



Eastern Area Planning Committee

Date: Wednesday, 22 February 2023
Time: 10.00 am
Venue: The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

Members (Quorum)

Mike Barron, Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), 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 contact Democratic Services
Meeting Contact megan.r.rochester@dorsetcouncil.gov.uk

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

For easy access to all the council's committee agendas and minutes download the free public app called Modern.Gov for use on any iPad, Android, and Windows tablet. Once downloaded select Dorset Council.

Agenda

Item	Pages
1. APOLOGIES	
To receive any apologies for absence	
2. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other registrable or personal interest as set out in the adopted Code of Conduct. In making their decision councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	
3. MINUTES	5 - 12

To confirm the minutes of the meeting held on Wednesday 11th January 2023.

4. PUBLIC PARTICIPATION

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.

[GuidanceforspeakingatPlanningCommittee.doc.pdf](#)
(dorsetcouncil.gov.uk).

The deadline for notifying a request to speak is 8.30am on Monday 20th February.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

6. 6/2021/0342- SWINEHAM FARM, WAREHAM 13 - 32

Use of lake for recreational activities (outdoor swimming) and retrospective siting of shipping container to provide changing room facilities.

7. 3/16/1446/FUL- LAND AT RINGWOOD ROAD ALDERHOLT 33 - 48

Modify a Planning Obligation (dated 10 October 2017) for planning permission 3/16/1446/OUT ("Outline planning permission for the demolition of The Hawthorns former horticultural nursery and bungalow and erection of up to 60 dwellings (including up to 50% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, primary vehicular access off Ringwood Road, pedestrian access off Broomfield Drive and associated ancillary works.

All matters to be reserved, with the exception of the site access points") to reduce affordable housing provision from 50% to 15% (as 7 Affordable Rent homes); secure a Viability Review; secure a Biodiversity Compensation Payment; and secure the provision of Suitable Alternative Natural Greenspace (SANG). (Description amended 10 Feb 2023).

8. P/FUL/2022/04609 - WAREHAM RIVERBOATS 49 - 66

Replace storage kiosk. Retention and relocation of Bamford's Water Pump. Demolition of stone and concrete plinth.

9. P/FUL/2022/04531 - HOLTON HEATH GARAGE 67 - 86

Extension of existing Class E retail unit.

10. PHOU202206160- 3A LIGHTHOUSE ROAD

87 - 102

Proposed single story rear and side extension with alterations to form first floor balcony above. Replacement of glazed balustrade and flat roof to existing balcony. New vehicular access from Lighthouse Road.

11. 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.

12. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended)

The public and the press will be asked to leave the meeting whilst the item of business is considered.

This page is intentionally left blank



EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 11 JANUARY 2023

Present: Cllrs Mike Barron, 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 Julie Robinson

Also present:

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

Philip Crowther (Legal Business Partner - Regulatory), Kim Cowell (Development Management Team Leader), Elaine Tibble (Senior Democratic Services Officer), Naomi Shinkins (Planning Officer), Joshua Kennedy (Apprentice Democratic Services Officer) and Steve Savage (Transport Development Manager)

316. Apologies

Apologies for absence were received from Cllr Julie Robinson. For the afternoon session, apologies for absence were received from Cllrs Barry Goringe, Mike Dyer and Bill Trite.

317. Declarations of Interest

For the Arne application, the RSPB was the landowner. Cllrs Bartlett, Brenton, and Tooke declared that they were all members of the RSPB. As the councillors were not directors, trustees, or management of the charity, the Senior Lawyer advised that it was appropriate for councillors who were members of the RSPB to take part in the discussion and decision.

318. Minutes

The minutes of the meeting held on Wednesday 7th December 2022 were agreed and signed.

319. 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.

320. Planning Applications

Members considered written reports submitted on planning applications as set out below.

Application No: P/FUL/2022/05149 - The Moors at Arne East of the community of Ridge and North of Arne Road

- a) The Case Officer presented to members the creation of intertidal habitat and restricted tidal exchange shallow saltwater lagoons, through managed realignment involving selective breaching of existing tidal embankments. The provision of new set-back earth embankments, including the provision of flapped surface water outfalls, tidal exchange culverts, and an improved channel and outfall for the Furzebrook Stream. The formation of permissive footpaths and screens for public to view birds from, maintenance access tracks and the provision of associated gates, fences, and boundary treatment works.

An update was provided by the Case Officer as follows:

- Environmental Statement Chapters 1-4 will be added to condition 2 as an approved document
- Condition 9 updated as presented
- Condition 22 is a duplicate of condition 15 and should be a sand lizard condition as presented.
- An updated HRA has been provided by the MMO requiring conditions presented instead of conditions 23 and 24
- Recommendation after paragraph 15. 14.3 should read as underlined:
A) 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: to secure biodiversity compensation payment and the conditions noted below.

With the aid of visual representation, members were shown the location and design of the proposed site. Details regarding neighbouring properties were also provided. The Case Officer informed members that the site was predominately grassland and was mostly owned by the RSPB. The importance of the site was discussed due to rising sea levels, The Case Officer believed that the site had potential to deliver environmental habitats.

Members were informed that the appearance of the site would change from grassland to intertidal with footpaths, viewing points, new habitats, and creeks. The most significant change would be the embankments. The Case Officer informed members that existing materials on the site would be used if fit for purpose to help create the new embankments. The Case Officer informed members of the visual impacts of the site. Members were informed that the construction period would be approximately 3 years and a result of this led to cause temporary visual impacts. In addition to this, traffic on local roads would also increase throughout the construction period. The Case Officer also provided details regarding proposed parking. Members were shown pictures of new footpaths and the informal crossing into the permitted route. Dorset Council Highways had been consulted and raised no concerns or objections.

The presentation also included details regarding the significant amount of wildlife habitats being lost. The Case Officer informed members that the loss of habitats require compensation. Members were informed that a financial contribution would need to be secured if approval was granted. In addition to this, members were also informed of concerns raised regarding neighbouring amenity and noise. They were assured that an assessment was carried out for concerns raised. The applicant had agreed to provide noise mitigation and members were informed that this had been secured by condition in the officer's report.

The Case Officer highlighted the need for the location had been established by the hold the line policy. She discussed the benefits that the site would have on the area, in particular the creation of wildlife and coastal habitats, prevention of flooding from the harbour and some increase in public access to the site via restricted permissive paths. The recommendation was to approve planning permission subject to conditions and legal agreement to secure the required compensation payment or refuse if legal agreement is not secured.

Public Participation

Members of the public and the applicant spoke in favour of application. They highlighted the climate emergency and believed that the project would help support this. They recognised issues raised but believed that the proposal was necessary to protect the environment and biodiversity. The importance of the design and planning was highlighted. Members of the public praised collaboration between the local people and officers. They agreed that the site provides many benefits. The applicant discussed the threat of rising sea levels and informed members of obligations to support the environment. They hoped that members would support the application.

The Local Ward member, Cllr Beryl Ezzard, discussed the importance of the hold the line policy and believes that the moors would develop this. She noted that the site was a complex project which would have directly impacted the area. Cllr Ezzard highlighted the importance of monitoring and reviewing in line with Arne Parish Council comments

Members questions and comments

- Members praised the scheme as a good response to climate change and believed it would become a great tourist attraction
- Concerns regarding the limited number of parking spaces and the sufficiency of limited disabled parking.
- Members asked for clarification regarding connecting footpaths to the site and car parks.
- Management for no dog signage on the site was raised.
- It was considered to be an effective nature reserve in a popular area.
- Mitigation of flooding was discussed.

- Members questioned as to whether materials taken from site would have been fit for purpose and sufficient. The case officer advised it is anticipated to be, but a contingency is allowed for some soil to be brought in
- References to condition 21 were made.
- Changes to condition 16 were made to include the wording 'The monitoring strategy will cover a period of a minimum of 10 years beyond completion of the development'.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to grant was proposed by Cllr David Tooke and seconded by Cllr Robin Cook.

Decision:

A To grant planning 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 a secure biodiversity compensation payment and conditions outlined in the officer report as amended and updated at the officer presentation to Committee.

Application No 3/21/1115/FUL - 184 RINGWOOD ROAD, ST LEONARDS AND ST IVES, BH24 2NR

- b) The Case Officer presented to members the demolishing of existing residential buildings and erect block of 15 apartments with parking, bin, and cycle stores.

The Case Officer gave an update regarding the waste scheme. Members were informed that the current waste arrangement didn't comply however this could have been resolved by movement of the bin store or the option of private waste collection.

With the aid of visual representation, members were shown aerial photographs of the site as well as neighbouring amenities. In addition to this, the presentation included details regarding the proposed site layout, design of dwellings as well as street scenes which showed how the proposal would look. Details regarding retaining most trees on the site was also discussed, members were informed that some trees would be removed. The Case Officer also provided information regarding refuse vehicles and informed members that the site had no impacts on neighbouring amenities. Members were informed that there were no objections from National Highways or Dorset Council Highways, therefore the recommendation was to approve planning permission subject to conditions set out in the officer report or refuse if a section 106 is not secured.

Public Participation

Representations of the public spoke in objection of the development. They raised their concerns regarding the site contributing to an already busy and dangerous road. This concerned residents as a serious safety issue. They also believed that the development would become an unwelcome precedent to the area and would ruin tranquillity and create noise pollution. The objectors didn't see how the development referred and acknowledged the local planning policy. They didn't believe it was in an acceptable location and hoped for the proposal to be refused.

The agent spoke in support of the development. He informed members that careful consideration had been made to make access to the site safe. He also discussed onsite parking; he believed that 15 parking spaces would support the site comfortably. In addition to this, the agent also informed members that the development was designed to create visual interest and that a retaining existing vegetation to the frontage would reduce visual impact. Members were informed that the applicant agrees to the conditions set out in the officer's report and believed that the proposal would have provided improved landscaping. The agent hoped the committee would approve planning permission.

Members questions and comments

- Concerns regarding parking spaces are not sufficient for the number of flats and visitors.
- Concerns regarding the site being next to a busy and dangerous road.
- Financial contribution to affordable housing was a very low figure. The development didn't contribute to affordable housing or conform with the neighbourhood plan.
- Concerns regarding access the proposed development.
- Clarification of refuse vehicles and how it would be managed.
- Confirmation as to whether the site was shared access or not.
- Members requested information regarding nearby public transport.
- Members discussed the lack of parking spaces and requested to revisit the parking policy as they didn't believe it was fit for purpose.
- Questions regarding if an area character assessment had been carried out.

In accordance with Procedural Rule 8.1 the committee voted to extend the duration of the meeting.

Steve Savage, DC Highways, addressed concerns and comments made regarding highways. Members were informed that the development complied with the highways safety requirements and National Highways have raised no objection. He also informed members that site access had been widened to ensure a car and refuse vehicle could pass. National highways were satisfied with the information provided.

An additional concern raised was the submitted viability assessment and

whether this should be given weight as per paragraph 58 of the NPPF. Officers could not answer this question during the meeting and the application was therefore proposed to be deferred as proposed by Cllr Robin Cook and seconded by Cllr Alex Brenton.

Decision: To defer this item to the next meeting.

**Application No: 3/21/1566/RM - Land south of Leigh Road Wimborne
Dorset BH21 2DA**

- c) The Case Officer presented to members the approval of reserved matters application in respect of appearance, layout scale and landscaping following outline planning application 3/18/3305/FUL for residential development of 174 dwellings with associated roads, parking, turning and amenity areas: provision of public open space and landscaped areas.

An update was provided as follows:

- The recommendation for approval has been updated:
Grant subject to the previously noted conditions and confirmation from an independent valuer that the proposed change to the open market unit mix does not substantially increase the developer profit and that the issue of any decision to grant be delegated to Officers (in consultation with the Chair and Vice Chair) and the previously noted conditions.
- An informative in relation to drying areas has been added:
The applicant is advised outdoor drying areas should be provided for apartment blocks where possible

With the aid of visual representation, members were shown details of the site location, an aerial view of the site altogether with views from the highway and detailed access to the site. In addition to this, members were also shown designs of the dwellings and garages. Details regarding the materials used was also discussed, members were informed that they would be in keeping with other nearby developments and affordable housing units would use the same materials to help integration on the site. The Case Officer informed members that the affordable housing complied with the local plan and section 106 agreement however there were changes to the open market mix.

In addition to this, members were given details regarding hedgehog highways, parking, and public open spaces. Mitigation had been considered for protected species. The Case Officer also provided details regarding flooding and refuse vehicles. The Recommendation was to approve planning permission subject to conditions in the officer's report.

Public Participation

The applicant outlined to members the benefits that the new residential development would bring to Wimborne. She discussed the need for

affordable housing and explained that the site responded to this need by the provision of 49 affordable housing units. Members were also informed that the approval of the site would mean community benefits such as a new open space and leisure services which residents could rely on. Ms Lobacz also discussed that after 18 months of collaboration and careful consideration, the site had been appropriately designed and was the final part of the development. She reiterated to members that the proposed 174 dwellings were in a sustainable urban location and hoped that they would approve planning permission.

Members questions and comments

- Members discussed the shortage and need of affordable housing with 4-bedroom affordable homes.
- Members praised the development and believed it would benefit the area.
- Location of affordable housing on site as well as dark corridors for bats and footpaths.
- Clarification of distance from local amenities to the site.
- Members discussed refuse vehicles and were pleased to be informed that there were no objections.
- Landscaping and materials of the roads.
- Garage sizing for the dwellings.
- Comments were made regarding climate emergency. Members wanted clarification on communal drying area.
- Management of land drainage run off from the river Stour.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, as motion to grant was proposed by Cllr David Morgan and seconded by Cllr Robin Cook and matters relating to viability evidence were delegated to Officers as set out in the updated Officer recommendation

Decision: Grant subject to the previously noted conditions and confirmation from an independent valuer that the proposed change to the open market unit mix does not substantially increase the developer profit and that the issue of any decision to grant be delegated to the Service Manager for Development Management and enforcement of the Head of Planning (in consultation with the Chair and Vice Chair) and the previously noted

321. **Urgent items**

There were no urgent items.

322. **Exempt Business**

There were no exempt items.

Appendix- Decision Sheet

Duration of meeting: 10.00 am - 2.50 pm

Chairman

.....

Agenda Item 6

Eastern Planning Committee
22 February 2022

Application Number:	6/2021/0342		
Webpage:	Planning application: 6/2021/0342 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Swineham Farm, Bestwall Road Wareham BH20 4JD		
Proposal:	Use of lake for recreational activities (outdoor swimming) and retrospective siting of shipping container to provide changing room facilities.		
Applicant name:	Mrs Cheryl Weeks		
Case Officer:	Graham Parkinson/Elizabeth Adams		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	25 October 2022	Officer site visit date:	Various- latest 11 January 2023
Decision due date:	22 September 2021	Ext(s) of time:	23 February 2023

1.0 The Nominated Officer has determined that this application should be referred to the Planning Committee.

2.0 Summary of recommendation:

GRANT planning permission subject to conditions.

3.0 Reason for the recommendation:

- The use of the lake for recreational swimming in the summer months represents an appropriate recreational use in the Green Belt while retention of the container body and informal car park represents reasonable small ancillary development that does not harm the openness of the Green Belt.
- The small size and unobtrusive siting of the container body and car park has no significant impact on the rural and landscape character of the AONB.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Accords with the NPPF and policies CO and LHH of the Purbeck Local Plan
Impact on Green Belt	Acceptable
Impact on Dorset AONB	Acceptable
Amenity	Acceptable

Highways and parking	Acceptable
Impact on wildlife	Acceptable subject to conditions and varied legal agreement

5.0 Site Description

- 5.1 The application site lies in open countryside to the east of Wareham, accessed via Bestwall Road, the eastern part of which is a private access road to Swineham Farm which also serves a dwelling 'Curlews'. The land lies within the Green Belt and the Dorset Area of Outstanding Natural Beauty (AONB)
- 5.2 The application site partly comprises 0.16ha of land used for informal car parking and the stationing of a container body located at the junction of the public right of way and access track serving Swineham Farm. The application site also includes part of a lake, formed from quarrying, which has been restored to provide a wildlife habitat.

6.0 Description of Development

- 6.1 Retrospective planning permission is sought to use part of the lake (approx. 400m by 60m) for recreational swimming and retain a container body for changing/meeting room use and informal parking area abutting it.

The detailed description of the use is as follows:

- The swimming season starts in Spring (usually April as it is dependent on the water temperature being consistently above 12 degrees C) and always finishes by the 30 September.
 - The open water swim club has two sessions per week on Wednesdays and Saturdays. Wednesday 1700-1900 hrs and Saturday morning 0800-1130 hrs with no more than 25 swimmers at any one time.
 - Bookings are made in advance with no walk-ins allowed.
 - Marked course keep swimmers away from shore and island with buoys removed between sessions.
 - A 23cubic metre shipping container is used for providing a male/female separated changing facility and club reception, painted green to blend in with the landscape. Additional landscaping to be provided adjacent to southern elevation.
 - Area near container accommodates unmarked parking for approximately 20 cars.
- 6.2 The application originally included retention of a toilet structure but during the course of the application this was removed from the site and from the application.

7.0 Relevant Planning History:

6/1988/0373- Appeal Allowed- 1989

Winning and working sand and gravel, construct access road and bridge

Associated legal agreement dated March 1990 stipulating amongst other matters that '*the Conservation Land will forever thereafter be used only for nature and wildlife conservation purposes and for no other purpose*'.

6/2002/477- Granted 14/04/2003

Variation of conditions VIII, XIII, XV & XXXII of Planning Permission 6/88/387 (Dated 19 February 1991) to modify the approved restoration scheme relating to the wildlife lake & conservation area at Swineham and allow the importation of limited quantities of inert quarry waste by backhaul to assist with this.

8.0 List of Constraints

Within Dorset Area of Outstanding Natural Beauty (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 Bournemouth Greenbelt

Within Poole Harbour Nutrient Catchment Area

383m from Poole Harbour SSSI

2.6m from Poole Harbour RAMSAR

<5km from various SSSI which form Dorset Heaths Special Area of Conservation and Dorset Heathlands Special Protection Area

Within Purbeck District Council Heritage Coast

Within Flood Zones 2 and 3

Within Area Susceptible to Groundwater Flooding

Within Minerals and Waste Safeguarding Area

9.0 Consultations

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

Consultees

1. **Natural England - Somerset and Dorset Team** (comments received 20/09/2022)

No objection

- Welcomes and supports the measures proposed within the Biodiversity Plan but remind the Council that account must be had of the legal agreement safeguarding wildlife use of the lake.
- The submitted Biodiversity Plan and its implementation to be secured through a condition as part of the grant of planning permission.

2. **Dorset Wildlife Trust** (comments received 10/09/21 and 16/01/2022)

Objected on the following grounds

- Insufficient ecological information to assess application.

3. **Dorset AONB Team** (comments received 12/10/2022)

- Insufficient details of parking and changing area. Plan of parking area should be provided showing details its layout, surfacing and positioning of the structures.
- Would prefer facilities to be concentrated along the western site boundary with an area of planting to the south of the parking/changing area, thereby helping to mitigate views into the area through the gateway from the bridleway.
- May bring opportunities to improve the appearance of the site through removal of spoil that is presently stored to the north of the parking area and would prefer changing facility to be clad in wood.
- Considers use should be limited in duration and frequency to that proposed.
- May be prudent for temporary permission to granted for a period of 5 years to enable future review of the use and impacts and that use restricted to outdoor swimming only.

4. **Dorset Council - Natural Environment Team** (received 09/11/21)

- Supports Natural England's request for further assessment of bird populations around the lake and a Biodiversity Plan that includes mitigation and net gain measures.

5. **Dorset Council - Highways** (received 12/08/21)

- Advised no objections

6. **Dorset Council- Public Rights of Way** (received 27/01/23)

- No objections but the public right of way must be maintained to the current or higher standard.

7. **Wareham Town Council** (received 27/08/21)

Raises objection on the following grounds:

- Will adversely affect wildlife and as such be contrary to the NPPF and policy BIO of the Purbeck Local plan.
- Container will not positively contribute to rural character of the locality therefore in conflict with NPPF and policy D of the local plan.
- Will generate significant additional traffic on access track which is also a public right of way increasing traffic conflict as a result.
- Remains concerned at the intensification and commercialisation of the area which is counter to the planning designations afforded to the area.

Representations received

Total - Objections	Total - No Objections	Total - Comments
5	124	129

Objectors made the following comments:

- Additional traffic harmful to other users of the public right of way serving the site.
- Retention of van body harms Green Belt and AONB
- Will harm wildlife
- Insufficient safety measures in place and questions how water quality is to be safeguarded.
- No flood risk assessment carried out.

Persons raising no objection made the following comments:

- Use provides a local exercise facility contributing significantly to health and well being of users.
- One of few facilities where safe wild swimming can take place.
- Carried on without harm for past two years.
- Well managed facility which has little impact on wildlife.

10.0 Relevant Policies

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Development Plan

Purbeck Local Plan 2012:

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

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy D: Design

Policy LHH: Landscape, Historic Environment and Heritage

Policy CO: Countryside

Policy BIO: Biodiversity & Geodiversity

Policy DH: Dorset Heath International Designations

Policy PH: Poole Harbour

Policy FR: Flood risk

Wareham Neighbourhood Plan

Policy H4: Nationally, European and Internationally important Wildlife Sites (including Dorset heathlands and Poole Harbour) and protected species and locally important habitats

Policy LDP2: Design of New Development outside Wareham Conservation Area

Policy LDP3: Sustainable Design

Other Material Considerations

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The Purbeck Local Plan (2018-2034) Submission January 2019 ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

- V2: Green Belt
- E1: Landscape
- E4: Assessing flood risk
- E10: Biodiversity and geodiversity
- E12: Design
- I2: Improving accessibility and transport
- I7: Community facilities and services.

Supplementary Planning Documents/Guidance:

Dorset Area of Outstanding Natural Beauty Management Plan 2019-2024

Dorset AONB Landscape Character Assessment

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.

Other 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 13 'Protecting Green Belt land'- new development is inappropriate within the Green Belt unless it meets one of the exceptions within paragraphs 149-150 or very special circumstances outweigh harm to the Green Belt resulting from inappropriateness and any other harm.

- 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). 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.

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 changing room facilities are not large enough to facilitate use by wheelchair users, nor are there facilities to enable such people to enter the water. Whilst this limitation must be given weight in the planning balance under the Public Sector Equalities Duty, due to the sensitive location the changes that would be required to make the facilities inclusive would be unlikely to be appropriate so this is not a reason for refusal.

13.0 Financial benefits:

What	Amount / value
Material Considerations	
None	None
Non Material Considerations	
Business rates	Unknown

14.0 Environmental Implications

14.1 Continued use of the lake for recreational swimming will bring health benefits to local people and supporting information identifies that this can take place without harm to environmental assets. Some additional vehicle movements will be associated with the use.

15.0 Planning Assessment

15.1 The key planning issues relating to continuation of the use of the lake for recreational swimming and retention of the parking area and shipping container to provide changing facilities are as follows:

- Principle of the development
- Impact on Green Belt
- Design and impact on the Dorset AONB
- Impact on biodiversity
- Impact on amenity
- Impact on highway safety

These and other considerations are addressed below.

Principle of development

15.2 The application site lies outside of the Wareham settlement so policy CO of the Local Plan applies. Policy CO states that certain development in the countryside will be permitted where it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements.

15.3 Taking into account the location of the lake in the countryside and the rarity of approved locations for wild swimming, the need for a countryside location for the proposed development is accepted. For the purposes of policy CO the development could also be identified as providing a community facility located close to an existing settlement. The lake lies approx. 700m east of the Wareham settlement boundary.

15.4 Additionally, the proposal accords with the Government's commitment to sport and physical activity as important for the health and well-being of communities and to sustainable leisure development in the countryside. Paragraph 84 of the NPPF states, amongst other things, that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas through sustainable leisure developments which respect the character of the countryside. Paragraph 98 of the NPPF states, amongst other things, that opportunities for sport and physical activity are important for the health and well-being of communities.

- 15.5 Given the above there is no objection to the development in principle to the proposal but it remains to assess its detailed impacts.

Impact of the development on the Green Belt

- 15.6 The site forms part of the Bournemouth Green Belt and as such is subject to the provisions of the NPPF relating to Green Belts.
- 15.7 The NPPF makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 15.8 Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 15.9 Paragraph 149 goes on to say that construction of new buildings is inappropriate in the Green Belt but goes on to set out exceptions to this being, amongst other things, building used for outdoor sport or recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 15.10 Open-air recreational activities are permitted within Green Belts as long as the use and supporting facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (exception (e) NPPF paragraph 150). Para 145 encourages local planning authorities to plan positively for enhanced Green Belt use, such as providing opportunities for outdoor sport and recreation.
- 15.11 The use of the lake for swimming does not involve any built mass that can be seen to impact on the openness of the Green Belt and does not conflict with the aims of the Green Belt. As such it is only necessary to assess the impact of the associated proposed container body and car park.
- 15.12 The container body is required for on-site changing by swimmers and to provide a reception. It therefore provides a supporting function for the use of the lake for recreational swimming purposes. Under para 149 (b) such facilities are not inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The container is modest in proportions- approx. 8m long, 1.7m wide and 1.7m high- so although it has a spatial impact this is very limited. Visually it is well screened to the south and west by hedging while some additional landscape planting would assist to limit impacts in views from the south through the access gate. It is judged that the siting of the container preserves Green Belt openness and will not conflict with the purposes of including land within the Green Belt. It is therefore an appropriate facility benefiting from exception 149(b) of the NPPF so is not inappropriate development in the Green Belt.

- 15.13 The area identified as an informal car parking area is approx. 50m long. It is grassed and there is no proposal to amend the surfacing. It is proposed to accommodate approximately 20 vehicles during swimming sessions and when not being used will have minimal/no visual impact. The limited amount of parking provided is considered proportionate to and necessary to support the proposed recreational swimming use. The material change of use is judged to accord with the exception at NPPF para 150(e) subject to conditions controlling the timings of use of the site so that vehicle parking remains transient.
- 15.14 For the above reasons it is considered that the container body and parking area are reasonable ancillary elements of the swimming use taking place and that their limited visual impact cannot be seen to materially impact on the openness of the Green Belt. As such they are considered to be appropriate development in the Green Belt and do not have to be accompanied by a case of very special circumstances.

Design and impact on the Dorset AONB

- 15.15 The site falls within the Dorset AONB. Paragraph 176 of the NPPF states, amongst other things, that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. Furthermore, the scale and extent of development should be limited, with development sensitively located and designed to avoid or minimise any adverse impacts.
- 15.16 Neighbourhood Plan policy LDP2 requires that '*All new development must demonstrate good quality design which responds to and integrates with the site's context.*' Policy D of the Local Plan similarly requires proposals to positively integrate with their surroundings and policy LHH requires that development will conserve, amongst other things, the setting, appearance and character of landscape assets. '*In considering the acceptability of proposals the Council will assess their direct, indirect and cumulative impacts relative to the significance of the asset affected, and balance them against other sustainable development objectives.*' Where appropriate enhancement will be expected.
- 15.17 The site lies within the Frome Valley Pasture character area which has a strong undeveloped rural character. The overall objective in this area of the Dorset AONB is to conserve the strong open, undeveloped character and the visual unity of the valley. Maintenance of appropriate boundaries is encouraged, with planting and built form to be sympathetic to landscape character

Container body:

- 15.18 The container body abuts the western side of the parking area and is tucked up against a hedgerow running along the access track serving Swineham Farm to the north. It is also set just under 25 metres back from the public footpath to the south but with only end on views available to it from this footpath.

- 15.19 Although the container body has no architectural merit, it is unobtrusively sited with a low profile ensuring that its visual impact is limited. The container is currently painted green and it does not materially impact on the landscape and rural character of the AONB. Although its degree of permanence means that it is being considered as a building, its physical attributes mean that it is reasonable to require its removal from the site in the event that the use of the lake for swimming ceases.

Car park:

- 15.20 This is only to be used when the swimming use is taking place which is limited by the season and by the number of sessions per week so is for relatively short periods outside of which the site will remain as open land. As such it is not considered that its use to date has resulted in material harm to the landscape and the rural character of the AONB.
- 15.21 The AONB Team have raised concerns and have requested further details of the layout of the car park, however officers judge that the informal use of the land would be preferable to any design that required parking to be formalised as this would likely lead to visual impacts outside of the periods of use.
- 15.22 While the AONB Team would prefer facilities to be concentrated along the western boundary, with an area of planting to the south of the parking/changing room building, the application has to be determined as submitted. The site already benefits from boundary screening to the west and south. Additional planting is proposed immediately to the south of the container and with this secured by condition it is considered the impact of the development is nominal and the rural character of the AONB will be preserved.
- 15.23 It is accepted that it would be desirable to improve the appearance of the site through removal of spoil stored to the north of the parking area. Whilst the removal of the spoil is not necessary to make the current proposal acceptable, an informative note will bring the need to remove the spoil to the applicant's attention.
- 15.24 Regarding the suggestion of a temporary 5 year approval, officers note that Planning Practice Guidance is clear that conditions to limit the permission to a temporary period need to be justified, for example by anticipated changes in the planning circumstances or because a trial run is needed in order to assess the effects of the development. The proposed use has already been undertaken at the site without authorisation and this has provided the opportunity to assess the impacts including impacts on protected species and the AONB landscape.
- 15.25 In these circumstances it is not considered necessary to impose a condition limiting the duration of the permission, but a condition requiring the removal of the container body should the use cease is considered appropriate and necessary because this is a temporary structure and to protect the openness of the Green Belt.
- 15.26 The development is therefore considered to comply with the provisions of the NPPF relating to the protection of the AONB and policy LDP2 of the Neighbourhood Plan and policies D and LHH of the Local Plan.

Impact on wildlife.

- 15.27 Policy H4 of the Neighbourhood Plan requires that development must avoid an adverse effect upon the integrity, either alone or in-combination, directly or indirectly on sites designated at a national or international level and on protected species. Features of local nature conservation/biodiversity interest should also be protected wherever possible and appropriately managed. This policy is in accordance with policy BIO and the NPPF requirements.
- 15.28 The lake is in relatively close proximity to internationally designated sites (Poole Harbour and Dorset Heathland). Additionally, the lake provides a significant wildlife habitat in its own right.
- 15.29 A section 106 legal agreement appended to the mineral extraction planning permission required that the lake and surrounding areas should only be used for nature and wildlife conservation purposes. It also requires that the nature conservation interest of the site must be retained in perpetuity.
- 15.30 Natural England has confirmed that the area provides '*supporting habitat for the Poole Harbour SPA bird populations and is likely to be of particular importance in winter supporting breeding birds.*'
- 15.31 The application as originally submitted lacked information on the impact of the use on over wintering birds or mitigation measures to address any impact identified. It was therefore necessary to secure an assessment of the bird populations along with a suitable package of measures to ensure recreational disturbance associated with the use does not harm wildlife interests. It also needed to address monitoring of the breeding and winter bird populations by allowing access for breeding bird surveys and bird ringing activities. Additional information has been provided during the course of the application.
- 15.32 Following Breeding Bird Surveys conducted on the 21st April and the 24th May 2022, Natural England are now satisfied the swimming use is not causing significant effects to the designated features of breeding birds of the Poole Harbour Special Protection Area.
- 15.33 Natural England has advised that any permission granted should take account of the protection provided by the original legal agreement which required the lake "to be used only for nature and wildlife conservation purposes and for no other purpose". Water based activities can disturb water birds with the potential to reduce the ornithological value of the lake.
- 15.34 In order for any planning approval to be lawfully implemented it will be necessary for the applicant to apply to amend the legal agreement because swimming would normally be considered as an "other purpose". Given the site's sensitive location the requirement for a strict nature conservation after-use for this former quarry lake remains, so only recreational swimming should be permitted. This can be secured by the required variation to the existing legal agreement. A condition preventing

swimming from taking place outside the current summer season would also be necessary to protect biodiversity.

- 15.35 A Biodiversity Plan (BP) has also been submitted identifying proposed enhancement measures: a House Martin tower, Tern raft, woodland management and bat boxes.
- 15.36 Although these are to be undertaken outside of the application site area, they are on land within the same ownership and the land owners' agreement has been obtained. A condition to secure the works would meet the test of reasonableness, with the exception of the House Martin tower, which would require separate planning permission due to its scale. The Dorset Natural Environment team who certified the Biodiversity Plan have confirmed that the House Martin tower would be beneficial but is not essential to make the proposal acceptable. An informative note can be added to the decision to encourage a separate planning application for this element.
- 15.37 It is considered that subject conditions restricting the numbers of swimmers and periods when swimming can take place, the use can continue without materially affecting the lake's wildlife. Natural England has confirmed that they are now satisfied that the proposed level of summer activity (April until end of September) is unlikely to have a significant effect on the Poole Harbour SPA / Ramsar Site designated interests. The introduction of bat boxes, a Tern raft and woodland management anticipated in the Biodiversity Plan would result in net gain for biodiversity.

Impact on amenity:

- 15.38 The lake is remote from any dwelling so no harm to amenity is identified from the recreational swimming use of the lake. Concern was raised however that noise and disturbance from cars gaining access to the car park serving the lake was harmful to aural amenity.
- 15.39 Access to the site is gained via Bestwall Road which is fronted by numerous houses before leaving the built up area in the form of a single width track. Beyond this there is one dwelling 'Curlews' fronting this track. It is recognised that the use will result in an increase in traffic, however given the proposed restrictions over the periods in which the activity can take place and the number of swimmers, it is not considered there will be a material erosion to the aural amenity for the residents of this property justifying refusal.

Impact on highway safety

- 15.40 Bestwall Road is a public right of way, footpath SE2/20 & 25. Given the small numbers of people using the proposed swimming facility and that access to the lake is via narrow access road which encourages low speeds, no material conflict with other users of the access road has been identified. It is anticipated that this will continue to be the situation and no objection has been raised by the Dorset Rights of Way Team. In the absence of objection from Dorset Council's Highways team on harm to the free flow of traffic or highway safety in the locality, it is considered the highway impacts of the use continuing are acceptable.

Other issues

- 15.41 Objectors have raised concerns about safety issues. The access road serving the site is large enough for emergency service vehicles. It is the responsibility of the operator ensure that the open swimming use is operated safely.

16.0 Conclusion:

- 16.1 The use of the lake for recreational swimming in the summer months represents an appropriate recreational use in the Green Belt while retention of the container body and informal car park represent reasonable small ancillary development that does not harm the openness of the GB.
- 16.2 It is also considered that the small size and unobtrusive siting of the container body and car park has a nominal impact on the rural and landscape character of the AONB.
- 16.3 Subject to conditions to restrict the number of swimmers and when and where swimming can take place, together with implementation of proposed wildlife enhancement measures the use can continue without materially affecting wildlife.
- 16.4 In the circumstances it is considered an appropriate balance has been struck between enabling the use to continue while ensuring wildlife interests are still given priority. It is therefore recommended that retrospective planning permission is granted.

17.0 Recommendation:

Grant subject to the following conditions:

1. The development hereby approved shall be undertaken only as shown on drawing no: Location Plan Rev B and 5926-SWIM revision A

Reason: To ensure the development remains as permitted in the interests of amenity.

2. The recreational swimming use hereby permitted shall only take place between 1 April and 30 September each calendar year and shall not take place outside of that period.

Reason: In the interests of wildlife.

3. No more than 25 people in connection with the use hereby permitted shall be on site at any one time and no more than 25 people shall swim in the lake at any one time. There shall be no more than 6 hours of swimming sessions in total at the site in any given week.

A written record of swimming sessions and the number of participants at each shall be kept and made available to the Local Planning Authority upon request.

Reason: In the interests of wildlife.

4. Swimming shall only take place in the areas shown on drawing no: 5926 - SWIM scale 1:2500. All marker buoys shall be removed immediately at the end of each swimming session.

Reason: In the interests of wildlife.

5. Within the first planting season (November to March) following the granting of this permission no. 5 *Cornus sanguinea* (Dogwood) shall be planted 0.6m apart alongside the southern edge of the container body.
If any of the plants are removed or dead, dying or diseased in the first five years they shall be replaced with specimens of the same species, same size and in the same location in the next planting season (November to March).

Reason: In the interests of wildlife and visual amenity

6. No external lighting whatsoever shall be placed on the container body or within the red outline areas shown on drawing no: 5926 – SWIN rev A.,

Reason: To safeguard the night-time rural environment and in the interests of wildlife.

7. The container body shall be removed from the site and the land reinstated to its former condition within 6 months of the permanent cessation of the outdoor swimming use.

Reason: To ensure redundant structures are removed in order to retain the openness of the Green Belt.

8. The Lakeside Woodland Management identified in the Biodiversity Plan certified by the Dorset Natural Environment Team on 20/10/2022 shall be undertaken in the summer of 2023 in accordance with the details set out in the Biodiversity Plan.

Reason: In the interests of biodiversity

9. Bat boxes and a Tern raft shall be installed in accordance with the Biodiversity Plan certified by the Dorset Natural Environment Team on 20/10/2022, before 31 December 2024 and shall thereafter be retained.

Reason: In the interests of biodiversity

Informatives

1. The applicant is advised that the lake cannot be lawfully used for swimming as hereby approved until the legal agreement which is in force on the land is varied. Please contact the Case Officer to progress this. A legal fee will be payable.

2. The House Martin Tower proposed in the biodiversity plan would require separate planning permission.
3. The applicants are reminded that driving on a footpath is an offence under Section 34(1) of the Road Traffic Act 1988 unless the express permission of the owner of the footpath has been obtained.
4. The applicants are reminded of the need to maintain the surface of the public right of way which serves the application site.
5. 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.

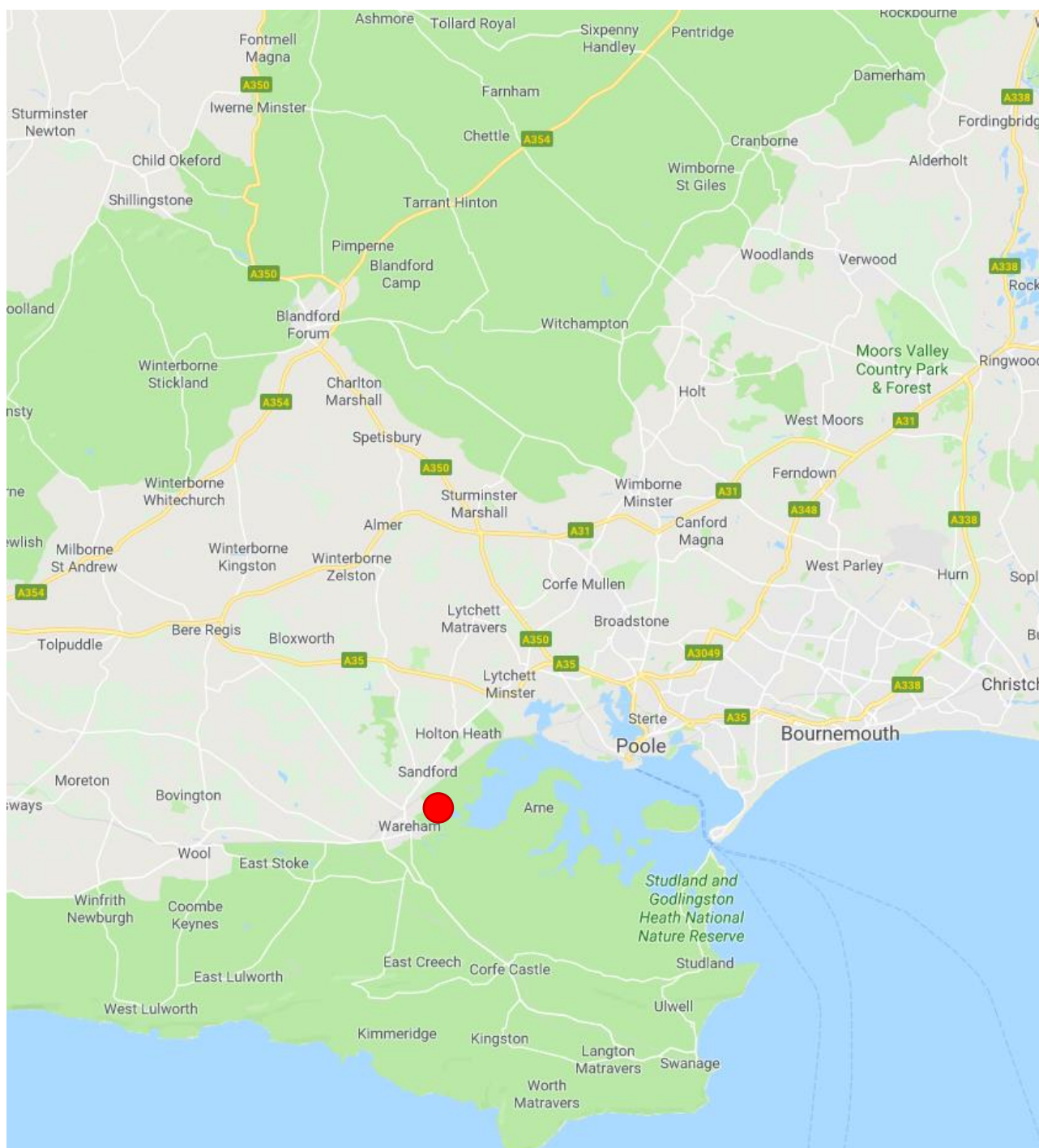
This page is intentionally left blank

● Approximate Site Location

Application reference: 6/2021/0342

Site address: Swineham Farm Bestwall Road Wareham BH20 4JD

Proposal: Use of lake for recreational activities (outdoor swimming) and retrospective siting of shipping container to provide changing room facilities.



This page is intentionally left blank

Agenda Item 7

Eastern Planning Committee 22nd February 2023

Application Number:	P/MPO/2022/02469
Webpage:	Planning application: P/MPO/2022/02469 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Land at Ringwood Road Alderholt
Proposal:	Modify a Planning Obligation (dated 10 October 2017) for planning permission 3/16/1446/OUT (“ <i>Outline planning permission for the demolition of The Hawthorns former horticultural nursery and bungalow and erection of up to 60 dwellings (including up to 50% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, primary vehicular access off Ringwood Road, pedestrian access off Broomfield Drive and associated ancillary works. All matters to be reserved, with the exception of the site access points</i> ”) to: reduce affordable housing provision from 50% to 15% (as 7 Affordable Rent homes); secure a Viability Review; secure a Biodiversity Compensation Payment; and secure the provision of Suitable Alternative Natural Greenspace (SANG). (Description amended 10 Feb 2023).
Applicant name:	Pennyfarthing Construction Ltd
Case Officer:	Naomi Shinkins
Ward Member(s):	Cllr Tooke

1.0 The application is being considered by the Planning Committee as requested by the Head of Service.

2.0 Summary of recommendation:

To grant the reduction in affordable housing from 50% to 15% and add provisions to secure biodiversity compensation payment and SANG provisions.

3.0 Reason for the recommendation:

- It has been demonstrated that a maximum of 15% affordable housing provision is viable.
- Biodiversity compensation and SANG provisions are required to be secured by legal agreement.

4.0 Key planning issues

Issue	Conclusion
Impact on viability of the development	It has been demonstrated that a maximum of 15% affordable housing provision is viable.
Biodiversity compensation	Required to be secured by legal agreement
SANG provisions	Required to be secured by legal agreement

5.0 Description of Site and Site History

- 5.1 The site is a 3.2ha, irregular-shaped area of land located to the south of Alderholt. The site mainly comprises open land, some of which was formerly in use as a horticultural nursery.
- 5.2 The site's north-western boundaries lie adjacent to residential properties located off Ringwood Road, Broomfield Drive, and Fern Close. The north-eastern boundary adjoins land forming part of the Alderholt Recreation Ground. The south-eastern boundary lies adjacent to Alderholt Nursery, whilst the south-western boundary runs alongside Ringwood Road. Residential properties are located on the opposite side of Ringwood Road.
- 5.3 The site is located beyond the development limits of Alderholt and is located within 5km of protected heathland.
- 5.4 Outline permission was granted at appeal in 2018 for the following development:
- Outline planning permission for the demolition of The Hawthorns former horticultural nursery and bungalow and erection of up to 45 dwellings (net 44) (including up to 50% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, primary vehicular access off Ringwood Road, pedestrian access off Broomfield Drive and associated ancillary works. All matters to be reserved, with the exception of the site access points.*
- 5.5 A reserved matters application was submitted in 2019 and is still under consideration due to concerns regarding heathland mitigation and nutrient neutrality, which the applicant is actively addressing.
- 5.6 As a result of heathland mitigation concerns, application 3/20/1732/FUL as follows has been submitted and secured by legal agreement. The application was approved in January 2023:

Use of High Wood as a Suitable Alternative Natural Greenspace (SANG)

6.0 Description of Amendment

- 6.1 The applicant is seeking to reduce the obligation in the Section 106 legal agreement attached to the accompanying planning permission to reduce the affordable housing provision on the basis that 50% affordable housing would render the proposal as unviable.
- 6.2 Further to the original permission allowed at appeal, a biodiversity payment is now required for the loss of hedging which needs to be secured by legal agreement.
- 6.3 Further to the approval of the SANG under PA 3/20/1732/FUL, SANG provisions associated with the residential development will be required to be secured by legal agreement.

7.0 Relevant Planning History

App No	Proposal	Decision	Date
3/16/1446/OUT	Outline planning permission for the demolition of The Hawthorns former horticultural nursery and bungalow and erection of up to 60 dwellings (including up to 50% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, primary vehicular access off Ringwood Road, pedestrian access off Broomfield Drive and associated ancillary works. All matters to be reserved, with the exception of the site access points. [Officer note – permission granted for 45 dwellings at appeal (net 44 dwellings)]	Allowed at Appeal	6/11/2017
3/19/2077/RM	Reserved matters application pursuant to Outline Planning permission (Allowed at Appeal under application 3/16/1446/OUT) for the approval of the "appearance", "landscaping", "layout" (including internal access road, parking and turning areas) and "scale"	Under consideration	TBC

	for the development of Land North of Ringwood Road for 45 homes, landscaping and associated ancillary works		
3/20/1732/FUL	Use of High Wood as a Suitable Alternative Natural Greenspace (SANG)	Granted	Jan 2023

8.0 List of Constraints relevant to the application

Within Dorset Heathlands - 5km Heathland Buffer,;

Within River Avon Nutrient Catchment Area

9.0 Consultations

Summary only - all consultee responses can be viewed in full on the website.

Consultees

1. Alderholt Parish Council

- Objection
- Considers that the proposal will have a material adverse impact on local housing needs.
- If affordable housing is removed housing smaller, cheaper units should be provided.

2. Dorset Council – Ward Member – Cllr Tooke

- Objection
- No merit to remove affordable housing

3. District Valuation Service

- Considers that based on the details provided that the proposal is no longer viable if 50% affordable housing is included as part of the scheme and that 15% is viable.

Representations received

A site notice was posted on the site on with an expiry date for consultation of 1st August 2022.

Total - Objections	Total - No Objections	Total - Comments
28	0	0

Summary of Comments against:

- General objections to any reduction in affordable housing agreed by an inspector at appeal
- Affordable housing is needed and necessary
- Affordable housing is needed for young families
- Some provision should be retained

10.0 Relevant Policies

Development Plan:

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
- LN1- Size and Types of New Dwellings
- LN3 – Provision of Affordable Housing

Other Material Considerations

Neighbourhood Plans

Alderholt Neighbourhood Plan- In preparation – limited weight applied to decision making

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

Supplementary Planning Document/Guidance

Supplementary Planning Documents/Guidance for East Dorset Area:

Affordable and Special Needs Housing and the Provision of Small Dwellings SPD

National Planning Policy Framework (NPPF) revised June 2021

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

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

13.0 Financial benefits

- None

14.0 Climate Implications

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

15.0 Planning Assessment

Impact on viability of the development

15.1 Policy LN3 of the Core Strategy states that greenfield residential development resulting in a net increase of housing is to provide up to 50% of the residential units as affordable housing. This was secured in the Outline application allowed at appeal, PA 3/16/1446/OUT. The Reserved Matters application currently under consideration submitted a policy compliant scheme when submitted in 2019.

15.2 Policy LN3 also notes:

Any Planning Application which on financial viability grounds proposes a lower level of affordable housing than is required by the Policy Percentage Requirements must be accompanied by clear and robust evidence that will be subject to verification.

15.2 The applicant had initially sought to reduce the affordable housing provision in line with costs as negotiated with the DVS in 2021, where it was considered the provision could be reduced to 33% subject to an application. However, an application was never submitted to modify the planning obligation as such.

15.3 The applicant submitted this current application in 2022 and initially applied to fully remove the S106 legal agreement that requires the provision of 50% affordable housing units as part of the development approved at appeal, PA 3/16/1446/OUT. The applicant has undertaken a review of the viability of the scheme and a summary of changes provided includes:

- **Build costs** updated to current Building Cost Information Service (BCIS) standards. This appears to be an average 8.5% increase over previous values. The applicant has included the median build for Estate Housing Single Storey for the bungalows £1548, Estate Housing Detached £1587, Semi-detached 2 storey

£1355, Flats 2 storey £1518. The external works are again included at 20% of the build;

- **Revenue** has been updated to an average of £4,510sqm for the open market (which is all units in this latest appraisal). This is an average of 8% increase over previous open market value of £4173 sqm.
- **Abnormal build** elements have also increased by the 8.5% to reflect the same movement as the build costs above.
- **New Building Regs Parts L & F** are now included adding a further £229k, at an average £5090 a unit.
- **Phosphates** – the applicants have proposed a scheme required for phosphate mitigation and this has been included at £440k cost (£10k net per unit).
- **SANG Maintenance** has been increased to £1.05m. The applicant had originally anticipated the Council taking on the management of the SANG. However they now need to allow for an external management company for a period of 80 years. This will be secured with a s106 obligation.
- **SANG Land and Setting Out** is included at £545.3k. This is the same as previous with the land at £350k plus setting out at £180k (with the 8.5% increase added).

15.4 In terms of SANG costs - the applicant has advised in the submission documents regarding the application history for the site and the requirement for Suitable Alternative Natural Green Space (SANG) / Heathland Infrastructure Project (HIP), which was raised by Natural England in objection to the Reserved Matters application currently under consideration. This was not required when the Outline application was granted at appeal, where the net gain of houses is below the threshold for SANG of 50 new dwellings. Natural England are now requesting SANG/HIP provisions to address cumulative impact of development on heathland sites in the Alderholt area. The applicant has submitted an application for SANG/HIP land, which was approved in January 2023. As noted above, associated costs for maintaining the SANG/HIP form part of the reason for reducing the affordable housing provision.

15.5 In terms of phosphate costs - in a similar vein to mitigation for Dorset Heathlands, Natural England has objected to new residential development in Alderholt given uncertainty about the impact of additional development on the water quality of the River Avon through additional phosphates from sewage discharges. This was not an issue when the Outline application was approved and was raised as a concern at Reserved Matters stage. The applicant has sought to address this issue by providing mitigation in the neighbouring authority of New Forest District Council (NFDC), where credits can be secured for development in the Dorset Council area. As noted above, associated costs for securing phosphate credits form part of the reason for reducing the affordable housing provision.

15.6 Paragraph 58 of the NPPF notes:

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

15.7 Based on the above, Officers consider these particular circumstances justify the need for a viability assessment and given the circumstances the significant weight is given to the viability assessment submitted.

15.8 The Town and Country Planning Act 1990 allows for applications to modify planning obligations under section 106A. The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 sets out regulations for these applications and this application has followed due process in line with these regulations.

15.9 The Council has employed the District Valuation Service (DVS) to provide an independent assessment of the viability appraisal. The DVS is the specialist property arm of the Valuation Office Agency (VOA) who provide independent, impartial, valuation and professional property advice across the entire public sector, and where public money or public functions are involved.

15.10 The DVS has reviewed submitted information and is of the professional opinion a 15% affordable housing provision is viable as set out below.

15.11 A summary of the submitted viability information compared to the DVS assessment is as follows:

Appraisal Inputs	Agent	DVS Viability Review	Agreed (Y/N)
Assessment Date	28 June 2022	03 November 2022	-
Scheme, Gross Internal Area, Site Area	45 units 4,063m ² NIA 5.57 ha	45 units 4,080.4m ² GIA 5.2 ha	N
Development Period	34 months	34 months	Y
Gross Development Value	£18,323,045	£18,347,500	N
Comprising:			
Market Housing GDV blended value rate	£18,323,045 £4,390/m ²	£18,347,500 £4,496.50/m ²	N
Affordable Housing GDV	Not provided	N/A for 100% Open Market scheme	N
CIL / Planning Policy / S.106 Totals	CIL £372,336 S106 £1,821,645	CIL £372,336 S106 £1,821,645	Y
Total Development Cost (excludes policy; land and fees; profit)	£8,626,747 £2,123/m ²	£8,591,486 £2,105/m ²	N
Comprising:			
Construction Cost Total and £/m²	£7,340,782 £1,808/m ²	£6,284,028 £1,540/m ²	N
Externals Total and £/m²	Included above at 20%	£1,256,806 (20% of plot build costs)	N
Abnormal Cost Total	£1,285,695	£1,285,965	
Professional Fees %	8%	8%	Y
Contingency %	4%	4%	Y
Finance Interest and Sum	6%	6.5% debit 2% credit	N
Other Fees			
Marketing Fees	2.75%	2.75%	Y
Sales / Agency Fees	Incl in marketing	Incl in marketing	Y
Legal Fees	£650/unit	£650/unit	Y
Land Acquiring Costs	1.8%	1.8%	Y
Profit Target %	17.5%	17.5%	
Benchmark Land Value	£1,950,000	£1,500,000	N
EUV	Not provided	£638,894	N
Premium	N/A	2.35 x EUV	N
Purchase Price	£3,048,000	£3,048,000	Y
Alternative Use Value	Not provided.	Between £600,000 - £1,100,000	
Residual Land Value	£1,788,450	£1,994,961	N
Viability Conclusion Full Policy Scheme	Not viable	Not viable	Y
Deliverable Scheme	100% Open Market scheme	15% Affordable Housing (7 units)	N

15.12 From the assessment provided by the DVS it is considered a 15% affordable housing provision is viable. This is given the difference in residual land value (RLV), where the RLV is the amount remaining once the gross development cost of a project is deducted from the gross development value.

15.13 Based on the assessment the following points are noted:

- The DVS has adopted a higher gross development value than the applicant. This is based on research carried out by the DVS which officers have reviewed and have agreed with.
- Build costs - The costs submitted by the applicant are based on rates that have been previously agreed with DVS when reviewing the application in 2021, plus an uplift of approx. 8.5%. The DVS consider the approach of adding say 8.5% to the formerly agreed costs for the development is reasonable. Officers agree with this approach.
- Abnormal build costs - The costs submitted by the applicant are based on rates that have been previously agreed with DVS when reviewing the application in 2021, plus an uplift of approx. 8.5%. The DVS consider the approach of adding say 8.5% to the formerly agreed costs for the development is reasonable. Officers agree with this approach.
- New build regulations parts L & F - In addition, the applicant has included a sum of £229,021 (£5,089.35 per unit) to reflect additional costs to comply with Future Homes Standards (Building regs parts L & F). The DVS consider the approach reasonable. Officers agree with this approach.
- Phosphates – During the course of this application the applicant sought to increase the cost of phosphates from £440,000 to £675,000. Based on research carried out by the DVS the figure of £440,000 has been retained. Officers agree with this approach.
- SANG costs – a detailed breakdown of costs has been provided, which has been reviewed and researched in line with other SANG costs and considered acceptable. Officers agree with this approach.

15.14 Based on the findings of the DVS the applicant has agreed to provide a 15% affordable housing provision in the form of 2 x 2 bedroom apartments and 5 x 1 bedroom flats. This house size and type are considerations of the viability appraisal carried out and are what is considered to be financially viable. The proposed provision will be secured by a legal agreement. The applicant has confirmed they are willing to include a viability review clause as part of the legal agreement. This will ensure if there is a delay to the delivery of affordable housing that the contribution can be reviewed.

Proposed Mix

- 15.15 Policy LN1 of the Core Strategy states that individual sites will be expected, in terms of the size and type of new market and affordable dwellings, to reflect the needs of the Strategic Housing Market Assessment (SHMA).
- 15.16 It is acknowledged 2 and 3 bed houses will no longer be provided as result of the reduced affordable housing provision. Given the small number of dwellings (7) and considering the management requirements for affordable housing, it is considered appropriate that the affordable housing provision be in the form of flats within one individual block within the site. This block of flats forms part of the original affordable housing provision and is being assessed under the associated Reserved Matters application. All flats will be Affordable Rented dwellings.
- 15.17 The DC Housing Officer has been consulted and advised that the proposed mix is acceptable based on management requirements for registered providers and there is a need for 1 and 2 bed Affordable Rented dwellings in the area.

Biodiversity and SANG Provisions

- 15.18 As noted previously a biodiversity compensation payment and SANG provisions will also be added to the Deed of Variation. The Biodiversity compensation is to deal with an issue that will be considered as part of the reserved matters application and does not affect the viability of the site. The SANG provisions link the development site to the SANG and prevent occupancy prior to delivery of the SANG. SANG provisions also allow for a 'claw back' mechanism where the developer may pursue a SANG credit scheme for additional SANG capacity to recover some costs in acquiring and providing SANG. Any contributions received will be used by the Council for the provision of affordable housing. Any SANG Credit Scheme pursued shall not fetter the Council's discretion in the exercise of any of its statutory planning functions. Both the compensation payment and SANG provisions are required to be secured by legal agreement and are standalone additions.

Impact on the original planning balance

- 15.19 The original permission 3/16/1446/OUT was judged to be acceptable in all respects subject to conditions by an inspector at appeal. The provision of affordable housing was to be secured in accordance with policy LN3.
- 15.20 Proposed development will not change other than the reduced affordable housing provision. Policy LN3 remains applicable and although the policy seeks affordable housing provision it also provides for situations where developers are able to fully justify proposals for housing schemes with lower levels of affordable housing.

16.0 Conclusion

- 16.1 On the basis of the independent analysis of the viability statement submitted by the applicant, taking account of the details set out above, the approved development is not considered to be viable if 50% affordable housing needs to be provided. As advised by the DVS, 15% is viable and while the applicant does not agree with the

assessment, they have accepted this. Officers therefore consider that permission should be granted for the reduction of the affordable housing provision from 50% to 15% in the associated Section 106 legal agreement in accordance with LN 3 of the Local Plan.

17.0 Recommendation

A) 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 amend planning obligations as follows:

- reduce affordable housing provision from 50% to 15%
- include biodiversity compensation payment of £16,445.50
- include SANG provisions
- increase the SANG Maintenance Contribution to £1.05m

OR

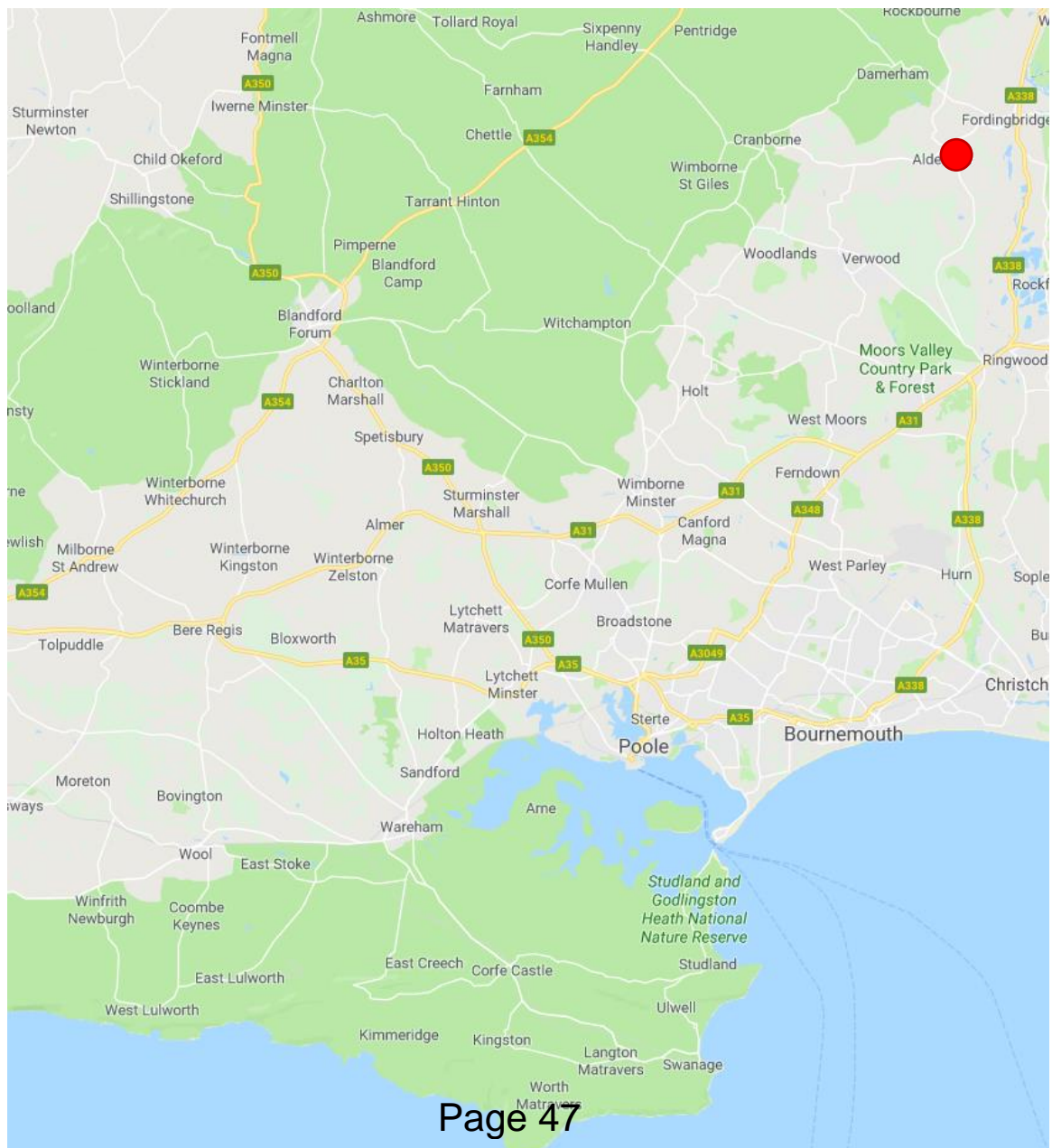
B) Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

Approximate Site Location 

Application reference: P/MPO/2022/02469

Site address: Land at Ringwood Road Alderholt

Proposal: Modify a Planning Obligation (dated 10 October 2017) for planning permission 3/16/1446/OUT (“*Outline planning permission for the demolition of The Hawthorns former horticultural nursery and bungalow and erection of up to 60 dwellings (including up to 50% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, primary vehicular access off Ringwood Road, pedestrian access off Broomfield Drive and associated ancillary works. All matters to be reserved, with the exception of the site access points*”) to: reduce affordable housing provision from 50% to 15% (as 7 Affordable Rent homes); secure a Viability Review; secure a Biodiversity Compensation Payment; and secure the provision of Suitable Alternative Natural Greenspace (SANG). (Description amended 10 Feb 2023).



This page is intentionally left blank

Application Number:	P/FUL/2022/04609		
Webpage:	Planning application: P/FUL/2022/04609 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Wareham Riverboats, Abbots Quay, Wareham, BH20 4LW		
Proposal:	Replace storage kiosk. Retention and relocation of Bamford's Water Pump. Demolition of stone and concrete plinth.		
Applicant name:	Mr Matthew Jones		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	28 October 2022	Officer site visit date:	Not visited – familiar with site.
Decision due date:	17 November 2022	Ext(s) of time:	10/02/23

1.0 This application is reported to the Planning Committee as the site is located on Council owned land.

2.0 Summary of recommendation:

REFUSE for the following reason:

- The proposal has a harmful impact on the character, appearance and setting of Wareham Conservation Area.

3.0 Reason for the recommendation:

The proposal is considered to be contrary to the Local Development Plan because it will result in harm to the character, appearance and setting of the Wareham Conservation Area by virtue of its size, massing and visual intrusiveness. The less than substantial harm that would be caused is not considered to be outweighed by the limited degree of public benefit associated with the proposal.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable within settlement boundary.
Scale, design, impact on character and appearance of the area including Wareham Conservation Area	Less than substantial harm to the character and appearance of the area and Wareham Conservation Area which is not outweighed by the limited degree of public benefit associated with the seasonal leisure use of the proposed permanent kiosk.

Impact on neighbouring amenity	Acceptable.
Economic benefits	Acceptable.
Flood Risk	Acceptable.

5.0 Description of Site

- 5.1 The application site consists of a 55sqm area of land at Abbots Quay, Wareham. It extends along the quayside on the western side of South Bridge and includes an area of seating, part of the slipway, a historic pump, and the existing temporary kiosk.
- 5.2 Directly to the south of the site is the River Frome with water meadows extending into the AONB landscape beyond. To the west is the Grade II Listed 'Old Grain Store' which is understood to be in residential use. To the north are the Grade II Listed 1 and 2 Abbots Quay (residential) and the Grade II Listed Garden Wall. To the east is Wareham Quay which includes several Listed Buildings (mixture of residential and commercial) facing onto the quayside car park and the river. The site and surrounding areas are within Wareham Conservation Area and together form a unique localised character and townscape.
- 5.3 In terms of other constraints, the site is located within Flood Zones 2 and 3 and at risk of surface water flooding at the 1 in 100-year period; it is also within the River Frome and Wareham Meadows SSSI 400m buffer areas, the Poole Harbour Nutrient Catchment Area and adjacent to the Dorset AONB.

6.0 Description of Development

- 6.1 The application proposes to replace an existing temporary storage kiosk with a larger permanent kiosk. To allow sufficient space for the proposed kiosk, an existing Bamford's Water Pump which is set on a stone and concrete plinth would be relocated and set on a new stone plinth.

7.0 Relevant Planning History

- 7.1 There is an extensive planning history in excess of 35 years for the temporary stationing of huts for the boat hire service operating from the quay side:

Planning Application	Proposal	Decision
6/1980/0522	Station hut for boat hire service (renewal).	Granted
6/1981/0519	Re-site boat hire kiosk.	Refused
6/1981/0796	Station hut in connection with boat hire (renewal).	Granted
6/1982/0597	Station hut in connection with boat hire (renewal).	Granted

6/1983/0587	Station hut in connection with boat hire (renewal).	Granted
6/1984/0619	Station hut in connection with boat hire (renewal).	Granted
6/1986/0520	Station hut in connection with boat hire (renewal).	Granted
6/1987/0573	Station hut in connection with boat hire (renewal).	Granted
6/1990/0585	Station hut in connection with boat hire (renewal).	Granted
6/1994/0028	Station hut in connection with boat hire (renewal).	Granted
6/1995/0053	Station hut in connection with boat hire (renewal).	Granted
6/1997/0114	Station hut in connection with boat hire (renewal).	Granted
6/1998/0186	Erect permanent boat hire kiosk to replace existing wooden hut.	Refused (details below)
6/1999/0140	Station hut in connection with boat hire (renewal).	Granted
6/2001/0162	Station hut in connection with boat hire (Renewal).	Granted
6/2003/0202	Station hut in connection with boat hire (Renewal).	Granted
6/2006/0352	Station hut in connection with boat hire (Renewal).	Granted
6/2009/0287	Continue stationing of hut in connection with boat hire.	Granted
6/2012/0769	Retention of existing hut used in connection with boat hire.	Granted

6/2017/0708	Retention of existing hut used in connection with boat hire.	Granted
-------------	--	---------

7.2 The most recent temporary consent was granted in 2018 (6/2017/0708) for the retention of the existing hut until 31/01/23. The Planning Committee Report for this application noted that the design of the hut and lack of contribution to the Wareham Conservation Area resulted in less than substantial harm to the heritage asset. However, the Conservation Officer considered that the contribution that the business makes to the vitality of the Quayside during the summer months, making a strongly positive contribution to the character of the Conservation Area, resulted in a public benefit which outweighed the level of harm caused, particularly given the stationing of the hut at the site for a considerable period of time. In addition to the temporary time consent, conditions were included on the decision restricting the use to the benefit of Wareham Boat Hire only and requiring removal of the temporary hut if the business were to cease trading.

7.3 There has also been one application submitted for the erection of a permanent boat hire kiosk in 1998 (6/1998/0186). This was refused for the following reason:

The site is located adjacent to the River Frome, it adjoins a Grade II Listed Building and is within the Wareham and Stoborough Conservation Area. It is considered that the proposed development would by virtue of its scale and design harm the informal recreational nature of the site and would not preserve or enhance the character of the Conservation Area. As such the proposal is contrary to Policies G1, H2 and C2 of the North East Purbeck Local Plan.

8.0 List of Constraints

- Adjacent to Grade: II Listed Building: WAREHOUSE BESIDE RIVER FROME List Entry: 1120025.0
- Near to Grade: II Listed Building: GARDEN WALL TO SOUTH OF NOS 1 AND 2 List Entry: 1120024.0 - Distance: 4.07
- Near to Grade: II Listed Building: 1 AND 2, ABBOTS QUAY List Entry: 1120023.0 - Distance: 19.56
- Near to Grade: II Listed Building: BRIDGE HOUSE (37 South Street) List Entry: 1323599.0; - Distance: 24.43
- Application is within Wareham Conservation Area

(Statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

- Within Wareham Settlement Boundary
- Within Neighbourhood Area; Name: Wareham; Status Designated 10/09/2015
- Relevant Neighbourhood Plan - Made; Name: Wareham NP; Status 'Made' 08/11/2021

- Article 4 Direction, Record Key = 15.0
- Nutrient Catchment Areas
- SGN - Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar)
- Dorset Council Land (Freehold): Land at Abbots Quay, Wareham - Reference 90043
- Dorset Council Land (Leasehold): Lease of land for bridge widening at South Bridge, Wareham - Reference 06383
- Close to Area of Outstanding Natural Beauty (AONB): Dorset; - Distance: 17.01 (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)
- Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 92.11
- Site of Special Scientific Interest (SSSI) (400m buffer): Wareham Meadows; - Distance: 46.27
- Site of Special Scientific Interest (SSSI) (400m buffer): River Frome; - Distance: 0
- Scheduled Monument: Part of the defences of the Anglo-Saxon fortified centre of Wareham and part of the motte and bailey castle with shell keep (List Entry: 1003574); - Distance: 69.46
- Main River Consultation Zone - Distance: 1.5
- Flood Zones 2 & 3
- Risk of Surface Water Flooding Extent 1 in 100
- Risk of Surface Water Flooding Extent 1 in 1000
- Areas Susceptible to Groundwater Flooding; Clearwater; < 25%
- Poole Harbour Catchment Area
- Historic Flood Map

9.0 Consultations

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

Consultees

1. **Natural England**

- No comments received.

2. **Environment Agency** (received 12 October 2022)

- No objection. Advice provided on finished floor levels and tidal flood risk levels at site.

3. Wareham Town Council (received 27 October 2022)

- Application indicates by red outline that whole area of public slipway is in the ownership of the applicant. This is incorrect.
- Request that application declined, and LPA investigate ownership of land above the highwater mark and the public slipway. Public access must remain in place and would be lost if application approved.

4. Wareham Ward Councillors

- No comments received

5. Conservation Officer (received 9 November 2022)

- Impact of prominence on townscape setting and designated structures and buildings within the Conservation Area.
- Proposed design, significant increase in mass, dominant design, greater permanency than the existing 'temporary' structure.
- Proposed relocation of water pump in combination with the new structure lessens the original siting and visibility of the pump which is identified as a historic and 'locally important feature'.
- Would result in less than substantial harm to the significance of the localised townscape setting of the Conservation Area with a limited degree of public benefit which can be realised on a basis of seasonal, leisure terms but which is not clearly and convincingly justified.

6. Flood risk / drainage engineer (verbal comments)

- Less vulnerable use. Already operating and seasonal. Best practice to include flood resilience measures as recommended in the Environment Agency response to protect the building in the longer term.

Representations received

- The application was advertised by means of a site notice and press advert. No other representations were received.

10.0 Relevant Policies

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Development Plan

Adopted Purbeck Local Plan 2012:

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

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy FR: Flood Risk

Policy D: Design

Policy LHH: Landscape, Historic Environment and Heritage

Policy TA: Tourist Accommodation and Attractions

Neighbourhood Plan

Wareham Town Neighbourhood Plan 2019-2034 (made November 2021)

Material Considerations

National Planning Policy Framework (NPPF)

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 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199).

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The Purbeck Local Plan (2018-2034) Submission January 2019 ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further

Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

Policy E2: Historic environment

Policy E4: Assessing flood risk

Policy E12: Design

Policy EE4: Supporting vibrant and attractive tourism

Supplementary Planning Document/Guidance

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

Wareham Conservation Area Appraisal

Purbeck Strategic Flood Risk Assessment 2018

Wareham townscape character appraisal supplementary planning document adopted August 2012.

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

12.1 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.

12.2 Following discussion with the Case Officer, the application plans have been amended to re-site the historic pump from the original position to the south-west of the proposed kiosk to a more accessible location on the quayside and adjacent to existing seating to minimise any disadvantage associated with accessibility. The proposed kiosk is not considered to result in any significant disadvantage to persons of protected characteristics.

13.0 Financial benefits

What	Amount / Value
Material Considerations	
Continued use of commercial premises	Local employment opportunities – 5 full time equivalent employees
Non-material Considerations	
Business Rates 2022/23	£464

14.0 Environmental Implications

14.1 There will be some carbon emissions associated with its construction, but the replacement kiosk will result in no significant additional environmental implications.

15.0 Planning Assessment

15.1 The main planning considerations have been identified as:

- The principle of the development
- Scale, design and impact on the character and appearance of the area including Wareham Conservation Area
- Impact on neighbouring amenity
- Economic benefit
- Flood Risk

These and other considerations are set out below.

Principle of development

15.2 The site is located within the Wareham Town settlement boundary and the principle of the proposed development is acceptable in this sustainable location as set out in policies SD and LD of the Purbeck Local Plan 2012 (PLP). This is subject to the consideration of all other material planning issues as set out in further detail in the sections below.

Scale, design and impact on the character and appearance of the area including Wareham Conservation Area

15.3 The application site is in a visually prominent location in terms of the townscape character associated with Wareham Quay, Wareham Conservation Area, and wider AONB landscape views to the south. The Wareham Conservation Area Appraisal identifies the pump as a feature of interest on the quayside and notes that the opening of the road structure on both sides of Wareham Quay creates a key public space which reflects historic activity at this location.

15.4 NPPF paragraph 206 advises that:

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

15.5 The proposed kiosk would be located in the same position as the existing temporary hut but would form a permanent proposal to meet the long-term business aspirations of the applicant associated with a new 25-year licence for the operation of a boat hire facility. The new kiosk would be larger in scale to provide a covered area for staff, handwashing facilities (in light of covid), storage space and secure office and desk space. The timber framed building would replace the smaller existing temporary metal storage container:

All measurements approx. (external)	Existing	Proposed (Including veranda)	Difference
Floor area	8m ²	24m ²	+16m ²
Width	3m	6m	+3m
Depth	2.6m	4m	+1.4m
Height	2.3m	2.2m eaves 3m ridge	+0.7m

The structure would consist of secure rooms including office space, an equipment store, engine store, and a covered veranda area to the front. The simple timber clad structure would be located away from the side elevation of the adjacent Grade II Listed Old Granary Store, with a shallow hipped roof extending over the building and open sided veranda.

15.6 To facilitate the siting of the larger structure on the quayside, it is also proposed to relocate the existing historically significant 'Bamford's Pump' and stone plinth from a central location on the quayside to the southwest corner of the new building. The increase in mass of the proposed building and re-siting of the pump are key considerations in the determination of the application. Consultation has been undertaken with the Council's Design and Conservation Officer on the proposal.

- 15.7 It is noted that Wareham Riverboats is situated within the highly prominent, historic riverside setting of Wareham's Town Quay and is visible from both the main north approach, toward Wareham Town, and the south approach to South Causeway Bridge. Furthermore, the site is visible from the Town Quay, Abbot's Quay, surrounding river paths and the private, boat access only, land of AONB designation opposite. From each area, the site exhibits a varying degree of prominence that affects the townscape setting and therefore, the interpretation and presentation of encompassing designated structures and buildings within the Conservation Area.
- 15.8 From the north approach, the site can be seen abutting neighbouring property The Old Grain Store (GII). It is also prominent within the immediate foreground of a listed garden wall (GII) that serves as a boundary structure for the listed properties 1 and 2, Abbots Quay (GII); Holy Trinity Gallery (GI Church); the main historic high street; a collection of listed buildings (GII) that form the immediate Town Quay; and the Parish Church of Lady St Mary (GI church). On this basis, officers consider that collectively, the north approach forms a consistent architectural sequence that, from a visual perspective, is significant in presenting the unique, localised character, and associated spatial relationship, of the townscape setting within the Conservation Area.
- 15.9 The proposed increase in mass and height, when compared to the existing kiosk structure, is significant and would appear more dominant and overbearing within the open quay side location. Although approximately 1/3 of the structure would form an open sided veranda, allowing a degree of visual permeability, the overall size, design and permanence of the building is considered by officers to form an incongruous addition to the natural river front location, publicly accessible quay side and the Conservation Area and townscape setting. Whilst it is noted that the height of the kiosk would remain subservient to the adjacent listed building, the enlarged footprint and built mass is not considered to positively integrate the building with its surroundings or conserve or enhance the appearance, setting, character and interest of the historic environment setting.
- 15.10 Details of materials are included on the elevation plans and include walls of oak post frame, and natural oak external cladding, a zinc standing seam roof and metal rainwater goods, double glazed oak framed windows and horizontal oak clad doors. No objection has been raised to the proposed materials although it is considered that full details (samples) would be required for future approval by way of a condition on any approval.
- 15.11 Part of the proposal includes the refurbishment and relocation of the historic Bamford Pump on a new stone plinth. The pump currently occupies a central, visually prominent, and accessible location on the quayside. Originally relocation to the south-west corner of the kiosk was proposed but this would have reduced the visibility and accessibility of the historic and 'locally important feature' within the quayside setting. During the application the siting was amended to a more accessible location on the quayside adjacent to existing benches and in a more visually prominent location within the historic quayside and Conservation Area setting. This is now considered to be acceptable.
- 15.12 However, for the reasons set out above, it is considered that the proposed kiosk development would result in less than substantial harm to the significance of the localised townscape setting of Wareham Conservation Area. In accordance with paragraph 202 of the NPPF, where proposals result in less than substantial harm to

the significance of a designated heritage asset, decision-makers are required to weigh this harm against the public benefits of the proposal including (where appropriate) securing optimum viable use. However, this weighing-up must take into account the need to give 'great weight' to the conservation of designated heritage assets and recognise that any harm to the significance of a designated heritage asset requires 'clear and convincing justification' (paragraphs 199 & 200, NPPF).

15.13 It is acknowledged that in determining previous applications for the siting of temporary huts at the site, former officer assessments have taken into consideration the contribution that the business makes to the vitality of the Quayside during the summer months and the strong positive contribution this makes to the character of the Conservation Area. However, in applying the 'public benefits' test to the current application, Officers consider that the limited degree of public benefit associated with the seasonal leisure use of the proposed kiosk would not be outweighed by the unjustified visual and spatial harm that the permanent and significantly larger kiosk would cause to the significance of the townscape setting of the Conservation Area. As such, the proposal is considered to be contrary to policies D and LHH of the PLP1.

Impact on neighbouring amenity

- 15.14 As noted with former temporary applications, the proposed kiosk would be stationed next to a residential property and the business associated with the use inevitably generates footfall and some associated disturbance within proximity of the residential use. However, this has been the situation for a significant period, and officers consider that the permanent kiosk would have no additional harmful impact on the neighbouring amenity above than that currently experienced.
- 15.15 The siting of the kiosk directly to the side of the dwelling would not result in any harmful impacts on neighbouring amenity in terms of loss of outlook, light, overbearing development or privacy. Impacts on the living conditions of the occupants of neighbouring properties are therefore considered to be acceptable in accordance with Policy D of the PLP.

Economic benefit

- 15.16 The business that runs from the hut contributes to the vitality of Wareham Quay, particularly during the summer months, and provides local employment. It plays a role in encouraging people to visit the quayside creating a wider economic benefit for the town in general. The stationing of a permanent kiosk at the site is therefore considered to ensure the future economic benefit of the business and its contribution towards the wider economic and tourism related benefits for Wareham in accordance with policies E and TA of the PLP.

Flood Risk

- 15.17 The riverside application site is located within Environment Agency Flood Zones 2 & 3. A Flood Risk Assessment (FRA) has been submitted in support of the application which identifies that the highest recorded river level for Wareham Quay is 1.44 AOD. The FRA advises that the new building Finished Floor Levels (FFLs) are set at 150mm above existing ground level, ensuring any design exceedance flows are directed away from any buildings. It also recommends that flood resistant and flood resilient construction is considered as a means to protect the building fabric and enable quick restoration with minimal disruption and that electrical installations are recommended at a minimum level of 1.80m AOD (2+ metres above the existing

adjacent riverbed level [taking the worst-case scenario]), but as high as possible. The FRA also notes that the proposed use of the kiosk as storage is 'less vulnerable' under NPPF classifications and that the use in Flood Zone 3A is acceptable in accordance with the Flood Risk Vulnerability Classification table. Any workers or visitors to the site would have ample warning to vacate the site in case of emergency and any flooding

- 15.18 The Environment Agency (EA) have been consulted on the proposal and have raised no objection but have advised that the submitted FRA does not assess tidal flood risk levels at the site, which is the dominant flood risk for the location. In their comments, the EA notes that the present day 1 in 200-year tidal flood level is 1.95m AOD, rising to 2.65m AOD over the next 75 years with the impact of climate change. The existing site level appears to be between 1.0m AOD and 1.2m AOD approximately, so the site will become inundated in much lower order events. The EA therefore recommends that the finished floor level of the replacement building is elevated as high as possible, with electrical circuits and other vulnerable elements also elevated within the building as high as possible, taking into account the above flood level information. They also advise that an Emergency Flood Management Plan is secured - this can be dealt with by way of condition on any positive decision.
- 15.19 The EA response has been discussed with the Council's Flood and drainage Engineer who has advised that the building and proposed use are 'less vulnerable' uses within the area of flood risk and there is therefore no objection to the proposal. However, the Engineer notes that it would be best practice for the building design to include flood resilience measure for longer-term protection. Given that the officer recommendation is one of refusal on grounds of the scale, mass, height and impact on the character and appearance of the area including Wareham Conservation Area, no further alterations to the finished floor level have been requested by the Case Officer. It is considered that the floor levels and lack of flood resilience would not form a reasonable reason for refusal of the proposal due to the 'less vulnerable' use of the site. Nevertheless, it is considered that the applicant should address the EA advice in respect of any future planning application to be submitted for the site. Officers also consider that any future application address the inclusion of more flood resilient materials, particularly within the lower levels of the building.
- 15.20 On this basis, the proposal is considered to accord with Policy FR: Flood Risk of the PLP.

Other considerations

- 15.21 In their consultation response, Wareham Town Council notes that the red line of the application site includes the whole area of the public slipway suggesting that this is entirely within the ownership of the applicant which the Town Council considers to be incorrect. For clarification, the red line denotes the extent of the planning application site, and the submitted planning application form certifies that the applicant served (22/07/22) the required notice on the site owner – Dorset Council – prior to the submission of the application. The application is reported to the Planning Committee for determination to the application site being Dorset Council owned.

16.0 Conclusion

- 16.1 For the above reasons, the proposal is not considered to accord with the development plan and the NPPF. It is not considered to form sustainable development for the

purposes of NPPF paragraph 11 and refusal is recommended for the reasons set out below.

17.0 Recommendation

Refuse permission for the reasons set out below :

1. The proposed kiosk by reason of its mass, height and footprint would appear visually dominating and overbearing within the open quay side setting and would result in an intrusive and incongruous addition within the historic riverside setting. The permanent structure would not positively integrate with its surroundings nor conserve and enhance the setting, character and appearance of the Wareham Conservation Area and the significant grouping of listed buildings and structures forming the Town Quay. Whilst the level of harm caused to Wareham Conservation Area is considered to be less than substantial, and the degree of public benefit associated with the business and its contribution towards the vitality of the quayside is acknowledged, the limited public benefit is not considered to be outweighed by the unjustified visual and spatial harm that the permanent kiosk would cause to the significance of the townscape setting of the Conservation Area. As such the proposal is contrary to the statutory objective set out in Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 as amended; paragraphs 126 and 130 of the NPPF and the objectives of Section 16 of the National Planning Policy Framework 'Conserving and enhancing the historic environment', especially paragraphs 197, 199, 200 & 202; the Purbeck Local Plan 2012, Policies LHH - 'Landscape, historic environment and heritage' which requires development proposals to conserve the appearance, setting, character, interest and integrity of heritage assets and Policy D: Design which required development to positively integrate with its surroundings; and, the Purbeck District Design Guide Supplementary Planning Document adopted January 2014 paragraphs 20 and 21.
2. The plans that were considered by the Council in making this decision are:
 - 22127.01 A Site, location and block plan
 - 22127.05 A Demolition site plan
 - 22127.06 B Proposed site and floor plan
 - 22127.07 B Proposed elevations (1 of 2)
 - 22127.08 B Proposed elevations (2 of 2)

Informative Notes:

1. National Planning Policy Framework

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

 - offering a pre-application advice service, and –

- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

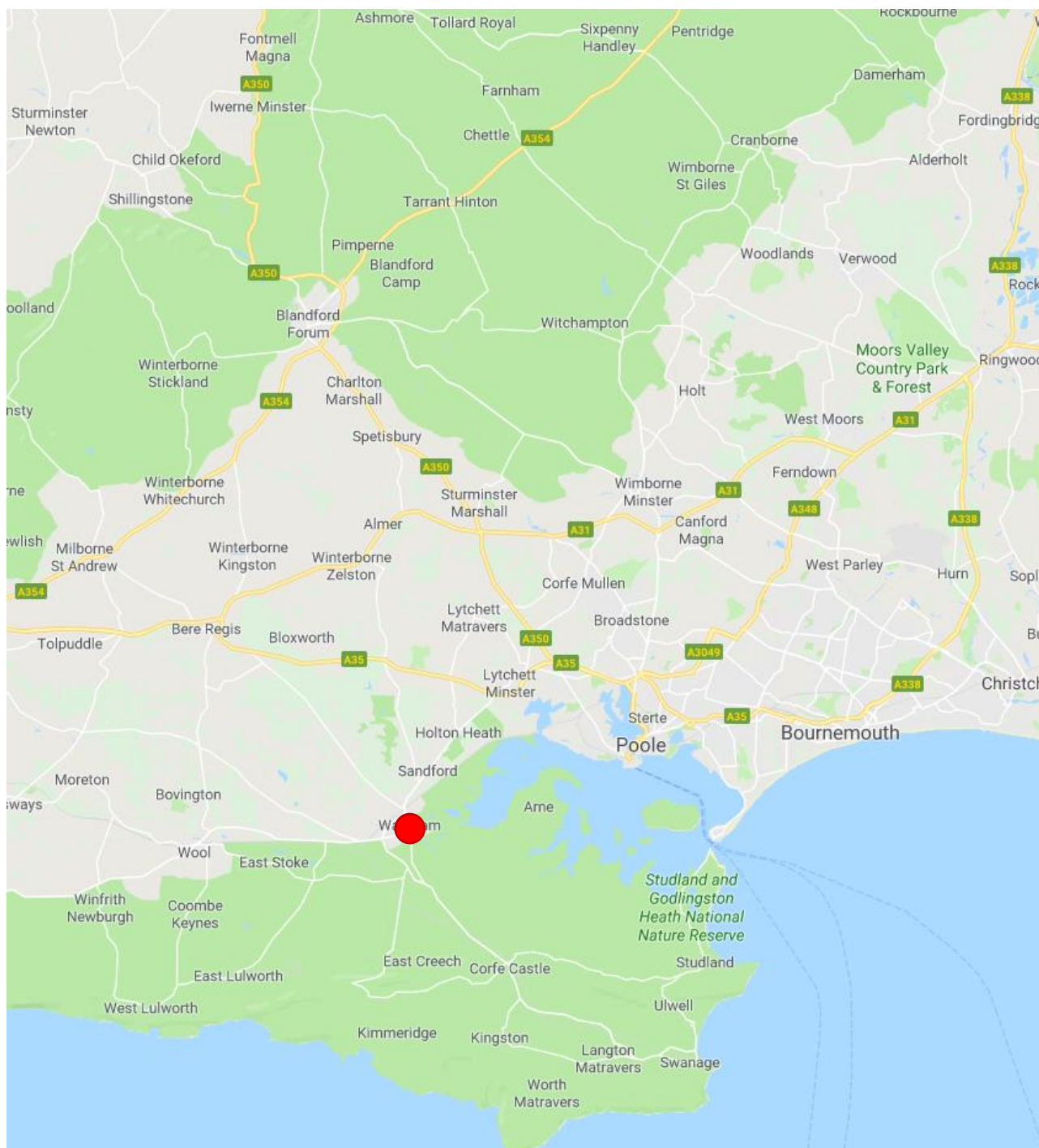
-The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

● Approximate Site Location

Application reference: P/FUL/2022/04609

Site address: Wareham Riverboats, Abbots Quay, Wareham, BH20 4LW

Proposal: Replace storage kiosk. Retention and relocation of Bamford's Water Pump.
Demolition of stone and concrete plinth.



This page is intentionally left blank

Application Number:	P/FUL/2022/04531		
Webpage:	Planning application: P/FUL/2022/04531 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Holton Heath Garage, Wareham Road, Holton Heath, Poole, BH16 6JW		
Proposal:	Extension of existing Class E retail unit.		
Applicant name:	Mr Sajikumar Muthiah		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	12 October 2022	Officer site visit date:	06/10/22
Decision due date:	7 November 2022	Ext(s) of time:	10/02/23

1.0 This application is reported to the Planning Committee as an area of land at the front of the application site, adjoining Wareham Road, is Council owned.

2.0 Summary of recommendation:

GRANT planning permission subject to conditions.

3.0 Reason for the recommendation:

- The proposal is compliant with the NPPF and policies of the Purbeck Local Plan 2012.
- The proposal forms development that is not inappropriate within the Green Belt and countryside.
- The proposal is acceptable in its scale, design, and visual impact on the character and appearance of the area.
- There is not considered to be any significant harm in respect of neighbouring residential amenity, highway safety, ground contamination or drainage/flood risk.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable in accordance with Policy LD and CO of the Purbeck Local Plan.
Impact on Green Belt	Acceptable.
Scale, design, impact on character and appearance of the area	Acceptable subject to conditions.
Impact on neighbouring amenity	No demonstrable harm to neighbouring amenity and privacy subject to conditions.
Highway safety and parking	Acceptable subject to conditions.
Flood risk / drainage	Acceptable subject to condition.
Ground contamination	Acceptable subject to condition and informative note.

5.0 Description of Site

- 5.1 The application site consists of 1169sqm (0.1169 ha) of land associated with Holton Heath Garage / Petrol Station. The site is located on the A351 Wareham Road, to the north-east of Organford. The red line includes the existing single storey shop building and yard to the rear, forecourt, canopy, and access and egress from Wareham Road. The petrol station is currently unused and Officers estimate that it has been in its current state for approx. 20 years.
- 5.2 A mixture of uses surround the site including Holton Heath Park (park homes) to the rear, residential dwellings to the north-east and south-west, and Admiralty Park on the opposite side of Wareham Road. The adjoining residential bungalow of 'The Firs', which is located outside the site boundary but directly to the south-west of the shop building, is currently in a poor state of repair and believed to be uninhabited.
- 5.3 The site is located in the South-East Dorset Green Belt which washes over the entire area of Holton Heath / Organford. It is located outside a defined settlement boundary and within the countryside. The north-eastern access off Wareham Road also serves Holton Heath Park to the rear, with a tall block construction boundary wall separating the rear shop building yard from the adjacent park homes to the north. Limited boundary treatment remains with 'The Firs' to the south-west.

6.0 Description of Development

- 6.1 This application is one of two applications that have been recently submitted for the site and proposes the extension of the existing retail unit associated with the petrol filling station use, including an increase in the height of the unit by approx. 0.5m to a total height of 4m to match that of the tallest existing element.
- 6.2 The second application for the site – P/FUL/2022/02394 for the removal of the existing canopy, supply and fit of new canopy, fuel dispensers and islands, and new offset fillers – was approved by the Eastern Area Planning Committee on 7th December 2022.

7.0 Relevant Planning History

Planning Application	Proposal	Decision	Comments
6/1977/0705	Temporary depot (office, cement store, bay & office in garage).	Granted	Temporary consent for the benefit of the applicant only ending 31/12/78 – conditioned.
6/1979/0314	Use buildings for offices and stores	Refused	Reasons: Countryside location and not necessary for agriculture, horticulture, or forestry. Undesirable precedent for office and business occupation in countryside. Traffic would impact on A351.
6/1979/0993	Use part as office and stores	Refused	As per 6/1979/0314.
6/1980/0354	Use part of garage premises as offices and stores	Refused	As per 6/1979/0314.
6/1982/0200	Erect building for M.O.T testing bay	Granted	
6/1989/0429	Erect M.O.T testing bay	Refused	Reason: Overdevelopment of site. Unacceptable intensification of commercial use and detrimental impact on nearby residential properties by noise and disturbance.
P/FUL/2022/02394	Removal of existing canopy, supply and fit of new canopy, fuel dispensers and	Granted – 07/12/22	

	islands, and new offset fillers.		
--	----------------------------------	--	--

8.0 List of Constraints

- Medium pressure gas pipeline
- Area Susceptible to Groundwater Flooding
- SSSI (400m buffer): Holton and Sandford Heaths
- SSSI (5km buffer): Poole Harbour
- Greenbelt
- Poole Harbour Nutrient Catchment Area
- Contaminated Land

9.0 Consultations

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

Consultees

1. Natural England

- No comments received.

2. Dorset Council - Environmental Services – Protection (received 05/10/22)

- Apply reporting of contaminated land condition.
- Verbal comments 09/11/22 – Noise – suggest hours of use to match co-op petrol station in Sandford which is positioned in more densely populated residential area with similar impacts on residential amenity.

3. Dorset Council - Highways (received 03/10/22 and 03/01/22)

- Comments of deferral received 03/10/22 - Traffic Assessment required to assess the implications of the additional traffic generated on the highway network including a swept path analysis and trip generation etc. Require a scaled drawing detailing the vehicular access/s that will be utilised for the movement of the vehicles and the provision for parking on site.

- Comments following receipt of amended drawings on 18/11/22 and correspondence on 21/12/22 – No objection subject to conditions and informative note.

4. Dorset Council – Flood Risk / Drainage Engineer

- Verbal Comments 10/11/22 – Outside flood zone. No surface water flood risk and JBA modelling advises no ground water flood risk to site. Increased area of extension. Require standard SUDS condition on decision to ensure surface water appropriately dealt with and no increased risk of flooding to site, surrounding area or highway.

5. Wareham St Martin Parish Council (received 25/04/22)

- No objection but would like assurances that only security lights would be left on all night, opening hours are restricted to 09.30pm and no deliveries during early or late hours due to noise.

Representations received

- The application was advertised by means of a site notice. No other representations were received.

10.0 Relevant Policies

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Development Plan

Purbeck Local Plan 2012:

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy NE: North East Purbeck

Policy CO: Countryside

Policy RFS: Retail Floor Space Supply

Policy RP: Retail Provision

Policy CF: Community facilities and services

Policy FR: Flood Risk

Policy D: Design

Policy IAT: Improving accessibility and transport

Neighbourhood Plan:

None.

Material Considerations

National Planning Policy Framework (NPPF)

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 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 9: Promoting sustainable transport – requires potential impacts of development on transport networks to be addressed and opportunities for sustainable travel to be identified.
- Section 11 'Making effective use of land' – promotes the effective use of land in meeting the need for homes and other uses including as much use as possible of previously-developed or 'brownfield' land.
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 13 'Protecting Green Belt land' permits exceptional new development within the Green Belt where the fundamental aim of Green Belt policy of preventing urban sprawl and keeping land permanently open is maintained.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'.

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The Purbeck Local Plan (2018-2034) Submission January 2019:

('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

V2: Green Belt

Policy E4: Assessing flood risk

Policy E5: Sustainable drainage systems (SuDs)

Policy E12: Design

Policy EE3: Vibrant town and local centres

Policy I2: Improving accessibility and transport

Policy I7: Community facilities and services.

Supplementary Planning Documents/Guidance:

Purbeck District design guide supplementary planning document adopted January 2014.

Purbeck Strategic Flood Risk Assessment 2018

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 application includes level access and sliding entrance doors to serve the shop together with the provision of one disabled parking space directly adjacent to the shop entrance. It is considered that the proposal would not result in any disadvantage to persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	

Re-use of commercial premises	Additional local employment opportunities
Non-Material Considerations	
Full Business Rates 2022/23	£4191

14.0 Environmental Implications

14.1 The proposed extension, alterations and refurbishment of the existing building will result in environmental enhancement by way of improved building standards and requirements and the provision of cycle parking. There will be some carbon emissions associated with its construction, but the proposal will result in no significant additional environmental implications.

15.0 Planning Assessment

15.1 The main planning considerations have been identified as:

- The principle of the development
- The impact of the development on the Green Belt
- Scale, layout, appearance, and impact on the character and appearance of the area
- Impact on neighbouring amenity
- Impact on highway safety and parking provision
- Flood risk and drainage
- Ground contamination

These and other considerations are set out below.

Principle of development

15.2 The application proposes development required to support the re-opening of Holton Heath Service Station for the purposes of commercial petrol sales and retail shop sales. This includes a single storey rear extension of the existing shop building at the premises to provide an enlarged retail area together with an increase in height of the existing unit (approx. 0.5m) and extension to match that of the tallest section of the existing unit (4m height).

15.3 Policy LD: General Location of Development of the Purbeck Local Plan 2012 (PLP) directs new development towards the most sustainable locations of the former Purbeck District Area, including the towns and villages with defined settlement boundaries. The application site is located outside a defined settlement boundary and is therefore classed as 'countryside' where development is permitted in exceptional circumstances. Policy CO: Countryside of the PLP advises that development in the countryside will be permitted where it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements. Such development includes the reuse, alteration, replacement, or extension of rural buildings; an employment use that would intensify or expand an existing employment site; and a community facility where it is located close to existing settlements and in an accessible location.

- 15.4 The site has an established use as a commercial petrol station with associated shop, and Officers consider that the retail extension proposed as part of the current application can be considered as an extension of a rural building within an existing developed site. The proposed single storey extension is of modest scale, measuring approx. 14m wide and 4.5m deep, and increasing the gross internal floor area of the building by 57.5 sqm. The existing single storey height of the building would be increased by approx. 0.5m to a building height of approx. 4m. Officers consider that the extension – which would be located in the rear yard area – together with the overall increase in height would not appear disproportionate in size to the host building, would be set back and well screened within the street scene, and would not detract from the overall character and appearance of the area.
- 15.5 The proposal will support associated employment opportunities and will also provide a community facility (petrol sales and small shop) in a rural, yet easily accessible location on one of the key highway routes serving the former Purbeck District area. For these reasons, Officers considered that the general principle of the proposed development in the countryside is acceptable in accordance with Policy CO of PLP1. This is subject to the consideration of all other key planning issues as set out in the sections below.

Impact of the development on the Green Belt

- 15.6 The South-East Dorset Green Belt washes over the application site and surrounding areas. The National Planning Policy Framework (NPPF) (Section 13) set out key objectives in relation to the protection of Green Belt from new development. Paragraph 137 advises that '*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'. Paragraph 147 of the NPPF advises that '*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*'

The NPPF continues to note that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they form an exception as listed in paragraphs 149 and 150. In respect of the application site, criterion (c) is relevant:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

- 15.7 Officers consider that the proposed single storey extension and slight partial increase in height of the building can be considered as a proportionate extension / addition to the original building. Neither alteration is considered to result in a substantial harmful impact – visually or spatially – on the openness of the Green Belt. For this reason, officers are satisfied that the proposal forms an exception to inappropriate development within the Green Belt. As such, the proposal is considered to accord with the key objectives of Section 13 of the NPPF.

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

- 15.8 The immediate area surrounding Holton Heath Garage is largely residential in character with adjacent properties to the south-west, north-west and north-east consisting of bungalows and / or chalet bungalows with detached houses beyond. Also located to the north-east of the site is a vehicle dealers' forecourt and vehicle repairs and MOT Centre. On the opposite side of Wareham Road is the site of the former Royal Naval cordite factory – a Scheduled Monument – which is screened from the application site and Wareham Road by extensive mature trees and vegetation. The overall character and appearance of the area to the western side of Wareham Road, and directly surrounding the application, is suburban in nature.
- 15.9 The proposed single storey rear extension would be located within the rear yard area of the building which is well screened by a tall (approx. 2.5m) block-built boundary wall on the north-west boundary with the adjacent park home site and a 1.8m tall boundary fence along the north-eastern boundary with the shared access driveway. The boundary fence with the adjacent bungalow to the south is partly removed and in poor repair where it remains. A suitably worded condition on the decision (Condition 3) can ensure that a new boundary treatment is provided between the shop building and the bungalow.
- 15.10 The design and appearance of the extension consists of simple concrete block walls with rendered finish and an asphalt flat roof to match existing. As a result of the extension, existing windows and doors on the rear elevation would be replaced with a largely blank elevation apart from the retention of a single window to serve the office. Part of the existing building has a roof height of approx. 4m above ground level and it is proposed to increase the remaining roof area of the building and extension to this height. The overall height increases of the existing flat roof of approx. 0.5m is not considered to appear overly intrusive or overbearing within the street scene and will set behind the canopy to the front.
- 15.11 Alterations are also proposed to the front of the building to include larger windows, a focal entrance point and sliding entrance doors, and replacement of existing garage doors with a large shop window. On the side elevations, existing doors and windows are proposed to be removed and replaced with blank elevations.
- 15.12 Notwithstanding the above, the NPPF (Section 12) and Policy D of the PLP expect new proposals to positively integrate with their surroundings and add to the overall quality of the area. Whilst the proposal will result in a visual improvement to the site, officers consider that additional enhancement can be secured to improve the overall quality of the area in the form of improved and new hard and soft landscaping including, new and improved boundary treatments, suitable waste storage / bin storage provision and a planting scheme. Such enhancements can be agreed by way of a condition (Condition 3) on the decision. In addition, few details are provided of the specific materials and external finishes of the proposed structures. Again, it is considered suitable to require full details to be submitted to the Council for approval before first use on site. This can also be dealt with by way of condition (Condition 4).

15.13 Overall, the proposed extensions and alterations are considered to result in a building of contemporary appearance which would lead to an enhancement of the existing visual appearance of the building and its surroundings. The proposal is considered to accord with the NPPF and Policy D of PLP1 subject to conditions as detailed above.

Impact on neighbouring amenity

15.14 The site is surrounded by residential development. No neighbour responses have been received to the current proposal. However, Parish Council comments and neighbour concerns raised on the linked application for the new canopy etc. included potential noise and disturbance depending on opening hours and deliveries times, and impact of security lighting.

The Council's Environmental Protection Team have been consulted on the proposed extension and alterations but have not raised any specific noise concerns. The existing building would also benefit from an unconstrained use if it were to reopen as a retail use without the extension. Nevertheless, it is considered that the intensification of the retail use could harmfully impact on neighbouring amenity if hours of opening and deliveries are not controlled. As such, it is considered reasonable to apply conditions to the decision restricting the hours of the intensified retail use of the premises by the public and all deliveries to between 6am and 11pm (Conditions 7 and 8). This condition matches that on approved application P/FUL/2022/02394 for the replacement canopy and fuel dispensers.

15.15 In terms of the proposed extension and increase in height of the building to 4m, both proposals would be well screened from existing properties to the north-east, north-west and south-west apart from the adjacent bungalow of 'The Firs'. As noted above, boundary treatments with this property are absent or in a poor state of repair, and the bungalow is afforded limited screening or privacy as a result. Subject to suitable screening being secured (for example 1.8m high boundary fence or wall), it is considered that impacts on the neighbouring amenity of this property would not be demonstrably worse than the previous use of the site.

The requirement for suitable boundary treatments with neighbouring residential properties can be included as part of the wider hard and soft landscaping condition (Condition 3) on the decision. In addition, it is considered reasonable to include a condition on the approval to control external lighting with the aim of ensuring that it is appropriate in relation to neighbouring residential uses (Condition 9).

15.16 Officer consider that there would be no demonstrable harm to neighbouring privacy as result of the proposal due to existing boundary treatments (and those to be secured by way of condition) and a significant reduction in windows on the side and rear elevations of the building which face neighbouring residential properties. The insertion of any new windows on these elevations in the future would require planning permission and any resulting impact on neighbouring amenity would be assessed at this stage.

15.17 In summary, the proposal is considered to accord with Policy D of PLP1 subject to conditions on the decision.

Impact on highway safety

15.18 The site is currently served by two access and exit points onto Wareham Road – one to the north-east and the other to the south-west. The north-east access is shared with owners / occupiers of properties on the park home site to the rear. Several neighbour concerns were raised on the linked application over the impact of additional traffic movements associated with the proposal on the existing users of the shared access.

15.19 A supporting Transport Assessment was submitted in November 2022 detailing implications of the additional traffic generated by the proposed retail expansion on the highway network, including a swept path analysis, and trip generation. The Assessment concludes that:

- the site is situated within proximity of existing public transport provision and a footway network which will benefit future staff/visitors.
- There are no outstanding highway safety issues on the surrounding local highway network, which the proposed development site would be expected to exacerbate.

15.20 Traffic generation associated with the extant site operations have been identified alongside the net traffic forecasts for the network peak hours, site peak hours and daily operational hours and that despite the net increase in traffic generated by the development proposals, it can be concluded that the development traffic will be composed of trips which are either 'Pass-by' or 'Diverted' trips.

15.21 Pay at Pump and extendable pump hoses will reduce transaction time and improve throughput with minimal queueing.

15.22 A vehicle tracking exercise identified no constraints associated with the ingress/egress of vehicle movements to all fuel dispensers, car parking and for deliveries.

15.23 Additional supporting information was submitted by way of email in November 2022 providing an expected delivery schedule – outside peak hours where possible and maximum of 4 daily - and vehicle swept path analysis for delivery vehicles, demonstrating lack of interference with parked and fuelling cars.

15.24 The conclusions of the Assessment and additional information have been fully considered by the Council's Highway Engineer. On the basis of the detail provided, the Engineer has no objection to the proposal. This is subject to conditions in relation to the provision of turning/manoeuvring and parking construction as submitted (Condition 10); provision of a Construction Method Statement prior to the commencement of development (Condition 5); the direction of lighting away from the highway (Condition 9), and the provision of a cycle parking scheme for approval (Condition 11); and the hanging of any gates (Condition 13).

15.25 In terms of parking provision, the proposed site layout plan includes seven standard parking spaces to the south-west of the shop building and a single disabled parking space with safe access to the shop directly to the front of the building. The Dorset Council non-residential parking guidance advises 1 customer parking space per 20sqm of floorspace and 1 staff parking space per 100sqm of floorspace. The tradable floor area of the extended shop will total approx. 159sqm requiring 8 customer parking spaces, and with the total internal floor space of the building being 196sqm, the provision of 2 staff parking spaces is advised. Whilst the proposal meets customer requirements it falls short of total parking requirements by 2 spaces. However, given that many customers will shop whilst filling up with fuel or visit the shop on foot from the local area, it is considered that the overall level of provision would be acceptable.

15.26 On this basis, the proposal is considered to be acceptable in accordance with Policy IAT of the Purbeck Local Plan 2012.

Flood risk and drainage

15.27 The application site is located in Environment Agency Flood Zone 1 and is not subject to surface water flood risk. However, constraints mapping identifies that the site is in an area susceptible to groundwater flooding. The Council's Drainage Engineer has been consulted on the proposal and has confirmed that available modelling indicates no ground water flood risk to site. However, due to the increased area of the extension, a sustainable drainage condition (Condition 6) is required on the decision to ensure that the proposal would not worsen flood risk to the site, surrounding area, or highway. On this basis, the proposal is therefore considered to be acceptable in accordance with Policy FR: Flood Risk of the Purbeck Local Plan.

Ground contamination

15.28 The proposal is not supported by a contamination report; however the former uses of the site may result in ground contamination issues arising. The Council's Environmental Health Officer (EHO) has been consulted on the proposal and has raised no objection subject to the inclusion of an unexpected ground contamination condition on the decision (Condition 12).

16.0 Conclusion

16.1 For the above reasons, the proposal is considered to accord with the development plan and the NPPF. It is considered to form sustainable development for the purposes of NPPF paragraph 11 and approval is recommended subject to conditions.

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 2022/290/014c, Block Plan 2022/290/013c, Proposed Site Plan 2022/290/005, Ground Floor Plan Proposed 2022/290/006, Roof Plan Proposed 2022/290/007, North & South Elevations Proposed 2022/290/008, East & West Elevations Proposed 2022/290/009.

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

3. Prior to the commencement of any development hereby approved, full details of hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: means of boundary enclosures/treatments including a new boundary treatment along the south-west boundary with 'The Firs' of at least 1.8m in height, hard surfacing materials, minor artefacts and structures (e.g. furniture, signs, refuse and other storage units), proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc), and a soft landscaping and planting scheme. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

4. Prior to the commencement of development, details and samples of all external facing materials and finishes shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials and finishes as have been agreed.

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

5. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

6. Prior to the commencement of development, a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction shall be submitted to and approved in writing by the Local Planning Authority. The surface water

scheme shall be implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding and to protect water quality.

7. The retail unit (Class E of the Town and Country Planning (Use Classes) Order 1987 as amended) shall only be used between the hours of 6am and 11pm.
Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.
8. There shall be no deliveries to the site outside of the hours of 6am to 11pm.
Reason: To protect nearby residential accommodation from excessive noise at night-time.
9. No flood lighting or security lighting shall be installed until details of a scheme to control glare or stray lighting has been submitted to and approved in writing by the local planning authority. The scheme shall include timings of use of the artificial lights, shielding and angle of the head to reduce glare and light intrusion on land that it is not owned by the development as appropriate, and must be located and screened in such a manner that no illumination is directed towards the adjoining highway. Thereafter the lighting shall be installed, operated and maintained in accordance with the agreed details.
Reason: To protect visual amenities, avoid nuisance to adjoining properties and to ensure that drivers aren't dazzled or distracted by the light.
10. Before the development is utilised the turning/manoeuvring and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.
Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.
11. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Planning Authority. Any such scheme requires approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.
Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.
12. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. On completion of the approved remediation

scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

13. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

Informative Notes:

1. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at 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. 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.
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.

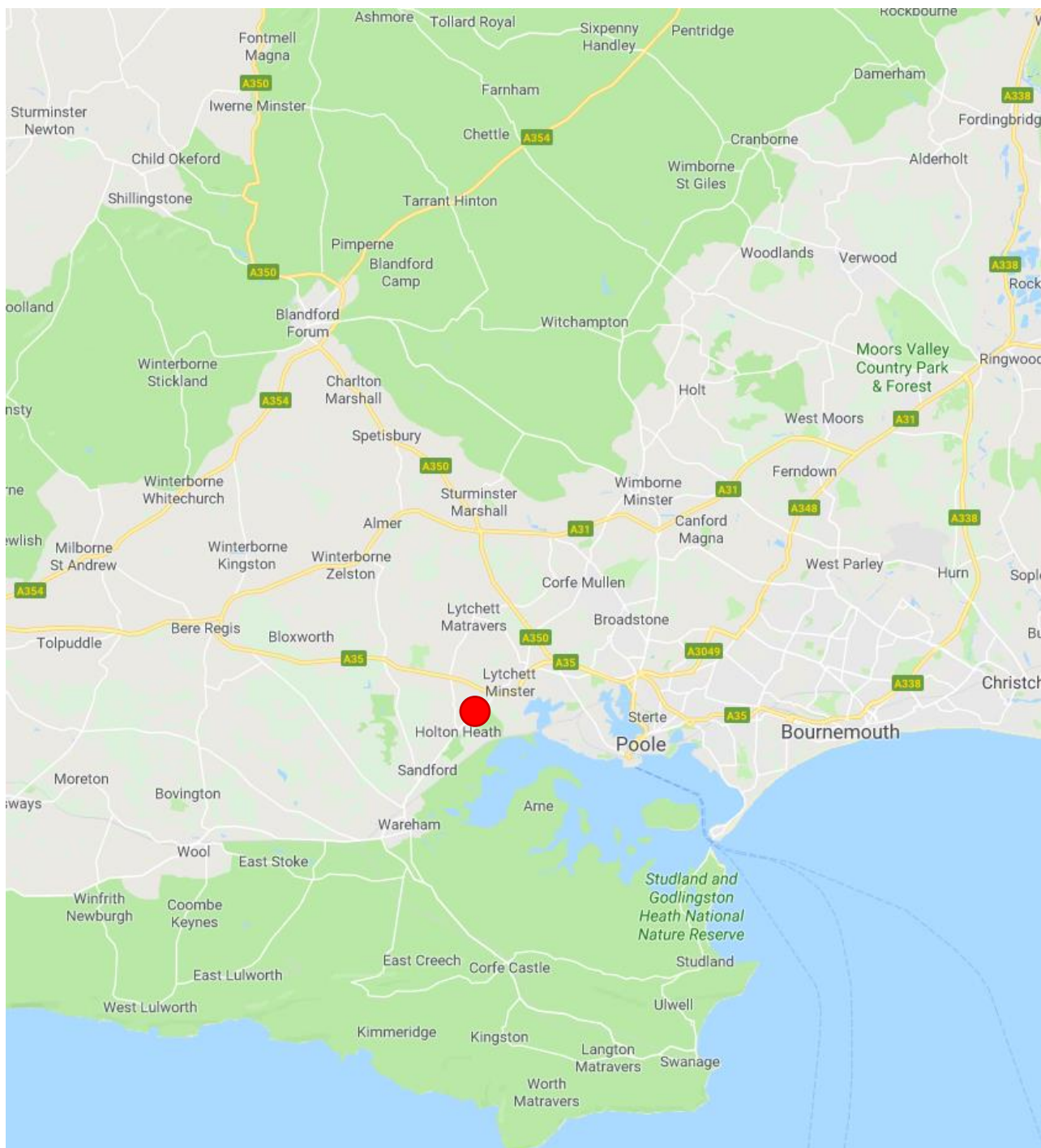
This page is intentionally left blank

● Approximate Site Location

Application reference: P/FUL/2022/04531

Site address: Holton Heath Garage, Wareham Road, Holton Heath, BH16 6JW

Proposal: Extension of existing Class E retail unit.



This page is intentionally left blank

Agenda Item 10

Eastern Area Planning Committee

22nd February 2023

Application Number:	P/HOU/2022/06160		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	3A Lighthouse Road Swanage BH19 2JH		
Proposal:	Proposed single story rear and side extension with alterations to form first floor balcony above. Replacement of glazed balustrade and flat roof to existing balcony. New vehicular access from Lighthouse Road		
Applicant name:	Mr & Mrs J A Page		
Case Officer:	Emma Macdonald		
Ward Member(s):	Cllr Suttle and Cllr Trite		
Publicity expiry date:	24 November 2022	Officer site visit date:	8 November 2022
Decision due date:	9 February 2023	Ext(s) of time:	9 February 2023

1.0 The red line area includes a small part of Dorset Council owned land which forms a verge over which a new access is proposed and associated visibility splays.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in para 16 at the end of this report

- 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 acceptable in its design and general visual impact.
- 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	Site is within the Swanage settlement boundary where there is no objection in principle to altering existing properties.
Scale, design, impact on character and appearance and impact on the AONB	Scale of the proposal is subservient. Materials proposed generally match existing. Access is acceptable, subject to condition
Impact on amenity	The nature of the single storey rear extension, plot size, mature vegetation and separation distances means that there will be no unacceptable impacts in terms of overshadowing or loss of privacy. With the addition of obscure glass and a higher screen the proposed balcony will not give rise to any unacceptable impacts.
Surface water drainage and coastal erosion	Acceptable subject to condition
Access and Parking	Acceptable subject to condition and informative
Biodiversity	An appropriate level of enhancement will be secured through a condition.

5.0 Description of Site

The application site lies on the eastern side of Lighthouse Road within Swanage's settlement boundary. 3a Lighthouse Road is a detached chalet bungalow set in a large rectangular shaped relatively level plot with garden to the front and rear. A detached double garage sits within the rear garden, with vehicular access onto Durlston Road to the east. Until recently, a gate has provided pedestrian access onto Lighthouse Road. Trees, hedges and vegetation form the site's boundaries.

The application site is situated on the edge of an established residential area. The street scene comprises dwellings that vary in style. On the eastern side of Lighthouse Road dwellings are substantial in size, sitting in generous plots, set well back from the road. The western side of Lighthouse Road, generally comprise chalet dwellings, set in more of a uniform pattern in smaller plots, but all set back from the road with front gardens and driveways. Properties on both sides of the road have Purbeck Stone boundary walls of varying heights. The eastern side of the road is generally tree lined, whilst the western side comprising more formal walling and hedgerows along the road frontage. At its southern end the character of the area changes with a rural feel as you approach Durlston Country Park.

6.0 Description of Development

Planning permission is being sought for a single storey rear extension which will allow for an enlarged kitchen along the back of the dwelling and a small side extension which will comprise a utility room. The rear extension measures approximately 7m wide by 3.3m deep. The proposed utility room will measure 1.6m wide and approximately 4.1m deep along the side (north) elevation. Both will measure approximately 2.7m in height.

Alterations are also proposed to form a first-floor balcony, to the rear, above the extension with a glazed balustrade around and patio doors leading out from the rear bedroom. To the front (west) it is also proposed to replace the existing flat roof and replace the existing metal balustrade with glass.

A new vehicular access from Lighthouse Road is also proposed. A gravel driveway with turning area is proposed within the site with a tarmac crossing over the verge of Lighthouse Road and visibility splays to address highway requirements.

7.0 Relevant Planning History

Permission Ref.	Proposal	Date	Relevant conditions/information
6/1990/0635	Repair, and use, existing pedestrian access in stone and wrought iron	Granted 10/10/1990	This allowed for a pedestrian gate onto Lighthouse Road.
6/1992/0616	Erect a house and detached garage, form new vehicular access.	Granted 30/11/1992	Condition 9 required all vehicular access to be to Durlston Road. No vehicular access or additional pedestrian access shall be constructed to Lighthouse Road. This was to prevent danger to road users.

8.0 List of Constraints

Application is within the Swanage Settlement Boundary

Bridleway SE3/47;

Areas Susceptible to Groundwater Flooding; Clearwater; >= 25% <50%

Dorset Council Land (Freehold): Durlston Country Park & Durlston Head Castle & Wardens Bungalow, Swanage

Within Dorset Area of Outstanding Natural Beauty (AONB) (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National

22nd February 2023

Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Dorset Heathlands RAMSAR: (UK11021);

Bat Roosts: SZ07/BR 0015 - Swanage, Lighthouse Road;

Site of Special Scientific Interest (SSSI) (400m buffer): South Dorset Coast; -

9.0 Consultations

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

Consultees

1. **DC - Highways** (received 21 November 2022)

The road abutting 3A Lighthouse Road is not adopted highway but a private road.

Access is acceptable and there is no objection from the highways authority subject to conditions relating to the provision of turning/manoeuvring and parking construction and the provision of visibility splays.

Informative note regarding highway boundary

2. **DC - Rights of Way Officer** (received 4 November 2022)

The bridleway must remain clear with no vehicles parked along it, or materials stored, both during and after the development and any damage must be reinstated. Disturbance to uses of the public right of way should not be increased by this development.

This will be addressed by an informative

3. **Swanage Town Council** (received 9 November 2022)

No objection, however, concerns raised regarding the vehicular access and loss of Purbeck Stone Wall.

Officer notes: The agent has confirmed that the wall required removal due to its poor condition. The amount of stone wall to be removed will be kept to a minimum required to meet the necessary highway requirements. The remaining wall will be replaced/repared.

Representations received

The application was advertised by site notice.

Total - Objections	Total - No Objections	Total - Comments
2	0	0

22nd February 2023

- Object to new access onto Lighthouse Road
- Incorrect information on application form with regards to access onto a public highway
- New access will have an impact on rural views and the amenity of the properties opposite from direct views.
- Loss of tree line and Purbeck Stone wall

10.0 Relevant Policies

Adopted Purbeck Local Plan Part 1:

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

- Policy SD - Presumption in favour of sustainable development
- Policy LD - General location of development
- Policy D - Design
- Policy LHH - Landscape, Historic Environment and Heritage
- Policy IAT – Improving Accessibility & Transport
- Policy BIO – Biodiversity & Geodiversity

Adopted Swanage Local Plan:

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

- Policy SS – Swanage Settlement
- Policy STCD - Swanage Townscape Character and Development

Other Material Considerations

Supplementary Planning Documents/Guidance:

- Purbeck District Design Guide adopted 14 January 2014
- Dorset AONB Management Plan 2019-2024
- Dorset AONB Landscape Character Assessment & Management Guidance 2008

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The Purbeck Local Plan (2018-2034) Submission January 2019 ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

E1: Landscape

E12: Design

National Planning Policy Framework – July 2021

- Section 2 – Achieving sustainable development
- Section 4 - Decision Making
- Section 12 - Achieving well designed places

- Section 15 - Conserving and Enhancing the Natural Environment

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.

The proposal would need to comply with current Building regulations and increases the level of accommodation provided within an existing dwelling. It is not considered that the proposed extension and alterations to the dwelling would result in any disadvantage to persons with protected characteristics once the construction phase has been completed. During construction some people may be more affected by any noise and disturbance.

13.0 Financial benefits

none

14.0 Environmental Implications

All new development is associated with some carbon dioxide production, but no specific significant impacts have been identified from the proposal.

15.0 Planning Assessment

15.1 The main planning considerations are:

- The principle of development
- Design and impact on Area of Outstanding Natural Beauty (AONB)
- Amenity
- Drainage
- Access and parking
- Biodiversity

These and other considerations are assessed below.

Principle of development

15.2 The site is within the Swanage settlement boundary where there is no objection in principle to altering existing properties subject to consideration of all material planning issues, site-specific constraints and representations received.

Scale, design, impact on character and appearance and Impact on the AONB

15.3 The site is located within the Dorset Area of Outstanding Natural Beauty (AONB) on the edge of the built-up area of Swanage. The east side of Lighthouse Road is characterised by large houses set back from the road frontage in large plots. This gives a sense of spaciousness but with a verdant character created by mature trees and garden planting. Front boundaries are defined by walls or fencing backed with mature hedging or shrubbery. This gives the area a consistent low density residential character which is well integrated with the mature landscaping at the edge of the townscape leading up to Durlston Country Park and the open countryside.

15.4 Given the size of the plot, the proposals do not encroach on the sense of space around the building and the extension is barely visible within local views and there are no wider views within the AONB that are likely to be adversely impacted by the development. The proposal conserves the appearance and character of the landscape in accordance with Policy LHH 'Landscape, Historic Environment and Heritage' of the Purbeck Local Plan Part 1 (PLP1) and paragraph 176 of the NPPF. The scale of the extension will be a notable addition but remains subservient to dwelling and the materials proposed generally match existing consistent with the overall character of the house in accordance with Policy D 'Design' of PLP1. Sufficient garden remains to the rear, side and front of the property to serve the dwelling.

15.5 A new vehicle access and gravel driveway is proposed to the west of the site onto Lighthouse Road. Officers note that construction of the driveway has already commenced without the benefit of planning permission. Planning conditions currently restrict vehicular access from Lighthouse Road, to prevent danger to road users.



- 15.6 Although no objection has been received, the Parish Council has raised concern regarding the loss of the Purbeck Stone Wall for the purposes of the creation of the new access. This has been raised with the agent, who has explained that the wall was in poor condition and a safety hazard. The agent has also confirmed that the amount of stone wall removed has been kept to a minimum required to meet the necessary highway requirements. Beyond the required access, the wall is intended to be reinstated with the original stone which has been retained for this purpose.
- 15.7 It is understood that at least one tree was removed from the western boundary. The agent has explained that this tree was in poor condition. It is recommended that at least one new tree is planted on the western boundary of the site, this will soften the impact of the new access from Lighthouse Road. The applicant has explained that four trees have been purchased and will be planted.
- 15.8 Given that other properties on the eastern side of Lighthouse Road have similar access provision and the overall loss of the Purbeck Stone wall will be kept to a minimum it is considered that the proposal will not have an unacceptable impact on the street scene, character of the area or the AONB.
- 15.9 Officers consider that the remaining wall should be replaced/repared with Purbeck Stone as is typical for the area and replacement trees are planted. It is recommended that this is conditioned (Condition 4)
- 15.10 Overall, the development is considered to be acceptable and in accordance with Policy LHH 'Landscape, Historic Environment and Heritage' and Policy D 'Design' of the PLP1 and the NPPF as it conserves the appearance, setting and character of the landscape.
- Impact on amenity
- 15.11 Durlston House is situated adjacent to 3a Durlston Road to the north. The two properties are situated in relatively close proximity; approximately 3.5m building to building with hedges and trees making up the boundary. The proposed side extension will not bring the dwellings closer together. To the south, Juniper Cottage lies over 10m from the dwelling subject to this application.

- 15.12 Due to the nature of the single storey rear extension, the plot size, existing vegetation and separation distances, the proposals do not give rise to any unacceptable impacts in terms of overshadowing or notable loss of privacy to the occupants of the adjoining dwellings.
- 15.13 Officers were concerned about the impact of the proposed balcony on the privacy of the neighbouring property to the north. To address this issue a revised plan has been submitted to include the use of obscure glass and a higher screen on the side elevation to reduce the impact of direct overlooking from the balcony. (Condition 3)
- 15.14 A third-party representation has been received objecting to the proposed access, loss of tree line and Purbeck stone wall. As set out above, at least one tree will be planted on the western boundary to replace a tree that has been removed. The loss of the Purbeck Stone wall is limited to approximately 5.5m with approximately 18m replaced and/or retained/repared (condition 4).
- 15.15 Further concerns about the loss of views are not material to consideration of the application.
- 15.16 The proposal, as amended, is therefore considered to be in accordance with Policy D 'Design' of the Purbeck Local Plan Part 1 in terms of impact on local amenity.

Surface water drainage and coastal erosion

- 15.17 The site is within 400m of the coastline. Purbeck Local Plan Policy CE 'Coastal Erosion, requires that in this location development must demonstrate how surface water can be discharged without adding to the ground water levels with the consequential detrimental effect on coastal stability.
- 15.18 Draining surface water to a soak away or any other system which is likely to contribute to the level of groundwater or surface erosion is unlikely to be acceptable. Surface water is currently discharged into the mains sewer and that this will continue. It is recommended that a condition is included to require disposal of surface water to the mains sewer in order to ensure no impact on coastal stability. (Condition 8)

Access and Parking

- 15.19 This application proposes a new vehicular access from Lighthouse Road, where previously there was only pedestrian access. Lighthouse Road is not an adopted highway but a private road, understood to be owned by Durlston Country Park. Its use is a matter that lies beyond the planning remit.
- 15.20 Dorset Council's Highway Authority has been consulted on this application and has no objection to the proposal subject to conditions regarding the provision of turning/manoeuvring and parking construction and visibility splays as submitted (conditions 6 and 7).

Biodiversity

- 15.21 It is a requirement of all development to protect and where possible enhance the natural environment, as stated in the NPPF, paragraphs 8, 174 and 180. It is

22nd February 2023

recommended that a proportionate level of enhancement is secured by condition. In this case, the erection of at least one bat and/or bird box would reasonably provide biodiversity enhancements. (Condition 9)

16.0 Conclusion

Officers consider that, subject to conditions to secure the repair/re-instatement of the boundary wall to the west, materials to match existing, the provision of at least one replacement tree, biodiversity enhancements and highways safety measures the proposal would accord with the local development plan and therefore recommend that the application is approved.

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 plan:

AG22/09/02 F - Proposed Plans and Elevations

3. Before the proposed balcony is brought into use, the proposed balcony screen on the northern elevation shall first be installed. The screen must be at least 1.8m high and glazed with obscure glass to a minimum industry standard privacy level. Thereafter the height of the screen and obscure glazing shall be retained.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property

4. Within 2 months of the surfacing of the approved access, the wall forming the western boundary shown on plan number AG22/09/02 F should be re-instated/repared using Purbeck Stone, reclaimed wherever possible, and at least one replacement tree should also be planted on the western boundary as shown on the approved plan.

If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and

22nd February 2023

size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

5. The external materials to be used for the wall(s) and roof(s) shall be similar in colour and texture to the existing building(s).

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

6. Before its use by vehicles other than those associated with the construction hereby approved, visibility splay areas as shown on the submitted plan AG22/09/02 F must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

7. Before the access and parking hereby approved are used by vehicles other than those associated with the construction the turning/manoeuvring and parking must have been constructed as shown on the approved plan AG22/09/02 F. 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.

8. Disposal of surface water must be to the mains sewer with the agreement of Wessex Water unless subsequent variation is agreed in writing with the Council.

Reason: The site lies within 400m of the coast where additional surface water/ground water drainage may have an adverse impact upon the stability of nearby cliffs.

9. At least one bat and/or bird box shall be erected prior to first occupation or use of the development hereby approved.

Reason: To enhance or protect biodiversity.

Informative Notes:

1. Informative Note - Wessex Water. The point of connection for the disposal of surface water to the existing public sewer must be agreed with Wessex Water Services Ltd.

22nd February 2023

2. Confirmation of highway boundary - They can be contacted by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ.

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:

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

4. The applicant is advised that the granting of planning permission does not override the need for the safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above path then a Temporary Path Closure Order must be obtained. This can be applied for through this office but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.

Any damage to the surface of the bridleway attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980 by the applicant.

5. Landownership is a matter which falls outside of planning legislation. Permission of the landowner must be acquired in respect of the visibility splay required by Condition 6.

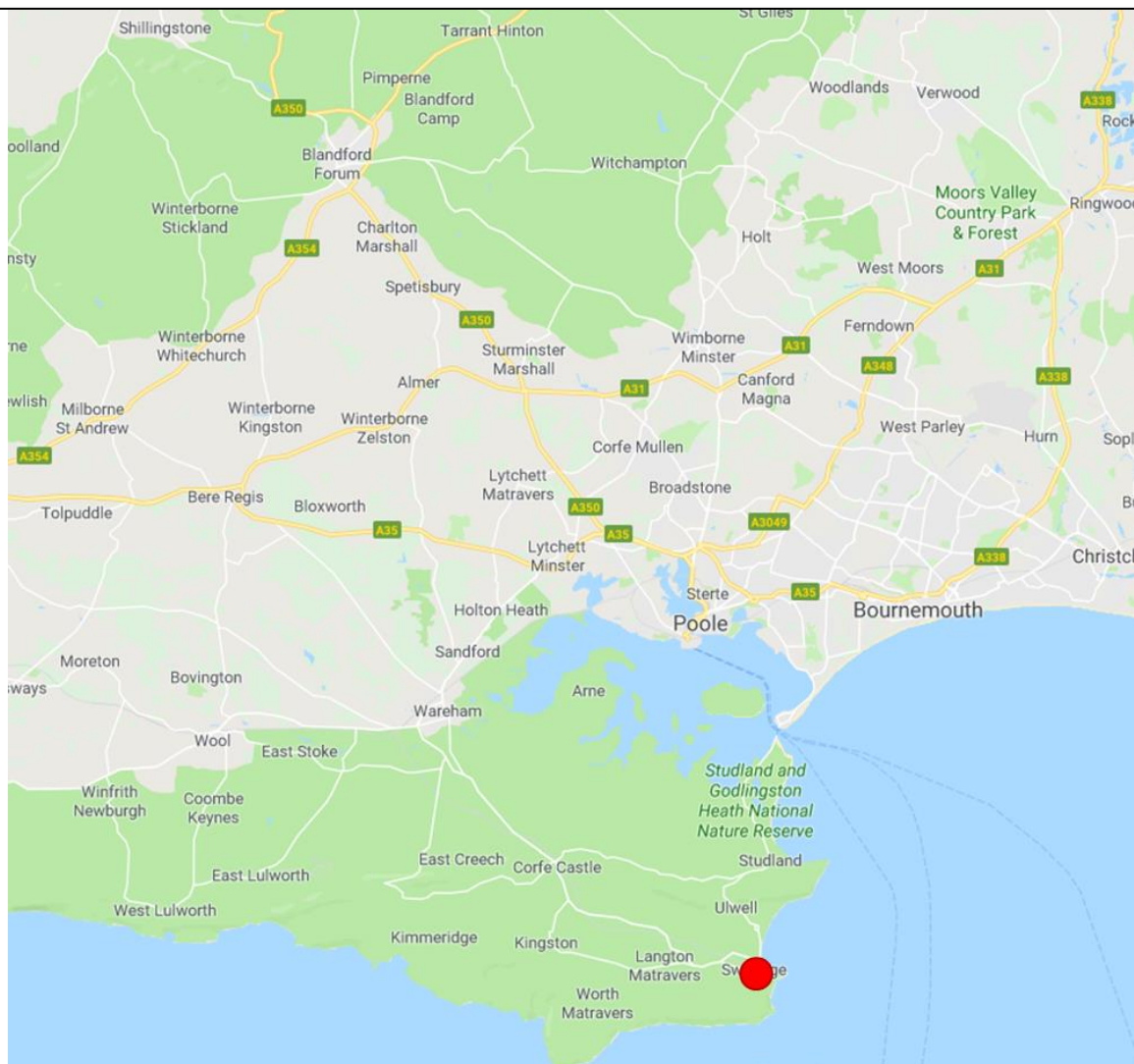
This page is intentionally left blank

Approximate Site Location

Application reference: P/HOU/2022/06160

Site address: 3A Lighthouse Road Swanage BH19 2JH

Proposal: Proposed single story rear and side extension with alterations to form first floor balcony above. Replacement of glazed balustrade and flat roof to existing balcony. New vehicular access from Lighthouse Road



This page is intentionally left blank