

Public Document Pack



EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 6 DECEMBER 2023

Present: Cllrs Toni Coombs (Chairman), Mike Barron, Alex Brenton, Mike Dyer, Barry Goringe, David Morgan, Julie Robinson and Bill Trite

Apologies: Cllrs Shane Bartlett, Robin Cook, David Tooke, and John Worth

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

Elizabeth Adams (Development Management Team Leader), 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)

39. Declarations of Interest

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

40. Minutes

The minutes of the meeting held on Wednesday 25th October 2023 were confirmed and signed.

41. Registration for public speaking

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.

42. Planning Applications

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

43. P/FUL/2023/03413 - 23 De Moulham Road Swanage BH19 1NS

With the aid of a visual presentation including plans and photographs, the Case Officer identified the site and explained the proposal and relevant planning considerations to members with reference to relevant Development Plan policies and government guidance. Photographs of the site and its context were shown. The Case Officer informed members that the site was within character areas

identified by the Purbeck District Townscape Character Appraisal Supplementary Planning Document and the Swanage Local Plan. The site also lay within the Dorset Heathland and Poole Harbour recreation zones but could rely upon mitigation provided by Supplementary Planning Documents to avoid harm to these protected sites. Members were provided with information on the site's planning history, particularly highlighting a previous appeal decision and previous planning applications which had been refused. The officer's presentation identified the relationship with adjoining properties, proposed mitigation to prevent overlooking and identified that some overshadowing of neighbouring properties to the north would arise. Members were informed of the work that the applicant had done in response to previous concerns regarding the scale and materials of the proposal. Street scene plans were provided to illustrate how the development would relate to neighbouring buildings. Members were informed of the intentions for access to be provided from an unadopted road to the west and proposed conditions to secure parking areas. The officer's recommendation was to grant planning permission subject to conditions.

Public Participation

Mr J Cain spoke in objection to the application on behalf of the owners of the Grey House (25/27 De Moulham Road). He noted that the proposal had gradually reduced in size however, he considered the three-storey proposal would cause harm and represent an overbearing development. He identified harm to the wider setting and AONB and referred to the officer's report which stated that the development was bulky in scale. He considered it would be inconsistent to judge the proposal anything but overbearing and was concerned that it was situated on a higher site. Mr Cain urged members to consider Purbeck Local Plan and Swanage Local Plan policies, NPPF guidance, and consider the long-term impacts that granting permission would have on the character of the area.

Mr A Davies spoke on behalf of the applicant. He highlighted to members the work that the applicant had done to respond to previous concerns and objections, there would be no overlooking to 'Oceana', and no habitable windows faced either neighbour. He commented that the Town Council had not objected to an earlier application for redevelopment on this site. He identified that the photographs in the officer's presentation demonstrated a visual gap and contended that there was room for development on the site which would integrate into the street scene. Mr Davies referenced the AONB and informed members that the proposal contributed to the Purbeck housing supply. He hoped members would support the officer's recommendation for approval.

The Local Ward Member addressed the committee and discussed the proposal before members. He considered the various applications had steadily changed from bad to undesirable. Cllr Trite felt that it would pose a threat to neighbouring properties due to the severity of overlooking. He also considered that building up to the boundary with number 25 would result in a loss of amenity to neighbours from overlooking and loss of sunlight, noting that the ground floor of no. 25 De Moulham Road was below the height of its side garden. He opined that the height, scale, and design wasn't in keeping with the area as number 23 is on the brow of a hill and the new building will appear over prominent from the seaside, Peveril Point and elsewhere. He believed that it represented over development and was against

local public interest. He referenced the earlier appeal decision and the main issues identified by the inspector at appeal and considered that the application still failed to meet policy requirements, was against the public interest, and hoped members would refuse the application.

Members questions and comments

- Clarification regarding the finished floor levels and site access.
- Members were pleased that the applicant had responded to previous concerns raised.
- Members felt that the design was more appropriate and noted that there was no harm considered to the AONB or character of the area.
- Clarification regarding potential brick/stone banding on the north elevation
- Clarification regarding roof lights.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **approve** the officer's recommendation to grant planning permission as recommended, was proposed by Cllr Mike Dyer, and seconded by Cllr Barry Goringe subject to conditions set out in the officer's report and an amendment to the materials condition to add in a requirement for details of a brick/stone band on the northernmost unit to be submitted for agreement and an additional condition to secure the second floor rooflights in the northern-most and southern-most units to be obscure glazed and fixed shut.

Decision: To grant the officer's recommendation for approval subject to conditions set out in the officer's report and an amendment to the materials condition to add in a requirement for details of a brick/stone band on the northernmost unit to be submitted for agreement and an additional condition to secure the second floor rooflights in the northern-most and southern-most units to be obscure glazed and fixed shut.

44. P/FUL/2023/04646- Cefyn Bryn, 3 Ballard Estate, Swanage, BH19 1QZ

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 considerations to members. Photographs of the proposed elevation and garage with the provision of solar panels, street scenes and indicative 3D visuals to address neighbours' concerns were presented. Members were informed that the site was within the settlement boundary and within the Ballard Down Area of Distinctive Local Character. A distinction was made between the army barracks on the eastern part of the Ballard Estate which have informed the more regimented character of that area and subsequent development of the western area in which the application site is located. A historic plan was included in the presentation showing the site's southern garden as an open area prior to its incorporation into the curtilage. The officer provided comparisons of the existing and proposed block plan and elevations and comparisons with the previously refused plans. Visuals

were provided to inform Members of the impact on views of the wider landscape and on neighbouring amenity. It was noted that the proposal would be more visually prominent than the existing bungalow, however, no harm had been identified regarding neighbouring amenity. The officer's recommendation was to grant planning permission subject to conditions set out in the officer's report.

Public Participation

K Beech - Ken Parke Planning

Ms K Beech, speaking on behalf of Ballard Estate residents, explained that the application site is located on a prominent corner of the access road into the estate. Due to its larger footprint, mass, full height glazing, and the projection of the building line south into an existing open area, the proposal would appear visually intrusive and overbearing and, negatively impact views of Ballard Down resulting in significant harm to the character of the area. She expressed concern that the extended property could become two storeys in the future. Harm to residential amenity to neighbouring properties was expressed and that the proposal didn't comply with planning policies such as Purbeck, and Swanage Local Plan or guidance within the NPPF.

Mr P Collis of the Ballard Estate explained that he considered this to be an important application. He informed members that over recent years the estate had welcomed well designed and integrated homes, however, was disappointed with the proposal before him as he didn't feel as though it complied with policies. Mr P Collis provided comparison figures to illustrate that amendments to the scale of the building compared with an earlier refusal remained out of keeping with other properties on the estate in terms of footprint and that the extensions proposed are disproportionate to the existing dwelling. He expressed his disappointment with the amended scheme due to the limited changes in terms of height, location, and scale expressing the view that this would be the largest property on the estate, 25% larger than any other. He felt as though the site would be highly visible and would negatively impact the landscape.

A statement on behalf of Ms B Livingstone, a neighbour, was read out on her behalf by Mr Simon Grays. Mrs Livingstone objected to the application for several reasons. In particular, she did not feel as though it would contribute to the character of the area and was disappointed with the increase in footprint (250sq m), scale, roof form and high internal ceilings which would result in a huge, monolithic, barn like building, eroding the existing character and blocking views into Ballard Estate and towards Ballard Down. Reference was made to meetings with the applicants to discuss residents' concerns. Ms B Livingstone referenced the earlier application currently at appeal, she raised concerns regarding the erosion of the established character of the area and therefore hoped members would refuse.

The agent spoke in favour of the application. He commended the officer's report and informed members that architects had attended town council meetings to understand concerns. Mr A Davies noted the improvements which had been made and responded to statements made against the roof height and building form with reference to dwellings elsewhere on the estate at no's 1, 1a,3 and 11. He confirmed that the building would have an internal height of just over 4m and that

the overall height had been reduced by 1m compared with the previous refusal. With regard to visibility he stated that the proposal maintained the character of the existing estate, that the dwelling would benefit from boundary screening and that distant views are not protected.. He did not consider that the proposal went against policies and highlighted the inclusion of a chimney as a characteristic feature of dwellings on the estate. The agent contended that the proposal had been carefully designed with neighbours in mind. He hoped members would support the officer's recommendation for approval.

The Local Ward member. Cllr Suttle was not present at the meeting, his comments and objection to the application were relayed to the meeting. He does not feel that the proposal complies with the NPPF as it neither maintains the area's character nor adds overall quality to the area, its size and bulk in comparison to the surrounding buildings make it out of character. The design policy of the Purbeck Plan was highlighted in his representation as was the Swanage Local Plan requirement to protect and enhance the distinctive local characteristics of the Ballard Down Area of Distinctive Local Character. However, he considered the proposal does the opposite and that the development by virtue of its scale, mass and form does not relate to the neighbouring properties or spaces and was not harmonious and as such would damage to the landscape setting of the Ballard Estate. Cllr Suttle hoped that members would acknowledge the area of Swanage and adhere to the NPPF, Purbeck Local plan and Swanage Local Plan whose relevance was to protect and enhance the Town.

Members questions and comments

- Members queried whether an additional condition was required to prevent future development in the loft space.
- Clarification regarding policy requirements for restrictions on scale of proposal.
- Retention of hedging.
- Some members felt that screening would prevent the site being visible.
- Clarification regarding public access and open green space.
- Concerns regarding the scale of the proposal and the impact on the character of the area.
- The Local Ward member questioned communication between planning officers and the Ballard Estate. Cllr Trite was also concerned that the proposal was not a continuation of local informal arrangements which meant that residents sought only modest extensions.
- Members drew attention to comments and concerns raised by residents.
- Concerns regarding the proposal design contrasting with the area.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **refuse** the officer's recommendation to grant planning permission as recommended, was proposed by Cllr Bill Trite, and seconded by Cllr David Morgan.

Reason for refusal:

The proposal by reason of its scale, form, mass, and positioning near the site side boundaries, results in a proposal that would appear visually dominant and overbearing in the street scene to the detriment of the local townscape character. The proposal is considered to result in a form and layout of development that fails to positively integrate with its surroundings, historic quality, and townscape character of the Ballard Estate. The proposal is contrary to the objectives of Section 12 of the NPPF including paragraphs 130 and 134 and section 11 paragraph 124(d); Policies D and LHH of the Purbeck Local Plan 2012; Policy STCD of the Swanage Local Plan 2017; the Purbeck District Design Guide 2014 paragraphs 20, 21, and 39; and the Swanage Townscape Character Appraisal Section 04.8 Ballard Down.

Decision: To refuse the officer's recommendation for approval.

45. **Urgent items**

There were no urgent items.

46. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 - 11.45 am

Chairman

.....

Eastern Area Planning Committee
Wednesday 6th December
Decision List

Application Reference: P/FUL/2023/03413

Application Site: 23 De Moulham Road Swanage BH19 1NS

Proposal: Demolition of dwelling and erection of four dwellings

Recommendation: GRANT subject to conditions set out in section 17.

Decision: 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:

221/011 Proposed block and location plan

012 F AMENDED Proposed site plan

013 A AMENDED Proposed ground floor plan

015 B AMENDED Proposed first floor plan

016 C AMENDED Proposed second floor plan

017 B AMENDED Proposed roof plan

221-018 C AMENDED Proposed rear (east) elevation

221-019 B AMENDED Proposed side (south) elevation

221-020 B AMENDED Proposed front (west) elevation

221-021 B AMENDED Proposed side (north) elevation Plots 1 and 2

221-022 B AMENDED Proposed side (north) elevation Plots 3 and 4

221-123 D AMENDED Proposed street scene

221-024 A AMENDED Proposed section

221-025 B AMENDED Proposed street scene diagram

221-026 C AMENDED Proposed site density plan

221-027 A AMENDED Proposed street scene diagram (ridge and eaves heights)

221-028 A AMENDED Proposed street scene diagram (overlooking angles)

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

3. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:
 - the parking of vehicles of site operatives and visitors

- loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - delivery, demolition and construction working hours
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

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

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

5. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 12th June 2023 must be strictly adhered to during the carrying out of the development. The development hereby approved must not be first brought into use unless and until:
 - i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and
 - ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan has been supplied to the Local Planning Authority.
 Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

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

6. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by the Local Planning Authority. The details shall include a decorative band on the northern flank elevation of the northernmost unit. Thereafter, the development shall proceed in accordance with such materials and details as have been agreed.

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

7. Prior to the commencement of any development hereby approved, above damp course level, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.
8. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 012 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.
Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.
9. Before the development hereby approved is occupied or utilised any entrance gates must be hung so that the gates do not open over the adjacent public highway.
Reason: To ensure that any gates do not cause a safety hazard on the highway.
10. A privacy screen as shown on Drawing reference: 015B shall be installed and retained to a height of 1.7m on the first floor balcony/terrace of unit 1.
Reason: To protect the amenities of the occupiers of the adjoining properties.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement, improvement or other alteration of a dwellinghouse permitted by Class A and/or no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.
Reason: To protect amenity and the character of the area and impact on the AONB
12. Prior to first occupation of the units, the second floor rooflight on the southern elevation of Unit 1 (southern-most unit) and the second floor rooflight on the northern elevation of Unit 4 (northern-most unit) shall be obscure glazed to at least industry standard level 3 and fixed shut. These rooflights shall thereafter be retained in this manner.
Reason: In the interests of neighbouring amenity

Informatives:

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 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.
2. The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.
 3. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, CountyHall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

Application Reference: P/FUL/2023/04646

Application Site: Cefyn Bryn, 3 Ballard Estate, Swanage, BH19 1QZ

Proposal: Demolition of existing single storey dwelling and erection of new single storey dwelling

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

Decision: Reason for refusal:

The proposal by reason of its scale, form, mass, and positioning near the site side boundaries, results in a proposal that would appear visually dominant and overbearing in the street scene to the detriment of the local townscape character. The proposal is considered to result in a form and layout of development that fails to positively integrate with its surroundings, historic quality, and townscape character of the Ballard Estate. The proposal is contrary to the objectives of Section 12 of the NPPF including paragraphs 130 and 134 and section 11 paragraph 124(d); Policies D and LHH of the Purbeck Local Plan 2012; Policy STCD of the Swanage Local Plan

2017; the Purbeck District Design Guide 2014 paragraphs 20, 21, and 39; and the Swanage Townscape Character Appraisal Section 04.8 Ballard Down.

This page is intentionally left blank