



Eastern Area Planning Committee

Date: Wednesday, 6 December 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.

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

Agenda

Item		Pages
1.	APOLOGIES	
	To receive any apologies for absence	
2.	DECLARATIONS OF INTEREST	
	To disclose any pecuniary, other registrable or personal interest as set out in the adopted Code of Conduct. In making their decision councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
	If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	
3.	MINUTES	3 - 10

To confirm the minutes of the meeting held on Wednesday 25th October 2023.

4. REGISTRATION FOR PUBLIC SPEAKING

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 4th December 2023.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission.

6. P/FUL/2023/03413 - 23 DE MOULHAM ROAD SWANAGE BH19 1NS 11 - 32

Demolition of dwelling and erection of four dwellings.

7. P/FUL/2023/04646- CEFYN BRYN, 3 BALLARD ESTATE, SWANAGE, BH19 1QZ 33 - 58

Demolition of existing single storey dwelling and erection of new single storey dwelling.

8. 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.

9. 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 are not exempt items scheduled for this meeting.



EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 25 OCTOBER 2023

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

Apologies: Cllrs Mike Dyer, David Tooke, and John Worth

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

Elizabeth Adams (Development Management Team Leader), Mike Garrity (Head of Planning), Joshua Kennedy (Apprentice Democratic Services Officer), Hannah Massey (Lawyer - Regulatory) and Megan Rochester (Democratic Services Officer)

27. 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.

Cllr Julie Robinson declared that he was pre-determined for agenda item 9. It was agreed that he would not take part in the discussion or debate but would speak as the local ward member.

28. Minutes

The minutes of the meeting held on Wednesday 13th September were confirmed and signed.

29. 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.

30. Planning Applications

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

31. 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. Details of the proposed elevations, site location and existing bin storage facilities were included. Members were informed that the site was within the settlement boundary as well as the curtilage of grade 2 listed buildings within the Swanage conservation area and the Dorset AONB. Impacts on the heritage assets and neighbouring amenities were also discussed. The recommendation was to grant subject to conditions set out in the officer's report.

Public Participation

Mr Joy thanked members for undertaking site visits. He felt as though the proposal was a health and safety risk to residents and would have detrimental impacts on the listed buildings. He set out his concerns about the location of the proposal and the impacts that the exposed bins would have on neighbouring properties. Mr Joy understood the need but did not feel the proposal was acceptable as all properties would have exposed bins and they would be completely visible. He also raised concerns about privacy as he felt the proposal would be highly damaging and would result in a loss of privacy and amenity for residents of Peter's Hole. In addition to this, the spoke of the wide metal gates which was also considered as an intrusion. Mr Joy felt that there were substantial risks to environmental health and referred to section 16 of the NPPF. He felt further discussions with the applicant were needed and therefore, urged members to refuse.

The Local Ward member, Councillor Trite, also addressed the committee. He asked councils to carefully consider the views of residents. Cllr Trite noted the minor amendments to the proposal but did not feel that there was anything of significance. The Local Ward member felt that the exposed bin store would be an additional nuisance and it would detract from the views of the listed buildings. He considered that there were more suitable areas within the curtilage which wouldn't have such adverse impacts. Cllr Trite emphasised section 16 of the NPPF and urged the committee to refuse.

Members questions and comments

- Questions relating to the size of the bin store not meeting the local need and not being future proof.
- Significant impact on the setting of the listed buildings.
- Members judged that the site visit was very informative and thanked the planning officers but still had concerns regarding the proposal.
- Members did not feel as though the bin store location was suitable and considered it would have visual impacts, causing harm to the conservation area.
- Clarification was sought regarding distance from bin store to properties and environmental health requirements.
- Concerns were raised about impacts from smell, flies, vermin and noise.
- Confirmation of conditions set out in the officer's report.
- Noted issues regarding overlooking.
- Members did not feel as though the bin store conformed with Dorset Council's waste policy requirements.

- Less than substantial harm to heritage assets was not judged to be outweighed by public benefit.

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 Shane Bartlett, and seconded by Cllr Robin Cook.

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

Refuse for the following reasons:

1. The proposed bin store by reason of its open nature, elevated design and close proximity to the residential dwelling known as Peter's Hole would result in demonstrable harm to neighbouring amenity by reason of overlooking, noise associated with rubbish deposits and collection and odours, contrary to policy D of the Purbeck Local Plan Part 1 and paragraph 130 of the National Planning Policy Framework (2023).
2. The bin store, by reason of its scale, location, open design which will allow views of the bins from the public footpath and associated odours would result in less than substantial harm to the setting of Grade II listed Pier View Flats, Royal Victoria Hotel and Peter's Hole. The harm is not outweighed by the public benefits of accessible bin store provision; the store has insufficient capacity for the identified waste storage needs of the units it is intended to serve. The proposal is contrary to policy LHH of the Purbeck Local Plan Part 1 and section 16 of the National Planning Policy Framework (2023).

32. **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 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 Shane Bartlett, and seconded by Cllr Robin Cook.

Decision: To refuse the officer's recommendation for approval for the following reasons:

1. The bin store, by reason of its scale, location, open design which will allow views of the bins from the public footpath and associated odours would result in less than substantial harm to the setting of Grade II listed Pier View Flats, Royal Victoria Hotel and Peter's Hole. The harm is not outweighed by the public benefits of accessible bin store provision; the store has insufficient capacity for the identified waste storage needs of the units it is intended to serve. The proposal is

contrary to policy LHH of the Purbeck Local Plan Part 1 and section 16 of the National Planning Policy Framework (2023).

33. **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 and existing views from the property were provided together with existing and proposed floor plans. The Case Officer also explained the assessment of the impacts on neighbouring amenities and overlooking of neighbouring properties. Members were informed that there was not enough harm identified to warrant refusal.

Public Participation

There was no public participation.

Members questions and comments

- Clarification regarding the number of objections.
- Praised the officer's report and presentation as well as a very informative site visit.
- Members noted that the site was situated in an area where a lot of overlooking already occurred.
- Consideration of fire exit.
- There were more advantages to the resident than there were disadvantages to neighbouring properties.
- No material planning considerations to warrant refusal.
- Confirmation regarding neighbouring properties' previous extensions.
- The Local Ward member felt as though the proposal negatively impacted the character and appearance of 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 **APPROVE** the officer's recommendation to **GRANT** planning permission as recommended, was proposed by Cllr Robin Cook, and seconded by Cllr Shane Bartlett.

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

34. **P/FUL/2023/00350- 124 Ringwood Road, Longham, BH22 9AW**

With the aid of a visual presentation including plans and photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Details of the history of the site, impacts on nearby listed buildings and neighbouring amenities were discussed as well as noise mitigation through attenuation barriers and waste collection. Illustrations of the existing site and proposed designs were included.

Members were also informed of concerns raised by objectors including those relating to highway safety, but were advised there were no objections from the Highways Team in terms of safety and the proposal complied with parking requirements. The Case officer explained that the application was supported by a noise report which evidenced that conditions could be used to control noise levels of plant. She also explained how conditions had been identified to limit harm to the amenity of residents of the adjoining dementia care home from the proposed use. The Case officer concluded that subject to conditions the proposal was not anticipated to be harmful to the amenity of nearby residents, or visual impacts on the area. The recommendation was to grant subject to conditions set out in the officer's report.

Public Participation

Ms Willis spoke on behalf of residents. She considered that the development was intended to serve motorists and did not maintain the character of the area. It didn't enhance the setting or village assets and didn't meet the needs of residents. She explained that residents were concerned about the impacts on historic building and the green belt. Ms Willis highlighted that there are existing eating establishments in the area and residents were concerned that the site would be used by workers in larger vehicles. Objectors did not feel that there was sufficient parking however, they welcomed the operating hours proposed.

The agent spoke in support of the application. He thanked the officer for their thorough report and presentation. Mr Sutton highlighted to members the company pledge and that there had been no objections from statutory consultees. He noted that the site was within the green belt but discussed job creation and contributions to local communities. The agent felt that the site was a sustainable development and hoped members would support the officer's recommendation.

Cllr Hanson Graham spoke on behalf of residents. He informed members that 48 residents had complained about the proposal. He discussed that the site had been empty for a long time and if approved it would negatively impact residents. Cllr Hanson Graham also discussed the highways implications and the proposed operating hours. He also expressed concerns regarding potential for anti-social behaviour.

The local ward member spoke in objection to the application. Cllr Robinson felt as though the proposal wasn't in keeping with the area and highlighted to members that the site location was surrounded by historic buildings and was adjacent to a residential care home. The local ward member also discussed concerns relating to traffic and vehicles parking illegally. She strongly objected to the application.

Members questions and comments

- Clarification regarding public objections in the officer's report and residential properties within proximity to the site.
- Confirmation on location of air conditioning units and delivery access.
- Concerns regarding an increase in traffic and large vehicle usage.
- Insufficient vehicle parking.

- Infrastructure to ensure safety of customers using the site.
- Clarification on additional parking to the rear.
- Confirmation that the acoustic barrier details should be secured to ensure that it would be sufficient to mitigate impacts.
- Clarification regarding current use of the site.
- Concerns raised relating to the impact on the residential care home and residents.
- Tree plantation and landscaping opportunities, especially on the boundary with the care home.
- Clarification that EV charging points were not proposed.
- Endorsed concerns relating to the character of the area and the green belt from residents.
- Amendment to conditions 7 and 9 of the officer's report and amendment to landscaping conditions.
- The need for a condition to prevent vehicular access outside of 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; 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 Shane Bartlett, and seconded by Cllr Alex Brenton.

Decision: To grant the officer's recommendation for approval subject to amendments to conditions 5, 7, 9 and an additional condition to secure barriers.

35. **P/FUL/2022/04415- Sturminster Marshall, Golf Club, Moor Lane, Sturminster Marshall, Dorset, BH21 4BD**

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 development were provided. Members were also provided with details of the existing use of the site and the need for the proposal. The Case Officer explained how the application had been assessed in relation to Green Belt policy. . The scale, design and impact on the area were considered acceptable.

Public Participation

Mr Howell's spoke on behalf of the applicant. He informed members that the site was within the Green Belt but the proposed was a single storey building which mitigated visual harm. Mr Howell discussed building materials which were in keeping with the setting of the site. He endorsed the officer's recommendation and hoped members would support.

Members questions and comments

- Confirmation regarding water disposal.
- Members felt that the golf course provided a beneficial facility but noted the risk of urban creep from additional buildings.
- Questions relating to tree planting and screening. An informative note was requested.

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 Robin Cook, and seconded by Cllr Shane Bartlett.

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

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

36. **P/FUL/2023/01089- West Moors Middle School, Heathfield Way, West Moors, BH22 0DA**

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 site was situated within an urban area and would have minimal visual impacts. Details of elevation plans were included, and the Case Officer referred to policy ME1 to highlight the lighting criteria in relation to bats which are a protected species. The recommendation was to grant.

Public Participation

There was no public participation.

Members questions and comments

- Members fully supported the application and highlighted the need and benefits of 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 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 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.

37. **Urgent items**

There were no urgent items.

38. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 am - 1.15 pm

Chairman

.....

Application Number:	P/FUL/2023/03413		
Webpage:	Planning application: P/FUL/2023/03413 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	23 De Moulham Road Swanage BH19 1NS		
Proposal:	Demolition of dwelling and erection of four dwellings		
Applicant name:	Westcoast Developments (Projects) Limited		
Case Officer:	Nikki Clayton		
Ward Member(s):	Cllr Suttle and Cllr Trite		
Publicity expiry date:	26 October 2023	Officer site visit date:	4 August 2023
Decision due date:	13 September 2023	Ext(s) of time:	TBC

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:

GRANT subject to conditions set out in section 17.

3.0 Reason for the recommendation: as set out in paras 16 – 17 at end

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 permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.

The proposal's scale, design, visual impact, impact on character and appearance would be acceptable and the application would therefore accord with local policy D and section 12 of the National Planning Policy Framework.

There is not considered to be any significant harm to neighbouring residential amenity from the new buildings.

There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is located within the Swanage Settlement Boundary and within the designated town of Swanage. The towns within the Plan Area are considered to be the most appropriate places for the development of new residential properties, and so in this respect the principle of new residential development on the site is acceptable.
Scale, design, impact on character and appearance	The applicant has appropriately addressed the reasons for refusal given for the previous application and the dismissed appeal by reducing the height and massing of the upper floors, setting the buildings further back from De Moulham Rd and reducing the hard surfaced area to the west of the buildings. Whilst the dwellings are bulky, they can be accommodated on the plot without harm to the grain and spacing and it is considered that the proposal would not have a detrimental impact upon the character and appearance of the area
Impact on amenity	The proposal is in accordance with Local Plan Policy D and NPPF paragraph 130 which require development to positively integrate with its surroundings and avoid adverse impacts on local amenity.
Impact on landscape or heritage assets	The proposal appropriately responds to its context and would not have a harmful impact on the National Landscape (AONB) in respect of its scale and design.
Economic benefits	In July 2023 it was reported that for the period 2022 to 2027, the Purbeck Local Plan area does not have sufficient deliverable supply to meet the five-year supply requirement as required by national policy and can demonstrate a supply of deliverable sites equivalent to 3.66 years. The proposal would benefit by a net increase of 3 dwellings.
Access and Parking	Adequate car parking is proposed to serve the development.
Biodiversity	The Council's Natural Environment Team have approved the proposed Biodiversity Mitigation

	Plan and Officers are satisfied that the impact of the development on any protected species can be adequately dealt with. Subject to a condition requiring the implementation of the mitigation plan, the proposed development is acceptable in this regard.
Land Instability	The site is within 400m of coastal cliffs and the issue of cliff stability is required to be assessed. The Council's Coastal Erosion Officer advises that Coastal Erosion bandings are not anticipated to impact the site in the next 100 years and it is not expected to be existing instability issues at this location, which is set back from the coastline.

5.0 Description of Site

- The site is located within the Swanage Settlement Boundary and within the designated town of Swanage.
- The site is identified as an area of 'distinctive local character' in the Swanage Local Plan.
- There is currently a detached two storey house on the site that has its access via the rear service road and faces De Moulham Rd. The house is elevated above De Moulham Road.
- The house and site are visually prominent given its elevated position above De Moulham Rd and absence of high vegetation on the site's east boundary. There is a three storey block of flats at Oceana immediately to the south.
- This building is of modest scale given its subservient upper floor section that is recessed from the section beneath, and it has a relatively narrow frontal area facing De Moulham Rd. This, together with the space between the flats and the existing house on the application site, allows an appreciable visual gap between buildings which is part of the character of the area.
- There is a detached two storey house at The Grey House immediately to the north and this is some distance from the dwelling on the application site and the intervening gap has low to medium level vegetation present.

6.0 Description of Development

The design proposed shows two pairs of semi-detached dwellings over three floors with gable roofs with flat roof dormer windows. Three of the dwellings will have three bedrooms and unit 4 has four bedrooms. The height of the properties is greatest on the rear (east) facing the bay but steps down to single storey on the boundaries with

the adjoining properties. The design approach is to create four dwellings in two villa style properties.

7.0 Relevant Planning History

23 De Moulham Rd

6/1974/0298 - Decision: Grant - Decision Date: 25/10/1974 O/A - Severance of site for house, semi-bungalow or bungalow.

6/1975/0015 - Decision: GRA - Decision Date: 18/04/1975 New garage, alterations and additions.

6/2021/0103/FUL – Decision: Refuse – Decision Date: 01/02/2022. Appeal dismissed. Demolish existing property and erect 9 apartments with associated parking, access and landscaping.

P/FUL/2022/05196 - Decision Refuse - Decision Date: 21/01/2023. Demolish existing property and erect a development of 5 town houses with associated parking, access and landscaping

P/PAP/2022/00813 – demolish the existing property and erect a development of 5 town houses with associated parking, access and landscaping. Response: 31/03/2022. Summary of Pre-application advice – The proposals do not fully address the planning inspector’s concerns in the appeal decision dated 27/2/2023. The latest proposed development would remain incompatible with the character of the area and would have an adverse impact on the AONB. Significant amendments would be required to make the development acceptable, namely a fresh design approach to show two-storey buildings with hipped roofs facing east and gables facing west, although accommodation may be achieved at second storey with the use of modest dormers.

Oceana

6/2004/1057 – Decision Refuse – Dismissed at appeal. Demolish existing building and erect block of 6 new 2 bedroom apartments

6/2005/0967 – Decision Approved - Demolish existing building and erect block 6 new 2 bedroom flats; form new vehicular access

8.0 List of Constraints

Within Statutory Settlement Boundary; Swanage

Within coastal location where sustainable drainage systems (SuDs) should exclude soakaways

Swanage Local Plan, Description: The site lies adjacent to Beach Gardens South

Within Dorset Heathlands - 5km Heathland Buffer

Within Poole Harbour Recreation Zone

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

Within Site of Special Scientific Interest (SSSI) impact risk zone;

RAD - Radon: Class: Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. **Natural England** – No further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

2. **Dorset National Landscape (AONB) Team**

Raise no objections. Conditions and informatives are recommended.

3. **Dorset Council - Highways**

Raise no objections. Conditions and informatives are recommended

4. **Dorset Council - Building Control Purbeck Team**

Comments in relation to fire safety.

5. **Dorset Council - Trees (East & Purbeck)**

No comment. (On the previous application the tree officer noted: No objection on tree grounds – as no visually significant trees on/adjacent site. TPO, on a holm oak, at Grey House the neighbouring property to the north was given consent for removal 13 Jan 2005 ref 125.04/05)

6. **Swanage Town Council-**

Objection (received 20/07/2023 and 10/11/2023)

The Council's concerns are as follows:-

- Overdevelopment/layout and density of building design/scale. Concerns are raised regarding the height, mass and scale of the proposed houses, which would be overbearing and out of keeping with the surrounding properties/area, of predominantly detached houses with generous plots.

-Intensification of development through infilling or development of existing plots at greater densities could harm the suburban character.

-The site is on the brow of a hill, in a very prominent, sensitive position, and the proposed development would also have a detrimental visual impact on the important panoramic view from Swanage Bay, and the overall 'Swanage scene'.

-Overlooking and loss of privacy

The Council is in support of sustainable building design principles to minimise environmental impact, and would wish to see the inclusion of sustainable building principles in the redevelopment proposals, that this should form part/be a condition of any approved scheme.

7. Swanage Ward Councillor- Councillor Tritie

Concerns as follows:

-The site is at the highest point of this raised area and is very conspicuous, particularly from the south-east and from the sea. Any building on the site needs to be of moderate proportions, as are nos. 25 and 27 De Moulham Road. The present proposal, although less unacceptable than the 5-dwelling application and especially the earlier 9- apartment block application, is still much too big and bulky and over-dominant on the site, and will detract significantly from the generally pleasing aspect of this visually sensitive area of the town;

-The Swanage Local Plan anticipates detached, modest-sized houses in this part of Swanage, where spaciousness is a marked and most desirable characteristic upheld by nearby buildings. This proposal conflicts with all the foregoing;

-The design and scale of the buildings are still respectively too incongruous and too over-bearing for the AONB and detracts from it. As the Inspector says, considerable weight should be attached to these things;

-Overlooking of neighbours and their gardens is not as drastic as with the first application, but it is still quite foreseeable and unacceptable, particularly in view of the sharp downward slopes to north and south from the site of no.23.

Representations received

Total - Objections	Total - No Objections	Total - Comments
45	0	0

Concerns have been raised in relation to the following:

- Size, scale, bulk and density of development
- Overdevelopment of the site
- Out of character to the area and would impact the appearance of Swanage Townscape
- The cumulative effect of multiple new developments in the neighbourhood is negatively impacting the character of the area

- Loss of residential amenity in terms of overshadowing, loss of light and privacy
- Loss of biodiversity
- Traffic and parking

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 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 HS- Housing supply

Policy D – Design Policy

Policy LHH – Landscape, Historic Environment and Heritage

Policy CE – Coastal Erosion

Policy IAT - Improving accessibility and transport

Policy DH - Dorset Heaths International Designations Policy

Policy PH - Poole Harbour

Adopted Swanage Local Plan: The following policies are considered to be relevant to this proposal:

Policy STCD: Swanage Townscape Character and Development Policy

Policy SHM: Swanage housing mix

Other Material Considerations

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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 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). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Supplementary Planning Document/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Poole Harbour Recreation 2019-2024 Supplementary Planning Document

Purbeck District Design Guide

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 the proposed construction works those who are less mobile may be more impacted by the associated noise and disturbance but this would be for a limited duration. The proposed dwellings could be set over three floors so may not be suitable for some disabled people. No other disadvantages have been identified.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Planning obligations	None
Non Material Considerations -	
Council Tax	Council Tax Band E £2871.84 or Band F: £3394.00
Community Infrastructure Levy	£211,216.81

15.0 Environmental Implications

Carbon emissions will arise during the demolition of the existing property and in the construction stage of the proposed development. An informative has been added to the decision notice to encourage the developer to use sustainable construction methods. Sustainable construction involves using renewable and recyclable materials on building projects to reduce energy consumption and toxic waste. The primary goal of this initiative is to decrease the construction industry’s impact on the environment by utilizing sustainable construction procedures, practicing energy efficiency, and harnessing green technology.

16.0 Planning Assessment

Principle of development

- 16.1 The site is located within the Swanage Settlement Boundary and within the designated town of Swanage. Policy LD: General Location of Development and SE: South East Purbeck provides a hierarchy of settlements where new development is considered to be the most appropriate. The towns within the Plan Area are considered to be the most appropriate places for the development of new residential properties, and so in this respect the principle of new residential development on the site is acceptable, subject to all other relevant considerations which are set out in detail below.

Impact on the Dorset National Landscape (AONB)

- 16.2 The site, along with the whole town of Swanage is in the Dorset National Landscape, formerly known as the Area of Outstanding Natural Beauty (AONB). Areas of Outstanding Natural Beauty have statutory protection in order to conserve and enhance the natural beauty of their landscapes under National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000.
- 16.3 The National Planning Policy Framework (NPPF) makes the following reference to AONBs in paragraph 176: *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”*
- 16.4 Appeal Ref: APP/D1265/W/22/3299225 against the refusal by Dorset Council to grant planning permission for the demolition of the existing property and erect 9 apartments with associated parking, access and landscaping on this application site was dismissed. The Inspector noted that whilst the site is within the urban confines of Swanage, because of its commanding position it, and Nos 25/27, are visible in the context of the Purbeck Ridge behind in views from across the sea, including from Peveril Point and the memorial park. The Inspector commented that in some views the site, together with Nos 25/27, Beach Gardens and the undeveloped land below De Moulham Road form a visual break that links to the ridge beyond. The buildings at Nos 23 and 25/27 are visible in this break but, due to their modest size, traditional design and recessive materials, are not unduly intrusive.
- 16.5 The Inspector considered that the scale of the apartment proposal and the particular design would amount to a harmful change in important views within the seascape.

The harm identified, whilst limited, meant that the apartment proposal would not conserve or enhance the landscape and scenic beauty of the AONB. Accordingly there would be conflict with Paragraph 176 of the National Planning Policy Framework (the Framework) and Policy LHH of the Purbeck Local Plan Part 1 2012 (LP Part 1) which requires great weight to be given to such harm. There would also be conflict with Policies C4a, C4c and C4d of the Dorset AONB Management Plan, 2019 – 2024 (the Management Plan) which seeks to avoid new features that would be detrimental to landscape character, tranquillity and the AONBs special character, to protect the pattern of landscape features that underpin local identity.

- 16.6 The Inspector's decision is a material planning consideration. However, this application is for an alternative scheme which has a significantly reduced scale and reduction in glazing compared to the earlier appeal scheme. The proposal is now for 2 pairs of semi-detached two storey dwellings with rooms in the roof and associated landscaping compared with the earlier much larger proposal of an apartment block with 9 units. The applicant sought advice from officers both at the application stage and during the application process to inform amended plans.
- 16.7 The Dorset AONB team were consulted on the proposal and advise that given the location of the development in the urban fabric of Swanage, it is considered that the Council should determine the latest proposal in relation to impacts on local character and street scene, rather than wider impacts concerning the character and appearance of the AONB. This approach is consistent with some other past redevelopment proposals.
- 16.8 Character and appearance is considered further below but in summary, notwithstanding the prominent location of the site, it is judged that the proposal now appropriately responds to its context and would not have a harmful impact on the AONB in respect of its scale and design of is in accordance with policy LHH of the Purbeck Local Plan.

Impact on the Character of the Area

- 16.9 The site is located within an area designated as an Area of Distinctive Local Character by Policy STCD (Swanage Townscape Character and Development). This policy states: Policy D: Design, of the Purbeck Local Plan *'requires new developments to positively integrate with their surroundings and reflect the good practice advice within the townscape character assessments.'*
- 16.10 The area is identified in the Swanage Townscape Character Appraisal 2012 (TCA) as being composed of "Early 20th Century Villas" and defined by the rectilinear arrangement of development with distinct spaces existing between buildings. The Appraisal notes how comprehensive redevelopment of the plots immediately to the south of the site as flats (such as St Aldhelms Court) has had a significant effect on the pattern of development. The appraisal identifies that there is scope for

redevelopment of sites so long as it does not detract from their contribution to the wider character of the area and maintains good quality dwellings.

- 16.11 Concerns have been raised by the Town Council and residents that the proposal represents overdevelopment of the site that would be out of character with the area.
- 16.12 The “Early 20th Century Villas” character type is identified as one which contains large buildings, generally Edwardian and individually designed which overlook or are close to the sea. The grain is generally well defined with large, detached houses which front the street on relatively small plots. The spacing and grain of the existing development is considered to be an important aspect of the character of the area. The previous proposal for a large apartment block was judged to negatively impact on these characteristics but the application site is unusual being a relatively large plot which offers the opportunity for redevelopment at a higher density.
- 16.13 The design now proposed shows two pairs of semi-detached dwellings over three floors with gable roofs with flat roof dormer windows. The height of the properties is greatest on the rear (east) facing the bay but steps down to single storey on the boundaries with the adjoining properties. The design approach, creating villa style properties, is considered to be more traditional and relate suitably to the site and surrounding area.
- 16.14 The flat roof of unit 1 adjacent to Oceana would exceed the height of that building by approximately 0.6m. The ridge height of unit 4 would be approximately 2.5m higher than the main ridge of 25 and 27 De Moulham Road, but these features would be separated by a distance of approximately 20m. The buildings are not significantly higher than their immediate neighbours and their visual dominance in the street scene would be limited by their form and design. The scale of the development is not considered to be inappropriate following the reduction in overall eaves and ridge heights from what was originally proposed. The scale of the rear gables facing the bay has been reduced so that they better relate to those of neighbouring 25 De Moulham Road.
- 16.15 It is acknowledged that the proposal reduces the spaciousness of the plot, however, the proposal achieves an improved density of development as sought by national planning policy (para 125), making better use of the potential of the site whilst responding appropriately to local character.
- 16.16 The separation gap between the houses of 3.3m will prevent a negative terracing impact when viewed from the streetscene.
- 16.17 The applicant has appropriately addressed the reasons for refusal given for the previous application and the dismissed appeal by reducing the height and massing

of the upper floors, setting the buildings further back from De Moulham Rd and reducing the hard surfaced area to the west of the buildings.

- 16.18 Whilst the dwellings are bulky with part flat roofs, they can be accommodated on the plot without harm to the grain and spacing and it is considered that the proposal would not have a detrimental impact upon the character and appearance of the area and is in accordance with Policy STCD of the Swanage Local Plan.
- 16.19 Subject to a condition to secure appropriate materials the proposal is also in accordance with Policy D: Design of the Purbeck Local Plan, which expects development to positively integrate with their surroundings reflecting the advice of the Swanage Townscape Character Appraisal.

Impact on the amenity of occupants of adjacent properties

- 16.20 This was a reason for refusal for the previous applications and continues to be raised as a concern by the Town Council and objectors.
- 16.21 The separation distance between the 2/3 storey parts of the northern building and 25 De Moulham Rd measures approximately 16m. There is a boundary wall and mature vegetation separating the buildings. The maximum height of the building is approximately 10m reducing to 6.5m at the eaves. Notwithstanding the lower ground levels of 25 De Moulham Rd which has a finished floor level approx. 0.8m lower than the proposal it is not considered that the proposed building would have a significant harmful impact on the occupiers of this property from dominance due to its set back and the distances involved. Some overshadowing of the neighbouring garden is likely with the potential for some overshadowing of the dwelling, particularly during the winter, but not to an extent that it would justify refusal.
- 16.22 The first floor terraces/balconies shown for the northern building have potential to cause overlooking of 25 & 27 De Moulham Rd and their gardens given the close proximity of the building to the boundary. A privacy screen is proposed to a height of 1.7m which will prevent any perceived loss of privacy from overlooking. A safeguarding condition will be imposed to ensure that this is provided.
- 16.23 There are no upper floor windows proposed in the north elevation to prevent loss of privacy to the occupants of 25 & 27 De Moulham Rd. The south elevation facing Oceana shows a single second floor window which is a secondary window serving living accommodation. This window can be conditioned to be obscure glazed to prevent any perceived overlooking of the occupants of Oceana.
- 16.24 In terms of the relationship with Oceana, the buildings will site appropriately side by side. The front elevations of the semi-detached pair of dwellings are slightly stepped to secure an acceptable relationship with this building in terms of the setback from De Moulham Rd. The slope of the proposed roof of the southern dwellings away

from the boundary would reduce the impact of the greater height in comparison with Oceana so that they would not result in an overbearing effect for the occupants of Oceana. The 6m separation distance is acceptable spacing. There is an existing stone wall and existing mature hedging along the boundary between the buildings. As reported in the refused applications (ref: 6/2021/0103 and P/FUL/2022/05196), there is potential for some loss of light to the north facing (side) windows in Oceana, but given they serve bathrooms, this impact is not considered to be harmful.

- 16.25 For the above reasoning, the proposal is in accordance with Local Plan Policy D and NPPF paragraph 130 which require development to positively integrate with its surroundings and avoid adverse impacts on local amenity.

Impact on Biodiversity

- 16.26 A biodiversity survey was undertaken for the property, which found no evidence of bats, but some potential for nesting birds within the non-native boundary hedging. Accordingly, a mitigation plan has been prepared for the proposal. The Council's Natural Environment Team have approved the proposed Biodiversity Mitigation Plan and Officers are therefore satisfied that the impact of the development on any protected species can be adequately dealt with. Subject to a condition (no. 5) requiring the implementation of the mitigation plan, the proposed development is acceptable in this regard.

- 16.27 As the site lies within 5km of internationally protected Dorset Heathland and Poole Harbour, an Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF. This concludes that mitigation set out in adopted Dorset Heathland Planning Framework and Poole Harbour Recreation Supplementary Planning Documents can be secured via the Community Infrastructure Levy, namely Heathland Infrastructure Projects, Poole Harbour Infrastructure Projects and Strategic Access Maintenance and Management projects which will ensure that there is no unmitigated harm generated by the proposals to interests of nature importance.

Land Instability

- 16.28 The site is within 400m of coastal cliffs and the issue of cliff stability is required to be assessed. The Council's Coastal Erosion Officer advises that Coastal Erosion bandings are not anticipated to impact the site in the next 100 years and it is not expected to be existing instability issues at this location, which is set back from the coastline.
- 16.29 The Coastal Erosion Officer states that as part of the foundation design, ground conditions would need to be assessed and the Building Regulations would have to be satisfied in terms of foundation arrangements. The Officer also advises that

collected surface water is discharged to a piped drainage system and not to a soakaway in view of the consequential effect groundwater can have on coastal stability. No objection to the proposal is raised on land stability grounds subject to a condition to secure an appropriate surface water drainage scheme (condition 4) in accordance with policy CE.

Highway safety

- 16.30 Objections include concerns about the impact on the highway and parking provision. The access lane to the rear of the proposed development is unadopted. The applicant states that 4 off road car parking spaces shall be provided in addition to 4 garages. The area of hardsurfacing in front of each dwelling would provide additional informal parking opportunities for visitors to the properties. The proposal is in a sustainable urban location and provides adequate parking provision to accord with policy IAT.
- 16.31 A condition will be imposed to ensure that the turning/manoeuvring and parking shown on Drawing Number 012 is constructed before the development is occupied to ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon (condition 7). Furthermore, any entrance gates must be hung so that the gates do not open over the adjacent public highway to ensure that any gates do not cause a safety hazard on the highway (condition 8).
- 16.32 A construction method statement has been conditioned to minimise the likely impact of construction traffic on the surrounding highway network (condition 3).

Other issues

- 16.33 Swanage Town Council has requested that if permission is granted then a condition be imposed requiring construction to follow sustainable building principles. Although this can be encouraged by an informative note (no. 4) there is no policy basis for a condition to be imposed.

Housing land supply

- 16.34 In July 2023 it was reported that for the period 2022 to 2027, the Purbeck Local Plan area does not have sufficient deliverable supply to meet the five-year supply requirement as required by national policy and can demonstrate a supply of deliverable sites equivalent to 3.66 years. Therefore, in accordance with NPPF paragraph 11, it is necessary to consider whether the application of policies in the NPPF that protect assets or areas of particular importance (i.e. Dorset National Landscape/AONB) provides a clear reason for refusing the development or if the proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits.

- 16.35 In this case, the site is located within a designated settlement and comprises land which has the potential for redevelopment. The proposal would relate satisfactorily to the character and appearance of the area, and would conserve the landscape and scenic beauty of the Dorset National Landscape/AONB and would avoid any significant harmful impact on the amenities of the occupants of adjacent properties. No harm has been identified that would demonstrably outweigh the benefit of a net increase of 3 dwellings. Approval is therefore recommended.

17.0 Conclusion

For the above reasons, the application is judged to be in accordance with the Development Plan including Purbeck Local Plan Policies D & LHH, Swanage Local Plan Policy STCD, Purbeck Design Guide SPD and the policies of paragraphs 11, 130, 134 & 202 of the National Planning Policy Framework. There are no material considerations which indicate that permission should be refused.

18.0 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:

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 details of:

- 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.

5. 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. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

6. Prior to 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.

7. 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.

8. 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.

9. Prior to the first occupation of units 2 and 4, the privacy screens on their first floor balcony/terrace shown on Drawing Number: 015B shall be installed at a height of 1.7m and shall thereafter be retained for the lifetime of the development.

Reason: To protect the amenities of the occupiers of the adjoining properties.

10. 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 Dorset National Landscape (AONB)

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

In this case:

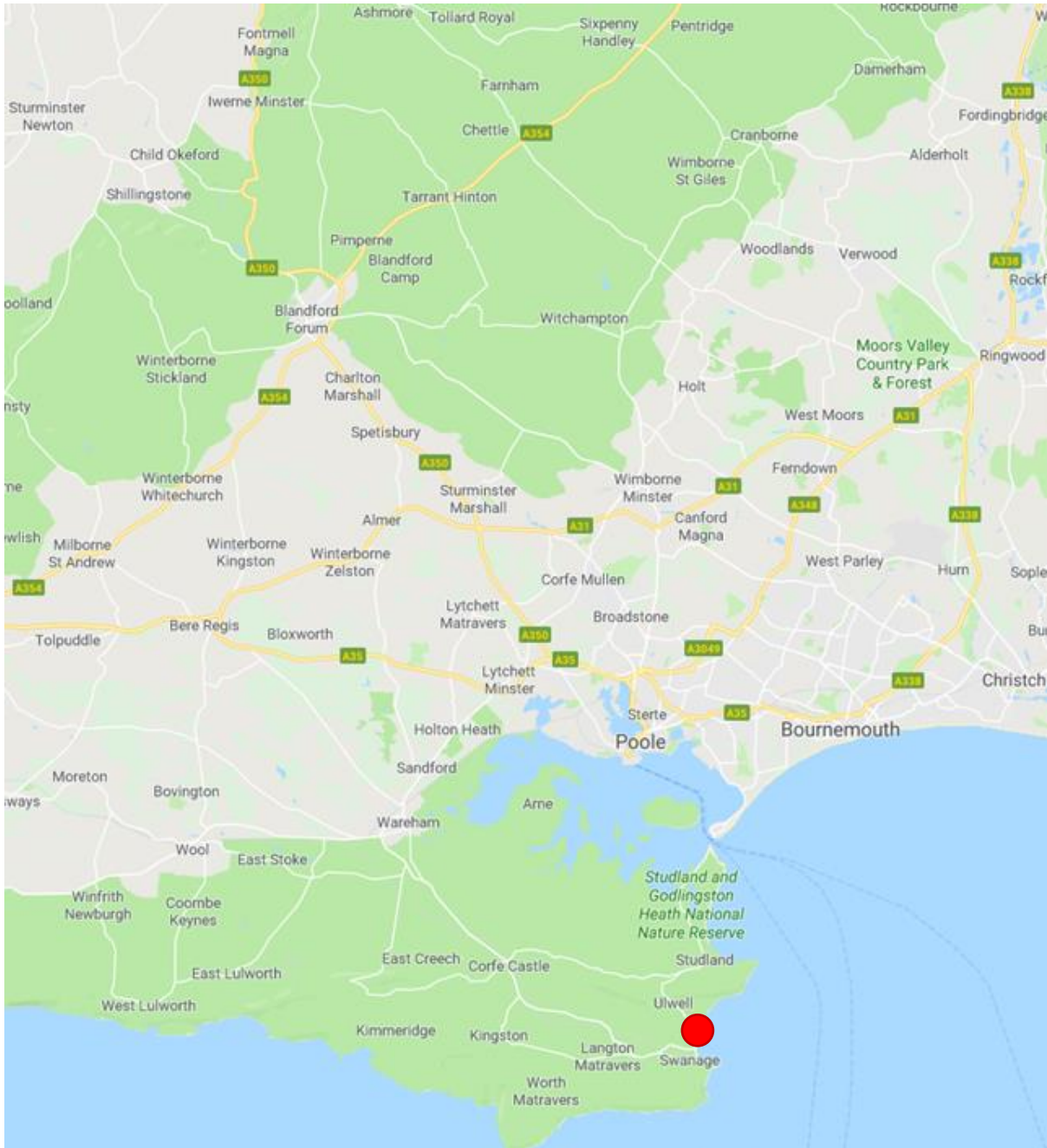
- The applicant was provided with pre-application advice.
 - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
2. The applicant is advised that prior to the development being brought into use, it must comply with the requirements 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, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.
4. The developer is encouraged to use sustainable construction methods. Sustainable construction involves using renewable and recyclable materials on building projects to reduce energy consumption and toxic waste. The primary goal of this initiative is to decrease the construction industry's impact on the environment by utilizing sustainable construction procedures, practicing energy efficiency, and harnessing green technology.
5. The developer is reminded that due to proximity to the cliffs, soakaways will not be an acceptable as part of any surface water drainage scheme submitted in respect of condition 4.

● Approximate Site Location

Application reference: P/FUL/2023/03413

Description of development: Demolition of dwelling and erection of four dwellings


Site address: 23 De Moulham Road Swanage BH19 1NS



This page is intentionally left blank

Agenda Item 7

Eastern Area Planning Committee
06 December 2023

Application Number:	P/FUL/2023/04646		
Webpage:	Planning application: P/FUL/2023/04646 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Cefyn Bryn, 3 Ballard Estate, Swanage, BH19 1QZ		
Proposal:	Demolition of existing single storey dwelling and erection of new single storey dwelling		
Applicant name:	Mr and Mrs Parton		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Suttle and Cllr Trite		
Publicity expiry date:	28 September 2023	Officer site visit date:	Familiar with site from former visits.
Decision due date:	3 November 2023	Ext(s) of time:	3 November 2023
No of Site Notices: 3			
SN displayed reasoning:	Visible to all entering Ballard Estate, on south boundary of site and at main entrance to property (east boundary).		

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

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.
- The principle, scale, design, and impact of the development is acceptable and would not result in significant harm to the general character and appearance of the area.
- 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 is considered to be no 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 within settlement boundary.
Scale, design, impact on character and appearance of the area and the Dorset AONB	Acceptable subject to condition.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable.
Flood Risk and drainage	Acceptable.
Highway impacts / safety and car parking	Acceptable subject to condition.
Impact on trees	Acceptable subject to condition.
Biodiversity Impacts	Acceptable subject to condition.

5.0 Description of Site

- 5.1 Ballard Estate is a private residential estate located in north Swanage with adjoining residential development to the south and west, countryside to the north, and the coast to the east. The application site is located to the east of Ballard Lee (private estate road) and is located to the north of the main entrance road to the Ballard Estate. The site is rectangular in shape and approximately 837 sqm in area. It includes the existing bungalow, a detached flat roof garage, parking and a garden that is largely lawn to the south. Boundary treatments include mature evergreen hedging and fencing inside a Purbeck Stone Wall with traditional cock and hen coping. The site is relatively level.
- 5.2 The site is within the settlement boundary with adjacent development being single storey in height. There have been a number of demolitions and re-builds across the estate in recent years, all of which have retained the single storey character of the estate originating from 1920s army camp origins which is most evident on the eastern section of the estate.

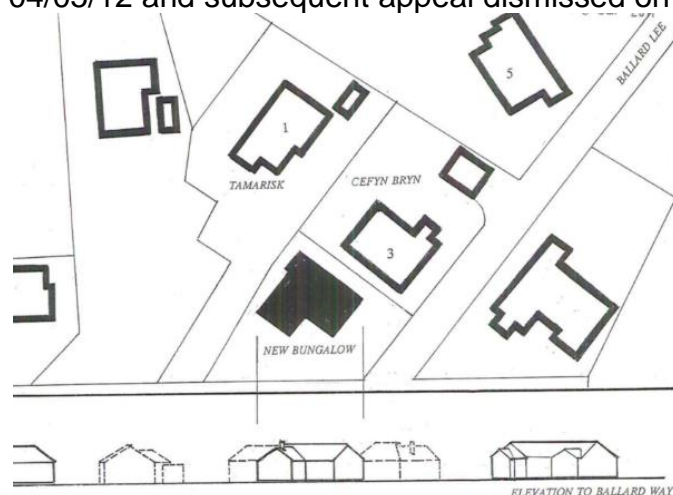
5.3 As with the entire settlement of Swanage, the application site and Ballard Estate are located within the Dorset AONB and views of the surrounding landscape – in particular Ballard Down to the north - can be glimpsed between existing buildings.

6.0 Description of Development

6.1 The proposal is for the demolition of the existing bungalow and detached garage and the construction of a replacement single storey dwelling and detached garage.

7.0 Relevant Planning History

6/2011/0598 – Sever land and erect a detached dwelling; widen existing vehicular access – Refused 04/05/12 and subsequent appeal dismissed on 09/05/13.



Reasons for refusal:

1. The positioning of the proposed dwelling will encroach into an existing open area which contributes to the spacious character of the entrance to the Ballard Estate. Its positioning fails to respect the layout of numbers 1 and 3 Ballard Estate. In its prominent forward positioning, the height, bulk, and mass of the proposed bungalow would dominate the street scene. The design approach lacks visual unity and symmetry. This leads to a detailed design that is not integral and has no overall defining character. The removal of the existing stone boundary walling results in the loss of a feature that defines the character of the estate. The continued use of timber fencing along the southern boundary is unsympathetic and harmful to the character and appearance of the area. In conclusion it is considered that the proposals would result in a form of development that fails to integrate with or complement the neighbouring buildings and the local area in terms of layout, scale, and design. This would be especially evident from public views along the estate entrance road and the South West Coast path.....

2. It is considered that the proposed dwelling due its proximity, width and height would appear as dominating and overbearing to the occupants of number 3 Ballard Estate. This would be harmful to their living conditions.....

Reasons for refusal (3) and (4) related to development contributions towards transport infrastructure and Dorset Heathland mitigation and the requirement to formally complete a Planning Obligation to secure payment.

Key issues raised in the appeal decision included:

- Undeveloped nature at front of plot and set back from road forming a spacious area at estate entrance forming an important element of the character and appearance of the area from which the proposal would detract.
- Adverse impact on neighbouring outlook of no. 3.

P/FUL/2022/06731 - Demolition of existing single storey dwelling and erection of new single storey dwelling – Refused 17/01/23 (SUBJECT OF OUTSTANDING APPEAL) for the following reasons:

1. The proposal by reason of its scale, form, mass, and positioning will encroach into an existing area of open garden character which contributes to the spacious character along the entrance road to the Ballard Estate. The positioning and mass of the lengthy eastern wing, in close proximity to the boundary with Ballard Lee, results in a proposal that would appear visually dominant and overbearing in the street scene to the detriment of the local townscape character. As such, 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; Policy D 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.

2. The application site is located within 400m of the coastline in an area known as the 400m No-water Discharge Consultation Zone where new development has potential to impact upon surface water and / or ground water drainage. The application form and supporting statement advise that surface water will be dealt with by way of a comprehensive surface water drainage strategy including on site attenuation and written agreement to discharge to a public sewer. The application is not supported by a conceptual drainage scheme or written confirmation of Wessex Water agreeing to the discharge at an attenuated rate to the existing combined sewer on Ballard Lee. In the absence of a suitable and sufficient conceptual surface water discharge strategy, the proposal is considered to result in a risk of flooding to the site and neighbouring areas and the potential for adverse impact on nearby cliff stability. As such the proposal is contrary to the objectives of the National Planning Policy Framework Section 14: Meeting the challenge of climate change; Purbeck Local Plan 2012 - Policies FR: Flood Risk; and CE: Coastal Erosion; and the Purbeck Strategic Flood Risk Assessment 2018.

P/PAP/2023/00221 – Amendments to the refused application were discussed with the applicants and their planning agent during an on-site meeting to develop a scheme that was considered acceptable by the case officer.

8.0 List of Constraints

Statutory Settlement Boundary; Swanage

Sustainable Drainage Systems (SuDs) – Policy CE

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

Legal Agreements S106 – 6/2014/0483 9 Ballard Estate – Heathland mitigation and transport financial contributions

Right of Way: Footpath SE3/18; - Distance: 4.28 m

Right of Way: Footpath SE3/17 - Distance: 2.32 m

Poole Harbour Recreation Zone

Dorset National Landscape/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

Dorset Heathlands - 5km Heathland Buffer

9.0 Consultations

The application was advertised by means of three site notices.

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

Consultees

1. Natural England

No comments received.

2. Ramblers Association

No comments received.

3. Dorset Council – Highways Officer

Red line should be extended to public highway. No objection subject to turning / parking condition.

4. Dorset Council – Rights of Way Officer

Footpath SE3/17 must be maintained during work; remain open and available with no materials or vehicles stored on route.

5. Dorset Council – Dorset Waste Team

No comments received.

6. Dorset Council - Building Control

Ensure surface water/soakaways are more than 400 metres from cliff face as won't be allowed otherwise.

Ensure all inner rooms have suitable means of escape in the event of fire due to open plan layout.

Ensure glazing on boundaries are compliant with part B.

7. Dorset Council – Drainage Engineer

Verbal comments:

Attenuation on site and discharge to Wessex Water sewer (consent evidenced) acceptable. No further details required.

8. Dorset AONB Team

Do not wish to comment due to scale of application.

9. Swanage Town Council

Recommend refusal.

Improvements have been made to design and scale but still have concerns over:

Layout and density of building design / visual appearance. Prominent position and ridge height will be highly visible from road. Out of keeping with street scene and unique character of area contrary to Swanage Local Plan Policy STCD.

Roof height should be further reduced.

Solar panels and EV charging point noted.

10. Ward Members - Swanage Ward

No comments received from either ward member.

Representations received

Total - Objections	Total - No Objections	Total - Comments
25	1	1

Summary of comments of objection:

Too large, long, and bulky with harm to street scene.

Disproportionately large within plot.

Poor relationship with neighbouring buildings, spaces, and grain of development.

Highly visible and overbearing on corner.

Chimney higher than necessary.

Will obstruct views of Ballard Down that are feature of estate.

Loss of views to residents, visitors, and walkers.

Barn shaped building with cathedral ceiling height will dominate landscape setting.

Unsympathetic to low impact bungalows of estate.

Lower height required.

Forward of building line.

Restrictions on triangle of land may be breached.

Encroachment onto area of open garden that contributes to street scene. Loss of spaciousness of character at entrance to estate.

Roof pitch too acute and doesn't take account of Ballard Estate Development Guidelines.

Loss of privacy if current fencing and shrubs are removed.

Loss of privacy and light amenity for neighbours.

Would set precedent.

Councillors should visit to assess impact on character.

Increased noise to neighbouring properties.

Submitted planning statement inconsistent and includes factual errors. Comparisons with neighbouring plots irrelevant and depends on a number of other considerations.

Record of discussions with Ballard Estate is incomplete, inaccurate, and misleading. Ballard Estate Company willing to work with applicants on a solution that embodies design ethos reflective of estate character.

Contrary to NPPF and Development Plan policies in respect of good design. No material considerations, evidence or justification exists to support any departure from clear, established planning principles.

Would encourage use by non-local people to make estate one of second homes.

Summary of comments of Support:

Will remain a bungalow as properties on estate should.

Roof height is not increasing and will remain in keeping.

To lower the roof would be detrimental to appearance of types of bungalows at this end of the estate.

Roof will not block views of Ballard Downs as the Downs can be seen from many different angles and positions.

Further improvement on the estate will continue to make it a desirable location.

Summary of comment received:

Planners must visit site to see situation.

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 Purbeck Local Plan 2012:

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy HS: Housing supply

Policy BIO: Biodiversity and geodiversity

Policy DH: Dorset Heaths International Designations Policy

Policy PH: Poole Harbour

Policy CE: Coastal Erosion

Policy D: Design Policy

Policy FR: Flood Risk

Policy LHH: Landscape, Historic Environment and Heritage Policy

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. Further modifications have been published for consultation following the previous hearing sessions and consultation on Proposed Main Modifications which were followed by additional consultation on Further Proposed Main Modifications 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

E4: Assessing flood risk.

E5: Sustainable drainage systems (SuDs)

E6: Coastal Change Management Areas (CCMAs)

E7: Conservation of protected sites

E8: Dorset heathlands

E9: Poole Harbour

E10: Biodiversity and geodiversity

E12: Design

E4: Assessing flood risk

H2: The housing land supply

I1: Development contributions to deliver Purbeck's infrastructure

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 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area development schemes.
Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'.
- Section 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). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

The Bournemouth, Poole, and Dorset Residential Car Parking Guidance 2011

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

Poole Harbour Recreation 2019-2024 SPD

Purbeck Townscape Character Appraisal Supplementary Planning Document adopted August 2012.

Purbeck Strategic Flood Risk Assessment 2018

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.

14.0 Financial benefits

What	Amount / Value
Material Considerations	
N/A	N/A
Non-Material Considerations	
CIL	Liable
Council Tax	£2,442.95 (based on average Council tax Band D)

15.0 Environmental Implications

15.1 The proposal is for a single replacement dwelling which will be constructed to current building regulations standards, and which will be served by PV Panels on the garage roof and an EV charging point. Suitable drainage will prevent any additional impact on terms of flood risk and nearby coastal erosion that may be exacerbated by climate change.

16.0 Planning Assessment

Principle of development

16.1 The application site is located within the Swanage settlement boundary and the proposed redevelopment is acceptable in principle as it accords with policies SD: Presumption in favour of sustainable development and LD: General location of

development of the Purbeck Local Plan 2012 (PLP) and Policy SS: Swanage Settlement of the Swanage Local Plan 2017 (SLP).

Scale, design and impact on the character and appearance of the area and the Dorset National Landscape (AONB)

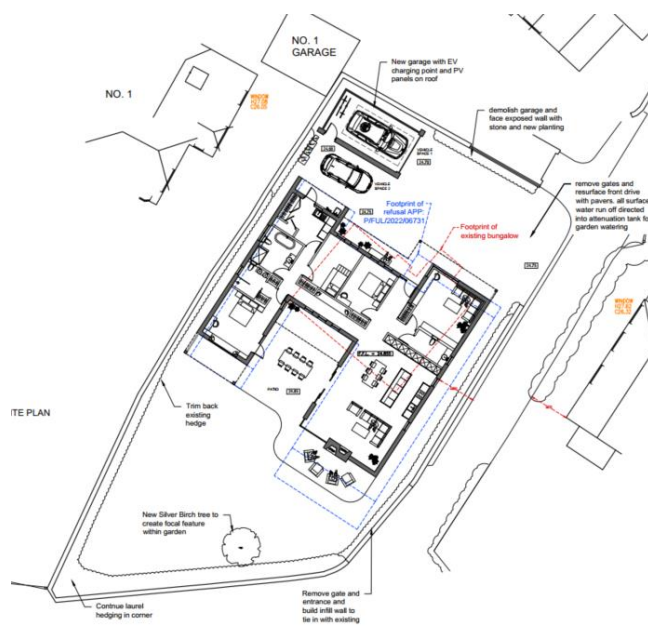
- 16.2 The application site is located in an area of Swanage known as Ballard Estate. There have been a number of demolitions and re-builds across this area in recent years, all of which retain the single storey character of the Estate.
- 16.3 Policy STCD: Swanage Townscape Character and Development of the SLP requires new development to take account of the Swanage Townscape Character Assessment (2012) and guidelines set out in the policy wording. It identifies the application site as being located in an 'Area of Distinctive Local Character'. The policy notes that in such areas, new development should protect and enhance distinctive local characteristics. Specifically, it notes that 'the Ballard Down area should continue to support single storey development only, as this area is characterised by historic bungalow development'.
- 16.4 The Swanage Townscape Character Appraisal identifies the application site as being located in the 'Ballard Down' Townscape Character Type. This characterises the area as a small and compact estate of bungalow development that originates from the 1920s. The Appraisal notes that many of the sites have been redeveloped, but a distinctive and discrete character that is reminiscent of the estate's origins (army camp) remain. In terms of the estate layout, this consists of small rectangular plots that are laid out along three parallel tracks. Garden spaces are limited with a constant house set-back and properties being located on an angle to the access tracks. Boundaries are defined by maintained hedges although there is no tree cover. The height of the development is exclusively single storey, with houses of a consistent scale and of a generally rectangular form under simple shallow pitched roofs. The simple and distinct character of the area that is reminiscent of speculative seaside development of the interwar period is considered to be a strength. Opportunities are to retain the characteristics of the estate whilst threats are related to potential two storey redevelopment that would undermine character.
- 16.5 An application in 2011 (6/2011/0598) for the subdivision of the application plot and the erection of a detached dwelling together with the widening of the existing vehicular access was refused consent in 2012 and a subsequent appeal was dismissed. Reasons for refusal of the application included the encroachment of the proposed dwelling into an existing open area which contributes to the spacious character of the entrance to the Ballard Estate. The positioning of the dwelling failed to respect the layout of numbers 1 and 3 Ballard Estate, and the prominent forward positioning, height, bulk, and mass were considered to dominate the street scene. The design approach was considered to lack visual unity and symmetry leading to a detailed design that was not integral and had no overall defining character. The removal of the existing stone boundary walling resulted in the loss of a feature that defines the character of the estate and the use of timber fencing along the southern boundary was considered unsympathetic and harmful to the character and appearance of the area.
- 16.6 Within the appeal decision, the Inspector highlighted the undeveloped nature at the front of the plot and the set back from the estate entrance road as forming a

spacious area at the estate entrance and an important element of the character and appearance of the area from which the proposal would detract.

- 16.7 The recent refusal in January 2023 for the demolition of the existing single storey dwelling and erection of new single storey dwelling (P/FUL/2022/06731) also reasoned that the scale, form, mass, and positioning of the proposed dwelling would encroach into an existing area of open garden character that contributes to the spacious character along the entrance road to the Ballard Estate. The positioning and mass of the lengthy eastern wing, in close proximity to the boundary with Ballard Lee, were considered to result in a proposal that would appear visually dominant and overbearing in the street scene to the detriment of the local townscape character. As such, the proposal was considered to result in a form and layout of development that failed to positively integrate with its surroundings, historic quality, and townscape character of the Ballard Estate. An appeal has been submitted to the Planning Inspectorate against this decision and remains outstanding.
- 16.8 Alongside the appeal, pre-application advice was also sought by the applicants in respect of design amendments to the refused scheme to make it acceptable. This included a reduction in the length of the dwelling to avoid encroachment into the area of garden that historically formed part of the 'triangle'; re-siting further away from the boundary with Ballard Lee, a reduction in ridge height and dwelling mass; incorporation of renewable energy. The amendments were considered acceptable by the case officer as detailed below.
- 16.9 The existing building on the site consists of a small (approx. 92sqm) 1930s 2-bedroom bungalow with plain tiled hipped roof and pebble dash walls, with the main entrance facing north-east onto the property driveway and garage as opposed to facing the access road of Ballard Lee. The site is enclosed by a Purbeck Stone wall of approx. 1m in height and boundary fencing and hedge behind. There are two existing vehicular accesses to the site – the main access being located to the north of the dwelling and serving a garage and the second being located to the south. The bungalow forms a grouping with nos. 1, 1A and 11 at the entrance to Ballard Estate, all of which retain a visual character of openness when progressing along Ballard Lee. It is however noted that the application bungalow and adjacent properties – some of which have been extended and / or redeveloped - did not form part of the original army camp layout which dictates much of the character of the rest of the estate. Instead, the application bungalow and adjacent bungalows in the group form later 1930s / 1940s development of different character and layout that was originally sited around and accessed from a triangular piece of open land. There is variation amongst the dwellings with regard to their size, form and materials and the application dwelling, in terms of its design and form, does not reflect that of the former barracks block to the east.
- 16.10 The proposed replacement 3-bedroom dwelling would be single storey in height which is in keeping with the overall character of the estate and in accordance with Swanage Local Plan Policy STCD for the Ballard Down area. As with the refused scheme, it would consist of two main rectangular sections linked to form a 'H' shape. The replacement dwelling would be significantly larger (approx. 253sqm including covered external areas) than the existing bungalow with a footprint that would extend approx. 6.5 m further south-west within the plot than the existing building. It would also be substantially wider than the existing bungalow retaining distances of approx. 1.6 m to the western boundary with 1 Ballard Estate and 2.2m to the Purbeck Stone

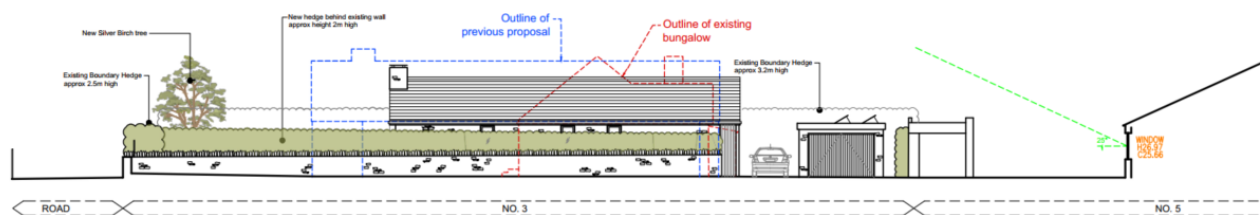
boundary wall extending along Ballard Lee on the eastern site boundary. It is noted that following pre-application advice, the current proposal has a reduced footprint, is sited slightly further north-west within the plot and further away from the Ballard Lee boundary, has a lower ridge height and includes an eastern wing of reduced length.

- 16.11 Objections have been received from neighbours, visitors to the area and the Ballard Estate Company in respect of the layout, scale, height, mass and design of the proposal and related impacts on the character and appearance of the area and neighbouring amenity. The comments are summarised above, and the key issues raised are addressed in the officer assessment below.
- 16.12 The application site consists of a corner plot with a dual frontage. The existing bungalow respects the established building line of Ballard Estate, being at a right angle to the lane (Ballard Lee) on the eastern side. The bungalow is set north-eastwards within the plot with the garden to the south-west retaining an open and green character along the estate entrance road and the southernmost part of Ballard Lee. As such, the existing bungalow does not have a significant visual impact on views when entering the estate from the Ballard Way entrance. Nevertheless, the positioning of the proposed dwelling within the application site and its relationship with the layout of the surrounding plots has a clear influence on the local character of the estate.
- 16.13 In comparison with the former refused scheme, the proposed dwelling has been positioned slightly further north westwards within the plot, and this combined with a reduced length of the eastern wing (including removal of overhangs) means that the dwelling would be located approx. 8m away from the southern boundary from its south-eastern corner, and approx. 13m away from its south-western corner. The amendments mean that no development would take place within the historic 'triangle' of land at the entrance to the estate which would be retained as garden.



The ridge height of the eastern wing has been lowered to be approx. 1m below the existing hipped roof ridge and approx. 0.7m lower than the former refused ridge

height. In addition, the overall length of the eastern wing has been reduced by approx. 3m (17.5m) and set away from the boundary wall by a further metre (2.2m).



As a result, the bulk, height, and mass of the proposal on the boundary with Ballard Lee and in respect of the open corner at the estate entrance has been substantially reduced and would appear less visually intrusive, overbearing, and harmful to the character and appearance of the estate and the Ballard Lee street scene.

- 16.14 The siting of the eastern wing further away from the Purbeck Stone boundary wall along Ballard Lee (2.2m), in combination with the reduced ridge height and mass extending along the boundary, would result in a reduced perception of dominance and enclosure within the street scene. When viewed within the street scene from both the north and south of Ballard Lee, the eastern wing would extend no closer to the access road than the built form of no. 5 to the north and would not appear incongruous within the existing built form of development.
- 16.15 The reduced footprint, height, and siting in respect of the plot boundaries and retention of the historic area of open space (the triangle) would result in a proposal that would be proportionate to its plot size and which would not appear out of character in respect of the variations in footprint, size and form of development in proximity of the application site. This is subject to the removal of permitted development rights for the extension and alteration of the building, including outbuildings, by way of a condition on the decision notice to prevent future intrusion on the garden and historic 'triangle' of open space.
- 16.16 The contemporary design and external finish of the proposed bungalow is considered to be acceptable within the setting and it is noted that other replacement dwellings within the locality also have modern finishes. Proposed materials include a mixture of traditional Purbeck Stone walls in a coursed random rubble finish with powder coated metal frames and timber louvre finishes to covered external areas. Pitched slate roofs would serve the two wings with a zinc standing seam roof finish forming the flat roof link between the two wings. Powder coated aluminium glazing will serve rooms with some floor to ceiling glazing proposed. A modern chimney provides interest in the design. Full details of materials can be dealt with by way of a condition on the decision.
- 16.17 A replacement flat roof garage is also proposed, and this is considered to be of an acceptable design, scale and siting.
- 16.18 Neighbour objections – including comments provided by the Ballard Estate Company Ltd and their representatives – identify concern over the issues addressed above and contravention of estate design guidelines. The comments have been considered by the Case Officer and it is noted that the estate guidelines do not form adopted planning policy and do not therefore form a material consideration in the determination of the application.

- 16.19 Planning policy at national and local level expects new development to positively integrate with its surroundings and incorporate a high quality of design (NPPF Section 12 and Policy D of the PLP). NPPF paragraph 130 requires planning decisions to be sympathetic to local character and history, including the surrounding built environment and landscape setting; add the overall quality of the area; and maintain a strong sense of place. Paragraph 134 advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 16.20 No officer objection is raised to the contemporary design approach and use of materials, including the incorporation of Purbeck Stone. The overall scale, form, and mass of the amended proposal is considered compatible with the character and appearance of this particular area of the Ballard Estate which varies from the distinctive character and pattern of development of the former barracks block to the east. On this basis, a further refusal of the proposal on grounds of adverse impact upon the character and appearance of the area is considered difficult to warrant.
- 16.21 In summary, the proposed development is considered to be acceptable in accordance with the objectives of the NPPF Section 12: Achieving well-designed places, Policy D: Design of PLP, Policy STCD of the Swanage Local Plan, the Purbeck District Design Guide Supplementary Planning Document and the Swanage Townscape Character Appraisal.
- 16.22 The application site is located within the Dorset National Landscape (AONB). It is not considered that there would be any material impact on the landscape and scenic beauty of the designation due to the application site being located within the built-up area of Swanage, and the proposed low level single storey development retaining wider views to the north towards Ballard Down. It is noted that there will be some loss of views towards Ballard Down within the immediate vicinity of the site and to direct neighbours. However, the loss of views from individual properties does not form a material planning consideration. The proposal is therefore considered to accord with the objectives of Policy LHH of the PLP and paragraph 176 of the NPPF.
- Impact on the living conditions of the occupants of neighbouring properties
- 16.23 The application site is surrounded by residential development and the impact of the proposal on the living conditions of the occupants of neighbouring properties is a key consideration.
- 16.24 The proposed dwelling will be located to the southeast of 1 Ballard Estate. No. 1 is a detached bungalow with living accommodation in the roof space. It is set back from the estate road at the northern end of its plot with a driveway leading to a detached garage in the northeast corner. The front elevation of no. 1 is roughly in line with the existing south elevation of no. 3. The proposed replacement dwelling will be positioned approximately 4.6 m closer to the boundary with no. 1 retaining a gap of approx. 1.2m to the boundary wall. It will extend southwards of the existing bungalow footprint by approximately 7.6 metres off the boundary with number 1.
- 16.25 The boundary consists of a Purbeck stone wall with fencing and trellis. No. 1 has windows which serve a lounge and a kitchen/ utility room in its eastern and southern elevations. The proposed dwelling has been designed to limit the openings in the western elevation to those of non-habitable rooms only (serving en-suite and bathroom). As these windows look onto the existing boundary treatments and can be conditioned to be fitted and retained in obscure glazing, it is considered that there

would be no harmful loss of privacy to the occupiers of no. 1. Given that the outlook from side facing windows serving no. 1 would be onto a single storey side elevation at a distance of approx. 8m, with boundary treatments between the two properties, it is considered that the proposal would also be acceptable in terms of light, overshadowing and overbearing impacts. Whilst the new dwelling would alter the outlook of windows on the south elevation of no. 1, the impact is again considered to be acceptable.

- 16.26 To the north, no. 5 is located approx. 17.5m away from the proposed front elevation of the new dwelling with a front garden and garage to be retained between the two properties. Given the single storey nature of the proposal and the distances retained between the two properties, impacts in terms of neighbouring amenity are considered to be acceptable.
- 16.27 To the east, the neighbouring property of 11 Ballard Estate would be most closely impacted by the proposal. This bungalow is set back from the access road (Ballard Lee) by approx. 3m at its closest, with habitable rooms (living room) in the western elevation facing onto the road and the existing bungalow at no. 3. Comments have been received from the occupants raising concern over the mass and scale of the proposal and the overbearing impact of the eastern elevation and loss of views to their amenity.
- 16.28 Whilst the windows serving no. 11 would look onto part of the proposed east elevation of the new dwelling, they would also retain a more open outlook towards the front garden of the proposed dwelling (north-west) and the access driveway. The application is supported by a shadow analysis plan of the proposed development at different times of the year and day. This indicates that even in the worst-case scenario (winter solstice) the level of shadow that would result to the side facing windows of no. 11 throughout the day would not be so demonstrably more harmful than existing as to form a reason for refusal of the proposal. Given that the proposal retains a single storey dwelling and would be distanced from the nearest side facing window by approx. 9.7m with an access road in between, impacts in terms of loss of light and the overbearing nature are considered to be acceptable. Side facing windows serving the new dwelling with an outlook towards no. 11 would result in offset views towards the living room windows. Given the public access along the Ballard Lee located between the two properties, it is considered that an existing level of impact on privacy already exists, and it is not therefore considered necessary or reasonable to require the proposed east facing windows to be obscure glazed.
- 16.29 No. 2 Ballard Estate is located on the opposite side of the estate road approximately 17 metres away from the southern elevation of the proposal. Although the new dwelling would be visible to the occupants of this dwelling and would impact on outlook and views, due to the distances involved and existing boundary treatments, it is not considered that there would be any demonstrable harm to their occupier amenity in terms of loss of light or privacy.
- 16.30 In summary, the proposed development is considered to be acceptable in terms of impacts on neighbouring amenity in accordance with the NPPF, Policy D: Design of PLP, and the Purbeck District Design Guide Supplementary Planning Document and subject to condition requiring the west facing windows to be obscure glazed.

Flood risk and drainage

- 16.31 The application site is located in Environment Agency Flood Zone 1, and in this respect, the proposed development is acceptable. It is also located outside areas of Surface and Ground Water flood risk and is acceptable in terms of all sources of flood risk.
- 16.32 Following the former reason for refusal on grounds of risk of flooding to the site and neighbouring areas and the potential for adverse impact on nearby cliff stability, the current application is supported by a proposed Drainage Plan and attenuation details.
- 16.33 Consultation has taken place with the Council's Drainage Engineer who has confirmed that the attenuation of surface water within the site followed by discharge to a foul sewer (as consented by Wessex Water within the 400m no surface water discharge zone) is acceptable – as are the provided details. A condition on the decision will ensure compliance with the submitted details. The proposal is considered to accord with Policy FR and CE of the PLP.

Highway impacts / safety and car parking

- 16.34 There are two existing accesses to the site off the Ballard Lee access road. This is a single lane access road that serves all properties located on Ballard Lee. The northern access and an area of driveway with parking and garage will be retained as part of the proposal. The southern access will be closed with the boundary wall infilled to match existing. The Council's Highway Engineer has been consulted on the proposal in terms of highway safety and has raised no objection subject to a condition in respect of turning and parking construction. A request was made that the red line of the application site be extended the boundary of the adopted maintainable public highway. However, given that Ballard Lee consists of a permanent tarmac access to the application site, Officers consider that this is not necessary to enable the determination of the application.
- 16.35 In terms of parking provision, the driveway would provide sufficient room for at least two vehicles. The proposal is therefore acceptable in terms of parking provision and is in accordance with the Bournemouth, Poole, and Dorset residential car parking guidance.
- 16.36 In summary, the impact of the proposed development on highway safety and car parking is considered to be acceptable in accordance with Policy IAT: Improving infrastructure and transport of PLP.

Impact on trees

- 16.37 The application site includes a number of smaller trees, shrubs and hedges within the boundary. None of the trees are subject to a Tree Preservation Order or considered to be of visual significance to the surroundings and could be removed from the site at any point in time. An Arboricultural Method Statement and Tree Protection Plan are not therefore considered necessary for the determination of the application. The proposed site plan indicates the extent of existing hedging and bushes to be retained and trimmed back together with the planting a new Silver Birch tree within the garden. A condition can require full details of soft landscaping, including a planting plan, to be submitted to the Council for future approval.
- 16.38 On this basis, the proposal is considered to be acceptable in accordance with policy LHH of PLP.

Biodiversity Impacts

- 16.39 The proposal for the demolition of the existing bungalow may impact on bat roosts and nesting birds. In accordance with the Dorset Biodiversity Appraisal Protocol a bat survey has been undertaken and a negative certificate has been submitted as part of the application. The certificate includes details of proposed biodiversity net gain including one integral bat brick and bird brick. Implementation of this biodiversity net gain can be conditioned.
- 16.40 In accordance with the ruling of ECJ C-323/17 People Over Wind, Sweetman v Coillte Teoranta, the Council is required to undertake an Appropriate Assessment (AA) in accordance with Regulation 63. The AA is to enable full consideration of the proposed development and any likely adverse effects on the integrity of European and internationally designated Dorset Heathland sites and recreational pressures on Poole Harbour, which may remain if avoidance / mitigation measures are carried out as proposed. An AA has been undertaken in advance of the planning application being determined by the Council. This shows that suitable mitigation measures in respect of impacts on Dorset Heaths and Poole Harbour Recreation can be secured through CIL and adherence to relevant SPDs to address likely adverse effects.
- 16.41 The proposal is considered to accord with policies BIO: Biodiversity and geodiversity, DH: Dorset Heaths International Designations and PH: Poole Harbour of the Purbeck Local Plan Part subject to subject to a condition requiring full implementation of the biodiversity net gain.

Other considerations

- 16.42 **Renewable Energy Provision** –The applicants have included PV panels on the replacement flat roof garage and an EV charging point as part of the proposal.
- 16.43 **Public Rights of Way** – The application site is located in proximity of a public right of way. Informative notes on the decision are sufficient to alert the applicants to potential impacts and the need to ensure no closure or obstruction.
- 16.44 **Noise Impacts** – The application proposes a replacement residential dwelling of C3 use. It is considered that any noise associated with the use would be no different to that already experienced within the residential area and would not result in sufficient adverse impact on neighbouring amenity to form a reason for refusal.
- 16.45 **Second Home Use** – Impacts of second home usage are not currently a material planning consideration. Emerging planning policy (H14) does not currently have sufficient weight to apply to the determination of applications and would not apply to a replacement dwelling.

Housing Delivery Test

- 16.46 In July 2023 it was reported that for the period 2022 to 2027, the Purbeck Local Plan area does not have sufficient deliverable supply to meet the five-year supply requirement as required by national policy and can demonstrate a supply of deliverable sites equivalent to 3.66 years. Therefore, in accordance with NPPF paragraph 11, it is necessary to consider whether the application of policies in the NPPF that protect assets or areas of particular importance (i.e. Dorset National Landscape/AONB) provides a clear reason for refusing the development or if the proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits.
- 16.47 The proposed replacement dwelling would not result in a net gain of residential development towards the Purbeck Area housing land supply. However, no harm to

the AONB has been identified. The site is located within the settlement boundary and forms a replacement dwelling. The proposal would be acceptable in terms of the character and appearance of the area and would conserve the landscape and scenic beauty of the AONB. There would be no demonstrable harm to the amenity of the occupants of neighbouring properties. Therefore, approval is recommended.

17.0 Conclusion

17.1 For the above reasons, the development proposed accords with the development plan and the NPPF. The proposal is considered to form sustainable development for the purposes of NPPF paragraph 11. There are no material considerations which indicate that permission should be refused. Approval is recommended subject to conditions.

18.0 Recommendation

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:
20 Location & Block Plan
24 A Proposed Block Plan
25 B Proposed Floor Plan
26 A Proposed East & North Elevations
27 A Proposed West & South Elevations
28 Proposed Sections & Garage Elevations
29 A Proposed Street Scene Elevation
35 A Proposed Drainage Plan

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

3. Prior to development above damp proof course level, details, and samples of all external facing materials for the walls, roofs, windows and doors 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 development above damp proof course level, a sample panel of the proposed external facing Purbeck Stone coursed random rubble stonework finish measuring at least 1 metre by 2 metres, demonstrating the proposed coursing, mortar mix and pointing detail, shall be erected on site, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with details of the sample panel as have been agreed and the sample panel shall remain on site until the external walls have been constructed to eaves height.

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

5. Before the dwelling is brought into use, the windows in the west elevation must be glazed with obscure glass to a minimum industry standard privacy level 3. Thereafter the obscure glazing shall be retained as such.

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

6. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Negative Bat Survey by KP Ecology dated 24th August 2022 shall be completed in full.

Reason: To minimise impacts on biodiversity.

7. Prior to the commencement of any development hereby approved above damp course level, 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 first planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

8. Before the development hereby approved is first occupied or utilised the turning and parking areas shall be constructed in accordance with the approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

9. 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(s) of the dwellinghouse hereby approved, permitted by Class A of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed in the east and west elevations of the buildings hereby approved.

Reason: To protect neighbouring amenity.

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 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.

12. The development hereby approved shall proceed only in accordance with the proposed drainage scheme drawing reference 2122132 dated 10th July 2023.

Reason: To avoid drainage problems as a result of the development with consequent flood risk.

Informative Notes:

1. 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>
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. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
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 application was acceptable as submitted and no further assistance was required.

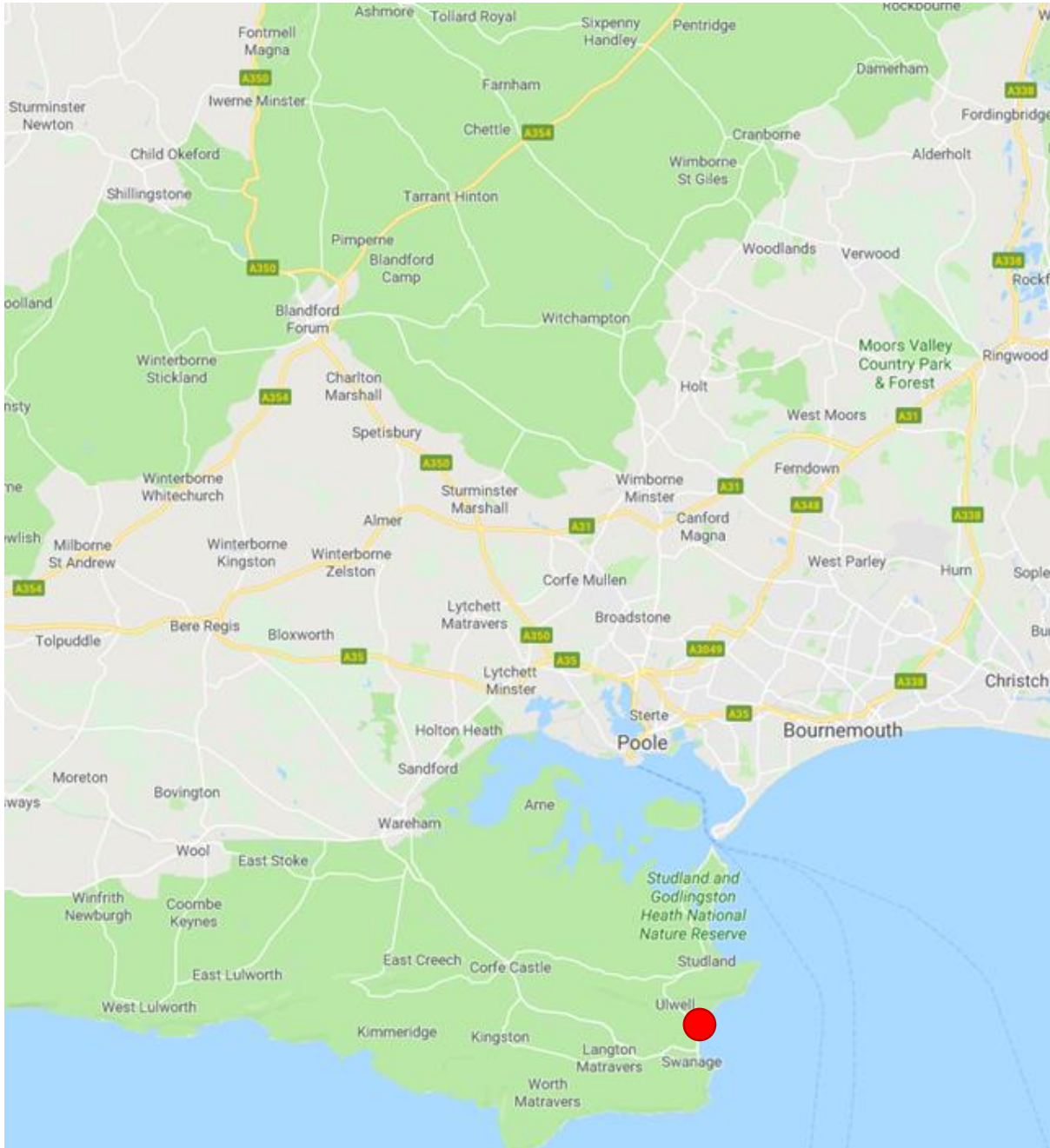
This page is intentionally left blank

● Approximate Site Location

Application reference: P/FUL/2023/04646

Description of development: Demolition of existing single storey dwelling and erection of new single storey dwelling

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



This page is intentionally left blank