal long-term impact on biodiversity. The Biodiversity Plan has been agreed by the Council's Natural Environment Team and a Certificate of Approval issued.
- 15.42 Subject to securing mitigation by condition (Condition 9) and through the application of the CIL the proposal is considered to comply with policies BIO: Biodiversity and Geodiversity, DH: Dorset Heaths International Designations and PH: Poole Harbour of the Purbeck Local Plan Part 1.

#### **Flooding and drainage**

- 15.43 The application site is located in Environment Agency Flood Zone 1 and is not at risk of fluvial flooding.
- 15.44 The Council's Drainage Engineer has raised no objection to the proposal subject to a standard Sustainable Drainage condition (Condition 7) on the decision to ensure that the proposed dwelling would not worsen flood risk relating to surface water run-off both within the application site and to neighbouring properties. The proposal is therefore considered to be acceptable in accordance with Policy FR: Flood Risk of the Purbeck Local Plan Part 1.

#### **Highway safety and access**

- 15.45 Access to the site is via an existing track that extends southwards from the village which also provides access to neighbouring residential properties and adjacent farmland. A field gate has been installed within the hedgerow boundary on the eastern edge of the site allowing vehicular access into the application site and the wider landholding at the southern end.
- 15.46 The Council's Highway Engineer has raised no objection to the proposal. Their comments about the sustainability of the location have been addressed earlier in the report. The site provides sufficient space for suitable parking provision. Full details of the access and parking provision will be considered at approval of reserved matters stage.

#### **Impacts on trees**

- 15.47 The application site is enclosed by mature hedgerows which also include a number of mature trees. A Tree Survey and Arboricultural Impact Assessment (AMS)

9 March 2022

submitted with the application identifies that of the trees on the eastern boundary, four English Oaks are of good quality, a Willow is poor quality with low life span, and the remaining trees are of low quality but could be retained. The AMS advises removal of the Willow but notes that no trees will require removal to allow for a dwelling on the site. It also notes that some pruning will be required. Parking could also be accommodated on the site with minimal impact on root protection areas.

15.48 The Council's Tree Officer has advised that the trees worthy of retention should be retained and that a condition (Condition 8) should be included requiring a detailed Arboricultural Methods Statement to be submitted to ensure that any works do not infringe root protection areas. It is also recommended that a soft landscaping scheme is submitted, and this will be dealt with at reserved matters stage.

15.49 In summary, the proposed development is considered to be acceptable in terms of impacts on existing trees.

## **16.0 Conclusion**

16.1 For the above reasons, the development proposed accords with the development plan and the NPPF. Officers have taken a precautionary approach and have considered whether the proposal would be acceptable if the presumption for sustainable development was triggered. In this case, it is considered that the proposal would remain acceptable as the NPPF policies do not provide any clear reasons for refusing the development proposed, and no adverse impacts have been identified that would outweigh the benefits of the additional affordable dwelling.

16.2 The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11. Approval is recommended subject to conditions and a s106 legal agreement to secure the affordable housing provision in perpetuity.

## **17.0 Recommendation**

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

Affordable housing provision of a single rural exception site dwelling with the following restrictions:

- The property cannot change ownership without the written consent of the Council.
- Consent for resale will only be granted where the Council is satisfied that the new purchaser is paying the prevailing 'affordable' price and meets the terms of the S106 Legal Agreement.
- The re-sale price will be equal to 47% of the prevailing market value.
- Inheritance of the property by family members is permitted in the first instance provided that they meet the local needs criteria.

And the following conditions:

9 March 2022

1. No part of the development hereby approved shall commence until details of all 'reserved matters' (that is any matters which concern the layout, scale and appearance of the building(s) to which this permission and the application relates, and to the means of access to the building(s) and the landscaping of the site) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

2. An application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

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

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 21134.01/P3 and Block Plan 21134.02/P2.

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

5. This permission shall not permit a dwelling other than of a single storey design only. The floor area shall be limited to 100sqm gross internal floor area (including attached garages). No habitable accommodation shall be included within the roof space.

Reason: In order to ensure the building is appropriate as a rural exception dwelling and does not have a detrimental effect upon the landscape character of the Dorset AONB.

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

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



9 March 2022

7. Prior to the commencement of development details of surface water and foul drainage schemes for the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to the completion of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

8. An Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted with any Reserved Matters application for layout or landscaping and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the AMS must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- c) a schedule of tree work conforming to BS3998;
- d) details of the area for storage of materials, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- f) details of any no-dig specification for all works within the root protection area for retained trees;
- g) details of the supervision to be carried out by the developer's tree specialist;

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

9. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Biodiversity Mitigation Plan dated 24/01/22 and certified as approved by the Natural Environment Team on 27<sup>th</sup> January 22 shall be completed in full.

Reason: To minimise impacts on biodiversity.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent re enactment thereof, with or without amendments, there shall be no extensions to the property, including its roof and no habitable accommodation shall be created within the roofspace.

9 March 2022

Reason: To ensure that the dwelling is maintained at a size appropriate to a rural exception dwelling.

**Informative Notes:**

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to the provision of affordable housing in perpetuity at the site.
2. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.
3. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

4. Informative: National Planning Policy Framework Statement

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/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

or

**(B) Refuse permission if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 9 September 2022 (6 months from the date of committee) or such extended time as agreed by the Service Manager for Development Management and Enforcement.**

Eastern Area Planning Committee

9 March 2022

**Background Documents:**

Case Officer: Cari Wooldridge

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

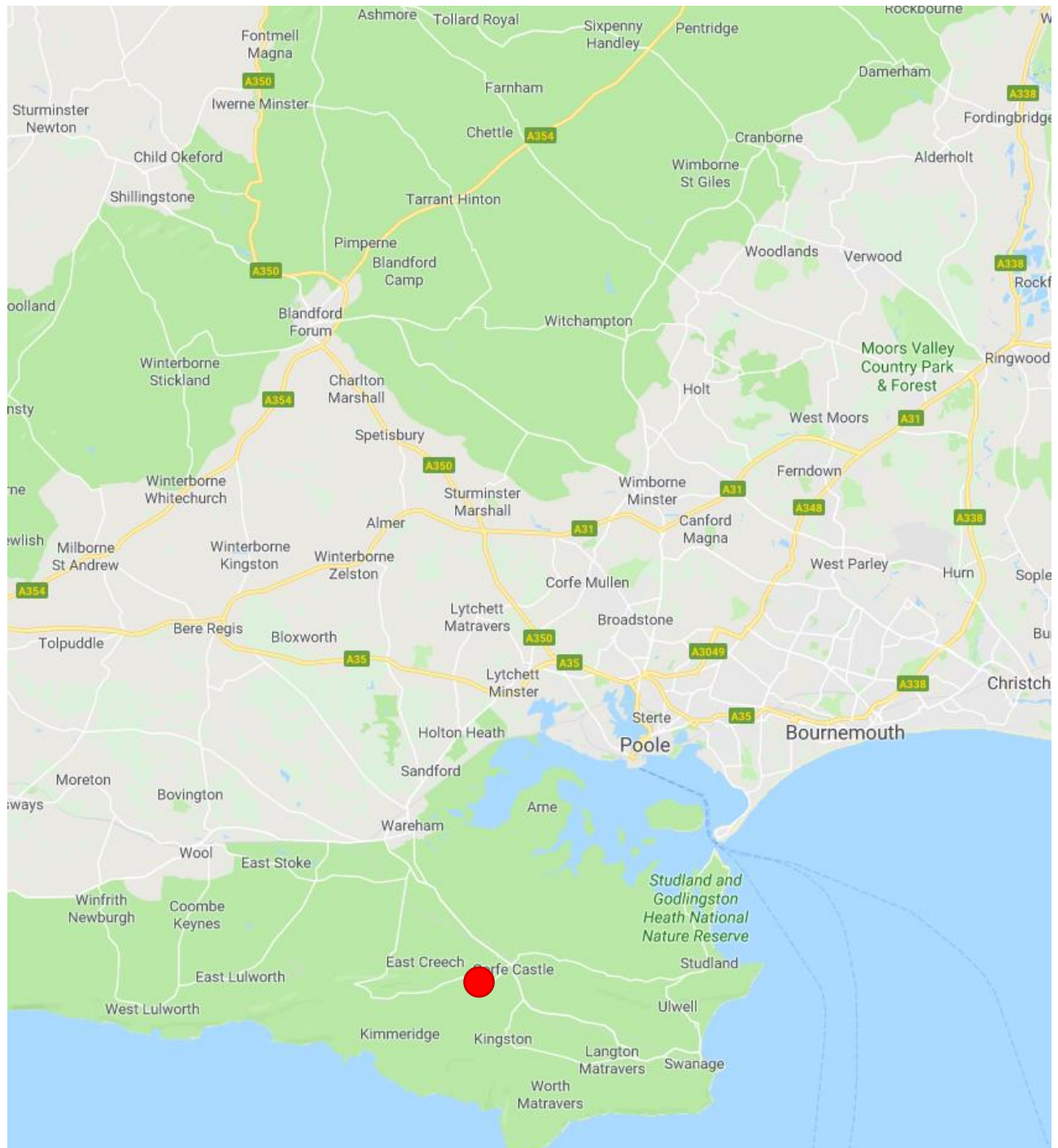
This page is intentionally left blank

● Approximate Site Location

Application reference: 6/2021/0262

Site address: Withy Lakes Church Knowle BH20 5NG

Proposal: Erect detached self-build rural exception site dwelling



This page is intentionally left blank

9 March 2022

<b>Application Number:</b>	6/2021/0249		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning/6/2021/0249">Planning application: 6/2021/0249 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Tower House Tower Hill Bere Regis Dorset BH20 7JA		
<b>Proposal:</b>	Demolish existing property and erect 5 detached properties with associated parking, access and landscaping.		
<b>Applicant name:</b>	Purbeck and Dorset Homes Ltd		
<b>Case Officer:</b>	Peter Walters		
<b>Ward Member(s):</b>	Cllr Miller and Cllr Wharf		
<b>Publicity expiry date:</b>	12 September 2021	<b>Officer site visit date:</b>	13 October 2021
<b>Decision due date:</b>	31 August 2021	<b>Ext(s) of time:</b>	None agreed

1.0 The application has been referred to committee by the nominated officer having gone through the Council's Scheme of Delegation Process

## 2.0 Summary of recommendation:

REFUSE for the following reasons:

- The proposed development, by virtue of the infilling of the site, is considered to cause less than substantial harm to the Bere Regis Conservation Area.
- The public benefits offered are not considered to outweigh the less than substantial harm caused.

3.0 **Reason for the recommendation:** as set out in paras 16.1 at end

3.1 The proposal will cause less than substantial harm to the Bere Regis Conservation Area. The public benefits proposed are not considered to outweigh the harm that would be caused.

## 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Scale, design, impact on the Bere Regis Conservation Area	Harmful impact. Public benefits not considered to outweigh the harm caused
Impact on adjacent listed building	Acceptable
Impact on amenity	Acceptable
Access and Parking	Acceptable

Drainage	No known issues
Biodiversity	Acceptable

## 5.0 Description of Site

- 5.1 The site is situated to the north of Tower Hill and the east of Butt Lane, forming a long plot approximately 93m in length and 29m in width. It is currently occupied by Tower House, a detached two storey residential dwelling set back from the highway, and amenity area associated with the property.
- 5.2 The site is on the hillside; the majority of the land is relatively level, but it is at an elevated height compared to the dwellings east of Butt Lane and there is a steep bank along the southern edge down to Tower Hill, a rural lane. The site is bounded by established hedgerow. There are no significant trees within the site, although there are established trees beyond the boundary.
- 5.3 The area forms a transition from the built up village to the countryside. Butt Lane to the west and north and Tower Hill to the south are both residential in nature, however there is no development to the east. The land to the east is identified in the Bere Regis Neighbourhood Plan as land that will be designated as local green space, although the southern portion of the neighbouring site adjoining the highway is allocated in the neighbourhood plan for 3 dwellings.
- 5.4 Development in the area is largely based around historic roads and tracks that have been formalised and are largely linear in nature. Properties within the historic core are built at a higher density with a smaller amount of amenity space. Older properties are generally built closer to the edge of the road, with modern properties often being set back from the road. A notable exception to this is The Poppies, on Tower Hill, which is opposite the application site and fronts onto the highway.
- 5.5 Properties in the neighbourhood are predominantly two storey. On Butt Lane north of the junction with Tower Hill there is a run of cottages hard against eastern side of the lane but more modern terraced and detached dwelling on the western side of the highway, further away from the historic core, are set back behind private amenity space. Dwellings on Tower Hill mostly face the highway and are separated from one another by parking spaces and garages; dwellings have gable forms. Properties are finished in render and/or brick and most have tile roofs although 67 Butt Lane is thatched. The narrow road width and vegetated bank contributes to the edge of settlement character. The road itself constitutes a very rare example of medieval back lanes. The majority of the site is identified in the Bere Regis Townscape Appraisal as being a "critical townscape". These are defined as areas where:

*"Those elements of the urban environment which are irreplaceable but vulnerable to damage or loss – they should remain unchanged or virtually unchanged. (Typically those elements which hold historic significance and vernacular distinctiveness, which play an essential role in terms of local identity)."*

## 6.0 Description of Development

- 6.1 The application is for the erection of five detached, two storey dwellings on the site, comprising two three-bedroom properties and three four-bedroom properties. The proposal utilises the existing access from Tower Hill and includes the formation of an access road running along the eastern edge of the site.



## 7.0 Relevant Planning History

Application reference	Description	Decision	Comment
6/2018/0217	Erect two dwellings to the east of Butt Lane, improve existing point of access and track off Barrow Hill	<b>Refused</b>  (Committee resolution 28.08.2018)  Decision notice issued 30.08.2018	<b>Reason for refusal</b>  1.The proposed access track fails to maintain the character and appearance of the Conservation Area, contrary to National Planning Policy Framework (July 2018) paragraph 196, as whilst less than substantial harm is caused by the proposed track, there are no public benefits arising from the proposals that would outweigh this harm. The proposals are also contrary to Policy D: (Design) bullet point one, in that they do not positively integrate with their surroundings, and contrary to Policy LHH: Landscape Historic Environment and Heritage of the Purbeck Local Plan Part 1 as the proposals do not conserve the appearance, setting or character of the Conservation Area. The proposals are not in accord with the emerging Bere Regis Neighbourhood Plan Policy BR10 (Local Green Spaces) in that they could prevent the full use of the land as a Local Green Space.
6/1977/0293	Change of use of one room to repair shop (renewal  Tower House Bere Regis	<b>Granted</b>	
6/1974/0094	Change of use of one room to workshop	<b>Granted</b>	

	Tower House Bere Regis		
--	------------------------------	--	--

## 8.0 List of Constraints

- Adjacent Grade: II Listed Building: 67, BUTT LANE List Entry: 1119888.0 / close proximity to Grade II Listed Building OLD SCHOOL HOUSE List Entry 1119886; (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Bere Regis Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Within the Poole Harbour Nutrient Catchment Area
- within the Bere Regis settlement boundary
- Within 5km of protected heathland

## 9.0 Consultations

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

### Consultees

1. **Bere Regis Parish Council** (received 17 December 2021)
  - Support proposal on basis of widening of road
  - However, concerns regarding overlooking of neighbouring property “The Poppies”
2. **West Purbeck Ward members**
  - No comments received
3. **Dorset Council - Highways** (received 22 November 2021)
  - No objections
  - Widening of the road would provide a betterment, but the proposal without widening the highway would not justify a recommendation to refuse.
4. **Dorset Council - Conservation Officers** (received 4 January 2021)
  - Less than substantial harm to the Bere Regis Conservation Area
  - No public benefits that outweigh the harm to the Conservation Area
  - No harm to setting of the listed building

**5. DC - Trees** (received 27 January 2021)

- No objection
- Conditions required

**6. Natural England - Somerset and Dorset Team** (received 20 August 2021)

- No objection subject to Appropriate Assessment and mitigation delivered through CIL

**Representations received**

The application was advertised by means of a site notice on the 9/08/2021 with an expiry date of 2/09/2021 and a press advert (Bournemouth Echo) with an expiry date of 12/09/2021

Total - Objections	Total - No Objections	Total - Comments
18	4	0

**Summary of comments for:**

- Provision of additional homes in the village
- Small size of the development will not harm highway safety
- Good size gardens

**Summary of comments against:**

- Loss of wildlife on the road verge
- Impact on the character of the area
- Increased traffic generation and impact on highway safety
- Impact on privacy of neighbouring properties
- Impact on quiet enjoyment of neighbouring property
- Impact on value of the property
- Site is not within the Bere Regis Neighbourhood Plan
- Insufficient parking
- Concerns regarding parking for vehicles during the construction process
- Insufficient amenities in the village to cope with the demand for speculative housing development outside of the neighbourhood plan
- Impact on wildlife within the site.

9 March 2022

- Overbearing on neighbouring properties
- Concerns that surface water run off will impact neighbouring properties
- Not considered to be high quality design
- Harmful to the character of the back lanes that characterise Bere Regis
- Proposed road widening would not be sufficient to overcome current highway safety issues.

## **10.0 Relevant 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.

### Purbeck Local Plan Part 1

Policy SD: Presumption in favour of sustainable development

Policy LD: General Location of Development

Policy HS: Housing Supply

Policy BIO: Biodiversity and Geodiversity

Policy DH: Dorset Heaths International Designations

Policy FR: Flood Risk

Policy D: Design

Policy LHH: Landscape, Historic Environment and Heritage

Policy IAT: Improving Accessibility and Transport

### Bere Regis Neighbourhood Plan

Policy BR4: Bere Regis Groundwater

## **Other 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). 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

9 March 2022

plans progress through the examination and the councils 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:

Policy E1: Landscape

Policy E4: Assessing flood risk

Policy E5: Sustainable drainage systems (SuDs)

Policy E7: Conservation of protected sites

Policy E8: Dorset Heathlands Policy

E10: Biodiversity and geodiversity

Policy E12: Design

Policy I2: Improving accessibility and transport; and,

Policy I3: Green infrastructure, trees, and hedgerows

Supplementary Planning Documents/Guidance:

- Purbeck District Design Guide Supplementary Planning Document adopted January 2014.
- Bere Regis Conservation Area Appraisal.
- The Dorset Heathlands Planning Framework 2020-2025 adopted March 2020
- National Planning Policy Framework revised July 2021
- National Planning Practice Guidance
- 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.
- Affordable housing supplementary planning document 2012-2027 adopted April 2013.
- Purbeck Strategic Flood Risk Assessment 2018
- Bournemouth, Poole, and Dorset residential car parking study May 2011 – guidance
- Dorset Biodiversity Appraisal and Mitigation Plan.

National Planning Policy Framework ( NPPF ) :

In particular

Section 2: Achieving sustainable development:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be

9 March 2022

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.

Section 4: Decision-taking:

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Section 5: Delivering a sufficient supply of homes

Outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.

Section 9: Promoting sustainable transport

Requires potential impacts of development on transport networks to be addressed and opportunities for sustainable travel to be identified.

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 climate change, flooding, and coastal change

Requires development to avoid areas of highest flood risk and be made safe for its lifetime without increasing flood risk elsewhere.

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).

## National Planning Practice Guidance

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 proposal is not judged to result in disadvantage to persons with protected characteristics. A pavement will provide pedestrian access to the site

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
None	N/A
Non Material Considerations	
Community Infrastructure Levy (CIL)	£21,773.08
Biodiversity Mitigation compensation (alongside on site mitigation)	£1,410.95

## **14.0 Climate Implications**

The proposal provides housing within a key service village (as defined in the Purbeck Local Plan Part 1) with access to local amenities and public transport links to larger settlements. The housing will be built to current Building Control standards.

## **15.0 Planning Assessment**

The main considerations involved with this application are:

- Principle of development
- Scale, design and impact on the character of the area and on the Bere Regis Conservation Area
- Impact on adjacent listed buildings
- Impact on amenity
- Access and parking
- Drainage
- Biodiversity

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

### Principle of development

- 15.1 The site is situated within the settlement boundary of Bere Regis. Policy LD of the Purbeck Local Plan Part 1 states that development should be focussed within settlement boundaries. Bere Regis is identified by the plan as a Key Service Village, which is considered to be one of the most suitable locations for development. Therefore, the principle of developing the site is considered to be acceptable.

### Scale, design and impact on the Bere Regis Conservation Area

- 15.2 The site is situated within the Bere Regis Conservation Area. 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 conservation areas when considering applications. As identified above, the site marks a transitional point between higher density, built form which forms part of the core of the village to the rural landscape. The proposed development would erode the existing transitional character by introducing a higher density built form to the site which will be highly visible in the Tower Hill streetscene as it introduces two dwellings to the front of the plot.
- 15.3 The proposal would cause less than substantial harm to the character of the Bere Regis Conservation Area. This is due to the intensification of development on the application site which will result in detrimental impacts on the characteristics of the Conservation Area.



9 March 2022

The following extracts from the Conservation Area Appraisal (CAA) and the Bere Regis Townscape Character Appraisal (TCA) are considered to be of relevance when assessing the application:

- *“ its topography on a south-facing slope between Barrow Hill and the downs beyond and the Bere stream, resulting in relatively low-lying settlement;*
- *‘the continued survival of a complete a very rare example of medieval back lanes...[which] retain a rural character, principally derived from the banks, hedges and soft landscaping and their relationship with the open countryside surrounding the village’ [p. 15];*
- *‘the sense of the village edge merging into a rural space’ at Tower Hill (p. 16);*
- *the variety of traditional building forms, details and materials, but with a ‘characteristic plainness’ (pp. 17-18);*
- *‘[the] presence of many vistas or view points out of the Conservation Area [including] Barrow Hill and Tower Hill’ (p. 19), but also the view S along Butt Lane(p. 16);*
- *the ‘critical townscape’ quality of the application site and surrounding area identified in the TCA (p. 28)”*

15.4 The CAA makes clear the importance of the village edge and transitional qualities of the various back lanes which form a legible boundary along the north side of the village core. This importance has been emphasised by various modern developments which have previously occurred at the rear of West Street (which front onto Tower Hill).

15.5 The main contribution of the site to the Conservation Area at present is the steep incline of the vegetated bank and hedging immediately adjacent to Tower Hill highway and the sense of spaciousness as the existing property on the site is significantly set back, contributing to the transition from closely knit village to spacious countryside. It is noted that the part of the Conservation Area to the north of Tower Hill and to the east of Butt Lane is more loosely developed, forming a less dense concentration of mostly modern development. The lower density hillside development emphasises the low lying position of the main village core in the wider landscape, by avoiding creep up Barrow Hill.

15.6 The design of the houses is considered to be acceptable, however, the intensification of development which proposes to introduce 2 detached two storey properties in an elevated position immediately adjacent to and facing Tower Hill, with two further two storey dwellinghouses in a regimented row to the rear near to where the existing property stands, and a fifth property set back behind those, will result in detrimental impacts on the Bere Regis Conservation Area. The proposed carriageway widening would further alter the character of this established ‘back lane’ which is a characteristic of the Bere Regis Conservation Area which is considered to be significant to the character of the Conservation Area.

15.7 Paragraph 199 of the National Planning Policy Framework (NPPF) states that:

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

- 15.8 The harm to the significance of the Conservation Area is considered to be 'less than substantial'. Paragraph 202 of the NPPF states that where a proposal is considered to cause less than substantial harm to a designated heritage asset (in this instance the Bere Regis Conservation Area) this harm should be weighed against the public benefits of the proposal.

*Widening of the road*

- 15.9 The applicant has stated that the widening of the road at the access point and along the front of the site provides a significant public benefit. They propose widening the road from 3.3m to approximately 4.8m. The Parish Council support these works.
- 15.10 The Council's Highways Team accept that the widening of the road from single carriageway to two way for the width of the application site, would provide a marginally improved passing opportunity, but these works are not necessary to improve public safety. The acceptability of the scheme from a highway safety perspective doesn't rely on this change.
- 15.11 Widening the highway as suggested will alter the character of this established "back lane" which forms part of the distinctive character of the Conservation Area. Paragraph 199 of the NPPF requires the Council to give "great weight" to the conservation of the Bere Regis Conservation Area. It is considered that any public benefit arising from the proposed road widening is not sufficient to overcome the less than substantial harm to the Conservation area which would arise from altered character of the road and the visual impact of the development.

The application is therefore recommended for refusal on that basis.

*Provision of housing*

- 15.12 The proposal will provide four additional market dwellings within the settlement boundary. Within the Purbeck Local Plan area, there is currently a deliverable supply equivalent to 5.15 years of supply taking into account delivery against the housing target and the application of a 20% buffer as required under the Housing Delivery Test.
- 15.13 On 14 January 2022 the Housing Delivery Test: 2021 measurement results were published. The Purbeck Local Plan area was found to have delivered 76% of the total number of homes required and therefore there remains the need for a 20%

9 March 2022

buffer to be added to the five-year housing supply requirement in the Purbeck area, for an action plan to be published however the presumption in favour of sustainable development does not apply.

15.14 The Bere Regis Neighbourhood Plan includes sites allocated for development to provide for the anticipated housing in the village over the Neighbourhood Plan period. As such, it is not considered that the benefits associated with the provision of housing combined with the benefits associated with the proposed highway improvements would constitute a public benefit that outweighs the less than substantial harm caused.

15.15 Taking into account the above, the public benefits of the scheme (the widening of the road and the provision of housing) are not considered to be sufficient to outweigh the less than substantial harm to the Bere Regis Conservation Area.

Impact on adjacent listed buildings

15.16 The site is situated in close proximity to two Grade II listed buildings 67 Butt Lane and the Old School House. The Council's Design and Conservation Officer has advised in relation to 67 Butt Lane that the development on the application site would not affect the spatial relationship between the property and Butt Lane. With regards to the visibility of the site, there is currently co-visibility with the view looking at Butt Lane from West Street. The proposed plot 4 would be approximately situated where the existing house is situated. The new plots would be sufficiently screened by the combination of topography and the existing tree cover with the exception of a glimpsed view from Back Lane. This relationship is not considered to have a harmful impact on the setting of the listed building.

15.17 Old School House is situated further to the east from the application site, on Barrow Hill. Its setting is characterised by its elevated position long distance visibility. The application site will be visible approximately 60m from the Grade II listed building over undeveloped land. However, this is presently the case with Tower House on the site. Officers consider that this will not materially detract from the contributory aspects of its significance.

15.18 Taking into account the above, the proposal is not considered to have a harmful impact on the setting of the two Grade II listed buildings in proximity to the site.

Impact on amenity

15.19 The application site is situated adjacent to residential properties to the north and west, and across Tower Hill from residential properties to the south. The properties to the west are approximately 5m lower than the application site. Unit 4 is situated on approximately the same footprint as Tower House (approx. 3.5m further north) and has a lower roof ridge height compared to the existing property (7.9m as opposed to 8.4m). No first floor windows are proposed in the side elevations of Unit

9 March 2022

4 and therefore this relationship with the neighbouring properties is considered to have no greater impact than the existing building.

15.20 Although unit 1 is situated in close proximity to the south western corner of the site (approximately 1m from the boundary) there are no residential properties immediately to the west of the site. The land is occupied by the garden and garages serving 67 Butt Lane. It is noted that at present there is significant vegetation screening between the sites, although it is anticipated that this would be lost as a result of the development. There are no first floor windows in the west elevation of unit 1 that would allow for harmful overlooking of the garden and therefore the relationship is not considered to be unduly harmful.

15.21 Plot 5 is approximately 3.5m from the western boundary of the site. The properties on Butt Lane to the west are approximately 15.9m from the boundary of the application site. No windows are proposed on the nearer of the two western elevation elements that comprise plot 5. A first floor window is proposed on the further western elevation however this is approximately 8.5m away from the site boundary, therefore the window to window distance between plot 5 and the neighbouring residential property, 63 Butt Lane is approximately 24.5m, which is above the recommended threshold for window to window overlooking set out in the Purbeck Design Guide SPG. Given the distances involved, officers are satisfied that there will not be harmful overlooking. The height to the roof ridge of plot 5 is approximately 7.8m. Given that the house is not against the site boundary, and the distance from the site boundary to the nearest neighbouring residential property, it is considered that the proposed development will not result in an overbearing impact, despite the change in ground levels between the site and the neighbouring property.

15.22 To the north of Plot 5 is Hillbutts which is approximately 9m from the site boundary. Plot 5 itself is approximately 11.5m from the site boundary. There are no south facing windows on the elevation of Hillbutts, therefore there is no direct window to window overlooking. The site level is similar to Plot 5 and taking this into account, alongside the distance between the properties it is considered that there is no overbearing relationship between the properties.

15.23 Bere Regis Parish Council have raised concerns regarding the relationship with plots 1 and 2 and the neighbouring property to the south of Tower Hill (The Poppies). The Poppies is situated adjacent to the road and therefore there is the opportunity for a degree of overlooking between plots 1 and 2 and the neighbouring properties. It is accepted that this would be the case, however, it is noted that the properties are separated by Tower Hill which is a public highway and allows overlooking of the property. It is also noted that similar relationships exist elsewhere in the village, for example on North Street, where properties front onto the road facing each other. As part of the proposed development, the road would be widened to 4.8m, and although plots 1 and 2 will be on higher ground than Poppies, they are to be set back approx. 4m from the road. It is considered that while there would be a degree of overlooking, this is not considered to be unduly harmful.

### Access and Parking

- 15.24 The proposed development would utilise the existing sloping access onto the site. The Council's Highways Team have been consulted on the proposal. They note that the proposed development would represent a modest increase in traffic along Tower Hill. Although the road is a narrow single carriageway, there is sufficient width at the junction with Butt Lane to allow two vehicles to pass. Butt Lane itself is also considered to have sufficient capacity to allow two vehicles to pass.
- 15.25 The Highways Team advise that as Tower Hill is a single carriageway it experiences relatively low vehicle speeds. Therefore, the increased usage of the existing access is considered to be acceptable. It is noted that there is no pavement along Tower Hill and only a small amount of pavement along Butt Lane, at the junction with West Street. The Highways Team advise that this is acceptable given the low speeds of vehicles on the road. It is also commonplace on the back lanes that form Bere Regis. The Highways Team have suggested a number of minor alterations to the internal layout of the site to improve vehicle movements within the site but did not recommend refusal if these alterations were not provided. These include increasing the width of the access road to 5m (reducing the footpath to two metres) and providing 6m clearance for the 3 car parking spaces to the rear of plot 2. The applicant has increased the road width to 4.85m and provided the 6m clearance in response. The proposal offers 11 parking spaces, equivalent to two per dwelling and 1 visitor space. This is in accordance with the Dorset Council residential parking guidance.
- 15.26 As previously mentioned, the applicant has proposed to widen Tower Hill to the south of the development as a public benefit to the proposal. The Highways Team are supportive of this proposal however they do not consider that it is required to prevent a severe highways impact that would lead them to recommend refusal of the application. The proposed development is considered to be acceptable from a highway safety perspective.

### Drainage

- 15.27 The site is situated within Flood Risk Zone 1 and therefore is not at risk from either fluvial or coastal flooding. There are known to be issues with surface water flooding elsewhere in the catchment area. The Council's Drainage Engineer has been consulted on the proposals and advised that there was not likely to be the prospect of surface water being discharged into the existing drainage system. Therefore, details of an infiltration test were required to establish that surface water drainage could be discharged by means of a soakaway.
- 15.28 The applicant has completed an infiltration test as requested and this has established that the ground conditions are suitable for the installation of a soakaway. Therefore, there are no objections to the proposal on the grounds of surface water drainage. If the application were to be supported it would be

9 March 2022

appropriate to add a planning condition requiring the details of the soakaway to be provided.

Biodiversity

15.29 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

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

15.31 The mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund the HIP and SAMM provision via the Community Infrastructure Levy. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.

With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with policy DH and the SPD.

15.32 A biodiversity mitigation plan has been submitted with the application. Proposed mitigation includes requirement to ensure that there are no active nests at the time of demolition of the building or the removal of any shrubs or scrub habitat that could provide a suitable habitat for nesting birds. Due to the loss of breed bird habitat each building shall have a brick bird nest box built into the external wall of each of the new buildings.

15.33 In addition to this, compensation for the loss of 0.09 hectares of grassland plus 10% net gain is to be provided. This equates to compensation totalling £1,410.95. The Natural Environment Team have approved the proposed mitigation. This mitigation would need to be secured either through a Section 106 legal agreement or a Unilateral Undertaking by the applicant. These have not been provided as the proposal is not supported by officers on other grounds. For this reason, the lack of

9 March 2022

the provision of compensation forms grounds for refusal of the application, although it is acknowledged that this matter could be overcome.

## **16.0 Conclusion**

- 16.1 Taking into account the above assessment, officers consider that the less than substantial harm caused to Bere Regis Conservation Area, which is a designated heritage asset is not outweighed by the public benefits of the widening of Tower Hill and additional market housing. In this instance, for the reasons set out above the proposed development is considered to cause less than substantial harm to the significance of the Bere Regis Conservation Area. This provides a clear reason for the refusal of this application. Therefore, in accordance with the National Planning Policy Framework, the application is not supported.

## **17.0 Recommendation**

**REFUSE** for the following reasons:

- The proposed development, by virtue of the infilling of the site, is considered to cause less than substantial harm to the Bere Regis Conservation Area.
- The public benefits offered are not considered to outweigh the less than substantial harm caused.

### **Refusal Reasons and Informatives:**

#### **Reasons for Refusal:**

1. The proposals, by virtue of the intensification of the built form on this edge of village site eroding the rural character of the lane and spaciousness which aids the transition between settlement and countryside, will result in less than substantial harm to the character and appearance of Bere Regis Conservation Area, which is not clearly and convincingly justified through overriding public benefits. For these reasons, the requirements of NPPF para. 202 and Policy LHH of the adopted Purbeck District Council Local Plan are not met.

2. The application site is over 0.1ha in area and situated within open countryside; the site has the potential to be an important habitat. Under the Dorset Biodiversity Appraisal Protocol such sites require a Biodiversity Appraisal and a Biodiversity Mitigation Plan to be agreed by Dorset Council's Natural Environment Team (DC-NET) through the issuing of a 'Certificate of Approval'. The Biodiversity Appraisal Protocol in Dorset is designed to meet the requirements of the Natural England Protected Species Standing Advice.

A Biodiversity Survey has been undertaken and a Biodiversity Plan (BP) supplied. Dorset Council's Natural Environment Team (DC-NET) have assessed and have issued a Certificate of Approval dated 30 June 2021. The removal of shrubs, trees and grassland has been accepted by the NET subject to securing compensation

9 March 2022

payment to mitigate the loss of this vegetation as an important habitat for protected and other species.

The applicant has failed to secure compensation payment via Unilateral Undertaking as per requirements within approved BMEP dated 03 June 2021. In the absence of this legal agreement the precautionary principle must prevail in favour of nature conservation. The proposal fails Policy BIO of the Purbeck Local Plan Part 1 and guidance contained within paragraph 180 of the National Planning Policy Framework (NPPF).

**Informative Notes:**

1. The development hereby refused is shown on the plans listed below: 20217.01, 20217.03D, 20217.05A 20217.06A, 20217.11, 20217.12, 20217.13, 20217.14, 20217.15, 20217.16, 20217.17, 20217.18, 20217.19 and 20217.20

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

2. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

3. The second reason for refusal can be overcome by virtue of the applicant entering into a Unilateral Undertaking to provide the agreed compensation toward the loss of grassland.

**4. 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/ agent did not take the opportunity to enter into pre-application discussions.
- 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.



Eastern Area Committee

9 March 2022

-The applicant and council have worked together to minimise the reasons for refusal.

**Background Documents:**

Case Officer: Peter Walters

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

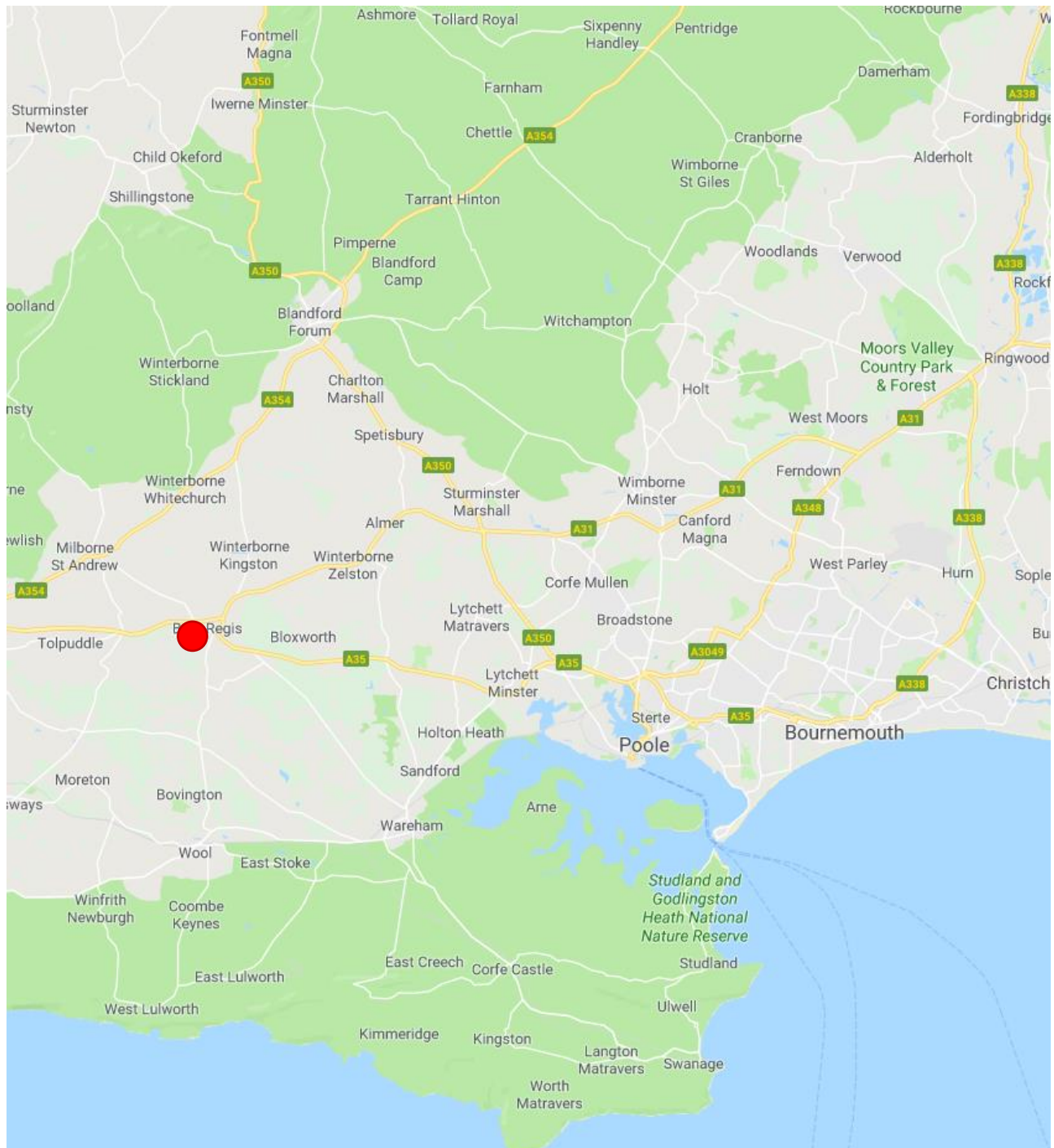
This page is intentionally left blank

● Approximate Site Location

Application reference: 6/2021/0249

Site address: Tower House, Tower Hill, Bere Regis

Proposal: Demolish existing property and erect 5 detached properties with associated parking, access and landscaping.



This page is intentionally left blank

9 March 2022

<b>Application Number:</b>	P/HOU/2021/04823		
<b>Webpage:</b>	<a href="https://dorsetcouncil.gov.uk/dorsetforyou.com/Planning-application/P/HOU/2021/04823">Planning application: P/HOU/2021/04823 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	7 Stanbarrow Close Bere Regis Wareham BH20 7NE		
<b>Proposal:</b>	Proposed single/two storey extension to rear elevation. Extension of side boundary wall and form new pedestrian access.		
<b>Applicant name:</b>	Mr & Mrs P Macklin		
<b>Case Officer:</b>	Claire Hicks		
<b>Ward Member(s):</b>	Cllr Miller and Cllr Wharf		
<b>Publicity expiry date:</b>	9 February 2022	<b>Officer site visit date:</b>	20 January 2022
<b>Decision due date:</b>	11 January 2022	<b>Ext(s) of time:</b>	25 March 2022

1.0 This application is before the planning committee because the applicant is an employee of Dorset Council in the Planning Team and the nominated officer has judged that the triggers in the constitution are met.

## 2.0 Summary of recommendation:

Grant, subject to conditions.

## 3.0 Reason for the recommendation:

- The proposal is acceptable in its design and general visual impact – paragraph 15.3.
- There is not considered to be any significant harm to neighbouring residential amenity - paragraph 15.4.
- There are no material considerations which would warrant refusal of this application.
- There is no adverse impact on the character of the area.

## 4.0 Key planning issues

Issue	Conclusion
Principle of development	Within the settlement boundary.
Scale, design, impact on character and appearance	No adverse impact.
Impact on amenity	No adverse impact.
Impact on biodiversity	No adverse impact – negative bat certificate submitted.
Highways safety	No adverse impact - Dorset Council Highways have no objection subject to informative notes relating to land ownership.

## 5.0 Description of Site

- The site is within the settlement boundary of Bere Regis, located at the western end of Stanbarrow Close, a cul de sac.
- No. 7 is a two storey dwelling on a relatively flat, corner plot.
- The property is linked via the garage with Number 8 Stanbarrow Close, which is adjacent to the southern boundary of the site.
- The boundary treatment of the rear garden between the site and Number 8 Stanbarrow Close is a fence. The northern and half of the eastern boundary of the site is demarcated by a 1.8m high brick wall, the other half of the eastern boundary treatment is fence.
- There are no trees of any significance in the rear garden of the property and adjacent to the site.

### Description of Surrounding Area:

- In an established residential area comprising dwellings which vary in their style.
- To the west of the site, opposite the front garden, there is public open green space, and trees.
- Dwellings on Stanbarrow Close are two storey – terraced, detached and semi-detached.
- The majority of properties at Stanbarrow Close have small front gardens and off road parking.

## 6.0 Description of Development

The proposed development consists of a two-storey side extension to the south of the property and a 1.1m deep single storey rear extension along the existing and extended rear elevation. The proposed development also includes an extension of the existing side boundary wall to the north of the property and an alternative pedestrian gate.

9 March 2022

The original proposed plans included a single storey rear extension, extending approximately 4.0m from the rear elevation, and approximately 0.2m from the adjacent property, No. 8 Stanbarrow Close, but this was amended following the initial officer assessment.

## 7.0 Relevant Planning History

6/2004/0396 - 7 Stanbarrow Close Bere Regis - Erect two storey side extension – Granted on 25/06/2004.

## 8.0 List of Relevant Constraints

- Inside PDC Settlement Boundary: Bere Regis.
- Bere Regis Conservation Area - 31.2m to the northwest.
- Environment Agency Constraint - Groundwater Source Protection Zone

## 9.0 Consultations

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

### Consultees

#### **DC – Highways**

- No objection (received on 7<sup>th</sup> January 2022 and 27<sup>th</sup> January 2022)
- *The red line in Drawing number O1 appears to overlap the adopted and maintainable public highway. The landowner may own the subsoil but there appears to be highway rights over this.*
- *The proposal does not present a material harm to the transport network or to highway safety and consequently has no objection, subject to informative notes.*

#### **P - Bere Regis PC**

- Support (received on 18<sup>th</sup> December 2021)
- *Although the Parish Council does not object to this application, it was noted that the site is becoming too much extension on extension.*

The following objection was received after the agreed deadline extension with Bere Regis Parish Council of 14<sup>th</sup> February 2022.

- *In response to this re-submission for consultation, we have reviewed the plans again, along with the response submitted by a neighbour subsequent to our first response.*
- *In the light of this, we now feel that it is appropriate to modify our response and, despite the reduction in size of the proposed extension, Bere Regis Parish*

9 March 2022

*Council consider the proposals are out of scale to all neighbouring properties and the application should be refused.*

### **Representations received**

The application was advertised by the erection of site notices on 8 December 2021. The parish and the objector were reconsulted on 24 January following amendments.

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
<b>1</b>	<b>0</b>	<b>0</b>

One objection was received on 22 December 2021 in response to the original plans with the single storey element adjacent to the site boundary raising the following concerns.

- *Significant alterations to the street scene when viewed from the west.*
- *Harm to neighbouring amenity (8 Stanbarrow Close) due to visual intrusion and loss of light as a result of the height due to height.*
- *Over development of the plot - adding to the bulk and mass of a property which was previously extended in 2004 on the north elevation.*

The neighbour comments can be viewed in full on the website.

## **10.0 Relevant Policies**

### **10.1 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.

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

- Policy SD - Presumption in favour of sustainable development
- Policy LD - General location of development
- Policy D – Design
- Policy BIO - Biodiversity and geodiversity

### **Neighbourhood Plans**

Bere Regis Neighbourhood Plan

### **10.2 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:

- E12: Design
- E10: Biodiversity and geodiversity

#### Supplementary Planning Documents/Guidance

Purbeck District Design Guide Supplementary Planning Document 2014

Purbeck Townscape Character Appraisals – Bere Regis (SPD)

#### National Planning Policy Framework revised July 2021

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 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

9 March 2022

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 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

## **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.

9 March 2022

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.

### **13.0 Financial benefits**

N/A

### **14.0 Climate Implications**

There are not considered to be any significant climate implications for the proposed extensions which will be constructed in accordance with the latest Building Regulations.

### **15.0 Planning Assessment**

The main issues concerning this application are:

- The principle of development
- Scale, design, impact on character and appearance
- Impact on amenity
- Impact on biodiversity
- Highway safety

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

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

The application site is situated in the urban area of Bere Regis where the principle of development is acceptable.

#### **15.2 Scale, design and impact on character and appearance**

The area is characterised by two storey dwellings with side gables benefiting from front and rear gardens. The size of the properties and the spacing between properties varies. A previous two storey extension to the dwelling is subordinate to the original form and fits appropriately within the streetscene.

The proposal under consideration would further increase the bulk of the dwelling but can be accommodated on the site without representing over development of the plot. It will extend the existing front pitch of the garage up into the plot to a subordinate ridge height and the two storey element is no deeper than the existing dwelling so will not be prominent in views within the streetscene. The single storey garage at no. 8 and the higher ridge of that property will continue to provide visual distinction between the two dwellings. The modest single storey rear extension will retain

9 March 2022

appropriate garden space and will provide visual cohesion between the existing and new elements.

The proposed extensions are appropriate and sympathetic in terms of their size, scale and design in relation to the existing dwelling, and subject to a condition requiring similar materials (no. 3), would have no adverse impact on the character of the area.

### 15.3 Impact on amenity

The proposal has been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact for the occupiers of no. 8. A new rooflight/window serving a bedroom will be installed closer to the boundary with no. 8 but it is set further east, into the plot, than the neighbouring property so would not result in overlooking of the most sensitive part of the garden to the immediate rear and no demonstrable harm to the amenity of the neighbouring occupiers has been identified.

### 15.4 Impact on biodiversity

The bat survey was carried out on 15<sup>th</sup> November 2021, by KP Ecology, and was negative so no protected species are likely to be harmed by the proposal. This satisfies the requirements of the Dorset Biodiversity Protocol, Policy BIO of the Adopted Purbeck Local Plan and Policy E10 of the Emerging Purbeck Local Plan.

### 15.5 Highway Safety

Dorset Council Highways have no objection subject to informative notes relating to land ownership. The repositioning of the fencing and gate would not result in any harm.

### 15.6 Other issues

No harm to protected ground water is anticipated from the extension but an informative note is proposed.

## 16.0 **Conclusion**

Amended plans have overcome initial amenity issues relating to unreasonable loss of light or an overbearing impact and have also scaled back the proposal which can be accommodated on the site without harm to the character of the area. The proposal accords with the policies of the local plan and approval is recommended.

## 17.0 **Recommendation:** Grant, subject to the following 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:

- Location Plan - Drawing number S2105-01
- Amended Site Plan - Drawing number S2105-02, revision A
- Amended Proposed floor plans - Drawing number S2105-04, revision A
- Amended Proposed elevations (sheet 1 of 2) - Drawing number S2105-05, revision A
- Amended Proposed elevations (sheet 2 of 2) - Drawing number S2105-06, revision A

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

3. The external materials to be used for the walls and roofs shall be similar in colour and texture to the existing dwelling.

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

#### **Informative Notes:**

1. The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Highways MUST be consulted to agree the precise position of the boundary. They can be contacted by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ.
2. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

#### **3. National Planning Policy Framework Statement**

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:

9 March 2022

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

4. 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.
5. 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.
6. The applicant is advised that the site lies within an area of ground water protection. Care should be taken during the construction to avoid any contaminants entering the ground water.

**Background Documents:**

Case Officer: Claire Hicks

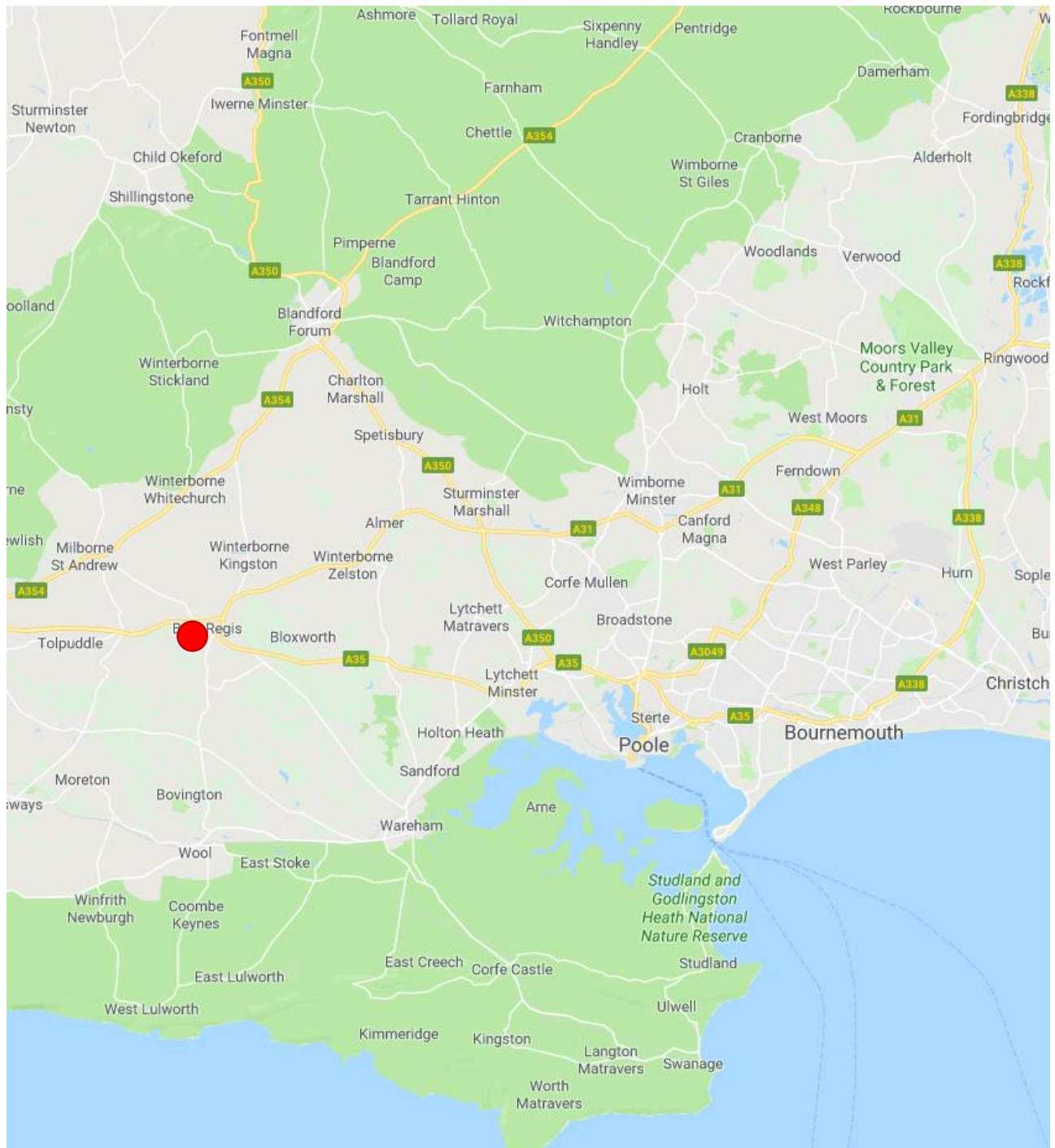
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

● Approximate Site Location

Application reference: P/HOU/2021/04823

Site address: 7 Stanbarrow Close Bere Regis Wareham BH20 7NE

Proposal: Proposed single/two storey extension to rear elevation. Extension of side boundary wall and form new pedestrian access.



This page is intentionally left blank



<b>Application Number:</b>	P/FUL/2021/04102		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Pear Tree Nursery School Parley First School, Glenmoor Road Ferndown BH22 8QD		
<b>Proposal:</b>	Demolition of existing nursery structures and construction of replacement nursery building.		
<b>Applicant name:</b>	Mrs Tina Hemming-Stevens		
<b>Case Officer:</b>	Diana Mezzogori-Curran		
<b>Ward Member(s):</b>	Cllr Parry		
<b>Publicity expiry date:</b>	14 December 2021	<b>Officer site visit date:</b>	23 November 2021
<b>Decision due date:</b>	13 January 2022	<b>Ext(s) of time:</b>	TBA

**1.0** The application relates to land owned by Dorset Council. The application is reported to Committee in accordance with Dorset Council's Constitution

**2.0 Summary of recommendation:**

2.1 GRANT subject to conditions

**3.0 Reason for the recommendation:** as set out in paras 15 at end

- The proposal will be of public benefit by replacing the existing prefabricated nursery building with a more modern structure
- The location is considered to be sustainable, and the proposal is acceptable in its scale, design, materials and visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no adverse landscape impacts.
- There will be no additional traffic movements generated by the development.
- There are no material considerations which would warrant refusal of this application

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Both paragraph 11 of the NPPF and KS1 of the Local Plan place a presumption in favour of sustainable development. This site is located within the urban area of West Parley, identified as a main settlement in Policy KS2 of the Local Plan, being a sustainable location where development is supported. The site is therefore a suitable location for development
Scale, design, impact on character and appearance	The building will be appropriate in scale and design in relation to the existing buildings. Its form and materials are similar to the existing nursery building.
Impact on amenity	The existing use of the site will not be changed and on account of the separation distances and intervening uses, the proposal is unlikely to result in an increase in noise and disturbance that would harm neighbouring amenity.

#### 5.0 Description of Site

- 5.1 Pear Tree Nursery School comprises of main prefabricated nursery building with a UPVC canopy to the south west elevation, a cabin and a shed. It is located on land adjacent to Parley First School and within a residential area.
- 5.2 Vehicle access to the site is from Glenmoor Road with on-site parking provided both within the school site, along the access route and in front of the site. The site can also be accessed via public footpaths from Glenmoor Road and Wollaton Road to the north west.
- 5.3 To the south west of the application site, separated by a approx. 2m high close board fence, a footpath and a high hedge is a Parley First School play area. It should be noted, this play area benefits from planning consent for additional classroom (application no. 3/19/1463/FUL). To the north/north east of the nursery is the parking and service area to a small parade of shops, with residential flats above in Glenmoor Road. To the north west and west of the site are the rear gardens to residential properties in Wollaton Road and Glenmoor Road.
- 5.4 Within the site itself, there is a small hard surface play area towards the front of the site to the south east and small green space area (laid to artificial grass) to the rear towards the rear gardens of residential properties on Glenmoor Road cul-de-sac to the north west. The proposed single storey nursery building would

9 March 2022

be located in the same position as the building it replaces. The existing play areas will be retained.

- 5.5 The site boundaries are screened by 2m high close board fencing. There are no trees or any vegetation within the site boundaries. There are trees to the north/north west corner and a mature hedge to the south/south west, outside the site boundaries.

## **6.0 Description of Development**

- 6.1 The site history is set out in full at paragraph 7 of the officer report. A 3 year temporary permission granted in 2009 3/09/0573/FUL for the retention of a mobile classroom in this location has lapsed. This application seeks approval for permanent replacement for that pre-school building with covered external play area on a similar footprint and in the same position on site.
- 6.2 The proposed replacement building is single storey. It would be finished in European larch horizontal cladding in light colour with a tilted flat roof finished in metal sheeting.
- 6.3 Internally the building provides an matwell entrance leading to clothes pegs/storage area, an open plan classroom area, an office, kitchen area, washroom with three toilets and separate toilet for disabled users. The proposal retains two play areas, cabin and the shed.

## **7.0 Relevant Planning History**

App No	Proposal	Decision	Date
3/09/0573/FUL	Continue temporary siting of mobile classroom building for nursery school	Granted	24.08.2009
3/05/0148/FUL	Renewal of temporary permission (3/95/0310) for unit as Montessori Nursery School	Granted	19.05.2005
03/02/1541/FUL	Installation of covered area to rear of existing classroom	Granted	28.01.2003
03/02/0164/FUL	Extension of pre-fabricated building to provide additional nursery school place	Granted	25.04.2002
03/95/0310/FUL	Temporary unit for use as Montessori Nursery School	Granted	28.06.1995

## **8.0 List of Constraints**

- Heathland 5 km zone
- Urban Area of Ferndown and West Parley

## **9.0 Consultations**

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

### **Consultees**

**Dorset Council - Highways (comments received 8.12.2021)** - No objection

**West Parley Parish Council (comments received 2.12.2021)** - No objection

**West Parley Ward Councillor** - No comments received

**Dorset Council - Building Control East Team (comments received 26.11.2021)** - No comments to make a building regulations application will be required for this proposal.

### **Representations received**

Three site notices were posted on the site and surrounding area on 23.11.2021 with an expiry date for consultation of 14.12.2021.

No letters of representation from third parties have been received.

## **10.0 Relevant Policies**

### **10.1 Development Plan**

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 Part 1- Core Strategy 2014 (CEDLP) and saved policies of the East Dorset Local Plan 2002 (EDLP)

#### **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
- HE2 Design of new development

### **10.2 Other Material Considerations**

#### **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 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 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.

#### National Planning Practice Guidance

### 11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

### 12.0 Public Sector Equalities Duty

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

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

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

- In this respect the building has level access and provides accessible toilet. Furthermore, there are no steps proposed on site to ensure that people with disabilities or mobility impairments and those pushing buggies are accommodated.
- Building Regulations approval will be required; however, the proposed windows are not fixed shut offering adequate air circulation for the proposed building.

### **13.0 Financial benefits**

Not applicable

### **14.0 Climate Implications**

- 14.1 The proposed replacement building will help to future proof the pre-school in terms of facilities/capacity it provides for families in the local area, maintaining it as a viable and accessible educational facility to serve the local community. The proposal is small scale, and sustainable in terms of both its construction and location. For these reasons the proposal it is not considered to have a significant impact on climate change.

### **15.0 Planning Assessment**

The main considerations relating to this application are:

- The principle of development
- Scale, design, impact on character and appearance
- Impact on amenity

These considerations are set out, together with any other material considerations, under the headings below

#### Principle of development

- 15.1 Both paragraph 11 of the NPPF, and KS1 of the Local Plan place a presumption in favour of sustainable development. This site falls within the urban area of West Parley, identified as a main settlement in Policy KS2 of the Local Plan, being a sustainable location where development is supported. The site is therefore a suitable location for development.

#### Scale, design, impact on character and appearance

- 15.2 The proposed replacement building will not be readily visible from the public realm and will have negligible impact on the appearance of the site or locality.

- 15.3 The building will be appropriate in scale in relation to the existing buildings. The design and the use of external materials (European larch horizontal cladding) differs to the main school building, however there is another timber building within the school range. Given its unobtrusive siting and form, the proposed building will not detract from or have an adverse impact on the character and appearance of the site or the wider area.

Impact on amenity

- 15.4 No letters or representations have been received from third parties and West Parley Parish Council has raised no objection to this proposal.
- 15.5 The siting, scale and form of the proposed building will ensure that the occupants of the neighbouring residential properties will not experience a loss of light or privacy and the proposal will not appear visually intrusive.
- 15.6 The Montessori pre-school has its main building, external play spaces and parking directly adjoining residential gardens. The nursery operates daily from 8am-6pm providing for children below school age. The existing use of the site will not be changed and on account of the separation distances, the proposal is unlikely to result in an increase in noise and disturbance that would harm neighbouring amenity.
- 15.7 For these reasons the proposal is considered to be acceptable in accordance with policy HE2 of the CED Local Plan and unlikely to result in an increase in noise and disturbance to occupants of neighbouring residential properties.

**16.0 Conclusion**

- 16.1 Taking into account the considerations set out above, the application is found to accord with the development plan and national planning policy and guidance.
- 16.2 This site falls within the urban area of West Parley, identified as a main settlement in Policy KS2 of the Local Plan, being a sustainable location where development is supported. The site is therefore a suitable location for development
- 16.3 The building will be appropriate in scale and design in relation to the existing buildings
- 16.4 The existing use of the site will not be changed and on account of the separation distances the proposal is unlikely to result in an increase in noise and disturbance that would harm neighbouring amenity.
- 16.5 For these reasons the application is considered to accord with policy HE2 of the Local Plan. There are not considered to be any matters which would warrant a refusal of planning permission in this case and the application is therefore recommended for approval.

## 17.0 Recommendation

Grant subject to the following 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:

- 0064-001 Location plan
- 0064-003a Proposed site plan
- 0064-005b Proposed floor plans
- 0064-007a Proposed elevations

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

3. The development hereby permitted shall be constructed using the materials as set out in the application form and plan no. 0064-007a

Reason: This is required to ensure the satisfactory visual relationship of the new development to the existing

### Informative Notes:

1. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

2. Informative: National Planning Policy Framework Statement

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 application was acceptable as submitted and no further assistance was required.

### Background Documents:

Case Officer: Diana Mezzogori- Curran

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

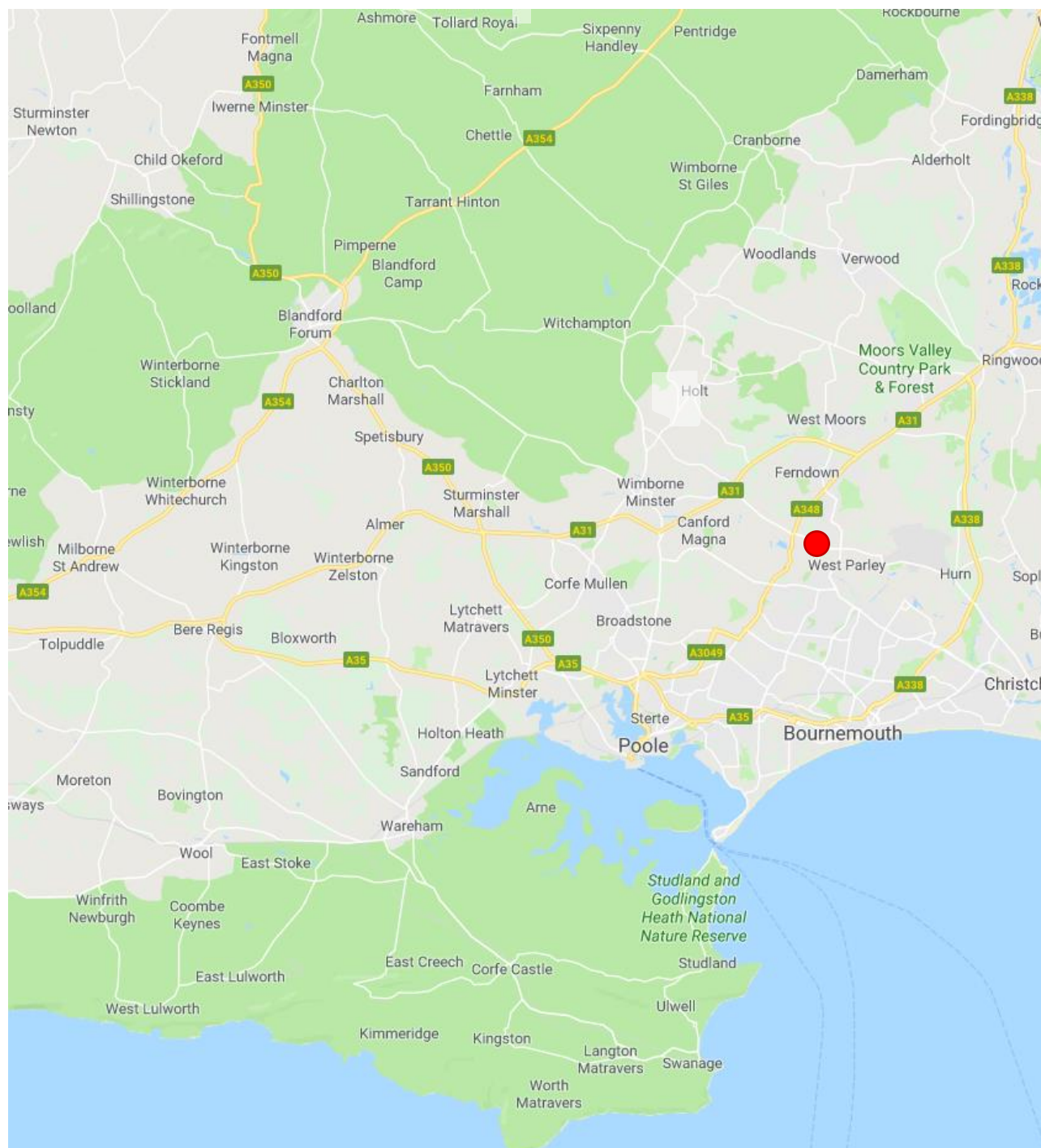


● Approximate Site Location

Application reference: P/FUL/2021/04102

Site address: Pear Tree Nursery School Parley First School, Glenmoor Road Ferndown  
BH22 8QD

Proposal: Demolition of existing nursery structures and construction of replacement  
nursery building.



This page is intentionally left blank

<b>Application Number:</b>	P/FUL/2021/03912		
<b>Webpage:</b>	<a href="https://dorsetforyou.com/dorsetcouncil.gov.uk">Planning application: P/FUL/2021/03912 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Hayeswood First School, Cutlers Place, Colehill, Wimborne BH21 2HN		
<b>Proposal:</b>	Formation of a new vehicle entrance, relocate existing pedestrian entrance and reformation of the car park and car park spaces. New access ramp, fencing and gates.		
<b>Applicant name:</b>	Lisa Nethercott, Dorset Council		
<b>Case Officer:</b>	Ellie Lee		
<b>Ward Member(s):</b>	Councillor Dover and Councillor Roe		
<b>Publicity expiry date:</b>	13 December 2021	<b>Officer site visit date:</b>	Photos provided
<b>Decision due date:</b>	24 March 2022	<b>Ext(s) of time:</b>	Yes

1.0 This application is before the Planning Committee for consideration as the Applicant is Dorset Council.

2.0 **Summary of recommendation:**

Grant, subject to conditions.

3.0 **Reason for the recommendation:** as set out in paras 15 & 16 at end of this report.

- The proposal will be of public benefit as it re-routes the accessible pedestrian route away from vehicle routes into and out of the school site.
- The location is considered to be sustainable and the proposal is acceptable in terms of its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity, landscape or highway safety
- There are no material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Scale, design, impact on character and appearance	Acceptable- in accordance with Local Plan policy HE2.
Impact on amenity	Acceptable- in accordance with Local Plan policy HE2.
Impact on landscape and trees	Acceptable- in accordance with Local Plan policies HE2 and HE3.
Access and Parking	Acceptable- in accordance with Local Plan policies KS11 and KS12.

#### 5.0 Description of Site:

- 5.1 Hayeswood First School is an established educational facility, located to the north-western side of Cutlers Place, within the urban area of Colehill (within the red line boundary), located approximately 80 metres south of Middlehill Road.
- 5.2 The application site is largely rectangular, and the size of the red line site boundary is approx. 12,600m<sup>2</sup> / 1.26 hectares (ha).
- 5.3 The size of the red line and blue line site boundaries combined is approximately 13,860m<sup>2</sup> / 1.39 ha.



*Extract from submitted Block Plan (above)*

- 5.4 The existing school is set back from the street, and the land levels on the site rise to the north & north-east. The site lies opposite semi-detached chalet bungalow which are located within Cutlers Place and Sunnybank Drive.

- 5.5 Tree Protection Orders (TPOs) are located towards the front of the site (ref: CO/15, group A3).
- 5.6 The existing car parking on site provides space for 24 vehicles.
- 5.7 The existing boundary treatment is a mix of brick and timber fencing to the front and side boundaries.
- 5.8 A children's residential care facility is located adjacent beyond the north-eastern red line site boundary (within the blue line boundary). This facility is also owned by Dorset Council.
- 5.9 The land levels increase in height from the existing car park level up to the north-east side boundary with a bank sloping upwards. To the side of the north-east red line site boundary (at the front of the site), is a detached chalet bungalow dwellinghouse (8 Cutlers Place), which is separated by timber fencing.



Overhead view of Hayeswood First School

Main School site

Residential care facility

**Aerial Plan - Extract from submitted Planning Statement (above)**

## 6.0 Description of Development:

6.1 This is a full planning application for the following proposed works:

- New boundary fencing and gates at 1.8 metres high, to secure the perimeter (timber in a post and rail style, with powder coated metal gates set on brickwork piers)
- Formation of a new relocated separate pedestrian entrance from Cutlers Place into the school site (located to the north-westerly part of the front boundary), with an accessible ramp (red engineering brickwork to the perimeter and steel powder coated handrails with soft touch coatings).
- Re-formation of the car park & parking spaces, to improve vehicle circulation space.

- Vehicle entrance to the school (marked out with tarmacadam with white and blue markings) in a similar located to the existing vehicular entrance.
- New fencing and gates to the front and side boundaries to the school.
- New separate access route will be formed into the residential care facility, which will be separated from the school site by the proposed fencing.
- Existing trees will be pruned where required to allow for proposed access routes, and one tree will be removed as per the submitted drawings.
- The Planning Statement sets out that ‘*A ramp may be formed from the pavement to the new pedestrian route.*’

## 7.0 Relevant Planning History:

Application No.	Proposal	Decision	Date
3/19/0862/FUL	Change of use of redundant family centre (D1) into childrens residential care facility and office space (mixed C3/D1).	Granted	02/12/2020
	Note: <i>The existing building at 10 Cutlers Place is currently the detached residential care facility to the north of the school. (See Aerial Plan within the submitted Planning Statement). This is located within the blue line site boundary.</i>		
3/16/0819/TTPO	Sgl/1 (T1) Rowan - Fell. Sgl/8 (T2) Lime - Remove base suckers and epicormic growth. Sgl/76 (T3) English Oak - Crown reduction by 3m.	Split decision	08/07/2016
03/98/0426/FUL	Increase height of wall with fencing & provide gate new a1 size school entrance sign	Granted	26/06/1998
03/97/0488/FUL	1.5m chain link fencing to part front boundary & part side boundary.	No objection	27/08/1997
03/93/1085/FUL	Erect portable outbuilding to provide nursery facility on school campus,	Granted	02/02/1994

## 8.0 List of Relevant Constraints:

- Within urban area of Wimborne and Colehill
- Tree Protection Orders (TPOs): CO/15, group A3 towards the front & north-east side of site
- Dorset Environmental Record Centre - Wildlife species: Eurasian Badger
- Nearby streets are Class D
- Heathland 5 km zone consultation area



## 9.0 Consultations:

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

### Consultees

#### 1. DC - Highways

No objection, subject to following conditions (received 29/11/2021)

Conditions suggested by the Highways Officer relate to turning, parking and the set back of gates. These conditions would ensure that highways safety is not adversely impacted upon, that vehicles can be safely parked clear of the public highway and prevent the interruption to the flow of traffic.

#### 2. DC - Trees (Team C)

No objection (received 26/01/2022)

*Generally comfortable with the approach being taken. While there are some lesser trees affected, I feel that the scheme is reasonable on tree grounds and as such I have No Objection to the scheme.*

#### 3. Colehill Parish Council

No objection (received 24/11/2021)

*We fully support this application.*

### Representations received

A Site Notice was displayed in situ on 22 November 2021 and no responses were received during the consultation period.

No letters of representation from third parties have been received.

## 10.0 Relevant Policies

### 10.1 Adopted Christchurch and East Dorset Local Plan: Local Plan

The following policies are of relevance in this case:

KS1	Presumption in favour of sustainable development
KS2	Settlement Hierarchy
HE2	Design of new development
HE3	Landscape Quality
KS11	Transport and Development
KS12	Parking Provision

10.2 Neighbourhood Plans  
N/A

10.2 Supplementary Planning Guidance  
N/A

**10.3 Other Material Conservations:**

10.4 National Planning Policy Framework (NPPF) 2021

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 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 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.

10.5 National Planning Policy Guidance (NPPG)



## 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 proposed access ramp ensures that people with disabilities or mobility impairments and those pushing buggies are accommodated with the off-road footpath link through the north-east side of the school car park.

## 13.0 Financial benefits

N/A

## 14.0 Climate Implications

14.1 There will be some climate implication from the construction work, but this would only be for the duration of the works, prior to completion.

14.2 The proposals will help to future proof the existing school as an educational facility, in terms of accessibility, capacity and safety, serving the local community. The proposals are small in scale and sustainable in terms of both the construction and the location. For these reasons the proposal is not considered to have a significant impact upon climate change, once the development is complete.

## 15.0 Planning Assessment

The main issues concerning this application are :

- Principle of development
- Scale, design, impact on character and appearance
- Impact on amenity
- Impact on landscaping and trees
- Access and Parking

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

### Principle of Development

- 15.1 Paragraph 11 of the NPPF (2021) and Local Plan Policy KS1 both place a presumption in favour of sustainable development.
- 15.2 As the site falls within the main urban area of Colehill, as identified in Local Policy KS2 of the Local Plan, it is in a sustainable, suitable and appropriate location where such development is supported.

### Scale, design, impact on character and appearance

- 15.3 The proposed fencing would be 1.8 metres high to the front boundary and also to the side north-east side of the proposed pedestrian access to the side of the car park. The fencing would separate the school site and the access to the residential care facility and is proposed to be twin wire welded mesh panels. The gates to the main entrance and the new pedestrian route are proposed to match the proposed fencing.
- 15.4 The proposed accessible ramp forming part of the new pedestrian route comprises of red engineering brickwork and steel powder coated handrails with soft touch coatings, which will form part of the new pedestrian entrance through the school site from the existing pavement to Cutlers Place.
- 15.5 The vehicle entrance to the school (which will be in the same location as the existing vehicle entrance to the car park) will be constructed with tarmac and marked with white and blue markings.
- 15.6 To the north-east side of the school's new pedestrian access, is the proposed new independent access route into the residential care facility lead. The residential care facility is located within the blue line boundary.
- 15.7 Any proposed fencing which overlaps the red and blue line boundary far into the site (to the rear of the car park) would be permitted development.
- 15.8 Whilst the proposed fencing, gates, vehicle access, pedestrian access and the ramp would be visible within the street scene and the public realm, there would not be a

resultant harmful visual impact upon the appearance of the site or its location, due to the design and the nature of the proposals.

- 15.9 The proposed fencing and gates would be of an appropriate scale, form, design and materials, in relation to the existing buildings, landscaping and surrounding area. Therefore, the proposal would accord with Policy HE2 of the Local Plan and also with section 12 of the NPPF (2021).

#### Impact on amenity

- 15.10 No representations have been received from third parties and Colehill Parish Council supports the proposals with no objections.
- 15.11 The location, siting, scale and form of the proposed works will not result in any increased harm to neighbouring amenity in terms of noise disturbance, privacy or overlooking, than existing.
- 15.12 The proposed works are typical for schools within Dorset and would not result in a harmful visual impact and would not appear intrusive to nearby occupants.
- 15.13 The proposals would not change the opening hours to the school and the separation distances to neighbouring occupants are sufficient to avoid harmful impacts to neighbouring amenity for nearby occupants, in terms of noise disturbance.
- 15.14 Therefore, the proposals are considered to be acceptable and it is not anticipated that there would be a harmful increase of noise or disturbance to the occupants of neighbouring residential properties. As such, the proposals would accord with Policy HE2 of the Local Plan and with section 12 of the NPPF (2021).

#### Impact on landscaping and trees

- 15.15 The submitted Planning Statement sets out that existing trees will be pruned where required to allow for proposed access routes, and one tree will be removed as per the submitted drawings.
- 15.16 The Council's Tree Officer considers that whilst some lesser trees may be affected by the proposals, the proposed works are acceptable, and has no objection to the scheme.
- 15.17 The proposal would accord with Policy HE3 of the Local Plan as it would not negatively impact on the landscape.

#### Access and Parking

- 15.18 The aim of the scheme is to improve pedestrian access and make the existing car park safer. The proposed vehicular layout would be one-way and would be generally separated from the pedestrian routes. In addition, the proposed fencing to the north-east of the proposed pedestrian access to the school would separate the school site from the proposed vehicle access to the residential care facility.

- 15.19 The proposal would result in a total of 21 parking spaces, which would be an overall loss of 5 parking spaces from existing car park provision of 26 spaces, but it is acknowledged that the former family centre previously used 2 of these spaces. At present, the residential care facility (within the current blue line boundary) has 4 designated on-plot parking spaces which were approved under planning application 3/19/0862/FUL for the *'Change of use of redundant family centre (D1) into childrens residential care facility and office space (mixed C3/D1).'*
- 15.20 The proposal under consideration would therefore result in a net loss of 3 parking spaces for the school (24 – 3, excluding the 2 spaces previously used by the former family care centre), with a total of 21 proposed car parking spaces. Dorset Council's Non-Residential Parking Guidance sets out that schools should provide 1 parking space per 2 full time staff, plus 1 visitor and 1 accessible space.
- 15.21 The Agent provided the following information regarding the numbers of current employees at the school:
- 3 full time
  - 27 part time staff - 10 FTE, working at 37% of full time hours (27 x 37% = 10)
- 15.22 As the mix of full time and part time staff would be equivalent to 13 full time employees (3 + 10), and as there are 21 parking spaces proposed, this would be 8 parking spaces above the minimum required within Dorset Council's Non-Residential Parking Guidance (plus additional spaces for visitors and also for accessible parking). The proposed 21 parking spaces is therefore appropriate.
- 15.23 Despite the loss of parking spaces within the school car park, the proposal provides a safer, more accessible layout for pedestrians accessing the site and it is also acknowledged that there are other sustainable options for employees and visitors to travel to and from the school. As such, the overall benefits of the proposal including improved pedestrian access and the option of more sustainable modes of transport would outweigh the minimal loss of parking provision within the school car park.
- 15.24 The Council's Highways Officer has no objection to the proposals, subject to the imposition of a turning and parking condition as well as a condition requiring gates to be set back, which would ensure that there are no adverse impacts with regards to highway safety.
- 15.25 Therefore, subject to conditions to secure the parking layout (no. 4) and ensure any gates are appropriately located (no. 5), the proposal would be acceptable and would generally accord with Local Policies KS11 and KS12.

## 16.0 Conclusion

- 16.1 Further to the considerations set out above, the proposals are found to accord with both local and national planning policies and guidance.

## 17.0 Recommendation

Grant subject to the following 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:

467-P-101 Site Location Plan

497-P-102 Block Plan

497-P-103 Existing & Proposed Plans, revision A

497-P-104 Proposed Plan with Overlay of Existing Layout, revision A

Sections 4 (Proposed Materials), 4.1 (Fencing Type), 4.2 (Gates), 4.3 (Ramp) and 5 (Trees) of the submitted Planning Statement by Coomber Associates Ltd.

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

3. The external materials to be used for the fencing, gates, ramp, vehicular routes and the pedestrian routes shall be similar in colour and texture to the materials set out in the sections 4 (Proposed Materials), 4.1 (Fencing Type), 4.2 (Gates) and 4.3 (Ramp) of the submitted Planning Statement by Coomber Associates Ltd.

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

4. Before the development hereby approved is utilised the turning and parking shown on Drawing Number 467-P-103 (revision A) must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

5. Any entrance gates must be set back a minimum distance of 5.00 metres from the edge of the carriageway and hung so that the gates can only open inwards.

Reason: To enable a vehicle to be parked clear of the public highway whilst the gates are opened or closed, preventing possible interruption to the free flow of traffic.

**Informative Notes:**

1. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

2. Informative: National Planning Policy Framework Statement

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/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

3. 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.

**Background Documents:**

Case Officer: Ellie Lee

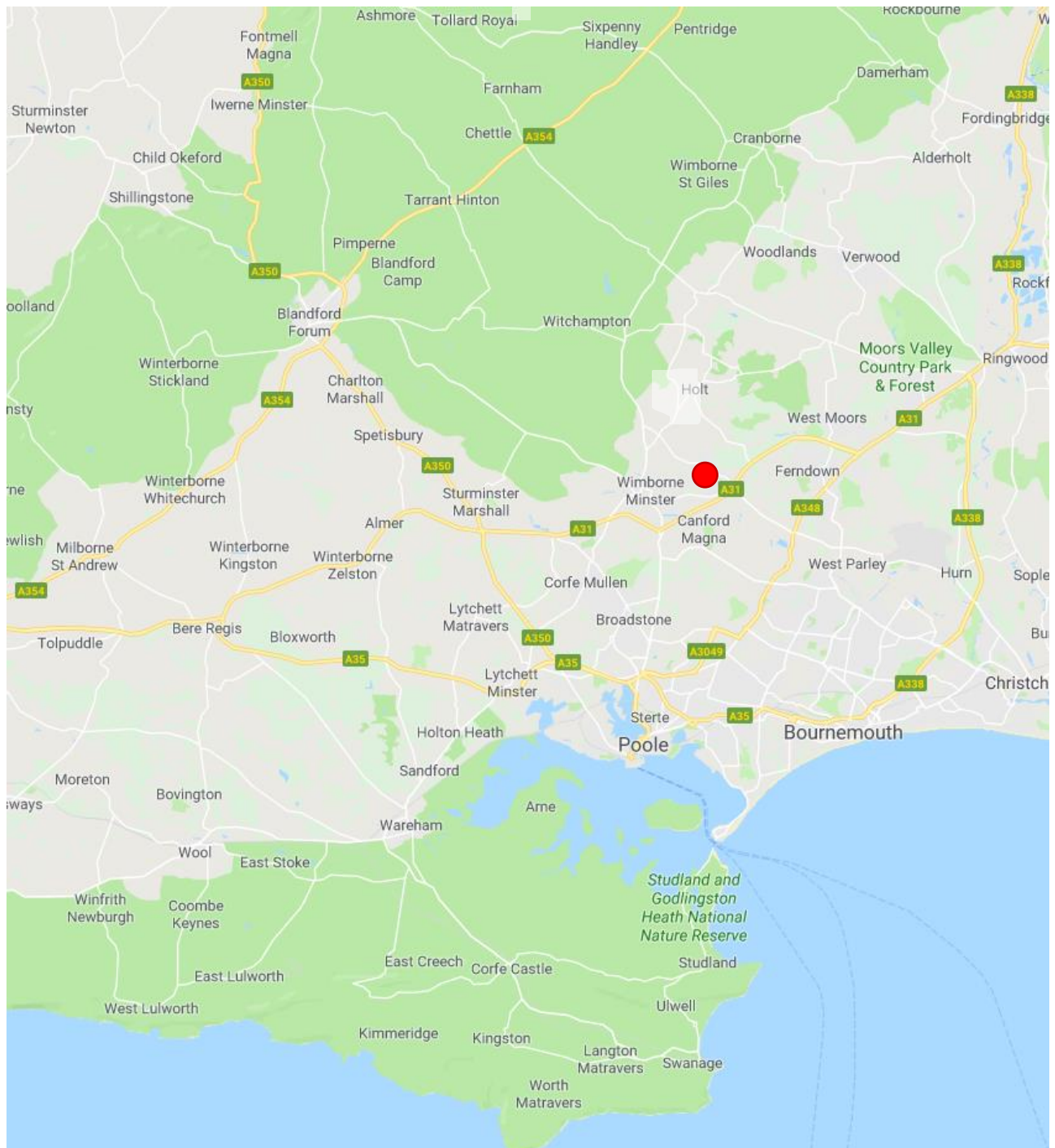
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

● Approximate Site Location

Application reference: P/FUL/2021/03912

Site address: Hayeswood First School, Cutlers Place, Colehill, Wimborne BH21 2HN

Proposal: Formation of a new vehicle entrance, relocate existing pedestrian entrance and reformation of the car park and car park spaces. New access ramp, fencing and gates.



This page is intentionally left blank