



Eastern Area Planning Committee

Date: Wednesday, 25 October 2023
Time: 10.00 am
Venue: The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

Members (Quorum 6)

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

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

For more information about this agenda please 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.

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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 - 10
To confirm the minutes of the meeting held on Wednesday 13 th September 2023.	

4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS

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. [Guide to Public Speaking at Planning Committee](#)

The deadline for notifying a request to speak is 8.30am on Monday 23rd October 2023.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission.

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| 6. | P/FUL/2022/04653- PIER VIEW FLATS, SEYMER ROAD, SWANAGE, BH19 2AQ | 11 - 30 |
|-----------|--|---------|

Bin store within the curtilage of Royal Victoria & Pier View Apartments.

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|-----------|--|---------|
| 7. | P/LBC/2022/05648- PIER VIEW FLATS, SEYMER ROAD, SWANAGE, BH19 2AQ | 31 - 46 |
|-----------|--|---------|

Bin store within the curtilage of Royal Victoria & Pier View Apartments.

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|-----------|---|---------|
| 8. | P/HOU/2022/06153- 10 COURT ROAD, SWANAGE, BH19 1JE | 47 - 60 |
|-----------|---|---------|

Two storey rear extension with dormer window and internal alterations.

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|-----------|---|---------|
| 9. | P/FUL/2023/00350- 124 RINGWOOD ROAD, LONGHAM, BH22 9AW | 61 - 86 |
|-----------|---|---------|

Change of use from existing Car Showroom building (sui generis) to Bakery (use class E), with external alterations including addition of air conditioning/extraction.

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| 10. | P/FUL/2022/04415- STURMINSTER MARSHALL, GOLF CLUB, MOOR LANE, STURMINSTER MARSHALL, DORSET, BH21 4BD | 87 - 104 |
|------------|---|----------|

Retain single storey changing room building.

- | | | |
|------------|---|--------------|
| 11. | P/FUL/2023/01089- WEST MOORS MIDDLE SCHOOL, HEATHFIELD WAY, WEST MOORS, BH22 0DA | 105 -
114 |
|------------|---|--------------|

Raise roof by adding insulation to flat roof and replacing roofing felt and facias. Lower roof to be raised by 250mm approximately. Hall roof to be raised by 210mm approximately.

12. 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.

13. 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.

There is no exempt business scheduled for this meeting.

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 13 SEPTEMBER 2023

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

Apologies: Cllrs Mike Barron, Alex Brenton and Julie Robinson

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

Elizabeth Adams (Development Management Team Leader), Victoria Chevis, Kim Cowell (Development Management Area Manager (East)), Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Apprentice Democratic Services Officer) and Megan Rochester (Democratic Services Officer)

14. Declarations of Interest

Cllr Bill Trite declared that he was pre-determined for agenda items 6 and 7. It was agreed that he would not take part in the discussion or debate but would speak as the local ward member.

15. Minutes

The minutes of the meeting held on Wednesday 2nd August were confirmed and signed.

16. Registration for public speaking and statements

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.

17. Planning Applications

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

18. P/FUL/2022/04653- Pier View Flats, Seymer Road, Swanage, BH19 2AQ

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the proposed elevations, site location and existing bin storage were included. Members were also informed that the site was within the settlement boundary as well as the curtilage of grade II listed buildings

within the Swanage conservation area and the Dorset AONB. Impacts on the heritage assets and neighbouring properties were also discussed.

Public Participation

Mr Andrew Joy raised his concerns regarding the proposal. He informed members that he had several helpful and professional discussions with planning officers. Mr Joy noted that many of the apartments were used as holiday accommodation, so the bin store represented over provision. There was waste provision at the front of Victoria Apartments. He highlighted to Members that the proposal was adjacent to Peter's Hole, a 17th century listed building and raised concern about overlooking of bedroom and living accommodation with only moderate screening proposed to protect amenity. Mr Joy raised the potential for the open bin store to attract vermin. He understood that there was a need for change but felt that the proposal was significantly flawed. He also discussed the negative impacts and how approval would result in a loss of privacy, noise, substantial visual harm, and it would create an extensive amount of intrusion.

Mr Joy strongly objected and requested that Members reconsider the officer's recommendation.

Cllr Avril Harris addressed the committee and agreed with the previous comments made. She raised concerns about the capacity of the bin store, the wall height in comparison to the proposed bins and highlighted issues of access. In addition to this, Cllr Harris also expressed concern about the proposed inclusion of metal gates which would allow views through to private gardens and were inappropriate in the conservation area. Objections were also raised regarding the capacity of the bin store to serve 35 dwellings and odours arising from the new bin store. a loss of privacy, and it wasn't felt that the proposal was sufficient. An alternative bin store utilising existing ground levels with a lift was suggested as a more appropriate solution.

The Local Ward member also addressed the committee and expressed his concern that the proposal was a health hazard due to the added risk of vermin, and the lack of roof increasing deposition of waste and odours. There would be serious impact on amenity due to loss of light from the increased height of roofless bin store, odours and overlooking of bedroom and ground level windows of the neighbouring property. There would be intensive use in the summer as many of the flats are holiday lets. Cllr Trite agreed with comments raised by the Town Council, particularly regarding environmental concerns and felt that there were more suitable areas within the curtilage which would make the proposal more accessible. The Local Ward Member also discussed the listed building and felt that the appearance and setting of the Swanage conservation area would be negatively impacted if approval was granted. Cllr Trite requested that members take a site visit prior to making a decision.

Members questions and comments

- Thanked the officers for their comprehensive report and presentation.

- Clarification on bin store collection from Dorset Waste and capacity requirements.
- Impacts on listed buildings.
- Confirmation on car park provisions.
- Query about minimum distance from waste storage to residential properties.
- Query about the construction of the bin store
- Query about pre-application advice
- Councillors raised their concerns with the proposal.

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 public representatives; and what they had heard at the meeting, a motion to **defer**, was proposed by Cllr Shane Bartlett, and seconded by Cllr David Tooke.

Decision: To defer the item to allow members to undertake a site visit.

19. **P/LBC/2022/05648- Pier View Flats, Seymer Road, Swanage, BH19 2AQ**

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 public representatives; and what they had heard at the meeting, a motion to **defer**, was proposed by Cllr Shane Bartlett, and seconded by Cllr David Tooke.

Decision: To defer the item to allow members to undertake a site visit.

20. **P/HOU/2022/06153- 10 Court Road, Swanage, BH19 1JE.**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the site location, street scenes, rear boundaries, existing and proposed floor plans were also included. The Case Officer also discussed neighbouring amenities and discussed overlooking of neighbouring properties. Members were informed that there was not enough harm identified to warrant refusal.

Public Participation

The Town Council spoke in objection to the proposal. Cllr Harris described the location of the site and the Edwardian terrace within which it was situated. She raised concerns with the scale of the proposal and potential impact on the character of the terrace and neighbouring amenity. The Town Council did not feel that the proposal was in keeping with the area, particularly as different building materials were proposed for the dormer.

Members questions and comments

- Clarification regarding pre application advise.
- Members noted the potential for an extensive increase in overlooking.

- Considerations regarding obscure glass windows to prevent overlooking.
- Members noted that the proposal was situated within a characteristic terrace.
- Negative impacts of the scale of the proposal.
- Visual impacts

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 public representatives; and what they had heard at the meeting, a motion to **defer**, was proposed by Cllr Bill Trite, and seconded by Cllr Robin Cook.

Decision: To defer the item to allow members to undertake a site visit.

21. **P/FUL/2023/02398- Hillside First School, Hillside Road, Verwood, BH31 6HE**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Details including existing parking, impacts on neighbouring amenity, character and appearance of the area were provided. The Case Officer highlighted that an acoustic fence was proposed to prevent harm to neighbouring amenity from noise.

In summary, the proposal represented a more sustainable source of heat than the existing boiler and would not have resulted in harm to the character of the area or neighbouring amenity subject to a condition to secure the acoustic fence which was condition no. 3 within the agenda.

Public Participation

There was no public participation.

Members questions and comments

- Members noted that there had been no objections and fully supported the application and highlighted the environmental benefits.
- Clarification regarding acoustic fencing.

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; and what they had heard at the meeting, a motion to **APPROVE** the officer's recommendation to **GRANT** planning permission as recommended, was proposed by Cllr David Morgan, and seconded by Cllr Barry Goringe.

Decision: To grant the officer's recommendation for approval subject to conditions set out in the officer's report.

22. **P/FUL/2023/02868- St Johns CE VC First School, St Johns Hill, Wimborne Minster, BH21 1BX**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Members were informed that the application had been brought to committee due to the proposal being situated on council owned land and that it was within the conservation area. The Case Officer highlighted impacts on neighbouring amenities and character of the area. It was also noted that distances in the report were incorrect, and members were provided with the correct figures.

The Officer's presentation concluded that the proposal represented a more sustainable source of heat and would not have resulted in harm to the character of the area or neighbouring amenities subject to conditions securing the acoustic fence which was condition 3 in the agenda.

Public Participation

There was no public participation.

Members questions and comments

- Thanked the officer for their report and presentation.
- Members were happy to approve the proposal, with the additional conditional as recommended by the Case Officer, to encourage noise mitigation.

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; and what they had heard at the meeting, a motion to **APPROVE** the officer's recommendation to **GRANT** planning permission as recommended, was proposed by Cllr Shane Bartlett, and seconded by Cllr Robin Cook.

Decision: To grant the officer's recommendation for approval subject to conditions sent out in the officer's report.

23. P/ADV/2023/02384- Holton Heath Garage, Wareham Road, Holton Heath, BH16 6JW

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members, in particular paragraph 136 of section 12 from the NPPF. Photographs of the site and its surroundings were included. The Case Officer informed members that the site was within the Green Belt and discussed impacts on neighbouring properties as well as highways implications.

Public Participation

There was no public participation.

Members questions and comments

- Noted that great consideration had been undertaken.

- Clarification regarding operating hours.

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; and what they had heard at the meeting, a motion to **APPROVE** the officer's recommendation to **GRANT** planning permission as recommended, was proposed by Cllr Shane Bartlett, and seconded by Cllr David Morgan.

Decision: To grant the officer's recommendation for approval subject to conditions set out in the officer's report.

24. **Urgent items**

There were no urgent items.

25. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 - 11.45 am

Chairman

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Application Number:	P/FUL/2022/04653		
Webpage:	Planning application: P/FUL/2022/04653 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Pier View Flats, Seymer Road, Swanage, BH19 2AQ		
Proposal:	Bin store within the curtilage of Royal Victoria & Pier View Apartments		
Applicant name:	Mr R Loyd		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Suttle and Cllr Trite		
Publicity expiry date:	5 July 2023	Officer site visit date:	03/11/2022
Decision due date:	16 June 2023	Ext(s) of time:	16 June 2023

This application was deferred from consideration at the 13 September Eastern Area Planning Committee meeting for a committee site visit to take place. The application is returned to Committee for consideration following a site visit by the Eastern Area Planning Committee scheduled for 11 October 2023.

1.0 The Nominated Officer has identified this application to come before the Planning Committee as the officer recommendation of approval is contrary to objections received from Swanage Town Council and Swanage Ward Members.

2.0 Summary of recommendation:

The committee be minded to GRANT planning permission subject to conditions as set out in Section 18 of this report.

3.0 Reason for the recommendation: as set out in paras 16 – 17 of this report and summarised as follows:

- Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that decisions should apply a presumption in favour of sustainable development where it accords with an up-to-date development plan.
- On balance, the scale, design, and impact of the development - although functional – is acceptable and would not result in significant harm to the general character and appearance of the area.
- On balance, the public benefit provided by way of the new bin store provision would outweigh the less than substantial harm caused to the Grade II listed buildings and

their setting, associated Peter's Hole, and also the character and appearance of Swanage Conservation Area.

- When taking into consideration existing mutual overlooking and loss of privacy, temporary periods of proposed use, and alternative bin storage within the courtyard - the proposed scheme would not on balance, result in any significant harm to neighbouring residential amenity.
- Despite a remaining deficit in bin capacity, the proposed bin store would achieve a betterment compared to the existing bin storage situation
- The proposal is acceptable in respect of impacts on parking, highway safety, public rights of way, flood risk and drainage, and the Dorset AONB.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable.
Scale, design, and impact on the character and appearance of the area	On balance acceptable subject to conditions.
Impact on heritage assets	On balance acceptable subject to conditions.
Impact on neighbouring amenity	On balance acceptable subject to conditions.
Bin storage capacity	A betterment compared to the existing situation. On balance acceptable subject to conditions.
Other considerations	Acceptable subject to conditions.

5.0 Description of Site

- 5.1 The application site lies within the shared garden and parking court of the Grade II Listed former Royal Victoria Hotel and Grade II Listed Pier View Apartments. The garden is enclosed on all sides by buildings and Purbeck Stone boundary walls. It includes areas of lawn, planting, several small storage outbuildings, and a greenhouse. Due to the hillside setting, the garden slopes gently upwards from north to south, with the tall southern boundary wall also serving as a retaining wall to the higher-level parking court to the south. The garden is overlooked by the flats it serves and the dwelling of Peter's Hole to the west and is currently accessed by steps and a pedestrian gate in its southeast corner.
- 5.2 The parking court to the south of the garden is set at a higher level and is accessed from the east off Seymer Road and from the west off Marshall Road. Areas of the parking court are within separate ownership and provide access to parking and garage provision serving the residents of Hardy Court. An existing flat roof bin store that is located directly to the southeast of Peter's Hole serves the Royal Victoria and Pier View flat residents is accessed by steps extending from the parking court.
- 5.3 The site is located within the settlement boundary, the curtilage and setting of Grade II Listed buildings, Swanage Conservation Area, and Dorset AONB.

6.0 Description of Development

- 6.1 The proposal is for the construction of a new bin store within the curtilage of Royal Victoria and Pier View Apartments in Swanage.
- 6.2 It is proposed to remove the roof and raise the floor level of the existing bin store to the adjacent parking court level to enable direct and level access by residents and waste collection teams to the new bin store.
- 6.3 Raised beds will be provide planting to reduce direct overlooking of Peter's Hole (residential dwelling to the west) and to provide screening of the new bin store from windows serving Peter's Hole. The new bin store will be constructed to the adjoin the eastern boundary of the existing store and will be sited within the garden area serving the apartments.
- 6.4 The new bin store will retain the existing access from the car park and will extend east and northwards into the Pier View garden (9.2m in length by 3.6m in depth) to enable large bin provision that will meet a wider range of residents' waste and recycling requirements. Access to the bin store by residents will also be retained by way of new steps to be provided from within the Pier View garden. Provision of in-wall planting boxes are proposed to provide visual enhancement and screening of the new bin store use.

7.0 Relevant Planning History

- 7.1 P/PAP/2021/00488 - Recycle bin store, remove roof, raise floor, and enclose walls and gates.

Summary of response to original plans - Officers are unable to support the proposed bin store alterations and extensions due to the harmful impact on the setting of Grade II Listed Buildings and Swanage Conservation Area. Officers have considered other potential options which appear to be limited. You may wish to consider alternative proposals and obtain further pre-application advice prior to the submission of any applications.

Summary of response to amended plans - Pleased to see a change in location for the bin store in a size that responds to the resident's waste needs. In principle there is no objection to the proposed location from a heritage perspective. Full cross-section/elevation details should be provided at application stage. The design should be subservient with materials that are in keeping to the surrounding historic environment, and the continuation of the Cock-and-Hen capping stones is recommended.

Concerns regarding the removal of the roof to the existing bin store due to the potential impact on neighbourhood amenity. Although this is a planning consideration, Environmental Protection may have to be consulted for noise and odour due to the close proximity of a dwelling. To overcome any potential issues, could the existing walls be extended a course or two, and a retractable roof employed? Due to the close proximity of a tree to the proposed bin store, information on tree protection measures along with the confirmation that nothing will be stored that could impact the root protection area during construction will be required at application stage.

8.0 List of Constraints

Pier View Flats - Listed Building Grade II, Royal Victoria Hotel - Listed Building Grade II, Osborne House – Listed Building Grade II, The Rookery – Listed Building Grade II

Application site is within Swanage Conservation Area

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

Neighbourhood Area; Name: Swanage; Status Designated 22/02/2022

Right of Way: Footpath SE3/89; Footpath SE3/29; Bridleway SE3/27;

Risk of Surface Water Flooding Extent 1 in 100 – to front of site on High Street

Risk of Surface Water Flooding Extent 1 in 1000 – to front of site on High Street and adjacent to rear elevation of apartments

Areas Susceptible to Groundwater Flooding; Clearwater and Superficial Deposits Flooding; $\geq 25\%$ $< 50\%$

Area of Outstanding Natural Beauty (AONB): Dorset (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)

Site of Special Scientific Interest (SSSI) impact risk zone and (400m buffer): South Dorset Coast

Flood Zone 3 - to front of site on High Street, Flood Zone 2 - to front of site on High Street

Minerals and Waste - Waste Consultation Area

9.0 Consultations

The application was advertised by means of site notices and advertisements.

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

Consultees

1. Dorset Council – Highways:

No objection to original plans (comment received 03/11/22).

No further comment on amended plans (comment received 31/05/23).

2. Dorset Council - Dorset Waste Team (comments on amended plans received 31/05/23):

Unable to support.

Records show 35 properties use the bin storage area.

New layout will not accommodate capacity of bins for required properties.

3. Dorset Council - Conservation Officer:

Comments on original plans (received 29/12/22):

Will cause less than substantial harm to the setting of the grade II listed former Royal Victoria Hotel and Pier View Apartments.

Nearly 40 residential units use this bin store which is not fit for purpose.

High risk that large number of bins and refuse waste will litter the car parking area to the rear causing harm to the setting of the surrounding listed buildings and the character and appearance of the Conservation Area.

The public benefit through the construction of the store would outweigh the level of harm caused.

No heritage objection to the proposal subject to conditions.

Concerns raised over the amenity and increased odour/noise to Peters Hollow are for Planning Officer to consider. However, changes to the design are recommended.

Comments on amended plans (received 15/03/23):

Now proposing to build an inner wall to the original bin store to screen the site from Peter's Hollow.

The design does not sit comfortably overall, and it is recommended that the stone and render internal wall is replaced with timber.

No objection to the widening of the wall subject to condition for the proposed gate.

4. Dorset Council – Environmental Protection:

No objection.

5. Dorset Council - Rights of Way Officer:

No objection to original and amended plans.

Public right of way Footpath SE3/29 goes through the development area and must always be maintained and unobstructed.

6. Swanage Town Council (comments on original and amended plans received 24/11/22, 09/03/23 & 13/06/23):

Object with major concerns.

Open store not environmentally appropriate in this location and wholly inappropriate and unhygienic. The floor of the proposed store will be raised up, with larger waste bins open and exposed, which could potentially attract other waste/ rubbish from surrounding properties/businesses/passers-by, small pests/vermin, and increase odour nuisance, which would be exacerbated in the warmer summer months.

Overlooking/loss of privacy/adverse impact on neighbour amenity of adjacent property.

Adverse impact on Listed Building and Conservation Area setting. More suitable areas are available.

Request that application referred to planning committee.

Minor amendments do nothing to mitigate the Council's original concerns.

7. Swanage Ward – Cllr Trite (comments on original plans):

Endorse views of objection of Town Council and Mr Joy.

Proposal is a health hazard which will adversely impact neighbouring residents' amenity.

Stench / vermin.

Overlooking of nearby windows.

Anti-social disposal of litter and dog excrement of passers-by.

Increase in height and loss of light to Peter's Hole.

Request referral to Planning Committee.

8. Swanage Ward – Cllr Suttle (comments on original plans):

Support Cllr Trite's email.

Formally request referral to Planning Committee on grounds of health, nuisance, proximity to the residence, light due to the new structure.

Representations received

Total - Objections	Total - No Objections	Total - Comments
2	6	0

Summary of comments of support to original and amended plans:

Will ensure compliance with Dorset Waste's revised Health and Safety guidelines by enabling street level loading of bins.

Appear to be best possible outcome.

Will have minimal impact on the surrounding car spaces and communal gardens and the overall look of the buildings will not be hugely changed.

Improvement on current provision which is cramped and unhygienic.

Summary of comments of objection to original and amended plans:

Easy access by vermin.

Easy access by passers-by to throw rubbish in.

Smell will worsen due to loss of roof.

Loss of amenity to residents of Hardy Court with unnecessary eyesore of rubbish bins.

Simplest and cheaper option to install lift.

Inappropriate within Conservation Area.

Substantial loss of privacy to occupiers of Peter's Hole through random frequent overlooking of bedroom, living room and garden by users of the open bin store. Screen planting cannot mitigate this.

Should only be used for waste collection and not general access to apartment users.

Noise from closing of bins and use of access gate.

Adverse impact on Conservation Area and substantial harm to the setting of 'listed by association' Peter's Hole which is more severe than impact on listed Royal Victoria and Pier View Apartments.

Holiday use of apartments means that realistic waste collection would be significantly less than formulaic approach calculates and should be reassessed.

Applicants have not engaged with neighbour.

Retention of existing store with roof and storage use would address concerns. Closing of gate would provide compensatory parking space.

Revised proposals make minimal difference to original objections.

Request application determined by Planning Committee.

Ground floor store that is centrally located should be considered with platform lift.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan 2012:

Policy SD – Presumption in favour of sustainable development

Policy LD – General location of development

Policy D – Design

Policy FR – Flood Risk

Policy LHH – Landscape, Historic Environment and Heritage

Policy IAT – Improving Accessibility and Transport

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

Material Considerations

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

E2: Historic Environment

E12: Design

E4: Assessing flood risk

E10: Biodiversity and geodiversity

I2: Improving accessibility and transport

Emerging Neighbourhood Plans

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

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 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 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173).
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

Other material considerations

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

It is considered that the proposed development would not disadvantage persons with protected characteristics. The proposed development with direct and level access from the parking court has the potential to enhance outcomes for all, including persons of protected characteristics.

14.0 Financial benefits

The proposal would not deliver any direct financial benefits to the local economy.

15.0 Environmental Implications

The proposal would provide increased bin storage capacity and may encourage improved use of bins and increased recycling opportunities.

16.0 Planning Assessment

Background to application

- 16.1 This application has been submitted following the provision of pre-application advice. The advice was sought in response to communication from Dorset Council’s Waste

Collection Team advising the Royal Victoria Resident's Association that the existing bin store – in use for over 40 years – is no longer acceptable for the collection of waste. The residents were advised that a risk assessment undertaken by the Waste Collection Team identified that the access steps to the existing store together with the collection of many small containers poses a Health and Safety Risk to collections.

- 16.2 To address the risk, and ensure ongoing collections, the residents propose alterations to the existing bin store and the construction of a new raised bin store within the curtilage of Royal Victoria and Pier View Apartments.
- 16.3 Both planning permission and listed building consent are required, and this Planning Application should be considered alongside Listed Building Consent Application P/LBC/2022/045648.

Principle of proposed development

- 16.4 The application site is located within Swanage settlement boundary where new development is acceptable in principle in accordance with policies SD and LD of the Purbeck Local Plan 2012 (PLP 2012) and Policy SS of the Swanage Local Plan 2017 (SLP 2017). This is subject to the consideration of all other material planning issues as detailed in the sections below.

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

- 16.5 The existing bin store is sensitively located behind the existing boundary wall along the southern boundary of Pier View garden and does not therefore appear as an overly intrusive feature within the courtyard setting. Following consideration of various options to extend the existing bin store at pre-application stage, it was agreed by officers that an extended bin store that would be fully contained within the Pier View garden would result in least harm to adjacent listed buildings. Options to include a roof above the store were considered at pre-application stage but ruled out due to potential harm to neighbouring amenity (loss of light to windows and overbearing development on the boundary) and harm to the character and appearance of the area.
- 16.7 Numerous revisions to the proposal have been made during the application process to address concerns raised by neighbours, ward members, the Town Council, and the Conservation Officer. The revised plans include the retention of the existing bin store without the flat roof but including a raised internal finished floor level to match that of the adjacent courtyard. Raised flower beds within the retained bin store provide screening to the pedestrian access and neighbouring properties of Peter's Hole. A new raised bin store will be constructed to the east of the existing store and would be fully contained within the Pier View garden. The scale, height and design of the proposed bin store is considered to constitute the most acceptable scheme available given the significant heritage and neighbour amenity constraints of the site.
- 16.8 The new bin store would be enclosed by the existing Purbeck Stone boundary walling on its southern edge, with new double metal access gates installed to allow movement of bins into the courtyard on collection day. Within the Pier View garden, the finished floor level of the bin store would be raised by 1m above the garden ground level with a ventilated void below. A new cement rendered wall of approximately 2.4m in height above the Pier View garden level would enclose the store on north, east, and west sides (including stone topping of variable height).

Planting boxes will be included within the new wall to soften the impact and provide additional screening.

- 16.9 The planning agent has advised that in the absence of an agreed scheme for a new bin store, residents could leave their bins in Hardy Court (within the application red line) resulting in significant clutter and harm to the character and appearance of the area as seen in neighbouring streets with lack of provision. Officers note that whilst there are conditions on some historic consents that require the retention of approved parking spaces, the alignment of bins along the northern boundary of Hardy's Court could be accommodated without loss of any parking provision or required access. As such, no formal action could be pursued if this approach was taken.
- 16.10 Given that the new bin store would be screened from the adjacent parking area by the existing southern boundary wall, and the size has been kept to the maximum considered acceptable within the heritage setting, officers consider that on balance, the scale, design and impact on the character and setting is considered to be acceptable in accordance with Policy D of the PLP 2012 and the Purbeck Design Guide SPD.
- 16.11 Conditions are however considered necessary to ensure that the proposed raised flower bed and in wall planting is undertaken before first use and that the render finish of the garden walls is of an acceptable colour and the metal gate finished in black to match the existing pedestrian gate to the garden. It is also considered reasonable to include a condition restricting bin storage within the areas of the parking courtyard that lie within the red line of the application site following completion of the bin store. This would prevent any future bin clutter within the courtyard setting.

Impact on heritage assets

- 16.12 The application site lies within the rear garden of the grade II listed former Royal Victoria Hotel and the grade II listed Pier View Apartments, and is located within Swanage Conservation Area. The designated assets are noted for providing historic interest as a site of the former Manor House, which may still contain fabric from that time, and through its association with William Morton Pitt and Queen Victoria. Architectural significance is provided through its formal, Georgian design that creates an important focal building within the Conservation Area. The site therefore also positively contributes to the special character and local distinctiveness of the Conservation Area.
- 16.13 The Conservation Officer was involved in pre-application advice on the proposal and has been consulted on the submitted scheme and various revisions throughout the application process. Comments provided by the Conservation Officer advise that although the proposed bin store is large and will be sited within the grounds of the listed buildings, due to the site gradient and existing boundary stone wall, the store will not be overly visible within the Conservation Area and will therefore cause no harm to the Conservation Area.
- 16.14 In respect of the setting of the Grade II Listed Buildings of the former Royal Victoria Hotel and the Pier View Apartments, the Conservation Officer considers that less than substantial harm will be caused to setting. Harm to Peter's Hollow – listed through its association with the Royal Victoria Hotel – is also considered to be less than substantial.

- 16.15 Paragraph 202 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 16.16 The apartments to be served by the new bin store have been substantially developed over the years with little consideration given to suitable and sufficient growing waste requirements. It is noted that this is an increasing issue in higher density and tight grain historic centres where additional space is sought for not only waste bin storage, but also recycling and food waste storage. However, the risk of not providing a secure bin store for the apartments may result in large numbers of bins stored within the car park or surrounding streets, causing harm not only to the setting of the surrounding listed buildings, but also the character and appearance of the Conservation Area.
- 16.17 Officers therefore consider that the public benefit provided by way of the new bin store provision would outweigh the level of harm caused to the setting of the Grade II listed buildings including associated Peter's Hole. Consequently, there is no heritage objection to the proposal subject to conditions in respect of external material samples and full details of the proposed metal gates.
- 16.18 The proposed development is therefore considered to accord with the objectives of the NPPF (Section 16: Conserving and enhancing the historic environment), and Policies LHH and D of the PLP 2012.

Impact on neighbouring amenity

- 16.19 Swanage Town Council, local ward members and neighbours have raised many concerns over the impact of the proposed bin store on neighbouring amenity. These include loss of privacy, light and outlook, noise, odour, vermin, anti-social behaviour, increased litter and other potential options available. Letters of support were received from several occupants of Royal Victoria Apartments and Pier View Flats.
- 16.20 In terms of noise, odour, vermin, and increased litter associated with the use, whilst officers sympathise with the concerns raised, it is noted that the bins could be stored within the existing courtyard or on nearby pavements resulting in significant obstruction together with clutter and harm to the character and appearance of the area as seen in neighbouring streets. Officers would have no control over this approach which would inevitably result in worse impacts than the proposed bin storage within a secure and maintained compound.
- 16.21 As noted above, options to include a roof above the store were considered at pre-application stage but ruled out due to potential harm to neighbouring amenity (loss of light to windows and overbearing development on the boundary) and harm to the character and appearance of the area and the setting of heritage assets. Nevertheless, the applicants have sought to obscure views of the bin store by way of retention of the existing southern boundary wall, in-wall planting boxes on the northern boundary wall and provision of a deep raised flower bed adjacent to the pedestrian access in respect of views from the closest neighbour at Peter's Hole.
- 16.22 Neighbour comments have requested that the bin store is provided at ground level within the Pier View garden with a lift enabling the bins to be emptied at the higher courtyard level. Officers note that whilst improvements have been negotiated to the submitted scheme, it has never included the provision of a lift, and officers are only

able to negotiate amendments as opposed to requesting a differing form of development which would require a new application.

- 16.23 Impacts on neighbouring and occupier amenity have been considered in detail throughout the application process. It is noted that concerns are raised by an occupier of Hardy Court, the Town Council and Ward Members in respect of neighbouring outlook over the bins. As noted above, the proposal has been amended to screen views of the bin store as best as possible. However, in the absence of a bin store, bins could be left within the courtyard or on neighbouring streets with greater harm to the area and neighbouring amenity. As such, officers consider that the revised plans seek to address harm to neighbouring outlook as best as possible.
- 16.24 The greatest impact of the proposed bin store on neighbouring amenity affects Peter's Hole to the west of the site. Peter's Hole is a detached cottage which is located approximately 3m to the west of the Pier View garden wall and within 1m of the existing bin store. The finished floor level of the ground floor of Peter's Hole is similar to that of the Pier View garden with the parking courtyard to the south being at a raised level. It is noted that an existing level of mutual overlooking exists between Peter's Hole, the neighbouring properties and their amenity areas, and users of the parking court including members of the public using Footpath SE3/29.
- 16.25 The property is served by ground and first floor windows on its southern elevation which face onto the courtyard. The existing bin store is located directly to the south-east of windows on the south elevation with the flat roof preventing any loss of privacy associated with its use. It is however noted that residential use of the courtyard at the higher level (and use of Footpath SE3/29) does result in an existing loss of privacy to all south facing windows of the cottage. Nevertheless, objections have been raised by Peter's Hole citing loss of occupier privacy and harm to outlook.
- 16.26 Alterations to the existing bin store to provide a level pedestrian access serving the new bin store (raising of finished floor level and removal of roof) will result in some new activity in proximity of the south facing windows. This will be greatest on bin collection days – for a temporary period - as the bins are pulled through the courtyard gates for emptying. Other activity within the area of the existing bin store is also likely to be temporary in nature as residents move through the space from the courtyard and the Pier View garden access.
- 16.27 To address the concerns raised, plan revisions include a deep raised planting area within the existing bin store along the boundaries with Peter's Hole. This will restrict direct overlooking of the bin store walls and will also serve to screen views from the south facing windows of the property. Conditions can be included on the decision in respect of a planting plan for the raised bed and a restrictive condition to prevent the use of the access area as any type of patio / seating area / wider storage that may result in extended periods of use and associated overlooking / loss of privacy to Peter's Hole.
- 16.28 In respect of the east facing windows serving Peter's Hole, these look onto the Pier View garden and boundary wall. The new stepped access into the bin store and use of the bins may result in some loss of privacy and overlooking of these windows. Again, it is considered that this would be for temporary periods of time associated with the use and would not result in prolonged period of overlooking or loss of privacy to the east facing windows and amenity area of Peter's Hole. Planting boxes

are proposed in the north wall of the new bin store and will screen the bins and views from the store to a limited extent. However, it is again noted that the existing use of the parking courtyard at the higher level (including Footpath SE3/29) already results in some loss of privacy to the east facing windows. On balance, officers therefore consider that the use of the bin store would not result in an additional level of harm to the neighbouring amenity (loss of privacy and overlooking of east facing windows and garden) to such an extent as to form a reasonable reason for refusal of the proposal.

16.29 It is considered that there may be some pressure to install a lighting scheme to serve the bin store. This would have potential to become intrusive to neighbouring properties. It is therefore considered reasonable to include a condition on the decision requiring details of any proposed lighting scheme to be submitted to the council for approval prior to installation. This will enable a full assessment of the scheme to be undertaken to ensure that potential harmful impacts on neighbouring amenity would be acceptable.

16.30 In summary, whilst the level of objection to the proposed bin store on grounds of impact on neighbouring amenity is noted, officers consider that on balance – when taking into consideration existing mutual overlooking and loss of privacy, temporary periods of use, and alternative bin storage within the courtyard - the proposed scheme is acceptable subject to conditions. The proposal is considered to accord with Policy D of the PLP 2012 and the Purbeck Design Guide SPD.

Bin storage capacity

16.31 The proposed bin store will be shared by a total of 27 properties (Royal Victoria x 17 and Pier View x 10). Whilst it was originally intended that the bin storage would also be used by Hardy Court, capacity restrictions and the need to meet Dorset Council specified capacity requirements for waste (as provided by the Waste Operations Manager) mean that Hardy Court residents will be unable to share the new provision. A summary of the proposed capacity compared to the capacity requirement provided by the Waste Operations Manager is provided in the table below:

Bin Type	Proposed Capacity for 27 properties	Dorset Waste Specified Capacity (maximum) for 27 properties	Surplus / Deficit
Recycling	100 L bins	100 L bins	- 1100 L
Refuse	70 L bins	= 3 x 1100 L bins & 1 x 770 L bin	- 990 L
Glass	40 L bins	40 L bins	- 480 L
Food	40 L bins	40 L bins	Provision met

16.32 The Waste Operations Manager has confirmed that he is unable to support the proposed levels of provision which are below the maximum capacity required for the number of apartments served.

16.33 Officers have carefully considered the deficit in provision identified in the table above. Whilst it is noted that this is not an ideal situation, the heritage and neighbour amenity constraints of the site mean that a bin store of increased capacity size

cannot be supported. The new store will provide additional capacity to the existing and will address the accessibility issues on collection day. No historic planning conditions have been identified that would restrict bin storage in the parking courtyard or adjacent areas, resulting in a position that would result in greater harm in terms of heritage and neighbour impacts. As such, officers consider that despite the deficit in bin capacity, the proposal would achieve a betterment compared to the existing situation and is on balance acceptable.

- 16.34 Nevertheless, it is considered that conditions are necessary and reasonable to ensure harm to neighbouring amenity is limited as detailed in the section above on neighbouring amenity.

Other considerations

- 16.35 **Parking** – The proposal will not result in any loss of parking provision within the car parking courtyard and is considered to accord with Policy IAT of the PLP 2012.
- 16.36 **Highways** – The proposal does not impact on any highways. The Council's Highway Engineer has been consulted and raises no objection.
- 16.37 **Public Right Of Way** – Footpath SE3/29 provides access through the car parking court linking Marshall Road with Seymer Road. The Council's Public Rights of Way Officer has raised no objection to the proposal but has advised that the development should ensure the safe free passage of the public and the rights of way must not be obstructed at any time. Any resulting damage to the surface of the footpath must also be repaired. An informative note to this effect can be included on the decision.
- 16.38 **Flood Risk and Drainage** – Whilst areas of flood risk are identified to the north of the apartments building along High Street (surface water and Flood Zones 2 & 3), the proposed bin store is located outside all areas of flood risk. The submitted plans indicated that the bin store will discharge to a soakaway in the Pier View garden, and it is considered that full details can be dealt with by way of a condition on the decision. The proposal is considered to accord with Policy FR of the PLP 2012.
- 16.39 **Impact on Dorset AONB** – The application site is located within the Dorset AONB which extends over the built area of Swanage. Given that the proposed development is located with an enclosed garden area of a high-density development close to Swanage Town Centre, it is considered that there would be no demonstrable harm to the landscape designation. The proposal is considered to accord with Policy LHH of the PLP 2012 in this regard.

17.0 Conclusion

- 17.1 The proposed development is considered – on balance – to accord with policies SD, LD, LHH, D, IAT, and FR of the Purbeck Local Plan 2012 and policies SS and STCD of the Swanage Local Plan 2012.

18.0 Recommendation

That planning permission be GRANTED subject to the following conditions and informative notes:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
psa-01 A Existing Location Plan
psa-02 A Proposed Location Plan
psa-04 E Proposed Layout Plan

psa-05 E Proposed Layout of Bin Store
psa-06 D Proposed Elevations and Sections
psa-07 D Proposed Elevation and Sections

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

2. 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).

3. Prior to development above ground level, details of surface water drainage scheme for the bin store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and maintained for the lifetime of the development.

Reason: To prevent the increased risk of flooding.

4. Prior to first use of the bin store, a planting scheme for the raised bed and plant boxes shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the first planting season (November – March) following commencement of the development. Any trees, shrubs or plants that die within a period of five years from the completion of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season (October to March) with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: In the interest of visual and neighbouring amenity.

5. No external lighting shall be installed to serve the bin store unless details of the lighting scheme have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated, and maintained for the lifetime of the development in accordance with the agreed details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

6. The development hereby permitted shall not be used at any time other than for the purposes of a refuse and recycling bin storage facility only for and ancillary to the existing residential use of the Royal Victoria Hotel and Pier View Apartments.

Reason: The limited capacity of the bin store would not support use by wider residential properties.

7. The refuse and recycling bin store hereby approved shall not be used for any other purpose including a terrace, garden, amenity area or for other storage purposes.

Reason: To protect neighbouring amenity and privacy.

8. Following completion of the approved bin store, there shall be no bin or refuse storage within the car parking courtyard and associated access areas located within the red line of the approved location plan by residents of the Royal Victoria Hotel and Pier View Apartments.
Reason: To protect neighbouring amenity and heritage impacts.

Informative Notes:

1. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.
2. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
3. The applicant is advised that Wessex Water have published guidance notes about their surface water policy for minor development. The policy encourages developers to consider the most effective methods of directing surface water back to the environment in accordance with the Sustainable Drainage Systems hierarchy. Where necessary, applications to Wessex Water for a surface water connection can be made online.

<https://www.wessexwater.co.uk/services/building-and-developing/building-a-new-house-or-extension>

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:

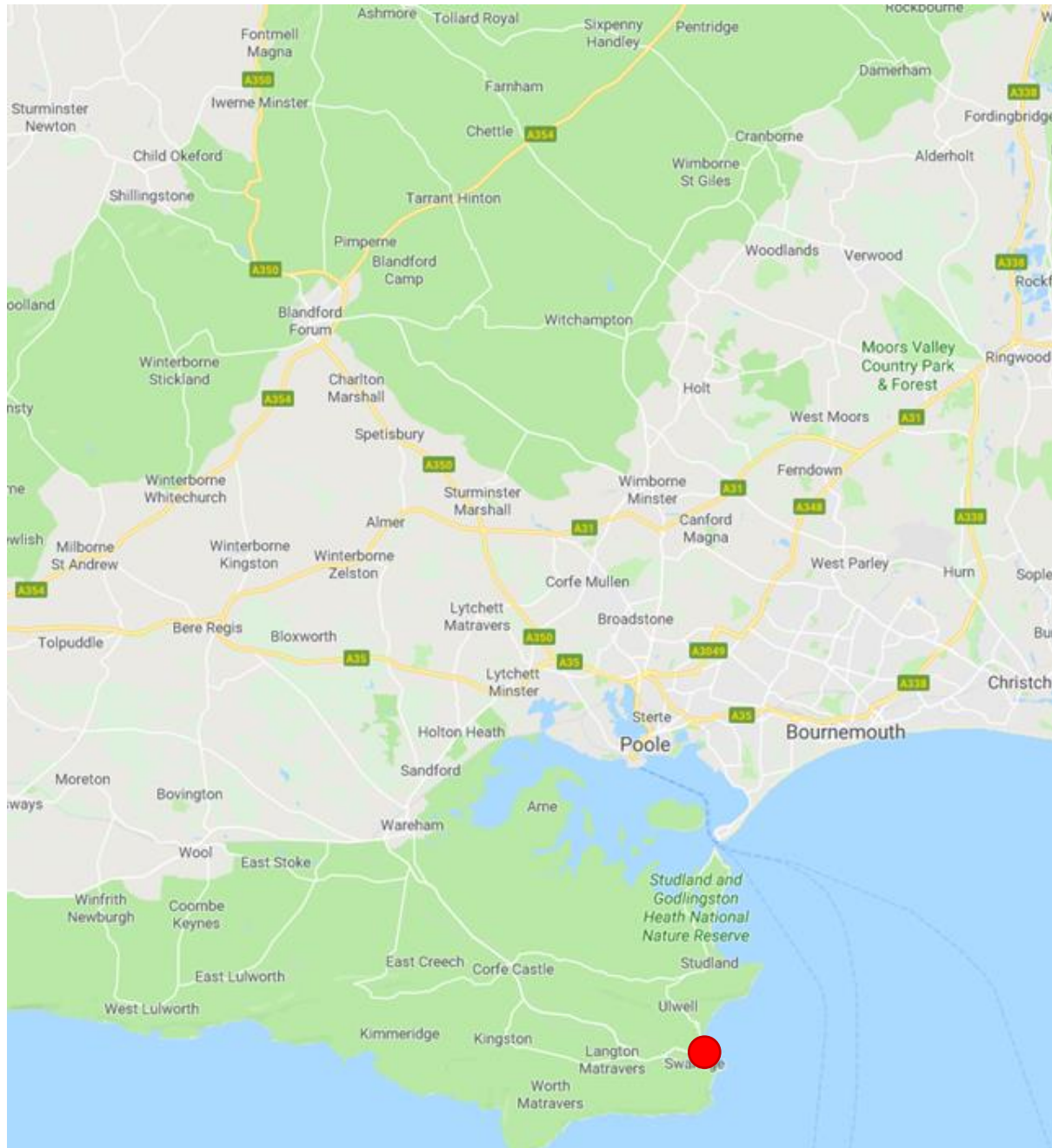
- The applicant was provided with pre-application advice.
- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

● Approximate Site Location

Application reference: P/FUL/2022/04653

Description of development: Bin store within the curtilage of Royal Victoria & Pier View Apartments

Site address: Pier View Flats, Seymer Road, Swanage, BH19 2AQ



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Application Number:	P/LBC/2022/05648		
Webpage:	Planning application: P/LBC/2022/05648 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Pier View Flats, Seymer Road, Swanage, BH19 2AQ		
Proposal:	Bin store within the curtilage of Royal Victoria & Pier View Apartments		
Applicant name:	Mr R Loyd		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Suttle and Cllr Trite		
Publicity expiry date:	5 July 2023	Officer site visit date:	03/11/2022
Decision due date:	16 June 2023	Ext(s) of time:	16 June 2023

This application was deferred from consideration at the 13th September Eastern Area Planning Committee meeting for a committee site visit to take place. The application is returned to Committee for consideration following a site visit by the Eastern Area Planning Committee scheduled for 11th October 2023.

1.0 The Nominated Officer has identified this application to come before the Planning Committee as the officer recommendation of approval is contrary to objections received from Swanage Town Council and Swanage Ward Members.

2.0 Summary of recommendation:

The committee be minded to GRANT listed building consent subject to conditions as set out in Section 18 of this report.

3.0 Reason for the recommendation: as set out in paras 16 – 17 of this report and summarised as follows:

- On balance, the public benefit provided by way of the new bin store provision would outweigh the less than substantial harm caused to the Grade II listed buildings and their setting

4.0 Key issues

Issue	Conclusion
Impact on heritage assets	Less than substantial harm to the curtilage and setting of Grade II Listed Buildings is outweighed by public benefit of the new bin store provision. No harm to Swanage Conservation Area.

5.0 Description of Site

- 5.1 The application site lies within the shared garden and parking court of the Grade II Listed former Royal Victoria Hotel and Grade II Listed Pier View Apartments. The garden is enclosed on all sides by buildings and Purbeck Stone boundary walls. It includes areas of lawn, planting, several small storage outbuildings, and a greenhouse. Due to the hillside setting, the garden slopes gently upwards from north to south, with the tall southern boundary wall also serving as a retaining wall to the higher-level parking court to the south. The garden is overlooked by the flats it serves and the dwelling of Peter's Hole to the west and is currently accessed by steps and a pedestrian gate in its southeast corner.
- 5.2 The parking court to the south of the garden is set at a higher level and is accessed from the east off Seymer Road and from the west off Marshall Road. Areas of the parking court are within separate ownership and provide access to parking and garage provision serving the residents of Hardy Court. An existing flat roof bin store that is located directly to the southeast of Peter's Hole serves the Royal Victoria and Pier View flat residents is accessed by steps extending from the parking court.
- 5.3 The site is located within the curtilage and setting of Grade II Listed buildings and Swanage Conservation Area.

6.0 Description of Development

- 6.1 The proposal is for the construction of a new bin store within the curtilage of Royal Victoria and Pier View Apartments in Swanage.
- 6.2 It is proposed to remove the roof and raise the floor level of the existing bin store to the adjacent parking court level to enable direct and level access by residents and waste collection teams to the new bin store.
- 6.3 Raised beds will be provide planting to reduce direct overlooking of Peter's Hole (residential dwelling to the west) and to provide screening of the new bin store from windows serving Peter's Hole. The new bin store will be constructed to the adjoin the eastern boundary of the existing store and will be sited within the garden area serving the apartments.
- 6.4 The new bin store will retain the existing access from the car park and will extend east and northwards into the Pier View garden (9.2m in length by 3.6m in depth) to enable large bin provision that will meet a wider range of residents' waste and recycling requirements. Access to the bin store by residents will also be retained by way of new steps to be provided from within the Pier View garden. Provision of in wall planting boxes are proposed to provide visual enhancement and screening of the new bin store use.

7.0 Relevant Planning History

- 7.1 P/PAP/2021/00488 - Recycle bin store, remove roof, raise floor, and enclose walls and gates.

Summary of response to original plans - Officers are unable to support the proposed bin store alterations and extensions due to the harmful impact on the setting of Grade II Listed Buildings and Swanage Conservation Area. Officers have considered other potential options which appear to be limited. You may wish to consider alternative proposals and obtain further pre-application advice prior to the submission of any applications.

Summary of response to amended plans - Pleased to see a change in location for the bin store in a size that responds to the resident's waste needs. In principle there is no objection to the proposed location from a heritage perspective. Full cross-section/elevation details should be provided at application stage. The design should be subservient with materials that are in keeping to the surrounding historic environment, and the continuation of the Cock-and-Hen capping stones is recommended.

Concerns regarding the removal of the roof to the existing bin store due to the potential impact on neighbourhood amenity. Although this is a planning consideration, Environmental Protection may have to be consulted for noise and odour due to the close proximity of a dwelling. To overcome any potential issues, could the existing walls be extended a course or two, and a retractable roof employed? Due to the close proximity of a tree to the proposed bin store, information on tree protection measures along with the confirmation that nothing will be stored that could impact the root protection area during construction will be required at application stage.

8.0 List of Constraints

Pier View Flats - Listed Building Grade II , Royal Victoria Hotel - Listed Building Grade II , Osborne House – Listed Building Grade II , The Rookery – Listed Building Grade II

Application site is within Swanage Conservation Area

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

Neighbourhood Area; Name: Swanage; Status Designated 22/02/2022

Right of Way: Footpath SE3/89; Footpath SE3/29; Bridleway SE3/27;

Risk of Surface Water Flooding Extent 1 in 100 – to front of site on High Street

Risk of Surface Water Flooding Extent 1 in 1000 – to front of site on High Street and adjacent to rear elevation of apartments

Areas Susceptible to Groundwater Flooding; Clearwater and Superficial Deposits Flooding; $\geq 25\%$ $< 50\%$

Area of Outstanding Natural Beauty (AONB): Dorset (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)

Site of Special Scientific Interest (SSSI) impact risk zone and (400m buffer): South Dorset Coast

Flood Zone 3 - to front of site on High Street, Flood Zone 2 - to front of site on High Street

Minerals and Waste - Waste Consultation Area

9.0 Consultations

The application was advertised by means of site notices and advertisements.

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

Consultees

1. Dorset Council – Highways:

No objection to original plans (comment received 03/11/22).

No further comment on amended plans (comment received 31/05/23).

2. Dorset Council - Dorset Waste Team (comments on amended plans received 31/05/23):

Unable to support.

Records show 35 properties use the bin storage area.

New layout will not accommodate capacity of bins for required properties.

3. Dorset Council - Conservation Officer:

Comments on original plans (received 29/12/22):

Will cause less than substantial harm to the setting of the grade II listed former Royal Victoria Hotel and Pier View Apartments.

Nearly 40 residential units use this bin store which is not fit for purpose.

High risk that large number of bins and refuse waste will litter the car parking area to the rear causing harm to the setting of the surrounding listed buildings and the character and appearance of the Conservation Area.

The public benefit through the construction of the store would outweigh the level of harm caused.

No heritage objection to the proposal subject to conditions.

Concerns raised over the amenity and increased odour/noise to Peters Hollow are for Planning Officer to consider. However, changes to the design are recommended.

Comments on amended plans (received 15/03/23):

Now proposing to build an inner wall to the original bin store to screen the site from Peter's Hollow.

The design does not sit comfortably overall, and it is recommended that the stone and render internal wall is replaced with timber.

No objection to the widening of the wall subject to condition for the proposed gate.

4. Dorset Council – Environmental Protection:

No objection.

5. Swanage Town Council (comments on original and amended plans received 24/11/22, 09/03/23 & 13/06/23):

Object with major concerns.

Open store not environmentally appropriate in this location and wholly inappropriate and unhygienic. The floor of the proposed store will be raised up, with larger waste bins open and exposed, which could potentially attract other waste/ rubbish from surrounding properties/businesses/passers-by, small pests/vermin, and increase odour nuisance, which would be exacerbated in the warmer summer months.

Overlooking/loss of privacy/adverse impact on neighbour amenity of adjacent property.

Adverse impact on Listed Building and Conservation Area setting. More suitable areas are available.

Request that application referred to planning committee.

Minor amendments do nothing to mitigate the Council's original concerns.

7. Swanage Ward – Cllr Trite (comments on original plans):

Endorse views of objection of Town Council and Mr Joy.

Proposal is a health hazard which will adversely impact neighbouring residents' amenity.

Stench / vermin.

Overlooking of nearby windows.

Anti-social disposal of litter and dog excrement of passers-by.

Increase in height and loss of light to Peter's Hole.

Request referral to Planning Committee.

8. Swanage Ward – Cllr Suttle (comments on original plans):

Support Cllr Trite's email.

Formally request referral to Planning Committee on grounds of health, nuisance, proximity to the residence, light due to the new structure.

Representations received

Total - Objections	Total - No Objections	Total - Comments
1	1	0

Summary of comments of support to original and amended plans:

Bin store is shared between Pier View Flats and Royal Victoria Apartments. Confirm on behalf of Royal Victoria Residents' Association Ltd that we have no objection to the change to the bin store.

Summary of comments of objection to original and amended plans:

Easy access by vermin.

Easy access by passers-by to throw rubbish in.

Smell will worsen due to loss of roof.

Simplest and cheaper option to install lift.

Inappropriate within Conservation Area.

Substantial loss of privacy to occupiers of Peter's Hole through random frequent overlooking of bedroom, living room and garden by users of the open bin store. Screen planting cannot mitigate this.

Noise from closing of bins and use of access gate.

Adverse impact on Conservation Area and substantial harm to the setting of 'listed by association' Peter's Hole which is more severe than impact on listed Royal Victoria and Pier View Apartments.

Holiday use of apartments means that realistic waste collection would be significantly less than formulaic approach calculates and should be reassessed.

Applicants have not engaged with neighbour.

Retention of existing store with roof and storage use would address concerns. Closing of gate would provide compensatory parking space.

Revised proposals make minimal difference to original objections.

Request application determined by Planning Committee.

Ground floor store that is centrally located should be considered with platform lift.

10.0 Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan 2012:

Policy D – Design

Policy LHH – Landscape, Historic Environment and Heritage

Adopted Swanage Local Plan:

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

None applicable.

Material Considerations

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:

E2: Historic Environment

E12: Design

Emerging Neighbourhood Plans

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

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 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 16 'Conserving and Enhancing the Historic Environment' - When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

Other material considerations

HE Advice Notes 2: Making Changes to Heritage Assets

HE: Conservation Principles

HE Good Practice Advice Note 3: Setting of Heritage Assets

HE Good Practice advice Note 2: Managing Significance in Decision Taking

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

Swanage Conservation Area Appraisal

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

It is considered that the proposed development would not disadvantage persons with protected characteristics. The proposed development with direct and level access from the parking court has the potential to enhance outcomes for all, including persons of protected characteristics.

14.0 Financial benefits

The proposal would not deliver any direct financial benefits to the local economy.

15.0 Environmental Implications

The proposal would provide increased bin storage capacity and may encourage improved use of bins and increased recycling opportunities.

16.0 Assessment

Background to application

- 16.1 This application has been submitted in conjunction with Planning Application P/FUL/2022/04653 following the provision of pre-application advice. The advice was sought in response to communication from Dorset Council's Waste Collection Team advising the Royal Victoria Resident's Association that the existing bin store – in use for over 40 years – is no longer acceptable for the collection of waste. The residents were advised that a risk assessment undertaken by the Waste Collection Team identified that the access steps to the existing store together with the collection of many small containers poses a Health and Safety Risk to collections.
- 16.2 To address the risk, and ensure ongoing collections, the residents propose alterations to the existing bin store and the construction of a new raised bin store within the curtilage of Royal Victoria and Pier View Apartments.

Assessment of heritage impacts

- 16.3 The application site lies within the rear garden of the grade II listed former Royal Victoria Hotel and the grade II listed Pier View Apartments, located within Swanage Conservation Area. Originally the Manor House of the Sentry Estate, the land was purchased in the early 1800's by William Morton Pitt with an aim to develop the area into a seaside resort to rival that of Weymouth's. Designated grade II in 1952, the former hotel was described at the time as:

Building of various periods from C17. Three storeys with a wing each side of the central block, white rendering, slate roof. Central block recorded as being built in C16 as a manor house. Front elevation dates from first half of C18. Pilasters remain visible between upper storey windows and have Ionic capitals below stone eaves cornice and blocking course. Central stone pediment has Venetian window and cornice with modillions. Upper storey has 5 sash windows with original glazing bars, shouldered architraves and keystones. Middle storey has an early C20 projection extending from the bottom storey across the entire front of the block. The roof of this has a semi-circular glass projection in the centre. Six sash windows. Both wings first half of C19 which continue stone eaves cornice and blocking course of the central block. Sash windows, those of upper storey have original glazing bars. Some modern windows inserted. The hotel, formed by William Morton Pitt from the original manor house, was Visited by Queen (then Princess) Victoria in 1833 - hence the name. Note: The south part of the east wing is now in separate ownership - see Pier View Flats, Seymer Road. RCHM Monument 8.

- 16.4 The eastern wing of the former hotel, as noted within the list description above, is now in separate ownership and was formally designated in 1973. The site was described at the time as:

Formerly the rear part of the east wing of the Royal Victoria Hotel. Early C19. Rendered walls and slate roof behind parapet. Two storeys. Double-hung sash windows with glazing bars. Stone moulded cornice at eaves level. RCHM Monument 8.

- 16.5 The former hotel building has extensive planning history, and from the 1970's was converted into a number of apartments. Within these applications, as set out in the pre-application advice enquiry, it is noted that the southern boundary wall of the garden was demolished and rebuilt further north in order to accommodate car parking within the rear courtyard. The existing bin store, although marked on the first O.S map of 1888, appears to also have been demolished and rebuilt in its current location.

- 16.6 The site is located in Swanage Conservation Area. The Conservation Area Appraisal includes the site in Zone 4 – an area of the town noted for its polite Georgian/Regency style and strong horizontal emphasis along the High Street and Seymer Road. It is noted that two Public Rights of Way merge within the car park courtyard to the rear of the site and provide visual and physical permeability of the Conservation Area.

- 16.7 The designated assets are noted for providing historic interest as a site of the former Manor House, which may still contain fabric from that time, and through its association with William Morton Pitt and Queen Victoria. Architectural significance is provided through its formal, Georgian design that creates an important focal building within the Conservation Area. The site therefore also positively contributes to the special character and local distinctiveness of the Conservation Area.
- 16.8 The Conservation Officer was involved in pre-application advice on the proposal and has been consulted on the submitted scheme and various revisions throughout the application process. The Conservation Officer notes that although the proposal store is large, due to the gradient of the site, the store will not be visible from the Conservation Area in this location and therefore cause no harm to the Conservation Area.
- 16.9 Amendments to the scheme have been made during the application process to address concerns in respect of harm to neighbouring amenity and harm to the listed buildings. The current proposal, which reuses the existing bin store as access with raised bed planting to provide screening to Peter's Hole has responded to concerns raised by the Conservation Officer.
- 16.10 In respect of the Grade II Listed Buildings, the Conservation Officer notes that although the new structure will be finished in render and Purbeck stone cock-and-hen coping to match the local material palette, the increase in size is nevertheless considered to cause less than substantial harm to the setting of the Grade II former Royal Victoria Hotel and Pier View Apartments.
- 16.11 The setting of a listed building is in the form of the surroundings in which the asset is experienced. The adjacent dwelling to the east - Peter's Hollow - is listed through its association with the Royal Victoria Hotel. The removal of the roof of the existing bin store to provide the new access risks increasing odour associated with its use which would impact the ability to appreciate the significance of the listed building, thereby causing less than substantial harm.
- 16.12 Paragraph 202 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 16.13 The apartments to be served by the new bin store have been substantially developed over the years with little consideration given to suitable and sufficient growing waste requirements. It is noted that this is an increasing issue in higher density and tight grain historic centres where additional space is sought for not only waste bin storage, but also recycling and food waste storage. However, the risk of not providing a secure bin store for the apartments may result in large numbers of bins stored within the car park or surrounding streets, causing harm not only to the setting of the surrounding listed buildings, but also the character and appearance of the Conservation Area.
- 16.14 Officers therefore consider that the public benefit provided by way of the new bin store provision would outweigh the level of harm caused to the setting of the Grade II

listed buildings including the associated Peter's Hole. Consequently, there is no heritage objection to the proposal from the Conservation Officer subject to conditions in respect of external material samples and full details of the proposed metal gates.

- 16.15 The proposal is judged to accord with policy LHH which requires that proposals conserve heritage assets but that in considering the acceptability of proposals the Council will assess the impacts and balance them against other sustainable development objectives.

Other considerations

- 16.16 It is noted that non-heritage related objections submitted in respect of the related planning application (P/FUL/2022/04653) have also been submitted in response to the consultation undertaken on this Listed Building Consent application. Issues raised include harm to amenity, noise, odour, vermin etc. These issues are addressed in full in the officer report for the related planning application.

17.0 Conclusion

- 17.1 The proposal will result in the following impacts on the significance of affected heritage assets, including any contribution made by their setting:

Heritage asset	Grade	No harm	Less than Substantial harm	Substantial harm
Royal Victoria Hotel and Pier View Apartments	II		X	
Swanage Conservation Area	N/A	X		

- 17.2 Officers consider that the public benefit provided by way of the new bin store provision would outweigh the less than substantial harm caused to the setting of the Grade II listed buildings including associated Peter's Hole.

18.0 Recommendation

That listed building consent be GRANTED subject to the following conditions and informative notes:

1. The works hereby permitted shall be carried out in accordance with the following approved plans:
PSA-01 Existing Location Plan
PSA-02 Proposed Location Plan
PSA-04 D Proposed Site Layout Plan
PSA-05 D Proposed Plan Layout of Bin Store
PSA-05 E Proposed Layout of Bin Store
PSA- 06 D Proposed Elevations and Sections

PSA-07 D Proposed Elevations and Sections

Reason: To preserve the architectural and historical qualities of the building.

2. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3. Prior to development above ground level, 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 as have been agreed.

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

4. Prior to first installation, detailed drawings and specifications showing the design and external finish of the metal gate shall be provided to the Local Planning Authority and agreed in writing. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To preserve or enhance the character and appearance of the area.

5. All new rainwater goods shall be constructed of half round profile cast metal and painted in a colour to be first agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To preserve or enhance the character and appearance of the area.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

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

In this case:

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

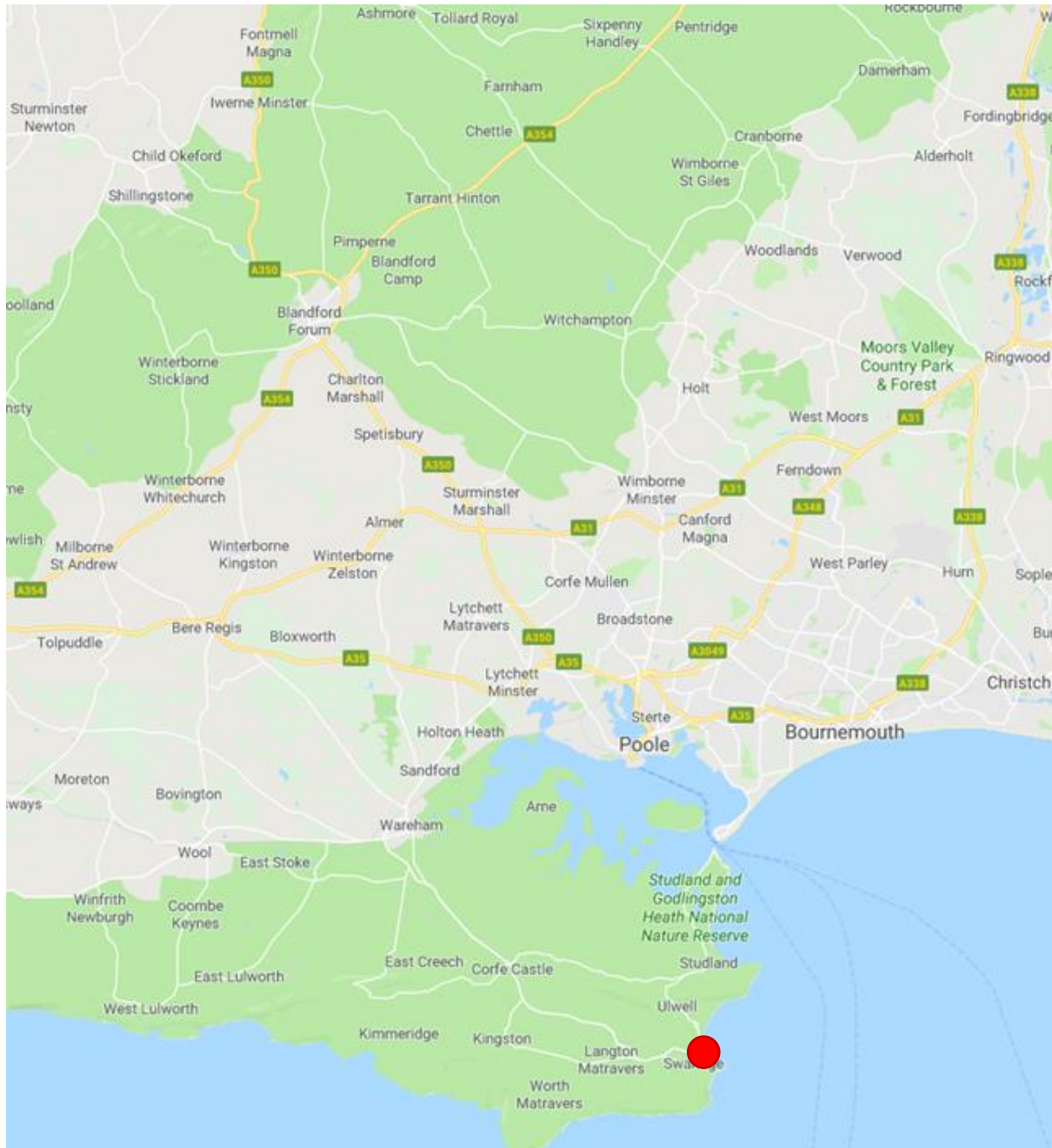
- The applicant was provided with pre-application advice.

● Approximate Site Location

Application reference: P/LBC/2022/05648

Description of development: Bin store within the curtilage of Royal Victoria & Pier View Apartments

Site address: Pier View Flats, Seymer Road, Swanage, BH19 2AQ



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Eastern Planning Committee

25 October 2023

Application Number:	P/HOU/2022/06153		
Webpage:	Planning application: P/HOU/2022/06153 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	10 Court Road Swanage BH19 1JE		
Proposal:	Two storey rear extension with dormer window and internal alterations		
Applicant name:	Mr & Mrs Weeks		
Case Officer:	Victoria Chevis		
Ward Member(s):	Cllr Suttle and Cllr Trite		
Publicity expiry date:	6 July 2023	Officer site visit date:	27 July and 8 August
Decision due date:	23 August 2023	Ext(s) of time:	15 September 2023

This application was deferred from consideration at the 13 September Eastern Area Planning Committee meeting for a committee site visit to take place. The application is returned to Committee for consideration following a site visit by the Eastern Area Planning Committee scheduled for 11th October 2023.

1.0 Reason application is going to committee

The Nominated Officer has identified this application to come before the Planning Committee in light of the concerns raised by the Town Council in relation the scale of the design, the proposed materials, possible loss of light, impact on the character of the area and overlooking.

2.0 Summary of recommendation:

Grant planning permission subject to conditions.

3.0 Reason for the recommendation: as set out in section 16

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable development within Swanage settlement boundary
Scale, design and impact on the character of the dwelling and the wider locality	Acceptable
Impact on neighbouring amenity	Acceptable
Biodiversity	Acceptable

5.0 Description of Site

The proposal is within a residential location with a high density of built development.

The site is located to the west side of Court Road, characterised by a terrace of 6 dwellings in a similar style.

The site comprises the main two storey dwelling with stone brick and rendered walls, with concrete tiles and UPVC windows, set back from the highway behind a small front garden.

To the rear of the dwelling is a rear garden area, with outbuilding attached to the dwelling with pitched roof in slate.

The garden is enclosed by a large stone wall and fencing. There is a separate access to the dwellings from a path situated at the northeast side of the garden. The site is located within the settlement boundary of Swanage and within the Dorset Area of Outstanding Natural Beauty.

6.0 Description of Development

The proposal is for the erection of a two storey, flat roofed, 3m deep rear extension and the addition of a dormer window to the rear elevation on the second floor.

The proposed rear extension is comprised of stone brick and rendered walls with UPVC windows to match the existing. The proposed dormer is under a flat roof with pre-patinated zinc and vertical larch cladding.

7.0 Relevant Planning History

6/2019/0189 - Decision: GRA - Decision Date: 29/04/2019

Erect single storey rear extension – Certificate of Lawfulness (Proposed)

P/PAP/2022/00375 - Pre-application advice provided-Response Date: 03/08/2022

Two storey rear extension and dormer window to be added to existing loft room.

Summary: The proposal for the two-storey extension and the dormer window are acceptable in principle, however, the proposed scale and materials of the dormer window do not meet planning policy guidance for good design. The scale and design would need to be amended to make the development acceptable.

8.0 List of Constraints

- Within Swanage settlement boundary.
- Within an area susceptible to groundwater flooding.
- Area of Outstanding Natural Beauty (AONB): Dorset (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)

9.0 Consultations

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

Consultees

1. Dorset AONB – 06/06/2023

No wish to comment due to scale of proposal.

2. Dorset Council Conservation – 06/08/2023

no major impact on the setting or significance of the conservation area and no harm to any listed buildings.

3. Swanage Town Council – 04/07/2023

Concerns over; Scale of design, materials, loss of light, context, impact on surrounding properties, impact on setting of Court Farmhouse, accuracy of the block plan and overlooking.

Representations received.

The application was advertised by the posting of 2 site notices on 15/06/2023 with an expiry date of 06/07/2023. As the proposal ties into the neighbouring property, notice was also served on the adjacent owner.

Total - Objections	Total - No Objections	Total - Comments
8	0	0

Concerns included, scale of design, materials, loss of light, impact on surrounding properties, impact on setting of Court Farm House, impact on the character of the area, accuracy of the block plan, overlooking, over development, encroaching on public land, overbearing, use as a second home and structural issues that may result to include blocked drains, damp, noise and footing issues.

10.0 Duties

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Section 85 of the Countryside and Rights of Way Act (2000) requires that regard is had to the purpose of conserving and enhancing the natural beauty of the AONB.

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan Part 1:

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

- Policy SD - Presumption in favour of sustainable development
- Policy LD - General location of development
- Policy D - Design

Adopted Swanage Local Plan:

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

Policy STCD - Swanage Townscape Character and Development

Material Considerations

Emerging Purbeck Local Plan:

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

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to 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 scheduled to be held on 22 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 these policies should be accorded little weight in the determination of the application

- E2: Historic Environment
- E12: Design
- E4: Assessing flood risk – Surface water flooding risk - Low.

Emerging Neighbourhood Plans

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

Other Material Considerations

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Purbeck District Design Guide supplementary planning document adopted January 2014.

Swanage Townscape Character Appraisal

Purbeck District Design Guide SPD

National Planning Practice Guidance

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

During construction the proposal could have greater impacts for those with protected characteristics, for instance those who are housebound but following construction no material impacts are anticipated.

14.0 Financial benefits

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

15.0 Environmental Implications

The proposal is for extensions and alterations to a dwelling. These will be constructed to current building regulation requirements and will be serviced by suitable drainage to prevent surface water flooding.

16.0 Planning Assessment

16.1 The main planning considerations are:

- Principle of development
- Scale, design and its impact on the Dorset AONB and character of the area
- Impact on neighbouring amenity

16.2 These and other considerations are assessed below.

Principle of development

- 16.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise.
- 16.4 The site is situated within the settlement boundary of Swanage. As such, the principle of the proposed development is acceptable in accordance with Purbeck Local Plan Policies SD and LD. There is no 'in principle' objection to the proposed development, subject to the consideration of all other material planning issues.

Scale, design and impact on the Dorset AONB and character of the area

- 16.5 The site lies within the Dorset AONB where great weight is to be given to conserving and enhancing landscape and scenic beauty. The Dorset AONB Management Plan objective C1 is that the AONB and its setting is conserved and enhanced by good planning and development.
- 16.6 In this case, 10 Court Road, is an end of terrace property within an urban setting. The regularity of the design of the front elevations of dwellings in the terrace contributes to the townscape but this is a localised impact as the building is screened by other built form in all directions.
- 16.7 The property is not a listed building and is located outside of the Swanage Conservation Area which is to the east of Court Road. The front (east) elevation is to remain unchanged so the proposal will not result in harm to the setting of the Conservation Area. There are no listed buildings within the immediate vicinity of number 10.
- 16.8 The scale of the proposed rear extension is subservient and will not overwhelm the form of the existing dwelling or constitute over-development; the dwelling will retain over 12 metres of garden length.
- 16.9 The matching materials of the rear extension will ensure a good visual relationship with the existing dwelling. The design is functional, with a very limited pitch on the lean-to roof but this limits the bulk and, given the limited depth of the extension, its location to the rear of the dwelling and that there are other flat roofed extensions on the terrace, the form would not result in any demonstrable harm. Views from public vantage points are limited (mainly from Princess Road to the West). From there the extension will be viewed in its context alongside the existing two-storey extensions in the terrace and will not conflict with the overall defining character of the area as a whole nor diminish the scenic beauty of the AONB.
- 16.10 The applicant has responded to the pre-application advice received by reducing the size of the rear dormer by over 2m in length and altered the proposed materials. The size of the dormer is now in proportion with the scale of the roof and will not appear

dominating in the roof scape. Its positioning has symmetry with the alignment of the windows in the lower floors of the rear of the house.

- 16.11 Although different to the existing roof materials, the chosen zinc and larch boarding will complement the roof in colour and tone. This, along with the scale and proportions of the dormer means it will visually integrate into its surrounding and not look out of keeping with the domestic character and appearance of the rear of the terrace and neighbouring properties. Although there are no other dormer windows on this short terrace of dwellings, they can be seen in the immediate area on both front and rear elevations.
- 16.12 Purbeck Townscape Character Appraisal states that “*The Edwardian and inter-war estate development north and south of the town centre are constant areas where limited change is acceptable provided its overall character is maintained*”. The introduction of a rear dormer would not be visible from the street scene and would not alter the character of the dwelling or its positive contribution to the street scene.
- 16.13 The proposals will be compatible with and maintain the character and qualities of this part of Swanage which accords with policies LHH: Landscape, Historic Environment and Heritage, D: Design of the Purbeck Local Plan, policy STCD: Swanage Townscape Character and Development of the Swanage Local Plan and E12: Design, of the Emerging Local Plan.

Impact on neighbouring amenity

- 16.14 Properties 23 and 25 Princess Road are two storey dwellings with limited rear gardens (approx. 4m deep). High rear boundary fences and a back access path provide separation with the rear of the application site at 10 Court Road and there is a building-to-building distance of approximately 21m. As a result, existing overlooking to the rear is limited.
- 16.15 The proposal will replace a rear rooflight with a dormer window serving a bedroom and en-suite on the second floor and will bring first floor bedroom window 3m closer to the boundary. Whilst this may result in a greater perception of overlooking, it is anticipated that the fence will remain effective in screening overlooking so the changes are judged unlikely to result in demonstrable harm compared to the existing relationship. **Obscure glazing of the window serving the en-suite can reasonably be required in the interests of amenity.**
- 16.16 There is an existing high level of mutual oblique overlooking between properties in Court Road, and into the garden of 17B to the northwest from the existing bedroom window at first floor and the existing roof light on the second floor. The new bedroom windows in the extension and dormer window are not judged to result in any significant increase in the opportunity to overlook given that a similar degree of separation with adjoining properties is retained.

- 16.17 The position of the extension will not cause any direct loss of light due to the dwelling's northern position in relation to its adjoining neighbour No. 12 and the angle at which No. 8's rear elevation faces slightly more north-westerly away from No.10.
- 16.18 Residents at No. 12 Court Road have raised concerns that the proposed two-storey rear extension would appear overbearing. 12 Court Road has a rear, pitched roof, single storey projection which adjoins No. 10 Court Road and a rear two storey flat roof extension. It also has a shed behind the single storey washroom (shown as one building on the block plan). This proposal would replace no. 10's section of the rear projection with a flat roof extension an additional 1.7m high. This would not result in any demonstrable overshadowing since the proposed extension would lie to the north and the degree of loss of natural light to the first-floor window in no. 12 would be limited as the two projections have flat roofs.
- 16.19 It is acknowledged that the extension, in combination with the existing two storey extension at no 12 will result in a 'tunnelling effect' for that property, but the outlook from the ground floor is already significantly compromised by existing built form and at first floor no significant harm to amenity has been identified due to the limited depth of the exiting extension to no. 12 (1.3m) and the position of the window approx. 1.5m away from the new extension.
- 16.20 For the above reasons the proposal is judged to accord with policy D: Design of the Local Plan.

Biodiversity

- 16.21 A Preliminary bat roost appraisal was completed in May in the existing building and no evidence of bat roosts or bats entering the building was found. Whilst there may be bats hunting and foraging in the area there is no evidence to suggest bats are using this building.
- 16.22 Other issues raised in representations**
- 16.23 The Party Wall Act would apply to the proposed extension. The adjacent owners are aware of the application and have submitted comments. Requirements to comply with the Party Wall Act are not a planning matter.
- 16.24 This dwelling is not being used as a second home therefore these concerns are not valid planning matter.
- 16.25 The structural integrity of the building, blocked drains and damp arising as a result of this development is a building control or civil issues and not a planning matter.
- 16.26 The proposed development is contained within the redline plan and will not encroach on the shared access footpath to the north and west of the boundary.

17.0 Conclusion

For the reasons set out above the proposal is considered to accord with the development plan and national planning policies with no material considerations indicating that permission should be refused and therefore approval is recommended subject to the conditions as set out below.

18.0 Recommendation

Approve 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:

22/014/D1 - Location plan submitted 06/10/2022

22/014/D2 - Block plan submitted 06/10/2022

22/014/SK1 - Proposed floor plans and elevations submitted 06/10/2022

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

3. The materials to be used on the proposed development shall accord with those identified on plan 22/014/SK1 with the render finish to match the existing dwelling.

Reason: In the interests of the amenity of the area

4. **In the first instance and on all subsequent occasions the window in the rear dormer at second floor level serving the en-suite shall be obscure glazed to at least Industry Standard level 3 obscurity.**

Reason: In the interests of amenity

Informative Notes:

1. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
2. The applicant is advised that bats are protected in the UK by Schedule 5 of the Wildlife and Countryside Act 1981 and Part 3 of Conservation of Habitats and Species Regulations 2017 (as amended). Work should proceed with caution and if any bats are found, all work should cease, the area in which the bats have been found should be made secure and advice sought

from Natural England (tel: 0300 060 3900), website www.naturalengland.org.uk before proceeding.

Further information about the law and bats may be found on the following website <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

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

In this case:

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

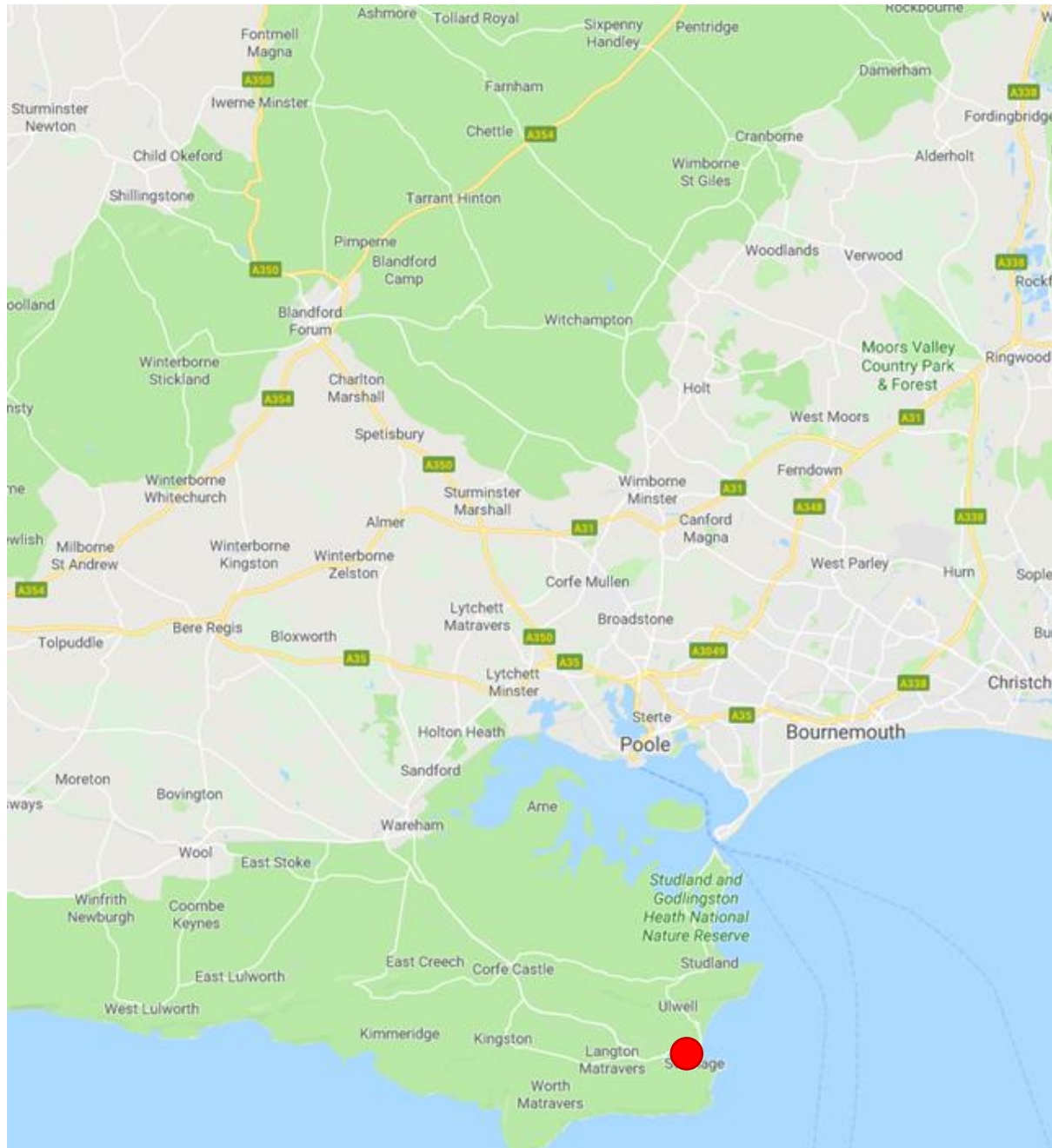
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● Approximate Site Location

Application reference: P/HOU/2022/06153

Description of development: Two storey rear extension with dormer window and internal alterations

Site address: 10 Court Road Swanage BH19 1JE



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Application Number:	P/FUL/2023/00350		
Webpage:	Planning application: P/FUL/2023/00350 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	124 Ringwood Road Longham BH22 9AW		
Proposal:	Change of use from existing Car Showroom building (sui generis) to Bakery (use class E), with external alterations including addition of air conditioning/extraction		
Applicant name:	Greggs PLC		
Case Officer:	Ellie Lee		
Ward Member(s):	Cllr Adkins and Cllr Robinson		
Publicity expiry date:	12 July 2023	Officer site visit date:	30 January 2023
Decision due date:	27 October 2023	Ext(s) of time:	27 October 2023
No of Site Notices:	3 Site Notices within Ringwood Road		
SN displayed reasoning:	The additional Site Notices were displayed near to premises adjacent to the application site.		

- 1.0 This planning application has been referred to committee by the Service Manager for Development Management and Enforcement.
- 2.0 **Summary of recommendation:**
GRANT subject to conditions set out in section 17.
- 3.0 **Reason for the recommendation:** as set out in paragraphs 16 and 17 at the end of this report.
- 3.1 Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 Paragraph 11 of the National Planning Policy Framework (NPPF) 2023 sets out that permission should be granted for proposed development that accords with an up –to-date development plan without delay

- 3.3 The location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact. As such, it would accord with local policy KS2.
- 3.4 The application site is located in a Village Infilling area within the South East Dorset Green Belt. Within village infill areas saved policies GB7 and GBV2 from the East Dorset Local plan 2002 apply. These policies allow for some development to take place subject to certain criteria.
- 3.5 The planning application is in accordance with local planning policy PC5 (Shops and Community Facilities in Local Centres and Villages). The proposal will bring a new business to the village associated with meeting people's day to day needs and leisure choices.
- 3.6 The proposal's scale, design, visual impact, impact on character and appearance would be acceptable and the application would therefore accord with local policy HE2 and section 12 of the National Planning Policy Framework.
- 3.7 The proposal would not result in significant harm to neighbouring amenity and would accord with local policy HE2 and section 12 of the National Planning Policy Framework, subject to conditions.
- 3.8 The proposal would not result in significant harm in terms of highways and parking impacts and would accord with local policies KS11 and KS12, subject to conditions.
- 3.9 As the parts of the proposal that require Advertisement Consent are not part of the application under consideration, there is no anticipated harm to heritage assets from the proposed development, so the proposal accords with local policy HE1 and section 16 of the National Planning Policy Framework.
- 3.10 The proposal is not anticipated to result in harm to biodiversity, so accords with local policy ME1 and the Dorset Biodiversity Appraisal Protocol.
- 3.11 The proposal is acceptable with regards to potential contamination on the land, subject to an 'unexpected contaminated land' condition.
- 3.12 The submitted Flood Risk Assessment is acceptable and the proposal accords with local planning policy ME6.
- 3.13 There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of Development (Settlement Hierarchy)	The application accords with local policy KS2 and village infill area saved policies GB7 and GBV2 (of the East Dorset Local Plan).

Principle of Development (Shops and Community Facilities in Villages)	The application accords with local planning policy PC5.
Design and Character of the Area	The proposed external appearance will not be harmful to visual amenity or the street scene so accords with local policy HE2, in terms of design and character.
Impact on Neighbouring Amenity	Subject to conditions, the proposal accords with local policy HE2 in terms of neighbouring amenity.
Highways and Parking	Subject to conditions, the proposal accords with local policies KS11 and KS12.
Heritage Assets	There is no anticipated harm to heritage assets from the proposed development, so the proposal accords with local policy HE1.
Impact upon Biodiversity	There is no anticipated harm to biodiversity from the proposal, so the application accords with local policy ME1 and with the Dorset Biodiversity Appraisal Protocol.
Contaminated Land	Subject to an 'unexpected contaminated land' condition, the proposal is acceptable.
Flood Risk	An acceptable Flood Risk Assessment has been submitted including a flood event action plan, so the proposal accords with local policy ME6.

5.0 Description of Site

- 5.1 The application site is 124 Ringwood Road on the A348 road, located within the village of Longham, adjacent to an existing car sales business (to its north) and a care home (to its south). The site lies within the Longham Village Infilling policy area.
- 5.2 Existing nearby and adjacent buildings within the village include a car sales business, a care home, a public house, a garden centre, a greenhouse building supplier, an arts & crafts retailer and a mobility scooter shop.
- 5.3 The existing single storey building on the application site has most recently been used as a car showroom (suis generis) as part of the car sales business to the north of the application site.
- 5.4 The footprint of the existing building is already established along with car parking to front and side of the application building. The remainder of the site comprises of hardstanding and some landscaping.
- 5.5 There are no residential neighbours directly opposite the front of the site or to the rear of the application site.

- 5.6 To the east of the site, approximately 5m beyond the rear eastern site boundary is an unnamed watercourse which has been identified as flowing in a southerly direction. The site is in an elevated position above this watercourse.
- 5.7 Located approximately 50 metres from the northern elevation of the application site building are the Grade II Listed pair of cottages in the former Post Office. Opposite the former Post Office is the White Hart Inn which is also Grade II Listed and is approximately 82 metres to the north-west of the application site building. Grade II Listed Longham Bridge is approximately 950 metres to the south of the site, and the scheduled monument at Dudsbury camp is located approximately 955m to the site's south-east.

6.0 Description of Development

- 6.1 The application seeks permission for a change of use from **use class sui generis** (car showroom) - to a proposed bakery (planning **use class E** 'Commercial, Business and Service'). As internal and external seating areas for customers are shown on the drawings the use would fall within the sub-category of planning use class E (b) of the Town and Country Planning (Use Classes) Order 1987 (as amended), '*Sale of food and drink for consumption (mostly) on the premises*'. The application also proposes external alterations to the existing building including the additional of air conditioning/extraction.
- 6.2 Parking provision is proposed to the front and side of the application building, along with cycle stands, which will utilise the majority of the area currently used for parking provision.
- 6.3 The proposed building would be accessed by customers from the front western elevation. External seating is proposed to the front of the building, with screening demarcating this area.

7.0 Relevant Planning History

Application No.	Description	Decision	Date
3/18/3420/FUL	Erect covered area to be used in connection with the existing car sales use	Granted	19/03/2019
03/04/1694/ADV	Company name on front gable	Granted	10/02/2005
03/04/0994/ADV	To erect 2 no 5m high flagpoles with flags as amended by plans received 17.9.2004	Granted	21/09/2004
03/03/1050/FUL	Change of use from car parking to car sales & two storey extension to form	Granted	31/10/2003

	workshop & living acc. As amended by plans received 13/10/03		
03/97/0755/FUL	Change of use from mixed use for petrol sales and car sales to sole use for car sales.	Granted	19/11/1997
03/90/0177/FUL	Alterations, extension, new canopy, tanks, pump islands and retention of workshop (as amended plans rec, 1 Nov 90)	Granted	13/11/1990
03/77/1363/HST	Erect illuminated advertisement sign	Refused	19/10/1977
03/75/1115/HST	Use forecourt for used car sales (limit 10)	Granted	01/03/1975

8.0 List of Constraints

- Within Settlement Boundary; Longham
- Within Longham Village Infilling Area Policy: (GBV1 (saved policy), GBV2 (saved policy) and policy LN2)
- Right of Way: Bridleway E42/37; - Distance: 32.13m from site
- Bournemouth Water Consultation Area
- Risk of Surface Water Flooding Extent 1 in 100 and 1 in 1000
- Risk of Groundwater Emergence; Groundwater levels are between 0.025m and 0.5m below the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. There is the possibility of groundwater emerging at the surface locally.
- Groundwater Source Protection Zone

9.0 Consultations

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

Consultees

1. Natural England

No comments received

2. Dorset Council - Highways – (received 27/02/2023)

The Highway Authority has NO OBJECTION, subject to a condition to secure the turning/manoeuvring and parking construction.

3. Dorset Council - Planning Policy (received 22/03/2023)

- Questions raised about the relevant use class and other similar businesses in the area.

4. Dorset Council - Environmental Services - Protection

DC Environmental Health Response (02/03/2023):

- Contaminated Land- unexpected contamination condition required
- Noise- applicants needs to demonstrate that 5am to 11pm opening hours will not have an adverse effect on nearby receptors. Noise assessment required.
- Odour- extraction system details condition required.
- Construction Management- condition recommended

DC Environmental Health Response (23/06/2023):

Additional clarification sought in respect of noise assessment.

DC Environmental Health Response (29/06/2023):

“Noise Impact Assessment, 124 Ringwood Road, Longham, Report VA4718.230523.NIA, dated 24th May 2023, by Venta Acoustics” judged to use appropriate standards and guidelines to look at the noise impact of plant, deliveries and vehicle movements. Conditions recommended to secure:

1. the installation of 12kg/m² barrier fence and extraction attenuation
2. Deliveries and waste collections are restricted to daytime hours 07:00 – 21:00.
3. Use of outdoor seating area to be restricted to daytime hours e.g. 07:00 – 21:00- this is needed because there aren’t any existing recognised standards for specifically assessing noise from people. It is difficult to use appropriate source data in such cases due to different voices, speech and behaviour etc. so management of such areas and appropriate operating times are often more important.

5. DC – Conservation Officer (received 18/09/2023)

The proposed conversion will not alter the dimensions of the existing modern building. Cosmetic changes are proposed to materials and openings which are minor in scope and will not affect the setting of the listed building.

The new external seating and umbrellas add additional clutter to the street scene and will impact upon the views of the listed building along Ringwood Road. However, given the distance to the listed building and retention of the car showroom the new seating area will not harm the setting of the listed building. The seating area will also be set back which will limit the impact along the street. Given the distance and no changes to the rear of the site, there is no harm to the setting of the Scheduled Monument.

The new totem sign along the frontage of the site however will impact on the setting of the listed building. It is noted that flagpoles are present along the frontage of the car showroom, next to the listed building. The existing flagpoles do interfere and detract from views of the gable end of the listed building. Additional totem signage will add to this clutter. The level of illumination will also ensure the new totem sign will be more visible than the

existing flagpoles. The design, size and placement of the new totem sign will cause less than substantial harm to the setting of the listed building and should be reconsidered. No public benefit has been submitted to outweigh that harm.

Conclusion:

Due regard and consideration given to statutory and local and national policy considerations and on balance the works to convert the building and forecourt to bakery use can be supported, provided the totem sign is omitted.

6. Ferndown Town Council (received 22/02/2023)

Objection

The situation of this proposal is of detriment to the historical environment of Longham and is contrary to HE1.

The proposed unsocial opening times will increase general disturbance to neighbouring properties, including a neighbouring dementia care home.

The A348 is already a busy and often congested road and will be exacerbated by additional traffic accessing and egressing the site, all contrary to HE2, Green Belt.

7. Ward Member – Councillor Julie Robinson (received 07/03/2023)

I strongly object to this application.

It is totally out of character with the historic village setting and also detracts from its heritage assets.

8. Ward Member – Councillor Rod Adkins

No comments received.

Representations received

Three Site Notices were displayed within Ringwood Road, one to the front of the application site, and two were displayed near to the adjacent car sales business and also near to the adjacent care home.

Total - Objections	Total - No Objections	Total - Comments
48	0	1

Summary of third party representations	
Principle of Development (KS1, KS2, KS7, GB7, GBV2)	<ul style="list-style-type: none">• Contrary to local planning policies KS1, KS2, KS3, KS7 & NPPF policies relating to presumption in favour of sustainable development & Green Belt and NPPF para 88.• Inappropriate location for proposal within village.• Change of use which will not meet needs of local residents.

	<ul style="list-style-type: none"> • No similar establishments in the local village. Already 11 of same establishment within 5 miles. • Longham is a Green Belt village with semi-rural/equine identity.
Principle of Development (PC5)	<ul style="list-style-type: none"> • Change of use does not benefit local residents. • Any size of proposed business would not be a service for the community. Proposal is a fast food outlet/takeaway and not a convenience store. • No similar establishments within village. • Proposal is essentially a fast food business. • Lack of need for the proposed development (local or from users of the A348).
Character of the Area and Design	<ul style="list-style-type: none"> • Contrary to local planning policies HE1 and HE2. • Overbearing, incongruous with surroundings, modern design, out of keeping & incompatible relationship with character with surroundings/village form, adverse effect on visual amenity of area, would not enhance area. • Totem poles & building would harm the nearby listed buildings, heritage assets, Lady Wimborne cottages and Post Office cottages. • Appearance of a service station rather than bakery. • Totem pole advertisements too bright/illuminated. • Harm to bridge built in 1728 & Iron Age hill fort.
Neighbouring Amenity	<ul style="list-style-type: none"> • Greater impact upon neighbouring amenity than other uses, including from noise disturbance (from people & vehicles), odours, general enjoyment, light pollution, litter, health & well-being. • Significant amenity impact on the amenity of residents living in the adjoining Dementia Care Home • Seating outside - increase noise disturbance & anti-social behaviour. • Opening hours are anti-social (5am – 11pm). Opening hours should be 7am-10pm Monday-Saturday, 9am-6pm on Sundays. • Harmful impact to residents of adjacent Care Home, which specialises in dementia. Northern elevation of adjacent care home directly faces application site & along southern boundary. Close proximity to care home building. Harmful impact to residents of 9 no. care home bedrooms from use and vehicle access.

	<ul style="list-style-type: none"> • Concern that the Environmental Health Officer's condition only includes additional paragraphs to 6.2 & 6.5 of the submitted Noise Report. • Screening proposed in drawings is vague. • Limited landscaping means no noise buffer. • Concern over ambient noise from air-conditioning units. • Concern of litter management & increased vermin.
Trees & Landscaping	<ul style="list-style-type: none"> • Limited landscaping proposed.
Highways	<ul style="list-style-type: none"> • Contrary to policies within section 9 of NPPF and local planning policy KS11. • Inadequate parking on site. • No vehicle tracking information provided. • Increase to traffic, congestion, obstructions, pollution & hazards. Danger to pedestrians, cyclists & mobility scooter users. • Concern that vehicles including lorries and vans will park on nearby grass verges, pavements, cycle paths, bridleways. Deliveries will result in disruption. Road already has regular road works, temporary traffic lights and traffic. • Concern that emergency vehicles will not be able to use Ringwood Road effectively during congestion/traffic. • The road is not a motorway. By-pass is needed in area so that lorries avoid this road. Concern site would become a 'pitstop.' Will attract more vehicles than previous use. • Other adequate existing roadside services along A348. • Reference to South East Dorset Multi Model Transport Study (2012) and Bournemouth, Poole and Dorset Local Transport Plan (2011). • General highway impacts arising from the development.
Biodiversity	<ul style="list-style-type: none"> • Harmful impact to wildlife/biodiversity (inc. otters) • Light pollution harmful to biodiversity. • Near to Longham Lakes which is frequented by bats.
Flood Risk	<ul style="list-style-type: none"> • Insufficient sequential testing
Other Matters	<ul style="list-style-type: none"> • Additional litter from proposed business. • Request that the speed limit is reduced to 30mph. • Will reduce property prices.

10.0 Duties

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990 - section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 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
- KS2- Settlement hierarchy
- KS7- Role of Town and District Centres
- KS11 - Transport and Development
- KS12- Parking Provision
- PC5- Shops and Community Facilities in Local Centres and Villages
- HE2 - Design of new development
- ME6- Flood Management, Mitigation and Defence

East Dorset Local Plan 2002 – Saved policies

- GB7 – Infill development will be allowed within Village Envelopes, subject to criteria
- GBV2 – Within Village Infill Policy Envelopes development must be in character with the settlement

Emerging Dorset Council Local Plan

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.

Material Considerations

National Planning Practice Framework (NPPF)

Paragraph 11 (Section 2): Presumption in favour of sustainable development

Paragraph 38 (Section 4): 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.

Paragraph 47 (Section 4): Determining applications in accordance with the development plan unless material considerations indicate otherwise.

Paragraphs 84 and 85 (Section 6): '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.

Paragraph 119 (Section 11): Planning decision should promote an effective use of land in meeting the need for homes and other uses...'

Paragraphs 126 – 136 (Section 12) 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.

Paragraph 159 (Section 14): Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the

development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 202 (Section 16): Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use.

Other material considerations

- National Planning Practice Guidance
- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document
- Dorset Non Residential Parking Guidance

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

The proposed change of use of the existing single storey building is on a relatively level site and accessed via existing hard surfacing. The proximity of the site to a care home has been taken into consideration; care home residents may be disadvantaged where they have fewer options for responding to noise. The impacts and appropriate mitigation are considered below.

14.0 Financial benefits

The submitted Planning Statement sets out that the proposal will create approximately 9 new jobs on the site.

What	Amount/Value
Material Considerations	
New Jobs	5 full time equivalent
Non Material Considerations	
Business Rates	TBC

15.0 Planning Assessment

Principle of Development (Presumption in Favour of Sustainable Development and Settlement Hierarchy):

- 15.1 The application site falls within Longham which is identified in local planning policy KS2 as a village settlement type. Local policy KS2 allows only very limited development that supports the role of the settlement as a provider of services to its home community.
- 15.2 Third party objections raised concerns that the proposal is contrary to local planning policies KS1 and KS2 and policies within the NPPF, that the proposal is inappropriate in this location, that the change of use will not meet the needs of local residents and that the proposed development is not needed. Further objections received noted that there are no similar establishments in the local village, but that there are already 11 of the same establishment within 5 miles of the site.
- 15.3 Whilst it is acknowledged that occupants of passing vehicles may stop at the site to purchase goods, and that similar services may be available within 5 miles, the proposed change of use of the building within the village to a business providing hot food would make effective use of an existing building on this land and would provide a convenience service to the local and wider community.
- 15.4 Therefore, the proposal accords with local planning policy KS2 in principle.

Principle of Development (Village Infilling Area):

- 15.5 The site is within the Green Belt but falls within the Village Infilling Policy Area of Longham where saved local planning policies GB7 and GBV2 are relevant.
- Saved planning policy GB7 sets out that infill development will be allowed and that such development should be contained wholly within the Village Infill Envelopes, and should be of a scale and character that respects the existing village form.
 - Saved planning policy GBV2 requires that: 'Within the Village Policy Envelopes, proposed development must maintain or improve the character and form of the settlement.'

- 15.6 Ferndown Town Council have objected that the proposals are contrary to Green Belt policies.
- 15.7 The application site is located wholly within a Village Infilling Area, where saved policy GB7 allows infill development. This policy does not conflict with the more recent NPPF Green Belt policy at section 13 which also identifies that limited infilling in villages is not inappropriate and that a material change of use of both buildings and land is not inappropriate where it preserves openness and does not conflict with the purposes of including land within the Green Belt.
- 15.8 As the proposal will utilise an existing building (with the addition of air conditioning units to the rear) so will not represent encroachment into the countryside, the main consideration is whether the change of use would result in harm to openness. Given that the existing lawful use is as a car showroom and the land has been used for the display of vehicles, the proposed introduction of car parking spaces and outdoor seating would not result in harm to openness. Therefore, the proposal accords with saved local planning policies GB7 and GBV2.

Principle of Development (Shops and Community Facilities in Villages):

- 15.9 Local planning policy PC5 (Shops and Community Facilities in Local Centres and Villages) is relevant to the application under consideration, as the proposal is a shop selling food and drinks to customers.
- 15.10 Third party objections raised concerns that the proposal is not required and that the proposal is contrary to local policy KS7- Role of Town and District Centres which identifies Town and District Centres as focal points for commercial, leisure and community activity. The policy, which accords with paragraph 88 within section 7 of the NPPF requires a sequential assessment where main town centre uses are proposed outside an existing centre. NPPF paragraph 88 states:
88. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 15.11 Paragraph 88 of the NPPF relates to securing the vitality of town centres. The application site is not an edge of centre or out of centre proposal. Rather it is located within a village, so local planning policy KS7 is not relevant to this application; a sequential test is not required in this case.
- 15.12 Notwithstanding this assessment, the submitted Supporting Statement accompanying the application notes that *"The Sequential Assessment has been undertaken and there are no sequentially preferable sites nor is it considered that any impact arises from the scheme."*
- 15.13 NPPF paragraph 187 is relevant to the application which states the following:
187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where

the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

15.14 The previous use of the building on the application site was in connection with the car sales business to the north of the site. It is considered that the proposed development which would utilise an existing building and hard surfaced site – would be appropriate in this 'village infill' location and could be effectively integrated with the existing businesses adjacent and nearby which include:

- Used Car Business (to the north/side of the application site)
- Care Home (to the south/side of the application site)
- Public House (on the opposite side of Ringwood Road to the north-west)
- Haskins Garden Centre (on opposite side of Ringwood Road to the north-west)
- Greenhouse Building Supplier to the west of the Garden Centre)
- Arts and Crafts Retailer (to the north-west of the Garden Centre)
- Mobility Scooter Shop (to the north along Ringwood Road near to roundabout)

15.15 The proposal will bring a new business to the village that is associated with meeting people's day to day needs and with leisure, so is supported in principle by local policy PC5 of the adopted Local Plan.

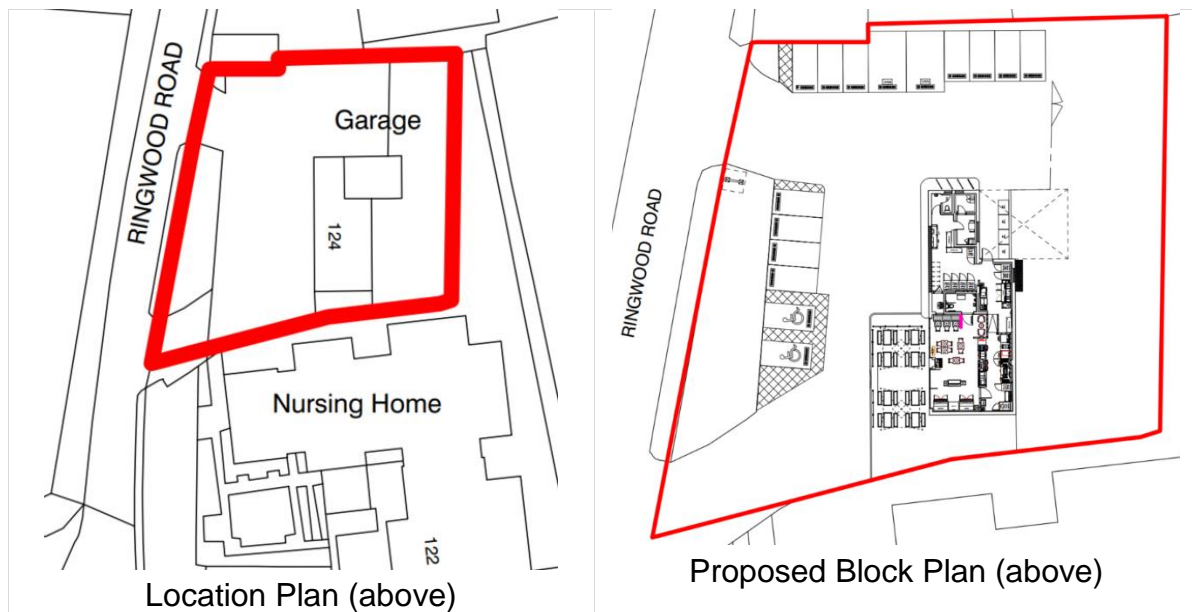
Design and Character of the Area:

15.16 The proposal falls within the village of Longham, within a Village Infilling Area, and the proposal utilises the footprint of the existing building. The external area to the front (west) of the building is proposed to be used as an external seating area – separated from the highway by fencing.

15.17 Ferndown Town Council object to the proposals, consider that the proposal is of detriment to the historical environment of Longham and also consider that the proposal is contrary to local planning policy HE2.

15.18 Third party objections raised concerns that the proposal is overbearing, incongruous with its surroundings, of a modern design, out of keeping, would have an incompatible relationship with the character of the area & village form, would have an adverse effect on the visual amenity, would not enhance the area, and that the development would have an appearance of a service station rather than a bakery.

15.19 The area's character is influenced by the current land uses which include a car showroom business (to the site's north side), a care home (to the site's south), some residential properties nearby within Ringwood Road and open fields beyond. The site is also within walking distance of Haskins, a large garden centre business. Within this context and taking account of the lawful use of the existing building, the proposal would not be demonstrably harmful within the street scene.



- 15.20 Details of the proposed barriers between the external seating and the car park have been provided in the form of indicative photographs, but details including dimensions have not been submitted. These further details could be secured by condition (which would include with any other boundary treatment).
- 15.21 The car park to the front and side of the existing building is proposed to be retained as a car park, for use by employees, visitors and deliveries. Highways and parking are addressed in the 'Highways and Parking' section within this Officer Report.
- 15.22 The general appearance of the proposal is similar to existing, with the exception of windows & doors, which would be in keeping with the character of the area and would not have a harmful impact upon visual amenity or the street scene, so are judged to be acceptable. The materials are proposed to match the existing, with the exception of the advertisement to the front elevation. The matter of advertisements is addressed in the 'Other Matters' section within this Officer Report.
- 15.23 Therefore, with regards to design and character, the proposal accords with local policy HE2 of the adopted Local Plan and policies within section 12 of the NPPF, subject to conditions.

Impact upon Neighbouring Amenity:

- 15.24 Ferndown Town Council has commented that the proposal has unsocial opening times which would increase general disturbance to neighbouring properties including residents of the neighbouring dementia care home.
- 15.25 Third party objections have also raised concerns that the proposal with opening hours of 5am - 11pm would have a greater impact upon neighbouring amenity than other uses, including from: noise disturbance (from people & vehicles), odours, general enjoyment, light pollution, litter, health & well-being. Concerns have been raised that the external seating could increase antisocial behaviour, that there would be a significantly harmful impact to residents of the adjacent care home in particular to the care home's northern elevation, the limited landscaping proposed means that there is no noise buffer, that ambient noise from the air conditioning units may disturb neighbours, that there may not be appropriate management of

litter & vermin and that the limited landscaping proposed would not provide a noise buffer.

- 15.26 In addition to the submitted plans, a specification (GREGGS HVAC Specification – Issue 1) for the extraction equipment has been submitted in support of the application.
- 15.27 Dorset Council's Environmental Protection team have required that the applicant should demonstrate that noise from operation (including from the plant) during early morning and night-time hours would not have an adverse effect on the occupants of neighbouring properties via the submission of a Noise Assessment (in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound).
- 15.28 A Noise Impact Assessment was received on 13 June 2023, which was later supported by a Noise Locations Markup drawing that identified the noise screen barrier from the plant noise. This drawing also set out where the assessment identified noise receivers on the northern elevation of the adjacent Care Home. Within the Noise Impact Assessment, the consultant used appropriate standards and guidance to assess the noise impact from the plant, deliveries and vehicle movements on neighbouring residents.
- 15.29 Whilst it is acknowledged that there are not any existing recognised standards that specifically assess noise from people, it is concluded that any noise impacts could be limited to acceptable levels by restricting the hours of use of the application site and the application site building.
- 15.30 With regards to potential odours from the proposed development, Dorset Council's Environmental Protection team have advised that a condition should be imposed to require details of the kitchen extract system to be submitted and agreed, prior to installation. The team have also advised that a Construction Management/Method condition is imposed should the application be granted permission.
- 15.31 Whilst it is acknowledged that a third party objection raises concerns that the Environment Health Officer's suggested condition only refers to some of the paragraphs in the submitted Noise Assessment, these specific paragraphs have been identified as reasonable and necessary to secure an appropriate scheme. It is also noted that the same objection raises concerns that the proposed screening (within the Noise Assessment) is too vague.
- 15.32 It is considered that including the whole Noise Assessment Report within the condition (number 7) would not be necessary and a details of boundary treatments can also be secured by condition, prior to the first use of the building by the new business (condition no. 9).
- 15.33 It is judged that impacts on neighbouring amenity can be kept to acceptable levels via conditions. It would be reasonable and necessary in accordance with paragraph 57 of the NPPF to impose a condition requiring an Odour Assessment to be submitted (no. 8), and a pre-commencement condition requiring a Construction Method Statement & Management Plan would also be imposed (no. 4). This plan would need to demonstrate and ensure that harmful impacts upon neighbouring amenity (in terms of noise, air pollution and general amenity) are avoided.
- 15.34 The opening hours proposed on the submitted Application Form are 5am - 11pm every day. Due to neighbouring receptors, in the light of the noise assessment the

Council's Environmental Protection team have advised that conditions should be imposed to restrict the opening hours, delivery hours, waste collection hours and the hours of use of the external seating area. Their suggestion is 7am to 9pm for deliveries, waste collection and use of the outdoor seating area.

- 15.35 Officers consider that these hours would still result in harmful impacts upon the existing residents of the adjacent care home, in particular residents of the bedrooms located closest to the application site's southern boundary. The care home is also a business and the NPPF requires that planning decisions should ensure that new development can be integrated effectively with existing businesses and that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established (para 187). Due to the likely harm arising to the amenity of residents of the care home if the proposed business operated late at night when ambient noise levels are lower, it is judged necessary that opening hours are restricted further, to limit disturbance both from noise and smells.
- 15.36 The table below sets out the hours that are judged to be appropriate, taking account of the proximity of care home bedrooms (conditions 10-12):

	Imposed restrictions:
Opening Hours:	06:00 – 20:00
Deliveries and Waste Collection:	07:00 – 21:00
Outdoor seating area - hours	08:00 – 20:00

- 15.37 Whilst there may still be some impact upon neighbouring amenity to occupants of the adjacent care home from the proposed use of the site it is judged that the proposed conditions would provide sufficient control that the harm arising would not be demonstrably greater than the existing lawful use of the site for car sales. Operating in accordance with the timings set out above, the proposal will be compatible with its surroundings in terms of impacts upon neighbouring amenity as required by policy HE2 and accords with policies of the NPPF (section 12).

Highways and Parking:

- 15.38 Ferndown Town Council object to the proposals and are of the view that the A348 is already a busy and often congested road, which will be exacerbated by additional traffic accessing and egressing the site.
- 15.39 Third party objections raised concerns that the proposal is contrary to local planning policy KS11, that there is inadequate parking on site, and that no vehicle tracking information has been provided. Concerns were also raised that there would be an increase in traffic, congestion, obstructions, pollution, hazards (to pedestrians, cyclists, mobility scooter users and other vehicles uses), that vehicles may park on grass verges/bridleway/cycle path, that deliveries will result in further disruption, and that emergency vehicles may not be able to travel along Ringwood Road due to congestion. Further objections were raised that there are already adequate existing roadside services along the A348, a by-pass is needed in the area, and references were made to the South-East Dorset Multi Model Transport Study (2012) & Bournemouth, Poole and Dorset Local Transport Plan (2011).

- 15.40 The Council's external consultation protocol does not require National Highways to be consulted, as this area of Ringwood Road is not listed as one of the relevant trunk roads for consultation. Furthermore, the proposal will utilise existing accesses to Ringwood Road that have been associated with car sales involving vehicle movements.
- 15.41 The planning application proposes 15 parking spaces (including 2 van spaces and 2 disabled parking spaces). The proposal also includes 4 no. bicycle stands to the north of the side northern elevation of the building, thereby providing cycle storage provision on site.
- 15.42 The Council's Non-Residential Parking Guidance recommends the following provision for a business selling food (where the building footprint is less than 500m²):
- 1 parking space per 20m² ($153 / 200 = 7.65$ spaces)
 - Plus 1 parking space per 100m² for employees ($153 / 100 = 1.53$ spaces)
 - 1 cycle parking space per 250m²
- 15.43 The footprint of the building on the site 153sqm, so the Parking Guidance advises that 9 parking spaces and 1 cycle parking space should be provided on the application site. As such, the proposal provides greater parking provision that recommended by the guidance.
- 15.44 The Council's Highways Officer has no objection to the planning application, subject to the imposition of a turning/manoeuvring and parking construction condition.
- 15.45 The proposal accords with local planning policies KS11 (Transport and Development) and KS12 (Parking Provision) of the adopted Local Plan, subject to conditions.

Heritage Assets:

- 15.46 Ferndown Town Council has stated that the proposal will be of detriment to the historical environment of Longham contrary to local planning policy HE1.
- 15.47 It is noted that the northern elevation of the application building is approximately 50 metres from a Grade II Listed Building at 12 Ringwood Road (Post Office). On the opposite side of the road to 12 Ringwood Road, another Grade II Listed Building (White Hart Inn) is located approximately 82 metres to the north-west of the application site building.
- 15.48 A third party objection also raised concerns that the proposal would negatively impact the iron age hill fort and also the bridge, both within Longham. Dudsbury camp is a scheduled monument summarised in the Historic England listing as: a 'Small multivallate hillfort called Dudsbury' and Longham Bridge is a Grade II Listed Building. The hillfort is located approximately 955 metres from the application site (to its south-east) and Longham Bridge is located approximately 950 metres from the site (to its south).

- 15.49 The Council's Conservation Officer was consulted on the application and has raised concerns over the proposed totem signage to the site as such advertisement may cause less than substantial harm to the setting of the nearby listed building. However, as the totem signage would require a separate Advertisement Application to be submitted for consideration (which would be separate to this Planning Application), the proposal within this planning application would not result in harm to the nearby listed buildings or any other heritage assets.
- 15.50 In addition to the above, the Council's Conservation Officer noted that the proposed external seating and umbrellas would add additional clutter to the street scene and will have some impact upon the views of the listed building to the north along Ringwood Road. However, the distance between the application site building and the listed building is sufficient to avoid harm and details of the external seating area (which will be set back from the road) can be secured by condition (no. 9).
- 15.51 Furthermore, it is judged that there would be no harm to the setting of the Scheduled Monument from the proposals.
- 15.52 As the site is considered to be sufficiently distant to these heritage assets, is not within a Conservation Area, and as there is no significant change to the external appearance of the existing building (limited to windows, doors and signage), it is considered that there is no anticipated harm to these heritage assets from the proposed development. As such, local planning policy HE1 is not relevant to the application under consideration.

Impact upon Biodiversity

- 15.53 Third party objections raised concerns that the proposed development would result in harm to biodiversity including harm from light pollution. However, there is no proposed alteration to the roof of the existing building and the site is already hard surfaced.
- 15.54 Therefore, there is no anticipated harm to biodiversity from the proposal, so the application accords with local planning policy ME1 of the adopted Local Plan and with the Dorset Biodiversity Appraisal Protocol.

Contaminated Land

- 15.55 Due to the historic use of the application site land, Dorset Council's Environmental Protection team have recommended that the 'unexpected contaminated land' condition should be applied. Therefore, subject to this condition, the proposal is acceptable.

Flood Risk

- 15.56 The site has a risk of surface water flooding (1 in 100 and 1 in 1000) which does not impact the building but does overlap the front (west) and rear (east) site boundaries.
- 15.57 The application site is also at risk from groundwater emergence, but the proposed development falls under the category of 'less vulnerable' development with the NPPG.

- 15.58 A Flood Risk Assessment has been submitted which is considered to be appropriate to the scale of the proposed 'less vulnerable' development, which identifies the watercourse beyond the rear of the site, acknowledges groundwater and surface water flooding risks, confirms that the floor levels are as per existing, and includes a flood event action plan.
- 15.59 The proposal will not increase flood risk so accords with planning policy ME6 of the adopted Local Plan and policies within the NPPF (2021).

Land Ownership

- 15.60 Whilst the red line boundary on the submitted drawings was amended to omit the north-western corner of the site to exclude some land which is outside of the applicant's ownership, the applicant has also submitted Title Plans that support the land ownership that is set out within the submitted application form.

Other Matters

- 15.61 Other third party objections received for this application raise concerns that the proposal would result in additional litter in the area, that property prices would be reduced and reference was made to the speed limit of the road being reduced to 30 mph.

Speed Limits:

- 15.62 The speed limit of the road would be a matter for the Highways Authority, so this is not a matter for consideration within this Officer Report.

Advertisements:

- 15.63 A third party objection raised concerns over the appearance of the proposed totem pole shown on the submitted plans and to its illumination. An Advertisement Application has not been submitted alongside this Full Planning Application but would be required. The matter of the totem pole advertisement and its illumination will need to be dealt with separately outside of this application. As such, an informative note has been added.

Property Prices:

- 15.64 Property prices are not a material planning consideration so is not assessed within this Officer Report.

Litter:

- 15.65 The matter of litter is addressed within the 'Impact upon Neighbouring Amenity' section in this Officer Report.

16.0 Conclusion

- 16.1 The proposed re-use of a former car sales room building within the village infill area is judged acceptable. Conditions can be imposed to limit hours of operation and control extraction so that demonstrable harm to neighbouring amenity can be avoided. The proposal is found to accord with the Development Plan as a whole.

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:

RSTH/S5968/500 A Location Plan & Existing Ground Floor Plan

RSTH/S5968/502 A Proposed Ground Floor Plan & Detail

RSTH/S5968/503 Proposed Elevations

RSTH/S5968/504 A Proposed Block Plan

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

3. Before any new external materials are used on the site, details shall be submitted to the Local Planning Authority for agreement in writing. Only materials agreed by the Local Planning Authority shall be used in the development.

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

4. Prior to commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall include mitigation measures that manage any possible adverse effects associated with the development during the construction period and should include: operating times of construction, no bonfires, protection of nearby receptors from dust arising from construction & vehicle movements, and the storage of waste materials prior to removal from the site.

The approved development shall be carried out strictly in accordance with the approved Construction Method Statement.

Reason: In the interests of neighbouring amenity.

5. Prior to first use of the approved development, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. Any trees, shrubs or plants that die within a period of five years of the commencement of development, or are removed and/or become seriously damaged or diseased in that period shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of a similar size and species unless the Local Planning Authority gives prior written permission for any variation.

Reason: In the interest of visual amenity.

6. Prior to the first use of the building for the use hereby approved the turning/manoeuvring and parking shown on Drawing Number RSTH/S5968/504 revision A must have been constructed. Thereafter, these areas, must be maintained, kept free from obstruction and available for the purposes specified for the lifetime of the development.

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

7. Prior to first use of the building for the use hereby approved, the mitigation (12kg/m² barrier fence and extraction attenuator to provide the minimum attenuator insertion loss shown in table 6.5) within section 6.2 'Rating Noise Level and Assessment' of the submitted Noise Impact Assessment Report ref: VA4718.230523.NIA (produced by Venta Acoustics, dated 24 May 2023) shall be installed and shall thereafter be maintained as per the approved documents. Sufficient space will be provided to accommodate the extra attenuator in addition to the carbon filter (odour mitigation) within the extraction system.

Reason: In the interest of neighbouring amenity.

8. Prior to the commencement of installation of the commercial kitchen extraction system, a scheme containing full details of the arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to, and approved in writing by the Local Planning Authority (LPA) along with an appropriate odour assessment. The works detailed in the approved scheme shall be installed in their entirety before the first use or first occupation of the hereby approved development. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out.

Reason: In the interest of neighbouring amenity.

9. Prior to first use of the building for the use hereby approved, details of boundary treatments, the external seating, the barriers and associated paraphernalia, shall be submitted to and agreed by the Local Planning Authority. Such details should include scaled plans and elevations. The boundary treatments and external seating shall be installed as approved and thereafter maintained for the lifetime of the development in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance of the development and in the interests of neighbouring amenity.

10. The business shall be shut to customers and no sale of goods shall take place outside of the hours of 06:00-20:00 each day.

Reason: In the interest of neighbouring amenity.

11. There shall be no deliveries or/and waste collections outside of the hours of 07:00 – 21:00 each day.

Reason: In the interest of neighbouring amenity.

12. No customers shall be allowed to use the outdoor seating area outside of the hours of 08:00 – 20:00 each day.

Reason: In the interest of neighbouring amenity.

13. 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.

Informative Notes:

1. 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.

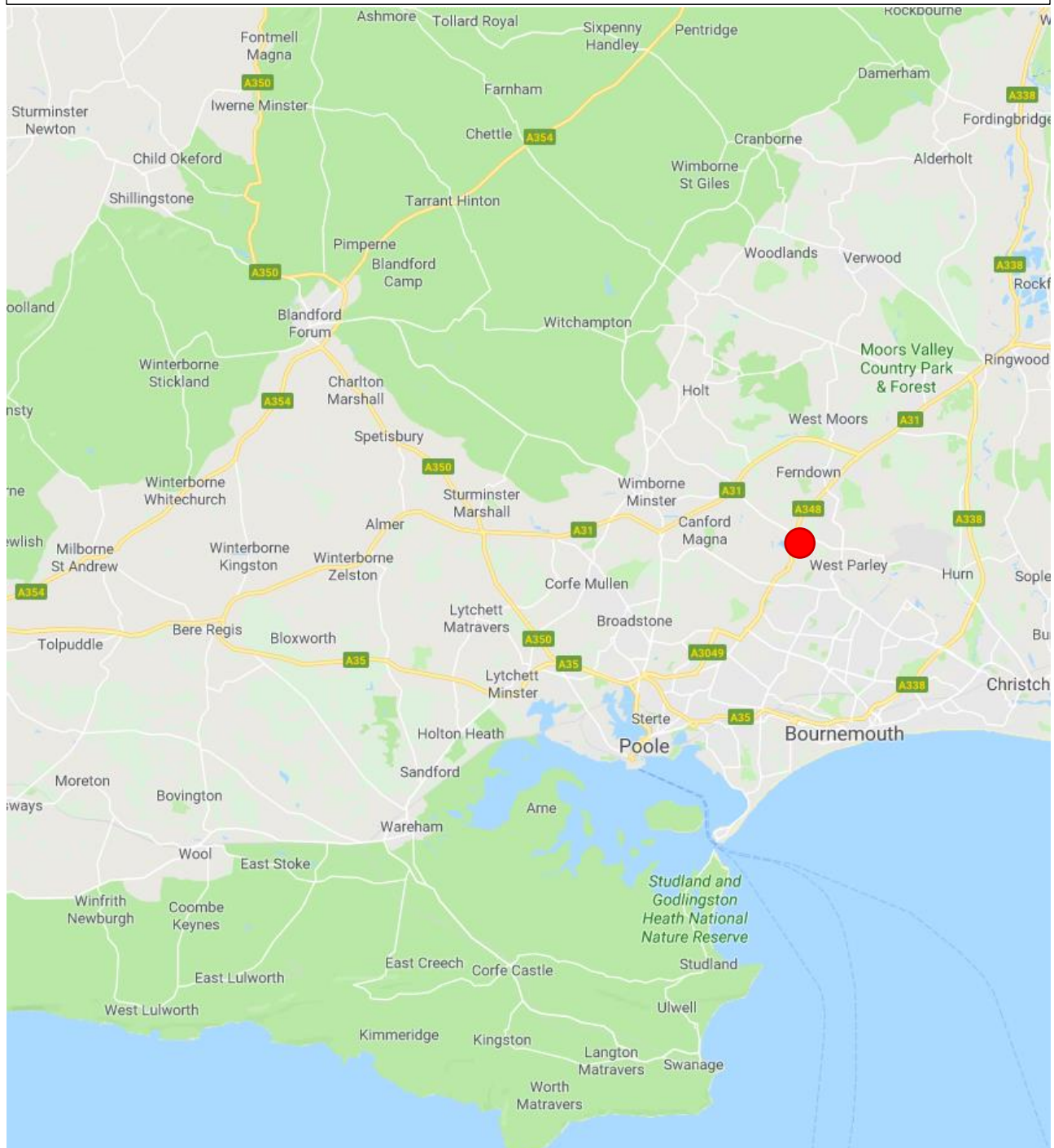
2. The applicant is advised an Advertisement Consent is required for any advertisements proposed and associated illumination, which would require a separate permission to this planning application.

● Approximate Site Location

Application reference: P/FUL/2023/00350

Site address: 124 Ringwood Road, Longham BH22 9AW

Proposal: Change of use from existing Car Showroom building (sui generis) to Bakery (use class E), with external alterations including addition of air conditioning/extraction



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Eastern Area Planning Committee
25 October 2023

Application Number:	P/FUL/2022/04415		
Webpage:	Planning application: P/FUL/2022/04415 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Sturminster Marshall Golf Club Moor Lane Sturminster Marshall Dorset BH21 4BD		
Proposal:	Retain single storey changing room building		
Applicant name:	Sturminster Marshall Golf Club		
Case Officer:	Ellie Lee		
Ward Member(s):	Cllr Cook		
Publicity expiry date:	25 October 2022	Officer site visit date:	4 October 2022
Decision due date:	27 October 2023	Ext(s) of time:	Yes – 27 October 2023

1.0 This planning application has been referred to committee by the Service Manager for Development Management and Enforcement.

2.0 Summary of recommendation:

GRANT subject to conditions set out in section 17.

3.0 Reason for the recommendation:

- 3.1 Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 Paragraph 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.
- 3.3 The location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact. As such, it would accord with local policy KS2.
- 3.4 The application site is located within the Green Belt where inappropriate development should not be approved except in very special circumstances. However, the proposal benefits from exception 149 b) of the National Planning Policy Framework to inappropriate development within the Green Belt, as it would provide appropriate facilities for outdoor sport and would not conflict with the purposes of including land within the Green Belt. (NPPF section 13).

- 3.5 The proposal's scale, design, visual impact, impact on character and appearance would be acceptable and the application would therefore accord with local policy HE2 and section 12 of the National Planning Policy Framework.
- 3.6 There is not considered to be any significant harm to neighbouring residential amenity from the application building.
- 3.7 The proposal would generally accord with local planning policy ME6 and section 14 of the NPPF, due to the 'less vulnerable' use of the application building.
- 3.8 Foul water disposal would be a Building Regulations matter, which would not be a material planning consideration within this application.
- 3.9 There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development within Green Belt	Proposal benefits from exception 149 b) of the NPPF as it would provide appropriate facilities for outdoor sport, and does not conflict with the purposes of including land within the Green Belt.
Scale, design, impact on character & appearance	The building viewed in the context of existing structures would have a limited impact upon the character of the area, street scene and views from the footpath, so accords with local policy HE2.
Flood Risk	Site within an area of groundwater flooding risk, but building is for a use which is less vulnerable so does not conflict with local policy ME6.
Other Matters	Sewage disposal is a matter for Building Regulations.

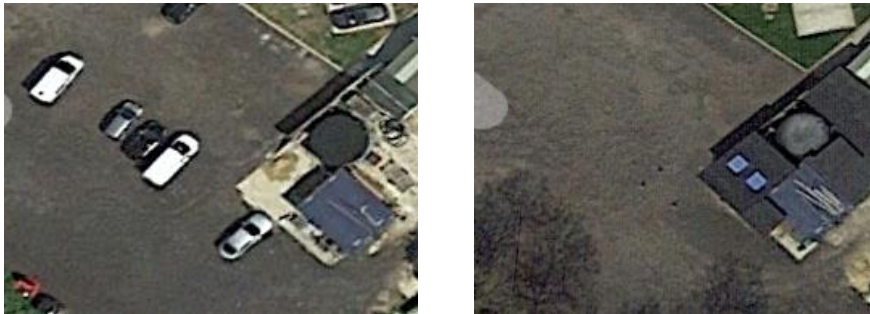
5.0 Description of Site

- 5.1 The application site is located within the Sturminster Marshall Golf Course, which sits outside of and to the north of the main urban area of the village.
- 5.2 The retrospective building is adjacent to existing single storey structures within the eastern part of the golf course site. The building under consideration is also adjacent to the car parking area.

6.0 Description of Development

- 6.1 It is understood that the building was constructed less than four years ago, so planning permission is required.

- 6.2 The application seeks planning permission for a single storey retrospective building to the south-west corner of the existing buildings to the east of the site.



Aerial View – July 2018 (above left) & Aerial View – April 2020 (above)

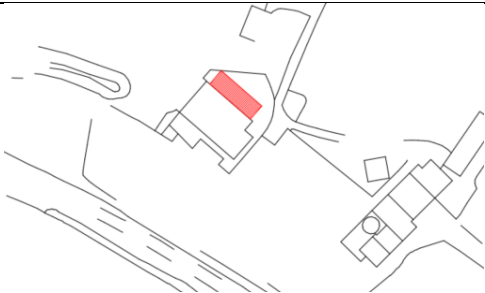
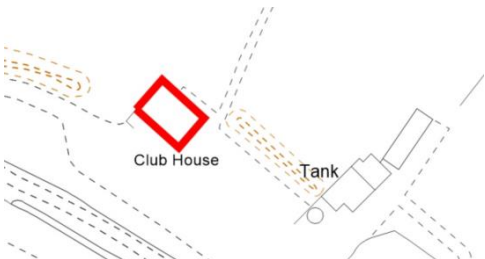
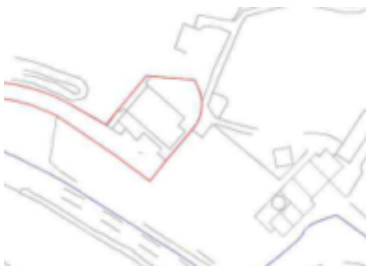
- 6.3 The Application Form describes the materials of the retrospective building as follows:

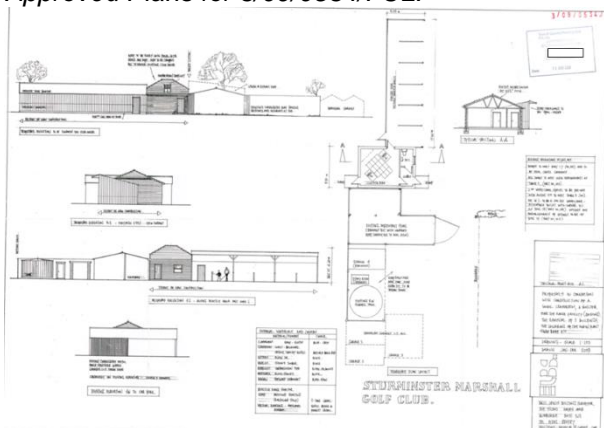
- Walls: vertical timber cladding.
- Roof: flat felt roof.

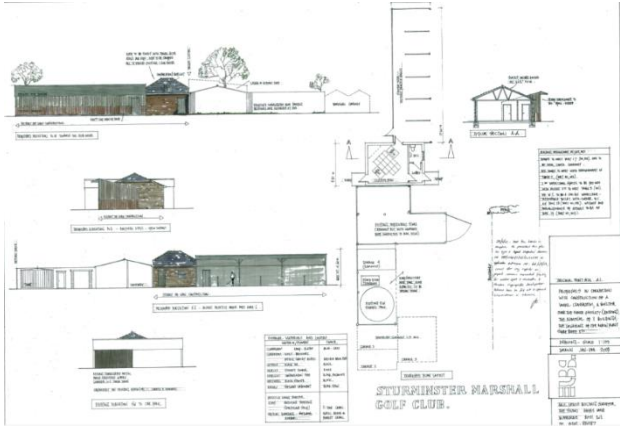

- 6.4 The building is accessed externally and comprises of 2 no. changing cubicles with toilet facilities, and 1 no. cubicle with shower facilities. The changing rooms include roof lights to provide natural light from above.

7.0 Relevant Planning History

Application No.	Description	Decision	Date
P/FUL/2023/00233 (31m from application site building)	Erect two storey extension to form enlarged restaurant and function room (revised scheme)	Non-determination appeal lodged	
P/FUL/2021/04248 (31m from application site building)	Erection of a single storey extension to form an enlarged restaurant on the ground floor. Alterations to the existing public highway including junction improvements as amended by plans received 10 November 2021	Granted	25/04/2022
	<ul style="list-style-type: none"> • The main building (where the approved extension under approved planning application P/FUL/2021/04248 adjoins) is approximately 31 metres from the building currently under consideration. • See Block Plan below. 		

			
3/21/0958/CLE (31m from application site building)	Use of the first floor of the clubhouse for functions/meetings by people/organisations unrelated to the golf club for over 10 years	Lawful	07/01/2022
	<ul style="list-style-type: none"> Decision Plan with red line for 3/21/0958/CLE. Red line plan is approximately 31m from the building currently under consideration. 		
3/20/1121/FUL	Retrospective application for the erection of extensions to the clubhouse to form store buildings.	Granted	13/08/2021
3/20/1427/FUL (31m from application site building)	Erection of a 2 storey extension to form an enlarged restaurant on the ground floor, additional headroom in the existing first floor function room, stairwell access and terrace area. Alterations to the existing public highway including junction improvements, as amended by plans received 2 August 2021	Appeal Dismissed (Refused)	17/10/2022 (08/10/2021)
	 <ul style="list-style-type: none"> Planning application 3/20/1427/FUL was refused by the Council for the proposal being inappropriate within the Green 		

	<p>Belt and a lack of ecological information resulting in harm to biodiversity.</p> <ul style="list-style-type: none"> The subsequent appeal ref: APP/D1265/W/21/3285425 was dismissed by the Planning Inspector who judged that the proposal would be inappropriate development within the Green Belt and would be contrary to GB exceptions within NPPF section 13. The Planning Inspector also judged that the absence of a biodiversity survey resulted in the proposal failing to comply with NPPF section 15. 		
3/17/1332/FUL	The siting and erection of a marquee to host events associated with the use of the Golf Club together with other fundraising activities. Temporary Consent for 5 Years.	Appeal Dismissed (Refused)	14/06/2018 (27/07/2017)
3/09/1095/NMC	Angle the Layout of the Practice Range and Cover by 10 Degrees NW Rotation from the New Classroom.	Granted	16/12/2009
3/09/0534/FUL	Erect Small Classroom Together with a Permanent Cover Over the Practice Range	Granted	12/08/2009
	<p><i>Approved Plans for 3/09/0534/FUL:</i></p> 		
3/06/1224/FUL	Temporary Siting of Shelter for Practice Ground	Refused	14/11/2006
	<p><i>Refusal Reason for 3/09/0534/FUL:</i></p> <p>1 The proposed development lies within the Green Belt as defined in the Bournemouth, Dorset and Poole Structure Plan 2000, and identified in the East Dorset Local Plan (2002). Within this area it is intended that no new development shall be permitted except that reasonably required in connection with agriculture or forestry or other appropriate uses including buildings or structures which are essential for outdoor recreation. The retention of this shelter in the Green Belt represents inappropriate development which is harmful to the openness of the</p>		

	<p>Green Belt and contrary to the purposes of including the land within it. It is considered that the shelter is not an essential facility for outdoor recreation, and the applicant has not demonstrated that there are any circumstances that are so special so as to outweigh the Green Belt policies; the harm to the openness of the Green belt and the reasons for including land within it. The proposal is therefore contrary to policy GB2 in the East Dorset Local Plan (2002) and the advice contained within Planning Policy Guidance Note 2 'Green Belts'.</p> <p><i>Refused Plans for 3/09/0534/FUL:</i></p> 		
03/96/1054/FUL	3 ornamental ponds on Fairways 1,2,6&7 2 with s.w. drains.	Granted	21/04/1997
03/92/0794/FUL	Change of use, first floor to residential	Appeal Dismissed (Refused)	August 1993 (25/11/1992)
03/91/1065/REM	New golf clubhouse, amended by letter of the 4th December 1991 in respect of drainage.	Granted	18/12/1991
	<p><i>Approved Plans for 3/1065/REM:</i></p> 		
03/90/1168/FUL	9 Hole Golf Course, as amended by plans dated 23 Sep '91	Granted	22/11/1991
03/90/1169/OUT	Outline: Clubhouse and 60 Space Car Park, as amended by plans received 10.04.91	Granted	22/11/1991
03/87/1219/OUT	Outline: Agricultural Dwelling	Refused	09/10/1987

8.0 List of Constraints

- Green Belt (GB)
- Location: Sturminster Marshall Golf Course, Policy: HE4
- Dorset Heathlands - 5km Heathland Buffer
- ART4 - Article 4 Direction
- Asset of Community Value - Sturminster Marshall Golf Course; Status Moor Lane, Sturminster Marshall, Wimborne, BH21 4BD
- Legal Agreements S106 – PL/4/239
- SGN - High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar); - Distance: 862.8m from site
- Areas Susceptible to Groundwater Flooding; Clearwater; >= 25% <50%
- Groundwater levels are either at or very near (within 0.025m of) ground surface

9.0 Consultations

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

Consultees

1. Sturminster Marshall Parish Council – Object (07/10/2022)

The Parish Council object to planning application P/FUL/2022/04415. This retrospective application constitutes development in the South Dorset Green Belt and the Parish Council considers that the proposed development would be inappropriate in this location and would cause harm to the openness of the Green Belt.

The building is visible from both Footpath 2 and Moor Lane. The Parish Council does not feel that the applicants have provided clear evidence of why the buildings are needed - and why these changing rooms cannot be provided within the club house.

The Parish Council would also question how the sewerage would be disposed of as this is not detailed.'

2. Stour And Allen Vale Ward Councillor - No comments received

Representations received

Site notices were displayed in three locations: with one notice attached to the application building, a notice attached to the post to the gate entrance to the golf course, and a notice within Moor Lane.

No third party responses were received for the application.

10.0 Duties

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.

11.0 Relevant Policies

Adopted Christchurch and East Dorset Local Plan – Part 1, Core Strategy 2014 (CED):

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

- KS1 - Presumption in favour of sustainable development
- KS3 - Green Belt
- KS12 - Parking Provision
- HE2 - Design of new development

Material Considerations

Emerging Dorset Council Local Plan

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.

Emerging Neighbourhood Plans

Sturminster Marshall Neighbourhood Plan- In preparation – limited weight applied to decision making.

National Planning Policy Framework (NPPF):

Paragraph 11: Presumption in favour of sustainable development

Paragraph 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.

Paragraph 47: Determining applications in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 100: Planning decisions should take opportunities to provide better facilities for users.

Paragraph 130: Planning decisions should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 147: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to inappropriate development include:

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

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.

National Planning Practice Guidance (NPPG)

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

The proposal would result in a building that provides accessible changing cubicles with a shower and toilets, which can be independently accessed by a wide range of users of the golf course.

14.0 Environmental Implications

None

15.0 Planning Assessment

Principle of development within the Green Belt

- 15.1 Sturminster Marshall Parish Council has objected to this application and considers that the development is inappropriate within the Green Belt (GB) and that it would cause harm to the openness of the Green Belt. The Parish Council also consider that clear evidence has not been provided as to why the changing rooms cannot be provided within the existing main club house building.
- 15.2 Paragraph 147 of the NPPF (2023) states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 148 of the NPPF states “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.”
- 15.3 Exceptions to inappropriate development are set out at paragraphs 149 and 150 of the NPPF. These include:

'149. 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;'

- 15.4 The building is adjacent to a storage container to the south east and a fenced compound for an irrigation water tank to the north. It is not judged to represent an extension to an existing building.

'149. b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'

- 15.5 The proposal comprises of an entrance lobby area, 2 no. changing rooms with toilets and a shower room, which would be in connection with the existing use of the overall site as a golf course.

- 15.6 Officers recognise that the existing clubhouse is located approximately 31m from the application site red line boundary, and benefits from approved planning permission P/FUL/2021/04248 for extensions to enlarge that facility. A further application has also been submitted for further expansion of the clubhouse and is now at appeal following non-determination.

- 15.7 The clubhouse as originally permitted included a café/golf shop with kitchen, storage, an office, male and female changing and toilets.

- 15.8 Since that time, it is recognised that the operations at the club have expanded. A classroom building and covered practice range were approved in 2009 (ref: 3/09/0534) subject to conditions which included a requirement to demolish garages on the site of the current building which is under consideration.

- 15.9 Changes have taken place to the clubhouse which has been extended with additional storage facilities, the lawful use of the first floor has been secured and permission P/FUL/2021/04248 granted a rear extension identified as additional dining space.

- 15.10 In the latest approved plans (P/FUL/2021/04228) the majority of the clubhouse floor space has been designated for restaurant use (83.4sqm) together with a first floor function room (75.7sqm) and conference room (22sqm), none of which are considered to be appropriate facilities for the functioning of the golf club. Toilets have been reworked to provide four unisex cubicles, a unisex accessible toilet and a staff toilet but no changing facilities are proposed. In a separate application P/FUL/2023/00233, further extensions to the clubhouse are separately sought to enlarge the restaurant and function room; this application is at appeal for non-determination.

- 15.11 The applicant seeks the new building which is under consideration to provide two replacement unisex changing rooms with toilets and a single shower with a total floor area of approx. 28sqm. Officers have questioned why changing facilities which are necessary for the functioning of the golf course have been excluded from the

redevelopment of the club house. The applicants' agent has provided justification, which is summarised below:

- The existing clubhouse building provides no accessible or staff w/c facilities
- Existing male and female changing facilities in the club house have a two door entry which is contrary to current accessibility guidance and offer little changing space outside of the shower (screened only with curtains) and w/c cubicle.
- Existing male and female combined space totals 23.2sqm including access lobby to the men's w/c
- The proposal provides modern arrangements with full height cubicles. No self closing device will be required on the doors since they are not near a kitchen. Self- opening devices can be used to improve accessibility.
- The proposal 'includes a dedicated staff and accessible w/c arrangement'
- Unisex facilities remove gender sensitivities
- The viability of the golf club which serves 250 members is reliant upon providing appropriate facilities.
- Shower facilities are reasonably necessary for those participating in golf.
- W/c provision of 26.4sqm, not including shower facilities, in the clubhouse is the minimum necessary to meet legal requirements for providing accessible toilet provision for customers of the restaurant.
- The space requirements to provide shower and changing facilities in addition to toilets within the Club House would represent 43% of the restaurant area. The associated loss of revenue and member facilities in the clubhouse would be unviable and detrimental to the club's future.

15.12 Officers recognise that under the Equalities Act, it is important for the business to provide washrooms that can be independently accessed by a wide range of users. These are not currently available in the clubhouse, although recent planning permissions suggest that the applicants have plans to improve facilities.

15.13 Additionally, the HSE advises that in a workplace there should be 1 toilet and 1 washbasin for 1-5 employees and 2 toilets and washbasins for up to 25 employees. Ideally these should be separate, although they may be shared with customers where alternatives are not available. The proposal provides a degree of privacy for staff which is not currently available in the clubhouse, although it is noted that on approved plan P/FUL/2021/04248 a staff toilet would be provided in the club house.

- 15.14 Where food is being served British Standard 6465-1:2006 requires that one WC with hand basin suitable for disabled people be provided. Premises with 61-100 covers are required to provide at least 1 WC, 1 urinal and 2 hand-wash basins for men, 2 WCs and 2 hand-wash basins for women and 1 disabled unisex WC and wash-hand basin which is what is proposed to be provided in the floor plan approved with permission P/FUL/2021/04248.
- 15.15 It is recognised that the provision of two changing rooms and a shower (excluding any additional toilets) could require a floor area of approximately 24sqm. Together with the toilet facilities on the approved floorplan for the club house this would equate to approx. 53sqm which is 23% of the ground floor area of the clubhouse as permitted or 16% of total floor area (porch excluded). This is not judged to be an unreasonable proportion of the existing building, so there do not appear to be any physical constraints to providing changing and shower facilities in the existing Club House building in the future. No financial information has been provided to verify the assertion that the viability of the Golf Club is reliant upon income from the expanded restaurant and function area such that a modest reduction in covers would be detrimental to the Club's future.
- 15.16 Notwithstanding the above, whilst it would be preferable for the changing facilities to be provided within the club house building, that is not the proposal that is under consideration and there is a current need for accessible changing facilities.
- 15.17 The additional building that has been constructed to provide changing and showering facilities results in some harm to openness by reason of its spatial impact, albeit that the visual impact is limited by its modest proportions and relationship with existing structures.
- 15.18 Since the proposal under consideration is for modestly sized appropriate facilities for outdoor sport it accords with paragraph 149 b) of the NPPF. The structure does have a spatial impact on the openness of the Green Belt but its modest proportions and siting as part of a run of buildings and structures avoids impact on openness in visual terms and overall it is judged to have a neutral effect on openness of the Green Belt for the purposes of 149 b) of the NPPF and would not conflict with the purposes of including land within the Green Belt.
- 15.19 For this reason, the proposal is not judged to be inappropriate development in the Green Belt.

Scale, design, impact on character and appearance

- 15.20 Sturminster Marshall Parish Council object to the proposals as the *'building is visible from both Footpath 2 and Moor Lane.'*
- 15.21 Following a site visit and an officer assessment of the application, it is judged that this additional corner infill building is of a modest design and has a limited impact upon the character of the area, the street scene and views from the footpath, so accords

with local planning policy HE2 and national planning policies within section 12 of the NPPF (2023).

Flood Risk

15.22 Whilst the site is located within an area of risk of ground water flooding, a flood risk assessment has not been requested as the building is for a use which is less vulnerable so no conflict with policy ME6 has been identified.

Other Matters

15.23 Sturminster Marshall Parish Council have queried how the sewerage would be disposed of from the application site building as no details have been provided.

15.24 Officers are satisfied that this is a matter for Building Regulations.

16.0 Conclusion

16.1 The proposal will benefit a wide range of users of the golf course and would not have adverse impacts upon the Green Belt, the character of the area, landscaping, trees or neighbouring amenity. As such, the application is judged to accord with local planning policies KS1, KS3, KS12 and HE2 and policies within the National Planning Policy Framework (2023).

17.0 Recommendation

Grant, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
1817-01-14 Changing Room Plans (dated October 2021)
1817R-02-09 Location and Block Plan 02 (dated April 2020)

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

2. The external materials to be used for the walls and roofs shall be retained as
Walls: vertical timber cladding.
Roof: flat felt roof.

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

Informative Notes:

1. 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.

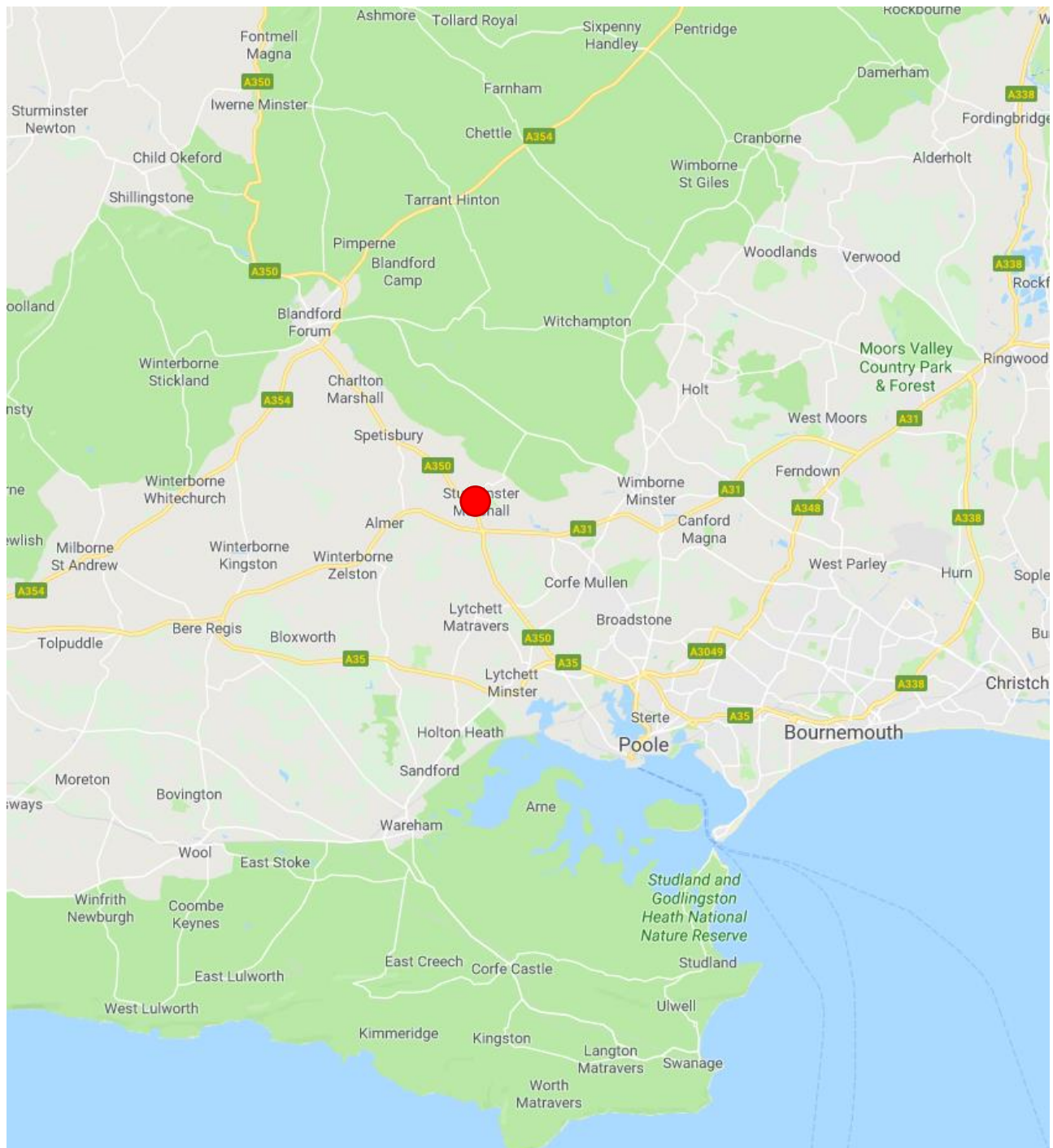
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● Approximate Site Location

Application reference: P/FUL/2022/04415

Site address: Sturminster Marshall Golf Club, Moor Lane, Sturminster Marshall, Dorset
BH21 4BD

Proposal: Retain single storey changing room building



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Application Number:	P/FUL/2023/01089		
Webpage:	Planning application: P/FUL/2023/01089 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	West Moors Middle School Heathfield Way West Moors BH22 0DA		
Proposal:	Raise roof by adding insulation to flat roof and replacing roofing felt and facias. Lower roof to be raised by 250mm approximately. Hall roof to be raised by 210mm approximately.		
Applicant name:	Dorset Council		
Case Officer:	Claire Hicks		
Ward Member(s):	Cllr Dyer, Cllr Shortell		
Publicity expiry date:	2 October 2023	Officer site visit date:	Photos provided
Decision due date:	28 September 2023	Ext(s) of time:	TBC
No of Site Notices:	5		
SN displayed reasoning:	Each site notice was put up in the roads which surround the school, and in the access to the school.		

1.0 The application comes before the Planning Committee because the land that forms the application site is owned by Dorset Council.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paragraph 17 on page 6 of the report.

- Para 11 of the National Planning Policy Framework (NPPF) provides that development proposals that accord with an up-to-date development plan should be approved without delay.
- The principle of the development accords with development plan policy KS2.
- The proposal will improve sustainability and is acceptable in its design and general visual impact in accordance with policy HE2.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Scale, design, impact on character and appearance	Acceptable
Impact on amenity	Acceptable

5.0 Description of Site

The application site lies in the residential area of West Moors. The West Moors Middle School building and its grounds lie to the south of and are accessed from Heathfield Way. The school site is surrounded by residential properties on Elmhurst Road to the west, Pinehurst Road to the south and Heathfield Road to the east providing screening.

The land is relatively level. Fencing and sporadic trees on the northern boundary allow views past the car park to the main school building which is the subject of the application. The building is of flat roof construction with a raised hall feature.

6.0 Description of Development

The proposal is to insulate the existing single storey flat school roof which will result in the raising of its height by approximately 0.25m. The hall roof which is double height will be raised by approximately 0.21m.

7.0 Relevant Planning History

There have been a number of planning applications relating to temporary classrooms and other structures but these are not relevant to the current proposal.

3/2012/0036 - West Moors Middle School, Heathfield Way, West Moors, Wimborne, Dorset, BH22 0DA - Installation of photovoltaics to the roof - Granted on 05/03/2012.

3/21/1810/PNPHV - West Moors Middle School, Heathfield Way, West Moors, Ferndown, BH22 0DA - Installation of solar photovoltaics (PV) equipment on roof - Prior Approval Not Required on 12/11/2021.

8.0 List of Relevant Constraints

Within West Moor Settlement; no relevant constraints.

9.0 Consultations

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

Consultees

1. **Dorset Council - Environmental Services – Protection** (11.08.2023)

25 October 2023

No comments or objections

2. West Moors Town Council (25.08.2023)

No objection

Representations received

None received

10.0 Duties

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.

11.0 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

KS2- Settlement hierarchy

HE2 - Design of new development

ME1- Safeguarding Biodiversity and Geodiversity

Emerging Dorset Council Local Plan:

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.

Other material considerations

National Planning Policy Framework 2023:

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 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 15 'Conserving and enhancing the natural environment'

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people

25 October 2023

- 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 insulated roof will not impact materially on anyone with a protected characteristic.

14.0 Financial benefits

None relevant

15.0 Environmental Implications

The proposal will reduce carbon emissions by improving heat retention.

16.0 Planning Assessment

16.1 The main planning considerations are:

- the principle of development and
- the impact on the character and appearance of the area
- the impact on neighbouring amenity

These and other issues are considered below.

The principle of development

16.2 The site lies within the settlement of West Moors where the principle of development is acceptable in accordance with policy KS2.

Impact on character and appearance

16.3 The proposed insulation of the roof will have minimal visual impact. The school building is set back in its plot and the modest increase in the height of the building can be accommodated without any harmful impact on the character and appearance of the area in accordance with policy HE2.

Impact on neighbouring amenity

16.4 The nearest neighbouring properties are dwellings on Elmhurst Road to the west, with approximately 16m between the school building and the western boundary and approximately 35m building to building. Whilst there may be some disturbance for neighbours during the construction period, this will be for a limited duration and no demonstrable harm is anticipated.

Other issues

- 16.5 The application is accompanied by a negative bat check certificate; no bats were found to be using the building, but future external lighting should be bat friendly to avoid harm to bats that may use on-site habitats for foraging and commuting. The lighting criteria set out in the bat certificate can be secured by condition to accord with policy ME1. An informative note will also be added encouraging the installation of bird and bat boxes.

17.0 Conclusion

For the above reasons the application is found to accord with the Development Plan and approval is recommended.

18.0 Recommendation: Approve 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:
A106 The location plan
A108 A Proposed Elevations

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

3. There shall be no external lighting installed as part of the development unless it accords with the criteria set out on page 4 of LC Ecological Services Negative Bat Check Certificate dated 28 April 2023.

Reason: In the interests of biodiversity

Informative Notes:

1. The installation of bird and bat boxes on the new roof is encouraged in the interests of biodiversity. Information to assist installation is included in the negative bat check certificate accompanying the application.

2. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and

25 October 2023

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

In this case:

- The application was acceptable as submitted and no further assistance was required.

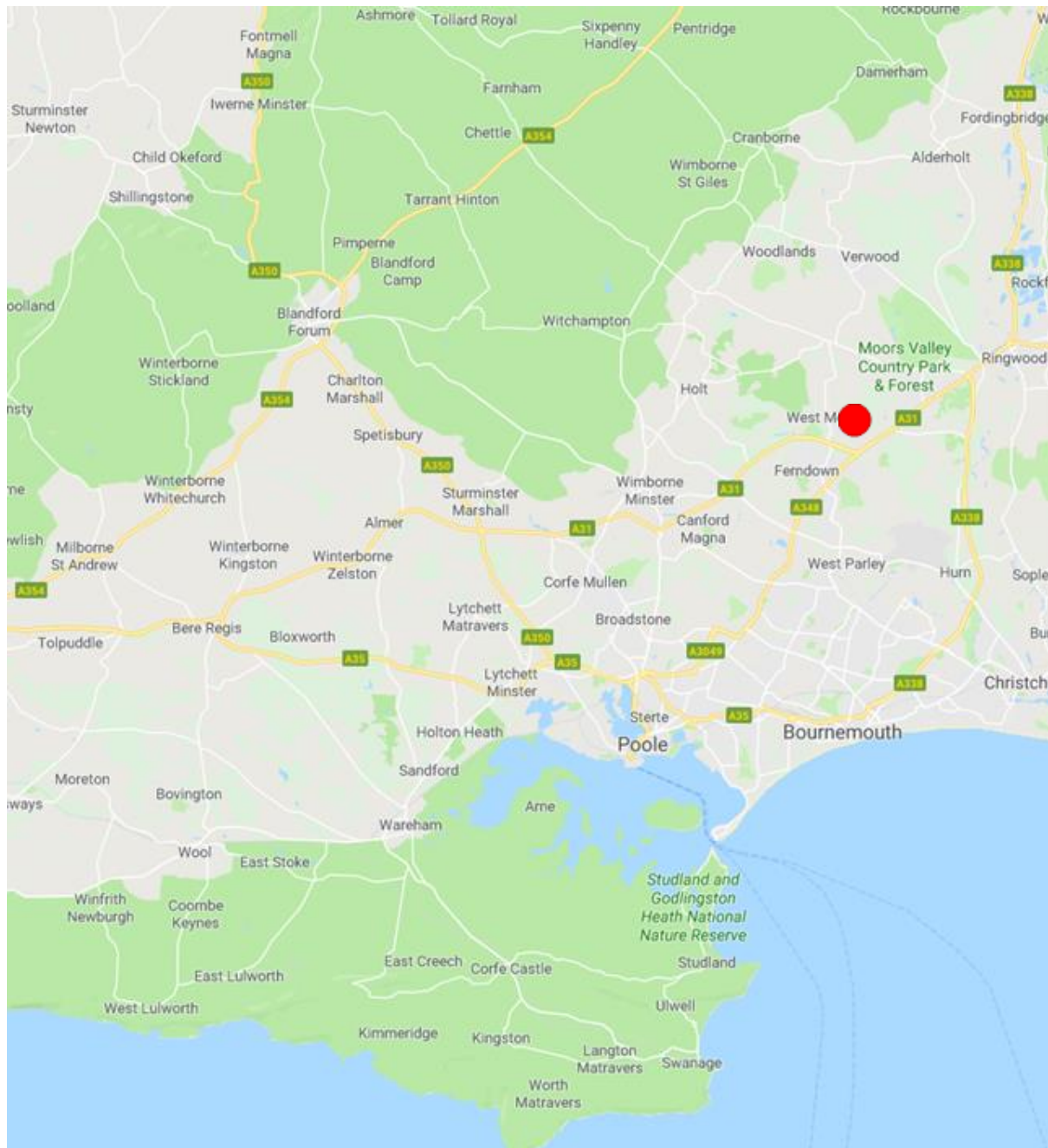
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● Approximate Site Location

Application reference: P/FUL/2023/01089

Description of development: Raise roof by adding insulation to flat roof and replacing roofing felt and facias. Lower roof to be raised by 250mm approximately. Hall roof to be raised by 210mm approximately.

Site address: West Moors Middle School, Heathfield Way, West Moors, BH22 0DA



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