



Eastern Area Planning Committee

Date: Wednesday, 10 January 2024
Time: 10.00 am
Venue: The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

Members (Quorum: 6)

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

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

For more information about this agenda please contact Democratic Services
Meeting Contact megan.r.rochester@dorsetcouncil.gov.uk

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

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Agenda

Item		Pages
1.	APOLOGIES	
	To receive any apologies for absence	
2.	DECLARATIONS OF INTEREST	
	To disclose any pecuniary, other registrable or personal interest as set out in the adopted Code of Conduct. In making their decision councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
	If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	
3.	MINUTES	5 - 10

To confirm the minutes of the meeting held on Wednesday 6th December 2023.

4. **REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee. [Guide to Public Speaking at Planning Committee](#)

The deadline for notifying a request to speak is 8.30am on Monday 8th January 2024.

5. **PLANNING APPLICATIONS**

To consider the applications listed below for planning permission

6. **P/FUL/2022/06840 - KNOLL HOUSE HOTEL, FERRY ROAD, STUDLAND, SWANAGE, BH19 3AH** 11 - 72

Redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartment and villa accommodation and associated leisure and dining facilities.

7. **P/FUL/2023/04037 - SMUGGLERS HYDE, 47 BROOK LANE, CORFE MULLEN, BH21 3RD** 73 - 98

Erect a new dwelling on the northern side of the land.

8. **P/FUL/2023/04067 - SMUGGLERS HYDE 47 BROOK LANE CORFE MULLEN BH21 3RD** 99 - 130

Sever the plot and erect a replacement dwelling to southern side of land (Plot A). As amended by plans rec'd 29/11/23 to omit personnel door on southern elevation.

9. **P/FUL/2023/04227 - SMUGGLERS HYDE 47 BROOK LANE CORFE MULLEN BH21 3RD** 131 - 162

Demolish the remaining section of the existing dwelling. Erection of dwelling, double garage and cycle store (Plot A on south part of land). As amended by plans rec'd 29/11/23 to omit personnel door on southern elevation.

10. **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.

11. 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 no exempt items scheduled for this meeting.

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 6 DECEMBER 2023

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

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

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

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

39. Declarations of Interest

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

40. Minutes

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

41. Registration for public speaking

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

42. Planning Applications

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

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

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

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

Public Participation

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

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

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

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

Members questions and comments

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

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

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

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

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

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

Public Participation

K Beech - Ken Parke Planning

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

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

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

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

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

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

Members questions and comments

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

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

Reason for refusal:

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

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

45. **Urgent items**

There were no urgent items.

46. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 - 11.45 am

Chairman

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Agenda Item 6

Eastern Area Planning Committee
10 January 2024

Application Number:	P/FUL/2022/06840		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Knoll House Hotel, Ferry Road, Studland, Swanage, BH19 3AH		
Proposal:	Redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartment and villa accommodation and associated leisure and dining facilities.		
Applicant name:	Kingfisher Resorts Studland Ltd		
Case Officer:	Ursula Fay		
Ward Member(s):	Cllr Brooks		
Publicity expiry date:	29 October 2023	Officer site visit date:	7 November 2023
Decision due date:	30 September 2023	Ext(s) of time:	30 September 2023
Site Notices:	Site notices were displayed on 24 Jan 2023 and 27 Sept 2023.		

1.0 This application is before committee at the request of the Service Manager for Development Management and Enforcement in order to consider the economic benefits and the visual, ecological and environmental impacts of the proposal.

2.0 Summary of recommendation:

Refuse for the following reasons:

- Scale, form and massing
- Heathland impacts
- Inadequate surface water drainage evidence
- Lack of Biodiversity Plan

3.0 Reason for the recommendation:

- The proposal results in major development within a designated National Landscape (Dorset Area of Outstanding Natural Beauty (AONB)) and would not conserve or enhance the character and appearance of the AONB or Heritage Coast. The application would continue to generate significant adverse effects and would compromise the special qualities that underpin the AONB's designation.
- It has not been adequately demonstrated that the proposal would not have an adverse effect upon important international and nationally protected wildlife

sites and as such it must be considered that there would be a likely significant effect which cannot be adequately mitigated against.

- It has not been adequately demonstrated that surface water drainage can be appropriately achieved
- The applicant has not followed the biodiversity protocol and submitted ecological information is insufficient
- Economic benefits do not outweigh harm
- There are clear material considerations which justify a refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Principle of providing enhanced hotel and visitor facilities on the site accepted, subject to meeting criteria. However criteria not met due to impacts on the AONB and protected sites.
Scale, design, impact on character and appearance	Increased scale and form is contrary to Policy CO of the Purbeck Local Plan.
Impact on the Dorset National Landscape and Dorset Heritage Coast	Significant adverse effects and would compromise the special qualities that underpin the 'National Landscapes' (AONB) designation
Impacts on Trees	Insufficient information to demonstrate that trees proposed for retention can be retained in the long-term
Protected Habitats sites	Adverse impacts on Dorset Heathlands SPA and Dorset Heaths SAC that cannot be mitigated.
Biodiversity	Submitted ecological information is insufficient
Heritage Assets	No impact on designated assets. Less than substantial harm to non-designated asset Knoll House Hotel is outweighed by economic benefits of proposal
Economic Benefits	Significant economic benefits would result from the scheme.
Access and Parking	No objection from Highways Authority and proposed parking considered satisfactory.
Flooding / Drainage	Insufficient information submitted regarding Surface Water management from the development.

5.0 Description of Site

Knoll House was built in the early 1900s and subsequently became a small country hotel in 1931. During the Second World War the hotel was requisitioned for troops

erecting beach defences and following the war the hotel reopened in 1946. The site covers an area of 2Ha and is located 400 metres inland of Studland Bay. The hotel and grounds lie to the west of Ferry Road, which connects the village to Studland to Studland Beach and the Shell Bay ferry terminal 2.5 miles to the north. There are currently approximately 30 buildings onsite including the main hotel building, additional accommodation, an indoor swimming pool and storage sheds, in addition to a significant amount of hardstanding which make up the site access and car parking area.

Currently, the hotel comprises of 106 guest bedrooms alongside ancillary facilities such an indoor and outdoor pool and restaurant. These facilities are primarily used by guests, and until 2017 the use of these facilities by non-guests has not typically been encouraged. Traditionally, the hotel has operated seasonally, closing for a short period in the winter. Staff have been predominantly employed on a contract basis, arriving when the hotel opened and leaving the area again when the hotel closed. This necessitated the provision of 57 on-site staff accommodation units, in addition to the 106 hotel rooms for guests and equating to 163 rooms in total when operating at full capacity.

The site is immediately bordered to the east by the B3351 Ferry Road, with land associated with the hotel beyond, accommodating an informal golf course, tennis courts and space for informal recreation. To the immediate south are open fields and to the west and north are heavily wooded areas. These areas fall within a leasehold from the National Trust, but have been, and continue to be, managed by the Hotel.

The site and the whole of the southern part of Purbeck is within a designated National Landscape 'Dorset Area of Outstanding Natural Beauty' (AONB) and also within the Purbeck Heritage Coast. The site is in close proximity to the designated UNESCO world heritage site Dorset and Devon Jurassic Coast (Natural site December 2021). The site is located in close proximity to Dorset Heathlands Special Protection Area (SPA) / Ramsar site (also designated as Studland & Godlingston Heath Site of Special Scientific Interest (SSSI), Dorset Heath and Studland Dunes Special Area of Conservation (SAC) and Poole Harbour SPA / Ramsar / Site of Special Scientific Interest (SSSI). An oak tree on the site and pine trees along the roadside frontage are protected with a Tree Preservation Order (TPO).

The landscape surrounding the site was considered vulnerable to invasion during the Second World War and opposite the site are Grade II listed pillboxes. Two bowl barrows designated as Scheduled Monuments occupy land to the south of the development site. Although not on the register of Heritage at Risk, they are recorded as vulnerable to erosion and loss.

There are approximately 30 buildings covering a footprint of 4,817m². In total the existing hard standing amounts to 8,283m² across the 2ha site area. The site is not level with the land sloping steeply down towards the north western corner of the site.

Buildings on site are mainly 2 storey with a single storey element of staff accommodation in the north western corner of the site.

6.0 Description of Development

The applicant intends that the proposal optimises the potential of the site, removing poor quality buildings and linking green spaces, providing a high quality resort, holiday villas and leisure facilities. The intention is the creation of a luxury destination. In addition to hotel bedrooms, the proposal includes villas and apartments, a restaurant and spa.

During the course of the application amended plans were submitted which reduced the height of part of the 'hotel' building through removal of the 4th storey. This reduced the number of apartments proposed from 22 to 18 as well as making some amendments to the appearance of the proposed buildings.

In summary, following amendments, the accommodation proposed as part of the application is:

- 30 Hotel bedrooms (C1)
- 16 x 2 bed apartments (C3)
- 2 x 3 bed apartments (C3)
- 6 x 2 bed villas (C3)
- 20 x 3 bed villas (C3)
- Total keys (lettable units) = 74
- Total capacity (overnight) = 280

The application follows the refusal of a previous scheme for redevelopment of the hotel. The following table summarises the existing accommodation, the previous refusal and the current proposal. Note that the total floorspace for both the existing and refused schemes is based on the Gross Internal Area (GIA). The applicant's floorspace figures for the current proposal based on the Gross External Area (GEA). This development proposed represents an increase in floorspace compared with the previous scheme.

		Existing hotel	Refused scheme (6/2018/0566)	Current proposal
Applicant's submitted evidence	Overnight guests	273	324	280
	Live-in staff	66	-	-
	Live-out staff	Minimal	129	152
	Overnight Capacity	339	324	280

Use Class C1	Hotel bedrooms	106	30	30
	Staff bedrooms	57	-	-
Use Class C3	2 bed apartments	-	39	16
	3 bed apartments	-	2	2
	2 bed maisonettes	-	16	-
	2 bed villas	-	2	6
	3 bed villas	-	4	20
Total number of bedrooms across use classes		163	162	140
Total Floorspace		6,050sqm	14,385sqm	15,813sqm

All buildings on the site are proposed to be demolished, with only the central façade of the original hotel building retained. Alterations to this element would include new fenestration at ground and first floor, the addition of balconies, and new cladding to the walls (timber) and roof (zinc). The existing stone columns would be retained.

New blocks containing a restaurant and hotel bedrooms would be linked to the retained core by lightweight glazed links. To the north a three storey accommodation block would include pitched roofs with a grey zinc roof to echo the form of the main building. Its eastern elevation which faces towards Ferry Road would be predominantly glazed within grey aluminium fenestration. Balconies would be situated under the projecting pitched roof and would include glazed balustrades.

The northern elevation of the 3-storey block would be predominantly timber-clad, with some areas of Purbeck stone. This element was previously 4 storeys and was reduced in scale during the course of the application. Full height windows and balcony doors would be provided with balconies enclosed by railings. The edges of the roof would be clad in natural grey zinc.

To the south of the retained core, a new two-storey restaurant would be designed to allow views out through the use of extensive glazing. A terrace would wrap around the upper storey to the eastern and southern elevations creating space for outdoor dining, with glazed balustrades. A small external restaurant pod would be situated in front of the restaurant.

For the majority of the main hotel building, excepting where roofs are pitched, a green roof would be provided. Solar PV panels would be situated on this roof to the north-west of the building.

To the south of the main building, the existing swimming pool and spa building would be replaced with a new spa including indoor and outdoor swimming pools, gym, café and treatment rooms. The spa building would be constructed with a Purbeck Stone

wall with glazed double-height fenestration to the swimming pool. A sloping green roof linking to reprofiled landscape to the south would be used intended to merge the building into the surrounding landscape and make the building appear sunken.

Externally, reprofiling around the spa building would include the creation of an elevated terrace (approx. 1.5m above current ground level) serving a café/juice bar, situated adjacent to the southern elevation. The outdoor swimming pool would be located to the south-east of the spa building and is shown as elevated at 1.8m above current ground levels at its south-east corner, with a retaining wall of Purbeck stone.

At the south-west of the site, set back behind car parking, a group of six 2-bed 2 - storey villas would be predominantly Purbeck stone, timber and zinc cladding. The villas will have mono-pitched roofs clad in pressed grey aluminium. The southern elevations which face into the open countryside will include curtain-wall glazing and balconies with glazed balustrades.

To the western edge of the site, a terrace of 20 3-bed 3-storey villas would be predominantly Purbeck stone, timber and zinc cladding. The eastern elevation of these which looks into the internal amenity area would include stepped balconies at both first and second story with glazed balustrades. There would also be large windows/patio doors on this elevation.

To the western elevation, facing out of the site towards woodland, the proportion of fenestration would be more moderate. The upper storeys of the northern and southern elevations would be clad entirely in zinc. Roofing would alternate between pitched zinc-clad roofs with solar PV panels, and flat green roofs.

The villas would sit on higher ground and be visible above two-storey development elsewhere on the site. Ground levels around the villas to the north-west of the site would be raised by around 4-6m enabling space for undercroft parking.

A total of 75 parking spaces would be provided on the site, for use by hotel guests only. There would be no parking provided for staff. 36 cycle spaces are also proposed.

Parking would be provided within two car parks.

A two-storey tiered car park would be provided to the west of the spa, adjacent to the open countryside. The site slopes away to the west and earthworks would cut a 'lower ground' car park into the hill. To the south the landscape would be reprofiled. A parapet wall would enclose the upper floor of the car park, with materials of Purbeck stone and timber. Along the western edge of the site, and at the south-west corner, the car park would be enclosed by a 'green' wall with a maximum height of 4.4m.

An access road would travel along the western edge of the site, this is shown as at ground level however due to the topography and earthworks on the site it would be located up to 5.7m below the villa buildings held in place by a retaining wall and enclosed by walls either side for safety. This would provide access to the north-west corner leading to the second car park situated below some of the 3-storey villas.

The access road would then travel down a ramp to a service yard located in the basement of the hotel/apartment block. Within this area 36 cycle spaces would be provided for staff of the hotel as well as spaces to park maintenance vehicles and the main refuse area.

A retaining wall would support the basement area and landscaping above this to the north, shown in the submitted sections with a height of 6.7m.

The proposal is not accompanied by detailed landscaping proposals. A Landscape Strategy Plan has been submitted which covers most of the site although not the southern edge where the bunding and green wall would be located. Internally to the site a Heathland Courtyard will be created, with proposals for Ornamental Courtyards adjacent to the villas and apartments. Woodland planting is proposed to the west and north, adjacent to the existing woodland. To the east existing trees are retained supplemented by additional conifers. The southern edge of the site is not included on the Landscape Strategy however conifer planting is indicated adjacent to the 2-storey car park.

7.0 Relevant Planning History

- 6/1974/0264 - Erect timber building. - Approved
- 6/1977/0636 - Extension to existing dining room. - Approved
- 6/1978/0884 - Erect extension to still room. - Approved
- 6/1979/0270 - Erect prefabricated extensions to existing building to accommodate staff. - Approved
- 6/1979/0704 - Erect addition to garages/store to form staff accommodation. - Approved
- 6/1976/0814 - Addition of fire escape stair and mansard roof. - Approved
- 6/1981/0793 - Retain staff accommodation on permanent basis. - Approved
- 6/1984/0643 - Form shop unit ancillary to hotel use. - Approved
- 6/1984/0737 - Form spa bath facilities ancillary to hotel use (amended scheme). - Approved
- 6/1986/0578 - Relief from Condition 2 of P.A. 6/84/643 restricting use of shop unit to residents and guests of hotel. - Approved
- 6/1987/0402 - Demolish existing staff accommodation building & erect new building to accommodate permanent and temporary staff. - Approved
- 6/1989/1133 - Erect first floor extension to staff accommodation building. - Approved
- EA1/2017/0002 - EIA Screening Opinion - Redevelopment of Knoll House to include the partial demolition of the existing hotel building & the erection of a new hotel extension to include 30 rooms, 38 apartments, 25 villas & ancillary leisure facilities & associated car parking, servicing & landscaping
- EA1/2018/0005 - EIA Screening Opinion - Redevelopment of Knoll House to include the partial demolition of the existing hotel building & the erection of a new hotel extension to include 30 rooms, 38 apartments, 25 villas & ancillary leisure facilities & associated car parking, servicing & landscaping
- EA2/2018/0001 - EIA Scoping Opinion - Redevelopment of Knoll House to include the partial demolition of the existing hotel building & the erection of a new hotel extension to include 30 rooms, 38 apartments, 25 villas & ancillary leisure

facilities & associated car park

EA2/2018/0002 - EIA Scoping Opinion - Redevelopment of Knoll House to include the partial demolition of the existing hotel building & the erection of a new hotel extension to include 30 rooms, 38 apartments, 25 villas & ancillary leisure facilities & associated car parking, servicing & landscaping

6/2018/0566 - Redevelopment of existing hotel to provide new tourist accommodation including 30 bedroom hotel, apartments & villa accommodation, associated leisure & dining facilities – Refused

8.0 List of Constraints

- Tree preservation order on site
- Site of specific scientific interest, Special Protection Area, Special area of conservation, Ramsar site
- National Landscapes - Dorset Area of Outstanding Natural Beauty (AONB) (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)
- Historic Contaminated Land - Description: Quarrying of sand & clay, operation of sand & gravel pits
- Heathland Consultation Area – within 400m
- Dorset Heritage Coast
- UNESCO World Heritage site Jurassic Coast within 650m
- The central core of Knoll House Hotel is considered an unlisted heritage asset

9.0 Consultations

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

Environment Agency – No objection

Natural England

Initial response - objection

- The proposal represents a change in use classes from C1 to include C1 and 48 C3 units contrary to Local Plan policy and the SPD
- The proposal increases guest capacity from 273 to 296 and on site staff from 57 to 116 FTE
- Visitor and Staff surveys indicate a high level of access to the surrounding designated heathlands (53-56% & 80.8%) and Poole Harbour (23-25% & 57.7%)
- Mitigation is proposed but much is uncertain or unagreed with the landowner
- Concerns regarding adequacy and enforcement of proposed mitigation
- Significant levels of additional staff are likely to lead to additional pressures on the heath and Poole Harbour
- Woodland Management Plan would need to be secured

- Surface water drainage into designated SSSI/SAC sites would in isolation have a likely significant effect
- The application has insufficient detail to confirm that impacts on designated sites from surface water (quality and quantity are avoided)
- It cannot be concluded there would not be adverse effects on nationally/internationally designated sites at the Dorset heathland and Poole Harbour
- Ecological information provided in the Environmental Statement is very weak and it is unclear why the surveys should deviate so far from the surveys submitted with the previous application. Surveys are inadequate particularly bat and reptile surveys.
- Ecological enhancement identified are not shown on the plans
- The information in the ES is not of a quality that may be relied upon
- The proposal is a major development in the Dorset AONB and will give rise to adverse effects on the character of the AONB, no measures to enhance the AONB are presented
- Concerns regarding scale and massing, the modern design, glazing, zinc cladding
- Concerns regarding reliance on screening from surrounding woodland
- The move from a pine dominated woodland to a broadleaved woodland (as per the Woodland Management Plan) will be a reduction in height of screening and increased visual impacts in winter
- Unclear if the LVIA has adequately considered the effect of the screening woodland changing in structure and height
- Height of villas should be reduced to 2 storeys
- Lighting strategy for overhead lighting needed which could be secured by condition
- Regarding nutrient neutrality, it would be reasonable for the authority to conclude it is likely the development would achieve this as is required

Response to re-consult – objection

- It is not possible to ascertain there will not be an adverse effect on the integrity of the nearby habitats sites
- Application remains for a significant number of C3 dwellings in a very sensitive location
- Access to designated sites may not be effectively controlled because the land is Open Access land
- While the number of residents is a factor, it is more important how the facilities operate
- Visitors occupying the 44 apartments/villas (on the basis of frequent return visits) are likely to make more frequent and intensive use of the nationally important landscapes and designated sites on their doorstep
- Nature of the uses made by occupants in the proposed C3 units will be different from those in the current facilities giving rise to a greater risk and an increased level of harm due to recreational access
- Not possible to discount the risks of recreational access from staff employed at the site because of the highly attractive nature of the surrounding countryside irrespective of the staff being resident or not
- Natural England note the provision of additional information relating to the location of the bat emergence surveys and reptile refugia which is helpful

- A lighting strategy could minimise/avoid impacts from lighting on the surrounding woodland/woodland edge
- The proposed green roof would have some limited landscape value
- The number of storeys at the highest part of the site remain unaltered
- Also important to consider the extent of glazing and consequent light spillage
- Solar panels require more review re. measures to effectively reduce glare
- Not demonstrated that tree necessary to provide effective existing and ongoing visual and landscape mitigation would not be adversely affected/lost
- Woodland species need to be native
- Support comments from AONB Team, Council's Landscape and Tree Officers
- Woodland Management Plan is critical to allowing an assessment of landscape impacts at the time of determination
- Objection maintained in respect of adverse impacts on the Dorset Natural Landscape (AONB)
- Lighting strategy required in the absence of evidence concerning the foraging use of the site by bats and nightjar
- Insufficient evidence to demonstrate drainage proposals and whether these would be acceptable
- Within the context of seasonal variations in occupancy as well as staffing levels it would be reasonable for the authority to conclude that it is likely the development would achieve nutrient neutrality for nitrogen and phosphates as is required

Dorset AONB Partnership Initial Response - Objection

- Redevelopment likely to constitute 'major development' in relation to NPPF para. 177
- Generally supportive of the principle of redeveloping and modernising the hotel
- Sensitivity of location requires a restrained and creative design response
- Revised plans cannot be considered suitable
- Scale of development and highly modern character make it impossible to support the design
- Prevalence of high impact features such as extensive glazing and standing seam
- Secondary mitigation measures including green walls/roofs and timber cladding are welcomed but cannot obviate the need for effective primary mitigation including appropriate scale/mass and a design more in keeping with the character of the wider area
- Green roofs will not be seen from immediate area
- Plans presently do not appear to include concepts recommended and referred to within the LVIA
- Some proposed mitigation e.g. conifer planting may not accord with the landscape planting and management guidance for the area
- Planting unlikely to be acceptable in terms of amount and spatial distribution in relation to external views
- Reliance on screening from tree on land owned by the National Trust
- Woodland Management Plan includes felling and so may reduce ability of adjacent woodlands to screen

- Design would not be in keeping with character of Studland due to the near continuous glazed frontage along Ferry Road
- Variety of components and spatial relationships within the site may not sit together in a way which is harmonious
- Visibility of taller elements such as the villa will result in an eclectic range of built forms
- LVIA submitted takes a very positive perspective on the design, the AONB team does not agree with these. Particularly the conclusion that the proposal will have a major benefit on the AONB in the longer term is refuted
- Photography and montages do not appear to conform with the Landscape Institute's guidance
- Resolution is too low. Rendering of images does not appear to reflect a worst-case scenario in terms of reflectivity
- Evaluation of night-time effects may be needed based on the extent of glazing
- Very little information on effects on dark skies and mitigation through lighting design
- Proposed frontage to Ferry Road is too impactful and is less sympathetic than the previous design
- 3-storey villas and 4-storey apartments are too tall – villas are located in a relatively elevated position and should be limited to 2 storeys so that development to the rear is subservient
- Grouping of villas in a single terrace results in a single building that is too dominant, a more diffuse layout is needed
- Zinc standing seam roofing will result in heightened visual impacts as compared to traditional roofing materials
- Numerous PV panels could be changed to integrated PV or flexible PV strips
- Built development is being pushed towards the edges of the site leaving insufficient space for landscaping around the boundaries

Response to re-consult – Objection

- Landscape Strategy Plan is insufficient to demonstrate the proposal will sit comfortably within the situation
- Assessment of prevailing environmental conditions of green roofs must be undertaken. Clarification needed over requirements for an aesthetic vs biodiverse green roof
- Maintenance required for green roof
- LVIA images continue to lack usual information
- Amendment to apartments results only in a marginal improvement. Numerous other amendments would be needed (suggestions included)
- Amendments have not altered the foreseeable impacts of the proposals to the extent that the AONB Team would be able to support the proposal
- Revised Woodland Management Plan should be part of the planning application for consultees to review

National Trust

Initial Response

- The National Trust own the land surrounding Knoll Hill and lease this to the hotel. They also own some of the freehold for land within the red line boundary
- Accepts principle of redevelopment of the majority of the hotel site

- This scheme is more landscape led with a greater focus on sustainable design (compared to previous application)
- Reduction in number of residential units is supported (compared to previous application)
- Concerns about the overall scale of development
- Core of Knoll House Hotel still retains charm. Elements are being retained but are lost in the modern design
- Concern regarding zinc cladding
- Concerns regarding heights of buildings particularly four storey apartment building and three storey villas
- Concern regarding reliance on surrounding woodland for screening
- Green roofs would need careful specification and management
- Extent of glazing is a concern, any mitigation proposed needs to be integral to the design
- Not easy to establish what tree planting is proposed within the red line
- Woodland Management Plan needs updating
- Concerns regarding C3 uses and recreational impacts on heathlands
- Increase in surface water drainage to Pipleys Swamp thence to Little Sea SSSI/SAC not acceptable to NT
- Measures proposed as mitigation are enhancements on NT land (leased by the hotel). The Trust may agree to the implementation of some of these measures however it is not clear how they could be secured for the lifetime of the development
- The Trust cannot support the proposed dog-walking route
- Concerns regarding impacts of increased floorspace / reduction in car parking spaces on NT car parks and parking on public highways
- The Trust has significant concerns which need to be addressed before any re-development of the site can be undertaken

Response to re-consult

- Points raised in previous representation remain (by and large) relevant and applicable
- Welcome removal of fourth storey
- Welcome moving of surface water discharge but would want to see details, especially of any pipe route of infrastructure proposed on National Trust land
- Revised Woodland Management plan should be part of the planning application
- Not convinced reduction by 4 apartments and 4 staff makes a significant difference to effects on the surrounding heathland
- Other matters such as light pollution and change to the historic front elevation have not been addressed

Wessex Water – No objection

Highways – No Objection

- Transport statement is satisfactory and robust
- Conditions provided

Local Lead Flood Authority (LLFA)

Initial Response – Holding Objection

- Submitted drainage strategy will reduce greenfield runoff rates, which is welcomed
- Climate change uplift will need to be amended to 45% however it is not required to amend at this stage
- Satisfied that infiltration has been investigated and is not viable for this site
- Surface water discharge to pond proposed along with a pipe to reach this. The pond is not on land indicated as within the control of the applicant and so evidence is needed to demonstrate that the landowner will accept this. This information is needed before the surface water drainage strategy can be accepted as viable and deliverable
- Reduction in total impermeable areas is welcomed
- More information needed about on-site storage of water including an estimate of the storage volumes required, their locations and methods of storage, with a justification if any storage is below-ground

Response to re-consult – Holding Objection

- Details regarding location of discharge from the proposed surface water attenuation system still outstanding
- Following previous concerns regarding discharge across third party land the discharge location has been altered
- There are still unknowns regarding the surface water connection to an existing sewer and regarding the existing surface water sewer line
- LLFA have no record of a surface water drainage line at this location
- Further information needed regarding ownership/permissions, capacity and discharge

Landscape Officer

Initial Response - Objection

- Principle of appropriate redevelopment is supported however the proposal would not contribute to the projection and enhancement of the AONB
- Concerns regarding significant adverse landscape and visual effects resulting from the proposed scale and mass
- Very slight enhancement and local benefit to local character would be brought about by change from white render and improved quality of built form particularly rear buildings, however this is heavily outweighed by the significant adverse effects
- Detailed landscaping plan is needed for a full application
- LVIA needs to be updated to Landscape Institute standards
- Value of views along Ferry Road should be identified as at least 'high' (LVIA defines as 'low')
- Level of effects at viewpoints with 'high' sensitivity should be identified as having effects which are 'moderate' or 'large'
- Photography within the LVIA Appendix 6.4 does not appear to meet best practice standards
- Increased height and intensity of proposal is incongruent with the local area
- Cultural historical associations have not been sufficiently considered
- Retention of pine trees along the eastern boundary is fundamental to the development setting
- Landscape mitigation needs to be provided within the site – the LVIA acknowledges that adjacent woodland planting cannot be relied upon. The

Woodland Management Plan outlines major works to remove / replace significant quantities of existing planting

- Woodland Management Plan is focused on ecological improvement and does not seek to consider the function that the surrounding woodland provides in screening the hotel
- Proposed removal of 29 trees within site is concerning especially as this includes 19 large trees
- Extent of glazing is a concern regarding light pollution and impacts on the dark skies of the AONB

Response to re-consult – Objection

- Previous comments still relevant
- Proposal will still represent significant change in one the most sensitive landscapes nationally
- Concerns remain regarding scale and form of three storey villas and hotel, presentation to Ferry Road, amount of glazing and rootlights proposed
- Location of solar panels
- Rainwater harvesting and micro-SuDS should be considered

Comments on Landscape Strategy

- Shows green roofs in areas where the roof plan suggests a green roof will not be used
- Does not include details of proposed green walls
- Confirms concerns regarding location of new planting
- Lack of planting in the southern extent of the site, the previous (refused) application provided a much greater extent of planting here
- Impact of Ferry Road frontage is increased compared to previous (refused) application and would be unlikely to be fully mitigated by the proposed planting

Dorset Tree Officer – Not supported

- General agreement with comments from Landscape & AONB
- Anomalies in submission
- Trees widely acknowledged to make an important contribution to the character of the area
- Trees relied upon, to a considerable extent, to help to try merge the proposal into the setting
- Concern that damage/premature decline through direct and indirect effects is likely due to less than ideal growing conditions, their age and variable resilience to change, versus the magnitude of the development
- Arboricultural impact assessment uses minimum root protection areas
- An increase of space/undisturbed areas around trees would be beneficial as would more allowance for more effective and meaningful tree planting

Dorset Natural Environment Team (NET) Heathland Mitigation

Initial Response - Comments

- The proposal includes C3 holiday accommodation, and the NET Team cannot conclude that the visitor pressures on heathland will be the same as hotel type accommodation. Advice should be sought from Natural England.
- Staff could access the heath for recreation before or after work / at lunchtimes

- More clarity is needed on the number of dogs that would be allowed in new visitor accommodation
- Circular walk is less than 2.3km and is not necessarily a better option as it is unlikely people will want to let their dogs off lead close to the road and other people's leisure space
- Removal of existing direct access is welcomed
- Inclusion of a dog off lead area is appreciated
- Restrictions on number of dogs is welcomed seek advice on final figures
- Difficult to determine how much visitors would alter their time spent on heathland due to improvement in site facilities
- Conditions could secure information and engagement materials, as well as restrictions of C3 dwellings, if the application progresses

Response to re-consult – Objection

- Unsatisfied regarding the likely significant effects on the Dorset Heathlands. Agreement would be needed with Natural England

Dorset Natural Environment Team (NET) Biodiversity – comments

- Applicant has not engaged in the Dorset Biodiversity Appraisal Protocol for the current application
- The nightjar has not been included in the discussion of the baseline conditions despite being a qualifying feature of the adjacent Dorset Heathlands SPA, the effect on nightjar is therefore unknown
- Concerns regarding accuracy of baseline habitat assessment. Previous surveys at the site identified the grassland to the south of the hotel as dry acid grassland. The current survey shows this as semi-improved/amenity grassland. The existing habitat baseline is therefore likely to be higher than assumed in the submission. The stated 38.5% increase in habitat units should therefore be viewed with caution and not given substantial weight in decision making
- As lowland dry acid grassland has been erroneously excluded from the assessment of the baseline, the potential effects of the development on this habitat (of principle importance) are unknown. There are no details regarding protection of this habitat during construction and so at least temporary effects are likely.
- Much of the mitigation proposed in Chapter 7 of the Environmental Statement is not described in sufficient detail. For example, dark corridors are referred to but their nature is not described nor are they shown on any plans.
- Lighting mitigation and construction phase mitigation are also too vague to be relied upon
- Much of the mitigation and enhancement measures are off-site with no information regarding how these will be secured or managed long-term. These measures should therefore not be relied upon for decision making.
- Dog walking within proposed heathland creation areas is inappropriate
- Concur with Natural England regarding need for a lighting strategy to demonstrate that impacts on bats and nightjar from light spill onto nearby habitats is adequately avoided or mitigated.

Conservation Officer – Support

- Proposal will not harm any designated heritage assets

- Central core of the hotel is identified as a non-designated heritage asset. Other buildings and parts of the hotel are not considered to have heritage interest
- Proposal include demolition of the central core retaining only the front façade. The demolition will include the roof lantern. The faced would be altered by changes to insert balconies and new fenestration and would therefore bear little resemblance to its current form
- In general other aspects of the proposal are acceptable in heritage terms although design may be a consideration
- Site is in need of investment and currently includes tired buildings with little or no architectural or historical value
- The loss of part of the central core, plus the lantern, will be detrimental to such significance as is derived from its moderate architectural value and high associative value, though neither will be entirely lost through the development.
- The proposals will result in less than substantial harm to the non-designated asset's significance.
- Taking into account the need for a long-term sustainable future for the site and the relative significance of the heritage asset, the scale of harm or loss is considered supportable in this instance.
- However, as well as other conditions, a programme of building recording will be required in accordance with para. 205 of the NPPF

Economic Development Officer

Initial Response – Support

- Proposal would create a new high quality destination resort
- High quality year round tourism is the type of development which supports the Purbeck and Dorset economy
- Currently the hotel is only operated seasonally, with temporary staff on low pay and seasonal wages, this does not help the local economy and makes it difficult for employees to secure housing
- Training and career progression for staff would be welcomed
- Electric vehicle for transport to work welcomed
- Inclusion of villas would allow the resort to appeal to a wider range of visitors including families, a clientele that tend to spend more in the local economy that older retiree visitors

Response to re-consult – Support

- Context for the application is unchanged
- Area has a lack of both housing and tourist accommodation
- Many dwellings locally are used as holiday accommodation
- Redeveloping a brownfield site is the least damaging option and will require the least loss of protected or valuable habitat
- Taller buildings must be allowed on brownfield land
- One large building will have reduced heat and energy demands
- Continuously strong demand for housing and tourist accommodation in this area
- Spa, gym and pool will improve the leisure offer
- Application will provide local jobs
- Will increase guest spend although proportionately reduced by the reduction in guest capacity
- From a non-expert view impacts on the heathland appear to be immaterial

- Design matters are not normally concerns of economic development however economic development would welcome a 'transformative outcome at a gateway location'

Tourism Manager – Support

- Share views of Economic Development Team

Building Control Officer– Comments

- Fire safety plans and strategy must comply with building regulations
- All matters of fire safety and means of escape must be dealt with
- Satisfactory B-5 access needed for fire brigade
- Structural engineers package will be required

Dorset and Wiltshire Fire & Rescue Service

- Recommendations provided regarding fire safety matters that would be dealt with through building regulations

Rights of Way Officer – No objection

- Adjacent Bridleway SE 22/39 must be maintained to current or higher standards during construction and in the future.

Environmental Services – Comments

- A Construction Environmental Management Plan (CEMP) would need to be conditioned, to assess the impact of likely noise, vibration, dust and other pollution, and suggest mitigation and control strategies to protect nearby residents.

Housing Enabling Team – Comment

- The applicant has indicated a willingness to accept some form of holiday use restriction. With a restrictive condition in place the proposal should not need to provide affordable housing or a financial contribution.

Cllr Brookes (Ward Member) – Support

- Fully supports the application
- Aware of how much work the applicant has taken to address previous concerns
- Consultation has taken place with residents who are supportive
- Existing building is becoming obsolete and will become an eyesore

Studland Parish Council – Comment

- No objection in principle however concerned about the proposed C3 accommodation
- Any C3 use needs to be fully compliant with existing protections for the surrounding heathland to avoid a precedent being set which could compromise this

Representations received

Total - Objections	Total - No Objections	Total - Comments
6		3

Objections

- Does not address earlier concerns raised regarding previous application
- Impacts on sensitive area and national designations
- Resort cannot be absorbed by the capacity of the area
- Development out of keeping with local character
- Wessex Water have said that sewerage at Studland is at full capacity
- Increased traffic
- Insufficient parking
- Long standing public access have been permitted to informal footpaths it is unclear if this will continue
- Ecological surveys during the peak of one of the longest droughts in UK history are unlikely to be representative
- No long term plans to protect cliffs from erosion
- Unclear if hotel will remain dog-friendly
- Façade of hotel should be in Purbeck stone
- Trees not adequately protected

Support

- Improvements needed
- Economic benefits
- Will facilitate year round tourism
- Will create a landmark

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

- **Purbeck Local Plan Part 1** adopted 13 November 2012

Policy SD: Presumption in favour of sustainable development,

Policy LD: General location of development,

Policy SE: South East Purbeck,

Policy CO: Countryside

Policy D: Design,

Policy LHH: Landscape, Historic Environment and Heritage.

Policy BIO: Biodiversity and Geodiversity,

Policy DH: Dorset Heaths International Designations,

Policy PH: Poole Harbour

Policy IAT: Improving Accessibility and Transport.

Policy TA: Tourist Accommodation

Material Considerations

- **draft Purbeck Local Plan 2018-2034**

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). An additional consultation on Further Proposed Main Modifications is scheduled to open in December 2021 and close early in January 2022. The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the council's position following consultation on proposed Main Modifications and the scheduled consultation on Further Proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

E1: Landscape

E4: Assessing Flood Risk

E12: Design.

Other Material Planning Considerations

- **National Planning Policy Framework**

In particular:

Section 2: Achieving sustainable development,

Section 4: decision-making,

Section 9: Promoting sustainable transport,

Section 12: Achieving well-designed and beautiful places,

Section 14: Meeting the challenge of climate change, flooding and coastal change,

Section 15: Conserving and enhancing the natural environment,

Section 16 and enhancing the historic environment

Paragraph 182 “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 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.”

Paragraph 183 “When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

Footnote 64 to paragraphs 181 and 183 says,

“whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”

Paragraph 184 “Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 175), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.”

Paragraph 186. “When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

Paragraph 187. “The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

Paragraph 188. “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

- **National planning practice guidance**
- **British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.**
- **The Dorset heathlands planning framework 2020-2025 supplementary planning document adopted 31 March 2020.**
- **Poole Harbour Recreation SPD**
- **Nitrates SPD**
- **Dorset biodiversity appraisal and mitigation plan.**
- **Bournemouth, Poole and Dorset residential car parking study May 2011.**
- **Development contributions toward transport infrastructure in Purbeck guidance February 2013.**
- **Purbeck District design guide supplementary planning document adopted January 2014.**
- **Dorset AONB Management Plan 2019-2024**
 - C1 – The AONB and its setting is conserved and enhanced by good planning and development**
 - C2 – Landscape assessment and monitoring is effective and supports good decision making**
 - C4 – Development which has negative effects on the natural beauty of the AONB, its special qualities, ecosystem flows and natural processes is avoided**
- **Dorset AONB Landscape Character Assessment & Management Guidance 2019**
- **Jurassic Coast Partnership Plan 2020 - 2025**

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.

There is level access into all the buildings and information on gradients has been provided. A lift access is provided within the main hotel building and for the apartments. Accessible facilities are provided within the spa building, hotel and restaurant.

14.0 Financial benefits

Financial investment is proposed in the construction of the new hotel, when erected it is anticipated that the proposals will provide extra jobs and direct and indirect costs into the area.

Under the Community Infrastructure Levy (CIL) charging schedule in the ‘Charging Schedule and Priorities for Spending’ March 2014, for the former Purbeck area, C3 use is CIL liable. Based upon the demolished floor area and the new C3 use, the amount liable would be £1,186,416.42 (applicable to the proposed C3 use)

15.0 Environmental Implications

The application has been processed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The justification for the need for the Environmental Impact Assessment as scoped by the Local Planning Authority was the need to fully assess the impacts upon the Dorset AONB and ensure that there would be no adverse impacts upon either the heathlands or Poole Harbour.

16.0 Planning Assessment

The application has been processed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Principle of development

The site is located outside of the settlement boundary for Studland and therefore in planning policy terms is located in open countryside.

The supporting statements to Policy TA (Tourist Accommodation) of the Purbeck Local Plan Part 1 recognises the importance that tourist accommodation has to the former Purbeck area. Policy TA supports proposals providing they are consistent with Policy CO (Countryside).

Policy CO of the adopted local plan states that development will be permitted in the countryside where it does not have a significant adverse impact either individually, or cumulatively on the environment visually, ecologically, or from traffic movements.

The policy also requires that alterations and extensions to buildings should not be disproportionate over and above the existing building and not detract from the character and setting of the original building.

The majority of the existing buildings on site would be demolished, retaining only the façade of the central historic part of the building. The applicant has identified the total GEA floorspace as 15,813 sqm (of which 2617sqm are apartments, 876sqm is villas, 4867sqm is hotel and 1740sqm the spa, 906sqm is below podium/plant/tank/deck car park), this compares with GIA 6,050sqm floorspace at present and 14,386sqm for the previous (refused) scheme.

The redevelopment pursues a significant increase in scale, with floorspace proposed to increase by approx. 9763sqm - 160%. This growth is achieved by increasing the height of the new buildings, adding basement/lower ground floorspace, and by utilising areas where buildings are not presently located, within central and peripheral parts of the site area. The proposals therefore seek a significant intensification and expansion, both upwards and outwards, with some buildings and structures being proposed in very close proximity to the site boundary.

The scale of the development is significantly greater than the existing hotel buildings.

As part of the redevelopment a number of self-catering units are proposed. The proposal would include a Hotel and Spa classified as C1 hotels. New accommodation in the 2 and 3 storey villas, as well as the apartment block attached to the main hotel building, is sought by the applicant to be provided as C3 dwellinghouses. The Dorset Heathlands Planning Framework 2020 – 2025 SPD restricts C3 dwellings within 400m of the heathlands, as is the case here. This is considered further under 'Impact upon National, European and International protected sites including SSSI, SPA, SAC, Ramsar' but the proposal is contrary to the adopted SPD in this respect.

The hotel is tired looking and in need of an update. The principle of providing an enhanced hotel and visitor facilities is in principle supported. Policy TA relates to Tourist Accommodation and states that extensions / alterations to existing

accommodation should ideally be located within towns or key / local service villages or in accordance with Policy CO. Policy CO relates to the countryside, whereby locations outside settlement boundaries are classified as being located in open countryside. Development in the countryside will be permitted where it does not have a significant adverse impact on the environment, visually or from traffic movements and subject to a number of criteria. The criteria include the extension to a rural building or expand an existing employment site. Therefore, policy in principle could accept an alteration to the hotel. However, the scale, massing design and impact upon the AONB has to be proportionate. Also, there must be no additional impact upon protected sites (SSSI, SPA, SAC, Ramsar).

In assessing all the above, and taking into account further assessments below on the impact on the AONB and protected sites, the proposals which substantially increase the size and impacts of the development fail to comply with Policy CO.

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

The National Planning Policy Framework (NPPF) attaches great importance to achieving well-designed and beautiful places and states that good design is a key aspect of sustainable development (paragraph 131). The issue of design goes beyond the visual appearance and architecture of individual buildings, it also relates to the layout and density of development and how new development fits into the existing built environment.

Paragraph 135 of the NPPF requires that planning decisions ensure that development functions well and adds to the overall quality of the area, are visually attractive, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create safe, inclusive and accessible environments. Purbeck Local Plan Part 1 Policy D: Design generally requires new development and other works to positively integrate. Further broad design guidance is provided by the Purbeck Design Guide Supplementary Planning Document (SPD).

The original hotel on the site was a small modest building with a colonnade and roof lantern. Over the years there have been numerous extensions and alterations which have fundamentally altered the overall appearance of the building. However, the majority of the current buildings on the site are 2 storeys in height with buildings respecting the contours of the land, with higher buildings at lower parts of the site.

The proposed plans significantly increase the amount of built form on the site and significant earthworks would take place to facilitate the proposal. The roofline, particularly along Ferry Road, would no longer reflect the underlying land levels but rather be generally continuous along the length of the frontage, with increases in height either side of the retained façade. This approach results in a much more dominant scale of building at the northern end of Ferry Road. It also reduces the prominence of the retained façade in comparison to the existing buildings.

To the rear of the site a mass of three storey terraced villas is positioned at the uppermost point of the site, with earthworks taking place to provide a consistent ground level and provide under-croft parking. These villas introduce bulk and height in a part of the site which is currently predominantly without built form. Submitted images demonstrate that the three-storey villas would be a prominent feature rising above development in the foreground when viewed from the adjacent PRow.

Some of the existing buildings on the southern boundary of the site (spa and pool, garden suite) are currently single storey and the taller parts of the development are seen against the backdrop of trees to the north and west. The proposal includes development along all boundaries of the site and introduces new relationships between development and the countryside, particularly regarding the southern boundary which adjoins open countryside and is highly visible from an adjacent PRow.

Similarly to the approach taken along Ferry Road, it is proposed to build a tiered car park along the southern boundary which would essentially level the 'ground floor' within the site (with a second tier of parking underneath. This would raise parking above existing ground levels to the south-west of the site where the tiered parking would be enclosed behind an approx. 4.4m (max) 'green wall'. The approach along the southern elevation of the site would increase the scale and bulk along this edge. It is understood that the applicant intends to reprofile the southern edge of the site to mitigate the changes in levels proposed, however there are insufficient details provided regarding these, and the proposed 'green wall'.

The proposed development will result in a much more urban character, with significant levels of glazing. Concerns have been raised regarding the effects of this in terms of glare and light pollution. While the buildings may be architecturally interesting, their character does not fit their rural context. The addition of balconies, terraces, swimming pools and vehicle movements adjoining the adjacent countryside to the south will intrude upon the rural character of the hotel's surroundings.

During the course of the scheme, the proposal has been amended in an attempt to address concerns raised over the impact of the development on the surrounding area but these changes, whilst securing some improvements to the design, have not adequately addressed officer concerns regarding the increased scale and form of the scheme or its impacts beyond the site. Concerns remain regarding the impact that a development on this scale will have on the AONB and protected habitats. For these reasons the application remains contrary to policy CO of the Local Plan.

In addition, the details regarding the proposed landscaping within the site are considered so poor as to require a reason for refusal. Landscaping is not a reserved matter yet landscaping details have not been submitted. The submitted Landscape Strategy does not extend to the full extent of the site and excludes an area of land to the south in a very sensitive position adjoining open countryside. Earthworks are

proposed in this area and no details of these have been submitted. Even were landscaping a reserved matter the submitted Landscape Strategy would not be considered acceptable for a proposal of this scale and nature in this location.

There is also insufficient information regarding proposed trees in terms of species, concerns around their positioning and relationships with features such as retaining walls. It is not considered that these matters can be addressed through a condition, particularly given the sensitive location of the site, and so in this respect the proposal is contrary to Policies D and LLH of the Purbeck Local Plan.

Impact upon the Dorset National Landscape

The application site is also located within the Dorset National Landscape (Dorset Area of Outstanding Natural Beauty). National Landscapes 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.

Paragraph 182 of the NPPF (2023) states that; *“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 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.*

Paragraph 183 of the NPPF states;

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

Footnote 64 to paragraph 182 and 183 states,

“whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”

The Planning Practice Guidance (Paragraph: 041 Reference ID: 8-041-20190721) also advises that The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty.

All development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality. Where applications for major development come forward, paragraph 183 of the Framework sets out particular considerations that should apply when deciding whether permission should be granted.

There is no definition as to what constitutes major development within the AONB, it is down to the decision maker to make that assessment. Case law has confirmed that the local planning authority should have regard to specific factors, such as scale, character, and location of a proposal. It also suggests that the definition in the Town and Country Planning (Development Management Procedure) Order 2010 is too prescriptive and that rather any development needs to be construed in the context in which it appears. Therefore, the decision whether something is major development within the AONB is down to the facts and degree of each individual case. The same or similar development in different locations within the same AONB may result in different conclusions as to whether a proposal was major development.

The size of the development is not the defining factor as to whether an application is major, but rather its impacts. The previous scheme at this site was considered by the Council to be major development in terms of its impacts on the AONB. The impacts of this proposal are very similar, as is the total quantum of floorspace that would be delivered as part of the development. Officers consider that the current proposal is major development within the AONB.

All three aspects of the test in Paragraph 183 (a-c) of the NPPF must be adequately addressed if major development in an AONB is to be acceptable. Consideration of the previous (refused) scheme concluded that that proposal would have significant negative impacts on the AONB, and that there were no exceptional circumstances or public benefits which would warrant its approval, hence that application was refused.

An assessment has been made of the current proposal against the three tests in the NPPF, noting that despite a change in the design, the impacts and benefits remain very similar.

The site is located within the South Purbeck Heaths character area of the AONB, with the chalk escarpment of the Purbeck Ridge to the south creating a clear view of the site from further afield.

Submitted with the application is a Landscape and Visual Impact Assessment (LVIA). Further addendums to this were submitted during the course of the application (July 2023). These have been assessed by the Council's Landscape Officer and the AONB team, who have both raised concerns regarding the quality of the assessment. In particular, the assessment does not appear to meet the guidance of the Landscape Institute, the photomontages are of low resolution and materials and finishes are not accurately represented. The assessment does not seem to have allowed for the planned removal of trees to the western edge of the site, nor for the tree reduction proposed in the Woodland Management Plan.

The assessment of impacts is also a concern, with the value of views along Ferry Road identified as 'low' despite this being a bridleway. The effects of change are also under-represented. Overall, the impacts are assessed in a very positive light within the LVIA, which finds that the proposal will have a major positive impact on the AONB. However the assessment of impacts by other qualified professionals and bodies including the Landscape Officer, AONB Team and Natural England identify the majority of impacts as being adverse.

Further, it is not clear from the submission that all the mitigation recommended within the LVIA forms part of the proposals. The submitted Landscape Strategy does not extend to the southern boundary of the site, despite this being one of the most sensitive areas. The LVIA states that adjacent woodland cannot be relied upon for screening yet the proposal does not include sufficient space for on-site mitigation.

In response to comment from the AONB and the Landscape Officer on the amended proposals (and landscape addendums), the applicant submitted further rebuttals and responses. However, there was insufficient time to consult on these documents within the scope of agreed timeframes. It is not considered appropriate to extend the life of the application to consider these rebuttals.

Due to its size and scale and impact upon the AONB, Officers consider that this development, for the purposes of NPPF Paragraph 182 and 183 would constitute major development and therefore the 3 tests, need to be fully assessed as part of the determination of this application.

The report therefore details each of the three criteria to assess the impact this major development will have upon the AONB.

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

The submitted Environmental Statement includes a chapter on Socio-economic impacts, which identifies the following economic benefits of the development. This has not been updated following the reduction in 2-bed apartments from 20 to 16 however it is considered the impacts of this reduction would be low and so the impacts identified remain relevant.

Gross direct impacts

The headline economic impacts on the site and the impacts supported by supply chain spend and visitors' spending in the local economy are:

- £65 million spend on construction generating some 265 person-years of employment in the construction industry, with one person-year equivalent to one Full Time Equivalent (FTE) job for one year. This level of construction investment would generate a total of approximately £9.4 million in wages which is a one-off wage impact during the construction of the hotel.
- 152 jobs to be generated in the operation of the hotel (an increase of 86 jobs from the current 66) generating £2.9 million of wages and circa £5million of Gross Value Added (GVA) per year
- 21 jobs supported by £3.3 million of supplier spend, generating more than £500,000 of wages and over £1 million of GVA per year. An increase from six jobs at present
- £2.3 million of spend outside of the hotel by visitors every year, supporting approx. 59 jobs

Net additional local impact in Purbeck

These figures reflect the impacts as stated by the applicant of what would happen anyway if there is no redevelopment, any impacts that end up outside of Purbeck, and any displacement from the figures stated above, and then add in an allowance for the local multiplier impact:

- 123 person-years of employment in construction, generating £2.2 million of net additional wages and £12 million of net additional GVA in Purbeck
- Up to 129 net additional jobs in the operation of the hotel, generating £2.3 million of net additional wages and £4.2 million of net additional GVA in Purbeck every year
- 4 jobs supported by supplier spend, generating £100,000 of wages and £203,000 of GVA
- Over 46 net additional jobs in Purbeck supported by visitors' spend outside of the hotel

The proposals would therefore provide a large amount of inward investment during the construction work, but also when finished a great deal of investment to the area through increased visitor numbers and them spending in the area.

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;

The second criterion requires an assessment on whether this development could be located outside of the AONB.

The prime reason for this proposed resort is the location. The whole of the southern part of the area, broadly south of Wareham and Wool, is located within the AONB. Given that there is already an existing hotel on the site, it is unreasonable to insist of the development being located outside the AONB. This being the case, the development could not be located outside of the AONB and the second NPPF test is considered to have been satisfied.

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

The third criterion is an assessment on whether an impact upon the AONB can be mitigated. During the course of the application amended plans have been submitted altering the proposed layout.

These changes include the reduction in the height of the apartment block from 4 storeys to 3 storeys, clarification regarding the proposed materials particularly the zinc cladding, and submission of a Landscape Strategy.

Offsite mitigation is proposed in the form of adjacent woodland, this planting is on land outside the applicant's ownership (on land owned by the National Trust). This could with the agreement of the freeholder be secured through a legal agreement. However, it is accepted that the submitted Woodland Management Plan needs updating, and consultees including the AONB Team and Natural England have advised that an amended plan would need to be at the application stage to inform the assessment.

Overall, the application does not conserve or enhance the character and appearance of the Dorset AONB. Instead, the application generates significant adverse effects, due to increase in built form, including upon Special Qualities that underpin the AONB's designation. For this reason, considers that the application conflicts with those policies C1, C2 and C4 of the AONB Management Plan.

The AONB Management Plan highlights the special qualities that make it a unique and outstanding place. The AONB officer, supported by Natural England considers that the development proposal could foreseeably adversely affect a number of these qualities, particularly those that are strongly expressed in the area in which the site is located. The following Special Qualities are considered to be particularly susceptible to harm from the proposal:

- Uninterrupted panoramic views to appreciate the complex pattern and textures of the surrounding landscapes
- Tranquillity and remoteness

- Dark night skies
- Undeveloped rural character
- An exceptional undeveloped coastline
- Wildlife of national and international significance

In assessing all the above, officers consider that the proposals would have an adverse impact upon the AONB, and the AONB officer concurs with this assessment.

There would be an adverse impact upon the character of the landscape, it is considered that the proposal can be classified as 'major' development in the AONB, and there are no exceptional circumstances or public benefits which would which would warrant its approval. For these reasons the proposal fails to comply with Policy LHH of the Purbeck Local Plan Part 1 and form a recommended reason for refusal.

Impact upon the Dorset Heritage Coast

The site lies within the Dorset Heritage Coast. Whilst named 'coast', parts of the heritage coast can extend in land up to 5km. In the case of the application site the heritage coast extends inland to west to Foxground Plantation, near Rempstone. It includes all of Studland Heath, Godlingston Heath and Ballard Down

The Government website details that; *Heritage coasts are 'defined' rather than designated, so there isn't a statutory designation process like that associated with national parks and areas of outstanding natural beauty (AONB).*

They were established to conserve the best stretches of undeveloped coast in England. A heritage coast is defined by agreement between the relevant maritime local authorities and Natural England.

Heritage coasts were established to:

- *conserve, protect and enhance:
the natural beauty of the coastline
their terrestrial, coastal and marine flora and fauna
their heritage features*
- *encourage and help the public to enjoy, understand and appreciate these areas*
- *maintain and improve the health of inshore waters affecting heritage coasts and their beaches through appropriate environmental management measures*

- *take account of the needs of agriculture, forestry and fishing and the economic and social needs of the small communities on these coasts*

The protection of Heritage Coasts is detailed in the NPPF at paragraph 178. This states that; “*Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 175), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.*”

Paragraph 181 requires plans to distinguish between the hierarchy of international, national and locally designated sites and to allocate land with the least environmental or amenity value and enhance habitats. As mentioned elsewhere in this report the site is covered by a multitude of international and national sites. However, the last sentence is of key importance to the consideration here. In the last section (Impact upon the AONB) the assessment of major development was made and similar points are reiterated here in relation to the proposals scale, mass and form. Heritage Coasts are designated to preserve their special character. The proposals fail to respect the character of the Heritage Coast. As such the proposal further fails to comply with Policy LHH of the Purbeck Local Plan Part 1 and paragraph 184 of the NPPF.

Impact upon Trees

The proposed retention / removal of trees in terms of which are proposed for retention is very similar to the previous application, no objection was made to the removal of the identified trees at this time and this remains applicable to this proposal. However, the Council’s Tree Officer has identified concerns regarding the submitted Arboricultural Impact Assessment. This uses minimum root protection areas which may be inappropriate given the varied levels on site and the extent of groundwork required.

Insufficient details have been submitted to demonstrate that it is possible to implement the proposals without damage to trees. Additional design details would be needed particularly where areas of excavation or fill are proposed. As submitted, the lack of evidence adds weight to the concerns regarding landscape impacts, as there is doubt regarding the deliverability and long-term retention of mitigation. This is contrary to Policy LLH of the Purbeck Local Plan.

Impact upon National, European and International protected sites including SSSI, SPA, SAC, Ramsar

The application site lies within 400m of heathland that is designated as the Studland and Godlingston Heaths Site of Special Scientific Interest (SSSI). The SSSI is a

constituent part of the Dorset Heathlands Special Protection Area (SPA) and Dorset Heaths (Purbeck and Wareham) and Studland Dunes Special Area of Conservation (SAC) on account of the nature, rarity and diversity of the habitat types and species present. The heaths are also a component of the Dorset Heathlands Ramsar site.

The application site is also within close proximity of the Poole Harbour SPA and Poole Harbour SSSI which is designated on the basis of the nature, habitat and species present.

Dorset Heathlands

Policy DH of the Purbeck Local Plan states that Residential (C3) development that would involve a net increase in dwellings will not be permitted within a 400m buffer around protected heathland. C1 uses are likewise restricted however the existing C1 use means there would not be a net increase in bedrooms (however the floorspace of the C1 use would increase). The Dorset Heathlands Planning Framework SPD advises that additional residential development within 400 metres of the Dorset Heathlands is likely to have a significant effect upon the designated site, either alone or in combination with other developments and that this cannot be mitigated.

Natural England's objection to the application on HRA grounds is fundamentally on the basis of the net increase of 44 C3 units within 400m of the Dorset Heathlands European Site leading to a net increase in recreational pressure. Natural England also raise concerns about this being contrary to the Purbeck Local Plan Part 1 Policy DH which does not permit additional C3 use within 400m of designated heathland sites.

Officers have reviewed relevant planning appeal decisions and case law where the use class classification of serviced accommodation, such as apartments, has been considered. These have regularly been found to fall within the use class C1. The archived Circular 03/2005 (replaced by the PPG in 2014) nonetheless, provided helpful advice on interpretation of the Use Classes Order. This stated that 'short-term (i.e. purchased at a nightly rate with no deposit against damage being required) self-contained accommodation, sometimes called Apart-Hotels, will also fall into [C1] class'.

This was discussed with the applicant, who declined to change the application to classify their proposed apartments and villas as C1 and seek permission for such. As such, this possibility has not been assessed further and it is unknown whether such a proposal would be acceptable. Given the comments from Natural England that the important consideration is 'how the facilities operate' it is recommended that the applicant seek to enter into pre-application discussions as part of a new application should they wish to explore this issue further.

Since the last application, additional survey work has been carried out by the applicant. It is noted that Natural England objected to the survey work submitted with the previous application for several reasons, however the new guest / visitor survey information is considered more robust and accurate. A staff questionnaire has also been submitted.

The guest survey confirms that 53-56% of guests visit the nearby heathlands and 97-100% visit the beaches especially Knoll Beach with 23-25% visiting Poole Harbour. The report shows that guests access a significant part of the designated heathland sites with only the most western areas less accessed which is reflected in 57.9% spending 1-2 hours on a visit. Visitors had a high level of dog ownership with 20 dogs recorded across 18 questionnaires (24%).

The applicant has put forward a case that an exception to Policy DH and the Dorset Heathlands SPD should be made, due to the projected decrease in overnight occupancy at the site. The applicant points to the total capacity for overnight guests plus live-in staff, as well as the number of hotel/staff bedrooms. Regarding bedrooms at the hotel, there is presently no condition or restriction on how these are occupied, with all being in C1 use, and so it is considered each bedroom constitutes a hotel bedroom regardless of whether it is currently being used to accommodate guests or staff.

To consider the impacts of the proposal on occupancy rates regard has also been had to the Dorset Heathlands SPD which identifies average occupancy rates of 1.65 people for flats and 2.42 people for houses. One hotel bedroom is classed at the same rate as one flat, 1.65 people.

A precautionary principle has been taken to understanding occupancy rates, as is appropriate given the Habitats Regulations. As such the potential increase in occupancy has been tested against multiple approaches to this calculation. The following table summarises the findings.

		Existing hotel	Refused scheme (6/2018/0566)	Current proposal
Applicant's submitted evidence	Overnight guests	273	324	280
	Live-in staff	66	-	-
	Live-out staff	Minimal	129	152
	Overnight Capacity	339	324	280

Use Class C1	Hotel bedrooms	106	30	30
	Staff bedrooms	57	-	-
Use Class C3	2 bed apartments	-	39	16
	3 bed apartments	-	2	2
	2 bed maisonettes	-	16	-
	2 bed villas	-	2	6
	3 bed villas	-	4	20
Total number of bedrooms across use classes		163	162	140
Total occupancy based on Dorset Heathlands SPD (bedroom/apartment uses rate for a flat= 1.65 people per unit, maisonette/villa uses rate for a dwelling = 2.42 people per unit)		269	170	142

All methods of calculation point to the total overnight occupancy rates at the hotel being less than currently present on the site. The staff will no longer be accommodated on-site but their numbers will be considerably greater. Not included in the above assessment, as figures are not available, are the total numbers of additional daytime guests expected at the hotel to use the restaurant and spa facilities.

The extensive evidence underpinning the Dorset Heathlands Planning Framework finds that the recreational pressures arising from C3 residential uses within 400m of the heathland, in particular disturbance and predation, act together synergistically to result in effects which are greater in magnitude than each individual effect. Residential development is not permitted within 400m of the Dorset Heaths European Site as these impacts cannot be adequately mitigated given the magnitude of the impacts.

The submitted Shadow HRA starts from the premise that there will be no change in the type of development proposed – that the proposal is a hotel complex. However, the application is not for a hotel complex, it proposes a mixture of hotel accommodation and dwellinghouses.

When scoping potential pathways for effects, The Shadow HRA states that ‘an appropriately worded planning condition could be implemented to ensure that usage of the accommodation would only be permitted under usage of the hotel, to prevent any separation of the C3 units from the hotel complex and any potential residential usage of the buildings’. On this basis it concludes there would not be any adverse effects on SAC/SPA/Ramsar or SSSI designations (when considered either alone or in combination with other plans and projects) and that no mitigation measures are considered necessary.

In accordance with *People Over Wind & Sweetman v Coillte Teoranta* (Case C-323/17) mitigation must be discounted when considering whether a proposal will have a likely significant effect i.e. at the Scoping stage. Mitigation can only be considered at the Appropriate Assessment stage. The referenced planning condition restricting the usage of the C3 units is clearly intended as mitigation for effects arising from an unconstrained C3 use. In considering this mitigation during the Scoping stage the Shadow HRA is fundamentally flawed.

Dorset Council has carried out its own HRA Screening discounting any mitigation, concluding that the application will have a likely significant effect on the Dorset Heaths and Poole Harbour European wildlife sites. The full Screening assessment is provided at Appendix A.

Despite screening out the proposal, the Shadow HRA nonetheless goes on to an Appropriate Assessment, with ‘enhancement measures’ considered. The following table identifies these measures, along with Natural England’s specific comments on each measure. Given the findings of the Council’s HRA Screening it is necessary to consider whether these measures, in addition to the proposed condition restricting the C3 uses, could adequately mitigate the identified impacts.

Shadow HRA proposed enhancement	Natural England’s comments
An overall reduction of total maximum occupancy of the hotel complex and likely subsequent reduction in nutrient and recreational impacts	This has been queried given discrepancy at Annex 4 which identifies the number of hotel guests increasing
The promotion of a circular walk to encourage guests away from sensitive European sites	The proposed circular walk is noted as a deliverable mitigation measure, the route is likely to be shorter [in length] in practice than indicated due to topography in the woodland area.
Removal of an existing direct access point to the heathland from within the Wider Study Area woodland;	The access point closure is not likely to be deliverable because the land abuts Open Countryside and access

	may not be prevented – this must be considered uncertain.
Provision of a new enclosed dog-walking area	The enclosed area for dog exercise/training is appropriate and may be deliverable – Natural England note that the land owner has objected which leads to uncertainty. In addition the applicant is indicating on Plan 2 that this would be within an area of restored heathland which would be inappropriate. This remains unresolved.
Restrictions on numbers of rooms with dogs	It is understood that the applicant would control dog access in all the hotel rooms but it is not stated in how many of the apartments/villas this would be the case. The control mechanism is unclear and hence this must be considered uncertain.
Reinstatement of former mire along Wider Study Area boundary	The proposal to restore a functional wetland/mire lies in land controlled by the National Trust. I understand this would accord with their intentions and so may be secured through a S106.
Vast improvement of onsite facilities providing greater attraction for guests to remain onsite	

There are concerns from Natural England regarding the adequacy and effectiveness of the proposed mitigation/enhancement. The proposals are insufficiently developed to be certain regarding their impacts. In any case, the Dorset Heathlands SPD, which is a strategy underpinned by substantial evidence, has identified that ‘additional residential development within 400 metres of the Dorset Heathlands is likely to have a significant effect upon the designated site, either alone or in combination with other developments and that this cannot be mitigated.’

It is further noted that the Dorset Heathlands SPD further states that, in order for an appropriate assessment in the 5km area to be able to conclude that there is no adverse effect on the integrity of the Dorset Heathlands, it is necessary to control the type of development that is permitted within this 400 metre area.

Development that is not permitted within 400m includes a net gain in residential dwellings in C3 use class, as well as self-catering holiday accommodation. While the SPD allows for consideration on a case-by-case basis, the impacts arising from C3 uses are clearly covered in the SPD. However, the proposal does include complexity as in addition to a net increase in C3 uses it includes a net decrease in C1 bedrooms, albeit not a net decrease in C1 floorspace. This is a consideration unique to this proposal.

Natural England have raised concerns regarding the potential increase in (non-resident) staff working at the hotel. The staff survey has identified a high level of access to the surrounding designated heathlands (80.8%) and Poole Harbour (57.7%). It is considered that the existing level of visits by staff reflects their live-in status and likely that live-out staff may make less trips on an individual basis related to their place of work. However, whatever mitigation measures are put in place it is unlikely that these would reduce staff visits to zero.

In general, the development of employment uses is not restricted within the 400m zone and does not form part of the strategy for avoidance of in-combination effects on the heathland. However, the consideration of the proposal on a case-by-case basis must apply to all aspects of the scheme - not only to the change in accommodation but also to the increase in staff numbers. Natural England have advised that the impacts arising from the increase in staff cannot be discounted on this occasion.

Consideration has been had to proposed restrictions which could be placed on the C3 accommodation, through planning condition or obligation. This applicant has proposed to restrict the C3 units to holiday accommodation, and also to restrict their sale as individual units referencing an existing covenant on the site. However, the evidence underpinning the Dorset Heathlands SPD which has found that C3 uses cannot be effectively mitigated within 400m of the SPA. This applies both to unrestricted and holiday accommodation. A condition restricting the C3 units to use for holiday accommodation would not provide adequate mitigation.

Regarding pet ownership and accommodation of pets within the hotel and C3 units, the proposed mitigation and restrictions have been assessed and found not to provide appropriate mitigation. In general, the restriction of pets within C3 units is not considered appropriate as mitigation for impacts on heathlands, as the local authority does not have the means to monitor or enforce such conditions. This is a position which has been upheld at appeal.

A different approach is taken to C2 care homes, where these constitute a single planning unit. Conditions are placed on these uses to prevent pet ownership and the managers of the facility are required to monitor this and prevent any residents or visitors bringing pets onto the premises. Such uses are tightly controlled in terms of

visitors and monitoring of residents and the use of the building. While there could be a degree of monitoring and oversight of the proposed C3 uses by a site manager (subject to obligations including restricting sale of the units) it is not considered monitoring would be at a level which would provide effective mitigation, nor would the local authority have capacity itself to monitor and enforce against pet ownership.

These factors have been taken into consideration in carrying out the Appropriate Assessment in respect of effects on the Dorset Heathlands. This has concluded that likely significant effects cannot be mitigated.

Dorset Heaths

The Appropriate Assessment also considers the impacts on the discharge of surface water into Little Sea and Piplely Swamp, part of the Dorset Heaths (Purbeck and Wareham) and Studland Dunes Special Area of Conservation (SAC). This concludes there is insufficient information to demonstrate that this discharge would not have adverse effects.

An alternative strategy has been put forward by the applicant to discharge into a surface water sewer, however insufficient details have been provided regarding the sewer (which is not known to the Lead Local Flood Authority) in terms of its route, ownership and capacity. There is no certainty that an acceptable solution is available and deliverable.

Mitigation arising from air quality of the Dorset Heathlands SPA and Dorset Heaths (Purbeck and Wareham) and Studland Dunes Special Area of Conservation (SAC), could be secured through the Dorset Heathlands Interim Air Quality Strategy 2020-25 SPD. Contributions would be through the Community Infrastructure Levy (CIL).

Nightjars

Regarding functionally supportive habitat, a likely effect was identified arising from impacts on nightjars, the Appropriate Assessment has considered the mitigation proposed by the Shadow HRA in the form of lighting, which could adequately mitigate the impacts and be secured by condition.

Poole Harbour

Mitigation arising from recreational pressures on the Poole Harbour SPA/Ramsar, could be secured through the Poole Harbour Recreation 2019-2024 SPD. Contributions would be through the Community Infrastructure Levy (CIL).

Conclusion

Dorset Council has carried out an Appropriate Assessment (Background Document 1), assessing the impacts of the proposal. This finds that adverse effects on the integrity of the Dorset Heathlands SPA/Ramsar and Dorset Heaths SAC would arise from the proposal.

The applicant has not put forward a case for consideration of this site as an exception under the Habitats Regulations. Alternative solutions have not been submitted. It is not considered that the proposal is imperative or has overriding benefits for the public which would outweigh or justify the risk of harm to the Dorset Heathlands and Dorset Heaths.

The proposal is therefore contrary to Policy DH of the Purbeck Local Plan, to the Dorset Heathlands SPD, and to the Habitats Regulations, forming a reason for refusal of the application.

Impacts on Biodiversity

Purbeck Local Plan Policy BIO requires that new development proposals should incorporate opportunities for biodiversity in and around the development. NPPF paragraph 174 states that planning decisions should enhance the natural environment by protecting sites of biodiversity value and providing net gains for biodiversity.

Natural England raised concerns regarding the adequacy of the submitted survey data. The applicant provided further clarification which reduced these concerns however the Dorset NET Team continue to have concerns regarding the accuracy of the submitted Biodiversity Net Gain (BNG) calculation and the level of detail provided to demonstrate how mitigation will be delivered.

The applicant has not completed the Biodiversity Appraisal Protocol (BAP) which requires a Biodiversity Plan (BP) to be agreed with Dorset Council's Natural Environment (NET) Team demonstrating how mitigation, compensation and net gains for biodiversity will be secured. While Policy BIO does not prescribe that the protocol must be followed, this provides applicants with a means to ensure that their ecological proposals are acceptable in advance of, or alongside, submission of a planning application.

Details of existing and proposed habitats, along with a completed DEFRA biodiversity metric, have been provided within the submitted Environmental Statement (Appendix 7.1, Annex 7.2). However, the Dorset NET Team have identified multiple shortcomings in the information submitted. In particular, the failure to include known species of importance (nightjar) within the ecological baseline, the failure to identify known priority habitats on the site (lowland acid grassland), and inadequate details regarding proposed mitigation measures.

The poor submission and lack of a BP is contrary to policy BIO and the aims of NPPF paras 174 and 180. This forms a reason for refusal of the proposal.

The impact of the proposals on the significance of heritage assets, including any contribution made by their setting

Designated Heritage Assets

The proposed development is considered to have the potential to affect the significance of designated heritage assets through impacts on their setting, specifically two Scheduled Monuments and two Listed Buildings.

The Council has a statutory duty under section 66 (1) (when considering whether or not to grant planning permission) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to have special regard to the desirability of preserving a listed building or its setting and any features of special architectural or historic interest it possesses.

Both Listed Buildings and Scheduled Monuments are considered to be 'designated heritage assets' in the NPPF and therefore any impacts on their significance, including any contribution made by their setting, are to be assessed under its provisions, in particular paras. 199-205. The Framework requires that 'great weight' be given to their conservation and the more important the asset, the greater the weight should be. Applying this 'great weight' and the process for assessing significance and harm in the Framework is established to be consistent with performing the statutory duty above.

The assessment for the potentially affected designated heritage assets is scheduled below (where necessary, assets are grouped for convenience):

- Bowl Barrow 100m northwest of Studland Bay (Scheduled Monument, 1014298) and Bowl Barrow west of Studland Bay House (Scheduled Monument, 1014297)
 - The contribution of setting to the significance of these assets may be summarised as comprising their spatial, functional and likely visual relationship to the dispersed barrows and barrow groups over Godlingston Heath (all likely to be of Early Bronze Age date), as well as their topographical relationship to areas of high ground around what was likely a waterlogged, marshy area at that time. The development is not considered to impact upon these identified elements and therefore no harm will result to their significance;
- Pillbox, northeast of Knoll House Hotel (Grade II, 1411819) and Pillbox E of Knoll House Hotel (Grade II, 1411815)
 - The contribution of setting to the significance of these assets may be summarised as comprising their spatial and functional relationships to

one another and other military installations forming part of the coastal defence network in Studland of c. 1940, and their spatial and visual relationship with the sea itself. The development is not considered to impact upon these identified elements and therefore no harm will result to their significance.

Non-Designated Heritage Assets

Though not having statutory protection, the effect of an application on the significance of non-designated heritage assets should be taken into account in determining applications. The hotel is considered to be a non-designated heritage asset, owing to its having a degree of heritage significance meriting consideration in planning decisions. These interests comprise:

- architectural interest and rarity: the central part of the front range (the original historic core) is of a somewhat unique and eclectic architectural form, but with distinct Arts-and-Crafts influence. Particular features of note include a full-width veranda, whose stone Doric columns support two prominent ‘floating’ gables, and a prominent central lantern; all of which inextricably link the design of the building to the sea views to the E;
- historical interest deriving from numerous associations:
 - with the Bankes family of Kingston Lacy and their wider Dorset estates; the building was constructed in the period 1901 - 1921 as one of several holiday homes for the Bankes family and was described by Viola Bankes in later life as a ‘remote retreat in pine woods close to the sand dunes’;
 - with the author, Enid Blyton who is known to have been a frequent visitor to the hotel in the 1950s and 1960s and who is believed to have written some of her novels there, or at least taken inspiration from the surroundings and local people for places and characters;
 - with the surrounding military installations as the hotel was requisitioned during the Second World War for troops engaged in erecting these defences as well as rehearsals for the D-Day Landings;
- the following elements of **setting** are considered to contribute to the asset’s significance:

- its topographical position on a small hill over the heath (the eponymous 'Knowl Hill') and the associated intentional visual relationship (reflected in its orientation and design) with the sea to the east; and
- its historical relationship with the Second World War military installations in the surrounding area, for whose construction the hotel served as a base for troops.

In weighing-up applications that directly or indirectly affected non-designated heritage assets, a balanced judgement is required having regard to the scale of harm or loss and the significance of the asset. In this case, the proposed development will result in the demolition of the majority of the buildings on the site. In most cases, these are later additions to the complex of little or no architectural or historic interest.

The demolition includes the 1930s ranges either side of the early-20th-century core, plus the majority of that core excluding the façade, which will be retained. It is considered that this will result in less than substantial harm to the significance of the asset, although, taking into account their relative architectural and historic significance alongside the historic core, the scale of harm and loss is considered to be acceptable and outweighed by public benefits.

Taking into account the impacts on the significance of designated and non-designated heritage assets, the proposal complies with Policy LHH.

Impact on the living conditions of the occupants of neighbouring properties

The existing hotel is located in an isolated location along Ferry Road. The nearest neighbour is Wadmore Cottage and this is located approximately 170 metres to the south west of the site. Other surrounding uses include the tennis courts and golf course associated with the hotel and the National Trust Car Park at Knoll Beach.

In this respect the proposal is not considered to be harmful to residential amenity.

Economic benefits

As detailed above under the section 'Impact upon the AONB' significant investment in the site is proposed.

In the Purbeck Local Plan Part 1, supporting text to policy TA (Tourist Accommodation and Attractions) outlines the tourism policy. This details that the Regional Tourism Strategy identifies three priority aims: sustainable tourism, increased quality and improved destination management arrangements. Tourism and the visitor economy is a key sector of the South West region's economy. It is inextricably linked with both the vitality of town centres and helping to sustain viable

rural communities. Tourism provides a vital input to the economy of Purbeck, with over 1.5 million day visits made to the area on an annual basis, with annual spending at around £140 million. Purbeck will seek to build upon its position as a leading visitor destination through the promotion of visitor experiences of exceptional quality and distinction.

It further details that the Tourism Strategy for Purbeck (2008) proposes that development which will help to diversify Purbeck's accommodation and attraction assets to meet tourism trends should be considered in appropriate locations. There are opportunities for high quality built accommodation, eco friendly accommodation, tented accommodation, forest lodges/chalets, study centres, redundant barn conversions and accommodation for disabled visitors. Increased recreation levels as a result of tourism may have implications for European protected sites. Policy DH: Dorset Heaths International Designations and Policy PH: Poole Harbour address these impacts.

The provision of a high-quality luxury resort meets the overall aims of the tourism strategies and provides high quality built accommodation.

The Environmental Statement details that significant investment would be made during the construction process of a £40 million spend on construction and significant investment of nearly £5 million in wages. After construction, the hotel will employ 152 jobs, generating £2.7 million in wages and 21 jobs supported by £3.3 million of supplier spend, generating half a million in wages. Outside the hotel nearly £2.5 million would be generated by visitors every year supporting 60 jobs.

In addition the Environmental Statement identifies indirect benefits including moving away from seasonal work, an increase in the quality of job providing career progression opportunities, increased confidence in the area, the creation of higher quality tourism in the area and the provision of good quality leisure facilities in the area.

The development is also liable for a Community Infrastructure Levy payment (CIL) , calculated at approximately £1,186,416.42 based on this year's CIL rates.

There is without doubt that there would be significant investment proposed into the site and significant employment and indirect benefits.

The actual Policy TA details that new accommodation should ideally be located in towns and key / local service villages in accordance with Policy CO.

Policy CO (Countryside) details that development in the countryside should aim to improve the sustainability of rural settlements, make a positive contribution to landscape character and enhance biodiversity.

In relation to replacement buildings it states that the replacement of an existing building in the countryside will be permitted, it is of the same use, has an established lawful use and the proposed replacement building is not disproportionately larger than the size of the building which it replaces.

This is not the case in this instance. Therefore, whilst significant economic benefits would result both directly and indirectly, due to impacts from the proposals the proposals are contrary to Policies D, TA and CO of the Purbeck Local Plan Part 1.

Access and Parking

The site is located on the B3351 Ferry Road and the road gets busy during the summer due to the being on the main route between Swanage and the Bournemouth / Christchurch and Poole conurbation via the chain link ferry across Poole Harbour entrance.

The current car parking spaces are not marked out. However, the Transport Statement estimates that there would be a space for 79 vehicles on the site based on the topography and spaces measuring a standard size of 2.4m by 4.8m, with rows of 6m in width.

The site is located on Route 50 (Purbeck Breezer) and there is a stop outside the site. This service runs between Swanage Bus Station and Bournemouth Railway Station. Further connections are available in Swanage with Route 40 running to Wareham.

The proposals for accessing the site remain the same utilising the existing vehicular access, in the south-eastern corner of the site. Sufficient visibility splays can be achieved and this access has been operated for many years.

75 car parking spaces are proposed on the site. Therefore, the number of spaces will be slightly fewer than as existing.

There are restrictions in the vicinity of both the hotel and parking can be controlled.

The Framework Travel Plan identifies the provision of a staff shuttle bus between Poole and the site, avoiding the ferry. This is based on a bi-hourly service coinciding with staff shift start and end times to ensure that no staff member needs to travel by car to access the site. Parking on site is enforced and parking restrictions on Ferry Road are in place. The only parking area is at The National Trust car park at Knoll Beach. Therefore, there is a likelihood that the shuttle bus would be used by staff members. The Travel Plan and shuttle bus would need to be secured by Section 106 obligation.

In conclusion the Highway Authority raise no objections. Whilst acknowledging that there will be an increase in traffic flows in the neighbouring network these cannot be considered to be severe in line with the NPPF. As such the proposal complies with Policy IAT of the adopted Purbeck Local Plan Part 1.

Flooding / Drainage

The site is located within Flood Zone 1 and has a low risk of flooding.

There is an objection from the Lead Local Flood Authority (LLFA) regarding the deliverability of the submitted drainage proposals. In the absence of evidence regarding the route, capacity and ownership of the proposed discharge to a surface water sewer, there is no certainty that a drainage solution can be secured.

It is noted that the other solution is discharge into the Dorset Heaths SAC which would be unacceptable due to impacts on this site as explained in the section on Habitats Regulations and the Appropriate Assessment.

Insufficient information has been provided regarding SW management from the development. As such, the LLFA is unable to ascertain the appropriateness of any SW management in accordance with the Ministerial statement 'Sustainable Drainage System' 2014, chapter 14 of the NPPF and Planning Policy Guidance (PPG). The LLFA is unable to confirm that the applicant has met DEFRA's technical guidance or relevant local and national policies concerning drainage. This forms a reason for refusal of the proposal.

Weighing Up

It is acknowledged that the proposal would generate a significant amount of economic investment into the site in order to deliver 5* holiday accommodation after the difficult period for tourism during the pandemic.

Economic benefit whilst important is only one of several planning considerations that have to be weighed in the balance. As detailed in the report, ever since the redevelopment of this hotel was proposed there was clear guidance given that the scale of the redevelopment of the site was too large in this sensitive location. Instead of reducing the scale of the project down to address these valid planning considerations and impacts upon the Dorset AONB, this revised application has continued to propose a scale and bulk that is unacceptable. Amendments were made during the course of the application, however, as detailed above, these have not gone far enough to ensure that the hotel complex would not have a significant adverse impact upon the AONB from sensitive receptors.

Ecological information and mitigation submitted in support of the application has been found to be inadequate and inaccurate. The applicant has not taken up the

Biodiversity Protocol and there is insufficient details regarding proposed ecological mitigation.

The project has had long-standing objection from Natural England who raised concerns regarding proposed C3 uses and detailed that significant work needed to be undertaken to ensure that there would not be an adverse impact upon internationally important heathlands and wetlands. The applicant has been in discussions with Natural England but has been unable to resolve these issues.

Off site mitigation measures have been suggested, however there is insufficient evidence regarding their effectiveness and deliverability. In any case the Dorset Heathlands SPD states that mitigation of C3 uses within the 400m zone is not possible.

Concerns also arise from the proposed solution for drainage of the site. It has not been demonstrated that a satisfactory arrangement can be made that would not involve discharge to a sensitive receptor.

Where adverse effects on integrity of an International Site cannot be ruled out, and no alternative solutions can be identified, then the project can only then proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

In this case no imperative reasons of overriding public interest have been identified, as such an Appropriate Assessment has been unable to conclude that there would not be an adverse effect upon the integrity of international and European designated habitats.

17.0 Conclusion

Despite the length of time this application has been with the Council and the clear guidance provided by key stakeholders and through the report on the previous proposal, there are still objections to the scheme which have not been overcome. The proposal by reason of its scale, massing and impact is considered to be a major development within the AONB and the tests as laid out in the NPPF have not been fully satisfied.

In addition, it cannot be confirmed that the proposals would not adversely affect the integrity upon international and European designated sites (Ramsar, SPA, SAC) and no imperative reasons of overriding public interest have been identified. The applicant continues to propose C3 uses on the site despite the clear advice given that these cannot be permitted within the 400m zone.

Mitigation measures have been suggested but with no guarantee that these can be implemented

In addition, the current application is not accompanied by a suitable surface water drainage scheme. While this is a matter that it may be possible to resolve, it is not considered expedient to extend the life of the application to attempt to do so, given that this would not result in a change in the recommendation.

Additionally, the application is not accompanied by an agreed Biodiversity Plan, and details submitted in the relevant chapter of the Environmental Statement (7) are considered inadequate.

The application is therefore recommended for refusal for the reasons set out below.

18.0 Recommendation

That the Committee be minded to refuse permission for the following reasons;

- 1) The proposal has been assessed as being major development within the Dorset Area of Outstanding Natural Beauty (AONB). As such there is a requirement to assess the impact upon the local economy, any scope for developing outside of the AONB and ensuring that there is no detrimental effect on the environment and landscaping. The proposal by reason of its scale, form and massing fails to ensure that there would be no detrimental effect upon the environment and natural landscape and fails to be compatible to the special character of the Heritage Coast. This impact has been considered against the substantial local economic benefits. The proposal however is contrary to Policies D, TA, CO and LHH of the Purbeck Local Plan Part 1, the aims and objectives of the NPPF, especially paragraph 177 and 178 and Policies C1 a, c and f, C2 d, e, and f and C4 a, c, d, e, f and g of the Dorset AONB Management Plan 2019 - 2024.
- 2) The application site is located within 400m of protected heathlands and C3 use is proposed. Mitigation measures have been identified but do not address all matters and have not currently been secured in perpetuity. In this instance there is no overriding public interest and as such it cannot be certain, on the evidence presented, that the proposal would not adversely affect the integrity of the Dorset Heathlands European sites and international sites. Or, for that matter the Poole Harbour due to increase recreation in the harbour. The proposals are therefore contrary to Policies DH (Dorset Heathlands) and PH (Poole Harbour) of the Purbeck Local Plan Part 1 and Dorset Heathlands Planning Framework (2020 – 2025) SPD, Nitrogen Reduction in Poole Harbour (SPD 2017) and Poole Harbour Recreation Supplementary Planning

Document (SPD) and the aims and objectives of the NPPF especially paragraphs 180 and 182.

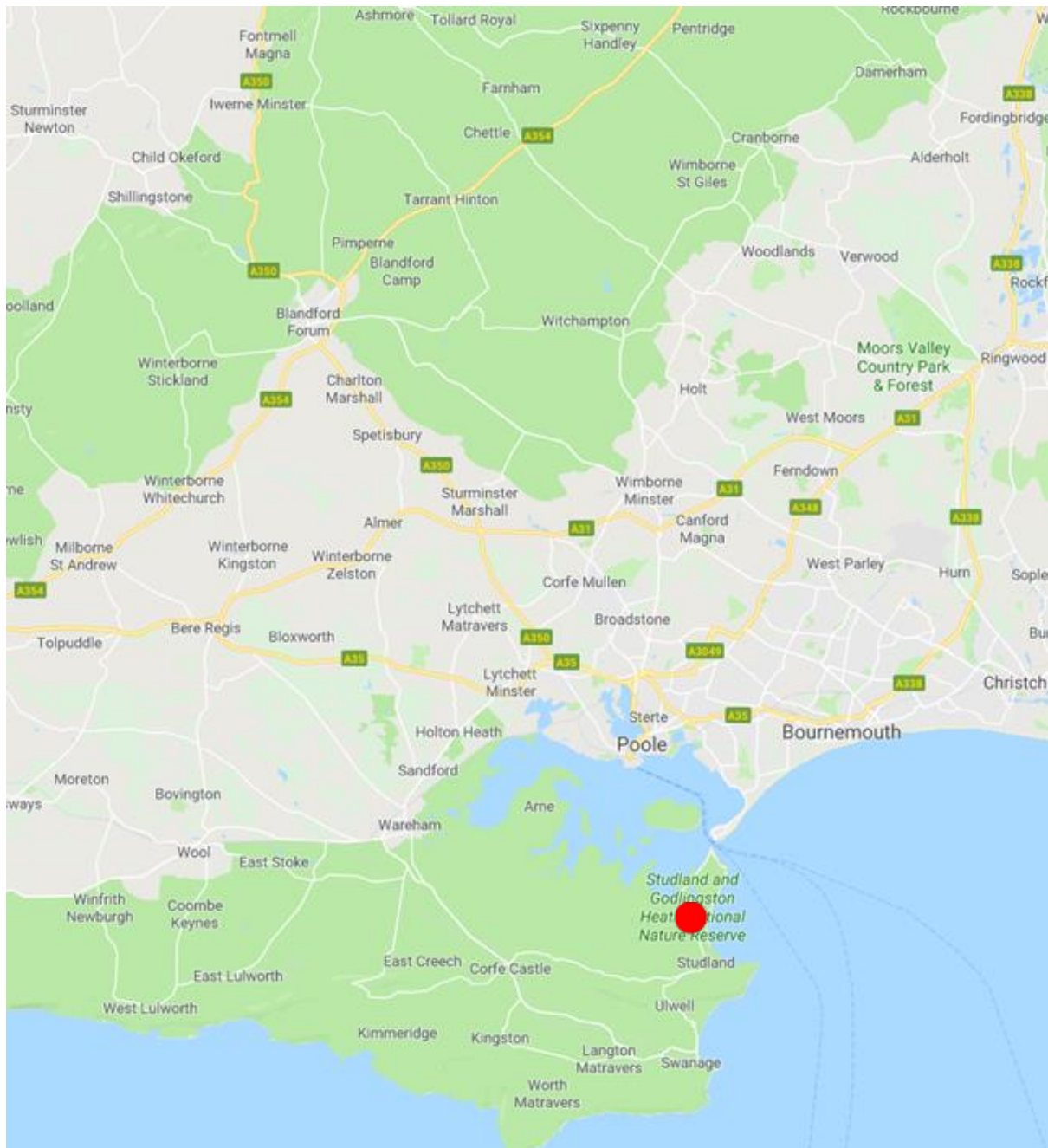
- 3) Insufficient information has been provided regarding surface water management from the development. It has not been demonstrated that the proposed surface water drainage scheme can be viably achieved on the site. Contrary to Policy FR of the Purbeck Local Plan, and paragraphs 167 and 169 of the National Planning Policy Framework.
- 4) The proposal is not accompanied by a Biodiversity Plan or adequate details regarding the ecological baseline and proposed mitigation and enhancement measures. It therefore fails to provide adequately certainty a Biodiversity Net Gain can be achieved on site, or that proposed mitigation measures are deliverable. The proposed development is therefore contrary to Policies BIO and GI of the Purbeck Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework.
- 5) Insufficient evidence has been submitted to demonstrate that the proposals will not result in damage/premature decline to trees proposed for retention through direct and indirect effects due to less-than-ideal growing conditions, their age and variable resilience to change, versus the magnitude of the development. In addition, insufficient details have been submitted to demonstrate that landscaping within the site including proposed earthworks will result in visually attractive, appropriate and effective landscaping of the development. The proposed development is therefore contrary to Policies LLH and D of the Purbeck Local Plan and paragraphs 135-136 of the NPPF.

● Approximate Site Location

Application reference: P/FUL/2022/06840

Description of development: Redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartment and villa accommodation and associated leisure and dining facilities.

Site address: Knoll House Hotel, Ferry Road, Studland, Swanage, BH19 3AH



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Appropriate Assessment for Knoll House Hotel, Studland (P/FUL/2022/06840)

This document represents the Habitats Regulations Assessment undertaken by Dorset Council as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity.

HRA Screening

In accordance with *People Over Wind & Sweetman v Coillte Teoranta* (Case C-323/17), Dorset Council has concluded that, discounting any mitigation, the above application will have a likely significant effect on the Dorset Heaths and Poole Harbour European wildlife sites (see table below).

Designated site	LSE Y/N	Cause of Adverse effects
Dorset Heaths (Purbeck and Wareham) and Studland Dunes SAC	Y	The Dorset Heaths (Purbeck and Wareham) and Studland Dunes Special Area of Conservation (SAC) is designated on account of the rare and vulnerable dry and wet heaths, bog pools and bog woodland within valley mires, and large acidic dune system which includes the shallow oligotrophic lake known as 'Little Sea'.
Dorset Heathlands Ramsar		The Dorset Heathlands Special Protection Area (SPA) is notified on account of heathland bird species including nightjar <i>Caprimulgus europaeus</i> , Dartford warbler <i>Sylvia undata</i> , and Woodlark <i>Lullula arborea</i> during the breeding season, and Hen Harrier <i>Circus cyaneus</i> and Merlin <i>Falco columbarius</i> over winter.
Dorset Heathlands SPA		<p>The Dorset Heaths Ramsar site is designated on account of the high species richness, supporting nationally scarce wetland plant and invertebrate species, and high ecological diversity of wetland habitat types and transitions, with wet heaths and acid mire habitats present.</p> <p><i>Recreational pressure</i></p> <p>The intensification of residential development in Dorset and the resultant pressures placed upon the Dorset Heaths by the increase in population close to the protected areas has resulted in adverse impacts upon the Dorset Heaths. Various studies have found that public access to lowland heathland, from nearby development, has led to an increase in wildfires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets amongst other factors have an adverse effect on the heathland ecology.</p> <p>According to the Dorset Heathlands Planning Framework 2020-25, an adopted Supplementary Planning Document (SPD), residential development within 400m of the Dorset Heaths European Site is not</p>

	<p>permitted due to impacts upon the designation. Residential development within the area between 400m and 5km from the Dorset Heaths will result in a likely significant effect which must be adequately mitigated in order to avoid an adverse effect upon integrity of the designation.</p> <p>The proposed development includes the redevelopment of the existing hotel to provide:</p> <ul style="list-style-type: none"> • Tourist accommodation (C1 Class) comprising 30 hotel rooms; • Residential accommodation (C3 class) comprising 18 apartments and 26 villas; and • Leisure facilities including indoor and outdoor swimming pools, spa treatment facilities, jacuzzi, steam room, sauna, fitness studio, and restaurant. <p>The proposed development result in an increase in overnight accommodation, including C3 use, approximately 60m from the Dorset Heaths SAC, SPA and Ramsar.</p> <p>Therefore, the proposed development is considered likely to have a significant effect upon the Dorset Heaths European site as a result of recreational pressure.</p> <p><i>Water Quality/Hydrology</i></p> <p>A qualifying feature of the Dorset Heaths (Purbeck and Wareham) and Studland Dunes SAC are '3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)'.</p> <p>The largest example of this habitat at Studland is Little Sea, which is a shallow lake of recent origin (less than 500 years old), formed as a large body of seawater became landlocked by the growing sand dunes. This water is now fresh and is replenished by acidic, oligotrophic water draining off the adjacent heathland, which then flows through the dune slacks and into the sea.</p> <p>Pipley Swamp (also known as Pipley Pools) is a smaller surface water feature in the area of the Knoll Beach Car Park in Studland, and is believed to be hydrologically linked to Little Sea.</p> <p>Pollution from sources including surface water drainage and urban runoff can affect water quality and introduce nutrients to the natural low nutrient environment of these water bodies.</p> <p>Furthermore, changes in drainage regimes can influence the complex and delicately balanced natural hydrological processes at Little Sea and Pipley Swamp.</p>
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	<p>Little Sea is located approximately 600m to the north and Piplely Swamp approximately 350m to the northeast.</p> <p>Given the proximity of the site to these surface water features and the proposed drainage strategy, which indicates that the surface water drainage will be discharged into a nearby water course and surface water feature, it is concluded that a likely significant effect will result.</p> <p><i>Air Quality</i></p> <p>The deposition of airborne nitrogen-based pollutants may result in the enrichment of soils within the heathland habitat. This favours faster growing plants and the spread of species not normally found on heathlands which outcompete and inhibit the recovery of the heathland habitats. Ammonia and nitrogen oxides also have direct toxic effects on plant communities.</p> <p>Therefore, emissions to air of nitrogen-based pollutants may result in the degradation of the heathland habitat and contribute to the European Site being in an unfavourable condition.</p> <p>There are multiple sources of airborne nitrogen-based pollutants, including agriculture and vehicle exhaust emissions.</p> <p>The site is located approximately 60m from the Dorset Heaths European site, and access to the site from the north would be via Ferry Road (B3351) which runs through the Dorset Heaths SAC, SPA, and Ramsar and is directly adjacent to the European site.</p> <p>Given the potential for visitors and residents to the proposed development to result in additional traffic within close proximity of the Dorset Heaths, it is considered likely to have a significant effect upon the Dorset Heaths European site as a result of air quality.</p> <p><i>Functionally linked land/supporting habitat</i></p> <p>The loss, deterioration, or compromise of supporting habitat or functionally linked land, which is defined as habitat outside of the boundary of a European site which is critical or necessary for the function of qualifying features within the designated site, may affect the integrity of a European site.</p> <p>This is particularly true for more mobile species, such as birds. The Dorset Heathlands SPA supports rare and vulnerable heathland bird species, including nightjar <i>Caprimulgus europaeus</i>, Dartford warbler <i>Sylvia undata</i>, and Woodlark <i>Lullula arborea</i> during the breeding season, and Hen Harrier <i>Circus cyaneus</i> and Merlin <i>Falco columbarius</i> over winter. In addition, the Dorset Heaths (Purbeck and Wareham) and Studland</p>
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		<p>Dunes SAC supports rare reptiles such as sand lizard <i>Lacerta agilis</i> which may be affected.</p> <p>Natural England advise that there is a requirement for competent authorities to consider the potential impacts of functionally linked land when assessing new projects.</p> <p>Given the scale of the proposed development and proximity to the Dorset Heathlands European Site, there is the potential for the loss of habitat which supports the function of SPA bird species and SAC reptile species. Therefore, a likely significant effect upon functionally linked land has been identified.</p>
Poole Harbour SPA	Y	<p>Poole Harbour is a large natural harbour, comprising extensive tidal mudflats, seagrass beds and saltmarsh, together with associated reedbed, freshwater marsh and wet grassland.</p> <p>Whilst Poole Harbour is classified as an estuary, as several rivers flow into it, it has many of the qualities of a large lagoon due to the narrow harbour entrance and small tidal range.</p> <p>Poole Harbour supports bird populations of international importance, including:</p> <ul style="list-style-type: none"> • Common tern <i>Sterna hirundo</i>; • Sandwich tern <i>Sterna sandvicensis</i>; • Mediterranean gull <i>Larus melanocephalus</i>; • Little egret <i>Egretta garzetta</i>; • Eurasian spoonbill <i>Platalea leucorodia</i>; • Pied Avocet <i>Recurvirostra avosetta</i>; • Shelduck <i>Tadorna tadorna</i>; and • Icelandic-race black tailed godwit <i>Limosa limosa islandica</i> <p><i>Water quality</i></p> <p>Poor water quality due to elevated concentrations of phosphorus and nitrogen in Poole Harbour is contributing to the Poole Harbour SPA and Ramsar being in an unfavourable condition. Excessive levels of nutrients have caused the rapid growth of algal mats through the process of eutrophication. These mats restrict the availability of invertebrates, which provide food to wading birds including those upon which the SPA is designated, resulting in severe declines in the population of some bird species. Eutrophication also affects other important features within the harbour, causing the loss of saltmarsh and resulting in an absence of eelgrass over large areas of the harbour.</p> <p>Nitrogen is generally considered the main nutrient causing eutrophication. However, there is evidence that phosphorus also contributes significantly to eutrophication. An imbalance of nitrogen relative to phosphorus may also be an important factor, as it leads</p>
Poole Harbour Ramsar		

	<p>to a dominance of dinoflagellates within the marine plankton. Furthermore, modelling in relation to the abundance of macroalgae suggests that with continued high phosphorus loads greater reductions in nitrogen will be required than might otherwise be the case. Therefore, reductions in both nutrients are necessary for the restoration of the marine ecology within Poole Harbour, but a substantial reduction in nitrogen remains the primary driver.</p> <p>Nutrient enrichment in Poole Harbour is believed to arise from a number of sources. For example, the majority (~85%) of nitrogen entering Poole Harbour from land sources is generated by agriculture within the Poole Harbour catchment. A smaller proportion (~15%) of the nitrogen entering Poole Harbour is from human sewage discharged within the Poole Harbour catchment, since wastewater treatment works (WWTW) remove only part of the nutrient from human waste.</p> <p>On 16th March, Natural England advised that development which results in a net increase in overnight accommodation, and therefore an increase in local population served by the wastewater system which discharges into the Poole Harbour catchment, should be considered to have a likely significant effect upon the Poole Harbour SPA and Ramsar and require an Appropriate Assessment.</p> <p>The proposed development is not within the surface water catchment for Poole Harbour, and therefore the nutrients in the surface water run off will not be discharged into Poole Harbour. However, the proposed development is within the catchment of the Studland Water Recycling Centre (WRC) which does discharge into Poole Harbour.</p> <p>However, the proposal would result in a decrease in the estimated occupancy of the site from 269 people to 142 people using the overnight accommodation. This would result in an overall decrease in the discharge of nitrogen and phosphorus into Poole Harbour, and therefore the proposal will not result in a likely significant effect upon Poole Harbour as a result of water quality.</p> <p><i>Recreational pressure</i></p> <p>Studies show that recreational activities in Poole Harbour and its immediate surroundings, such as sailing and paddleboarding, walking, dogs and bait digging along the shoreline, may result in disturbance to the SPA bird species.</p> <p>These recreational activities may influence a bird's behaviour and ultimately its survival, as disturbance can result in:</p>
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	<ul style="list-style-type: none"> • a reduction in the time spent feeding, due to repeated flushing/increased vigilance; • increased energetic costs; • avoidance of areas of otherwise suitable habitat, which may result in birds potentially using poorer quality feeding/roosting sites instead; • increased stress; and • can lead to reduced fitness and breeding success. <p>Studies have shown a link between the proximity of peoples' homes to Poole Harbour and the frequency of visits, with those who live around the harbour being more likely to visit it to participate in recreational activities. This draw is probably due to the uniqueness of the features in the harbour close to their homes, and the unique characteristics of the harbour for certain recreational activities such as watersports.</p> <p>Natural England advises that the cumulative effect of further residential and tourism development and therefore a population increase within a defined 'Poole Harbour Recreation Zone', which encompasses the areas surrounding the harbour, would have a significant effect upon the Poole Harbour SPA and Ramsar Site.</p> <p>The proposed development would result in an increase in overnight accommodation (including C3 use) within the Poole Harbour Recreation Zone, and will therefore result in a likely significant effect as a result of recreational pressure.</p>
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Appropriate Assessment

The HRA screening identified likely significant effects upon the Dorset Heaths and Poole Harbour European Sites as a result of additional recreational pressure, effects upon functionally linked land, and impacts upon air quality. Therefore, an Appropriate Assessment is required to determine whether the proposal would result in an adverse effect upon the integrity of these European sites (see following table).

Designated site affected	Confirmation that adverse effects on integrity are avoided for <u>all</u> features with avoidance/mitigation secured by adherence to the SPD Y/N
Dorset Heaths (Purbeck and Wareham) and Studland Dunes SAC	<i>Recreational pressure</i> The proposed development includes the provision of residential development (C3 use class), tourist accommodation (C1 use class) and leisure facilities approximately 60m from the Dorset Heaths.
Dorset Heathlands Ramsar	According to the Dorset Heathlands Planning Framework 2020-25, residential development within 400m of the Dorset Heaths European Site is not permitted due to impacts upon the designation. This is because the recreational pressure effects are most marked for development within 400m of the heathland, in particular disturbance and predation, and many act together synergistically to result in effects which are greater
Dorset Heathlands SPA	

in magnitude than each individual effect. Residential development is not permitted within 400m of the Dorset Heaths European Site as these impacts cannot be adequately mitigated given the magnitude of the impacts.

The Dorset Heathlands Planning Framework 2020-25 states that hotels (Class C1) may be permitted within 400m of the Dorset Heaths, but will be considered on a case by case basis with advice from Natural England given the highly variable nature of hotel users.

The Dorset Heathlands Planning Framework 2020-25 doesn't address the impacts of leisure facilities upon the Dorset Heaths.

The applicant is proposing the following mitigation measures to address the recreational pressure impacts:

- circular walk of approximately 1.72km in length;
- removal of an existing access point onto Godlingston Heath;
- enclosed dog walking area;
- reinstatement of a former heathland mire; and
- prohibiting cats.

However, Natural England have raised concerns that some of the proposed offsite mitigation has not been agreed with the landowner and therefore there is uncertainty over whether this mitigation can be delivered.

Furthermore, there are concerns that providing dog walking facilities will attract those with dogs to the C1 hotel located adjacent to the Dorset Heaths, resulting in additional recreational pressure impacts.

There is also uncertainty as to whether staff at the proposed hotel and leisure facilities would visit the heathlands for recreational purposes. The staff survey for existing in-house staff indicates that 80.8% of the current 66 members of staff visit the heathlands. Whilst it is appreciated that these staff live on site and future staff wouldn't stay at the complex overnight, there remains uncertainty over how regularly the 115 future staff members would visit the heaths and therefore their contribution to recreational pressure. This is a concern which Natural England have also highlighted.

The proposed development would result in a decrease in the estimated occupancy of the site from 269 people to 142 people using the overnight accommodation (although there will be an almost two-fold increase in staff which is not taken into account in the future occupancy of 142 people).

However, the proposed development would also result in 44 additional C3 units approximately 60m from the Dorset Heaths. As previously mentioned, and as explained in the Dorset Heathlands Planning Framework 2020-25, mitigation is not effective for residential development within 400m of the Dorset Heaths given the magnitude of the impacts within close proximity to the heaths.

	<p>Therefore, the proposed development would result in an adverse effect upon the integrity of the Dorset Heaths due to the provision of C3 units within 60m from the Dorset Heaths. Natural England concur with these findings.</p> <p><i>Water Quality/Hydrology</i></p> <p>Natural England have raised concerns about the proposed surface water drainage into the water course and surface water feature. Natural England states in their consultation response from 9th May 2023 that the surface water would drain into Little Sea and Pibley Swamp, and that the applicant must bring forward a solution to address this issue.</p> <p>I understand that an alternative solution has been suggested which involves the discharge of surface water runoff into a sewer. However, insufficient details of the sewer, such as its route, ownership and capacity, have been provided and therefore there is uncertainty that this alternative solution is deliverable.</p> <p>Natural England, the appropriate nature conservation body through the Appropriate Assessment process, have advised that the Council cannot conclude no adverse effect on the adjoining designated sites as a result of the effects upon Little Sea and Pibley Swamp.</p> <p><i>Air quality</i></p> <p>The proposed development is approximately 60m from the Studland and Godlingston Heaths SSSI component of the Dorset Heaths SAC, SPA and Ramsar, and would be accessed via Ferry Road (B3351) which runs through the Dorset Heaths SAC, SPA, and Ramsar and is directly adjacent to the European site.</p> <p>Given the potential for the proposed development to result in additional traffic adjacent to the Dorset Heaths, the HRA screening stage identified a likely significant effect upon the Dorset Heaths European site from air quality.</p> <p>The adopted Dorset Heathlands Interim Air Quality Strategy 2020-25 SPD provides an approach to addressing the adverse effects of airborne nitrogen upon the Dorset Heathlands habitats site.</p> <p>The strategy suggests a series of mitigation measures, paid for through developer contributions. The types of measure include direct measures targeting vehicle emissions adjacent to heathland. These include projects to encourage modal shift to other forms of transport, reduce vehicle speeds adjacent to heathlands, encourage the use of zero emission vehicles and through heathland management alongside roads. The strategy also addresses wider measures to reduce nitrogen deposition from agricultural land near to heathlands, or the re-siting or cleaning up of certain operations that generate emissions.</p> <p>The proposed development will provide a financial contribution through the Community Infrastructure Levy (CIL).</p>
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	<p>The mitigation provided through the Dorset Heathlands Interim Air Quality Strategy 2020-25 SPD is considered sufficient to address the potential air quality impacts upon the Dorset Heaths.</p> <p><i>Supporting habitat</i></p> <p>The applicant has indicated the existing habitats at the site are not suitable to support the qualifying species of the European designated sites, which it is claimed is supported by the ecological survey work which has not identified any qualifying features at the site.</p> <p>The development site comprises the current hotel buildings. It is possible that the supporting habitat immediately surrounding the hotel building supports mobile species, such as the SPA bird species, which may be affected by the proposal.</p> <p>In particular, the area surrounding the site may provide supporting habitat for Nightjar. Since Nightjar are largely active at night, light disturbance from the proposed development could adversely affect the population of foraging Nightjar.</p> <p>The applicant proposes the following in paragraph 5.16 of the Shadow HRA:</p> <p>“A sympathetic lighting regime is proposed to reduce potential impacts from light spill to adjacent tree/woodland habitats to the Application Site as part of the proposed development.”</p> <p>In order to secure this mitigation, a planning condition must be added to ensure that a Lighting Strategy which accords with the Bat Conservation Trust Lighting Standards is produced by the applicant and approved by the local planning authority to avoid impacts upon foraging nightjar and prevent an adverse effect upon the integrity of the Dorset Heaths as a result of damage to supporting habitat.</p>
<p>Poole Harbour SPA</p>	<p><i>Recreational pressure</i></p> <p>The Poole Harbour Recreation 2019 – 2024 SPD provides a strategy for addressing the potential adverse impacts from recreational pressure upon the Poole Harbour SPA and Ramsar.</p>
<p>Poole Harbour Ramsar</p>	<p>The SPD sets out a framework for collecting financial contributions for additional overnight accommodation within the Poole Harbour Recreation Zone, which is used to implement the mitigation strategy which consists of Strategic Access Management and Monitoring (SAMM) and Poole Harbour Infrastructure Projects (PHIPs). The SAMMs mitigation includes raising awareness of the issues, employing a project coordinator and warden, and monitoring. The PHIPs projects are physical infrastructure works such as the provision of better marked routes around the Harbour edge or planting to provide protection to vulnerable birds.</p> <p>The mitigation required to address the potential adverse effects upon the Poole Harbour SPA and Ramsar from recreational pressure will be provided through a financial contribution</p>

	<p>towards the mitigation delivered through the Poole Harbour Recreation 2019 – 2024 SPD.</p> <p>The financial contribution will be collected through the Community Infrastructure Levy (CIL).</p>
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Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European sites, this document represents the Appropriate Assessment undertaken by Dorset Council as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity.

The Appropriate Assessment concluded that the proposed development will result in an adverse effect upon the integrity of the Dorset Heaths (Purbeck and Wareham) and Studland Dunes SAC and Dorset Heathlands SPA and Ramsar. Therefore, in accordance with Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017, Dorset Council as competent authority may not give planning consent for the proposed development.

Agenda Item 7

Eastern Area Planning Committee
10 January 2023

Application Number:	P/FUL/2023/04037		
Webpage:	Planning application: P/FUL/2023/04037 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Smugglers Hyde, 47 Brook Lane, Corfe Mullen, BH21 3RD		
Proposal:	Erect a new dwelling on the northern side of the land		
Applicant name:	Mr N Briant		
Case Officer:	James Brightman		
Ward Member(s):	Cllr Barron and Cllr Harrison		
Publicity expiry date:	24 August 2023	Officer site visit date:	03 August 2023
Decision due date:	10 November 2023	Ext(s) of time:	12 January 2024
No of Site Notices:	2		
SN displayed reasoning:	1 outside site access in Brook Lane 1 outside 155 Hillside Rd (which has a common boundary with the rear (east) of the site)		

1.0 The application comes to committee at the request of the Service manager for Development Management and Enforcement.

The application should be read in conjunction with applications P/FUL/2023/04067 and 04227 at the same address which are also included on this agenda for consideration.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reasons for the recommendation:

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. The site is within the urban area where the principle of development is acceptable.
- The location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact.

- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposal would add to housing supply where there is a current lack of 5 year housing supply
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	<ul style="list-style-type: none"> • Site in urban area – compliant with Core Strategy Policy KS2
Current planning situation on the site	<ul style="list-style-type: none"> • Extant permission for a detached two-storey house on the land immediately to the N of the application site (P/FUL/2023/01483). • 1 extant permission for a detached house extending across both plots (A&B) which could not be built out should the current application be approved and implemented as they occupy part of the same footprint (3/15/1189).
Impact on the character and appearance of the area	<ul style="list-style-type: none"> • The proposed scale, design and external materials are considered acceptable and Core Strategy Policy HE2 is complied with as the proposal would be compatible with its surroundings
Impact on the amenity of occupants of adjacent dwellings	<ul style="list-style-type: none"> • the proposal would not result in significant harm to neighbouring amenity and is compatible with neighbouring properties as required by Core Strategy Policy HE2
Amenity for future occupants	<ul style="list-style-type: none"> • Proposal offers acceptable amenity for future occupants
Impact on road safety	<ul style="list-style-type: none"> • No road safety concerns & acceptable on-site parking provision would be provided
Other issues raised by Third Parties	<ul style="list-style-type: none"> • Proposed dwelling would be appropriate for the site in terms of its siting, scale & outdoor amenity area and no adverse

	impact on the character of the area would result.
Planning Balance	<ul style="list-style-type: none"> • Benefits of the proposal outweigh the impacts

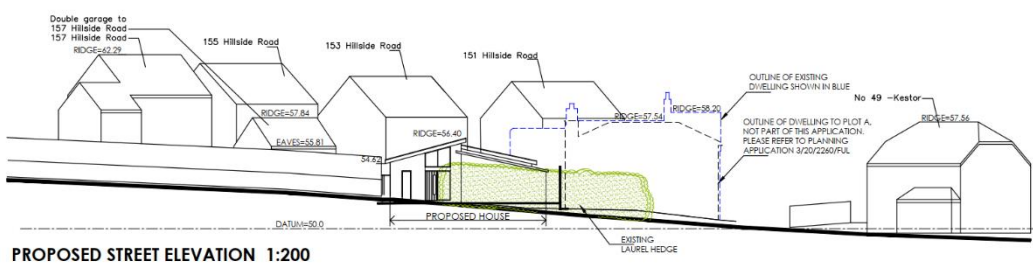
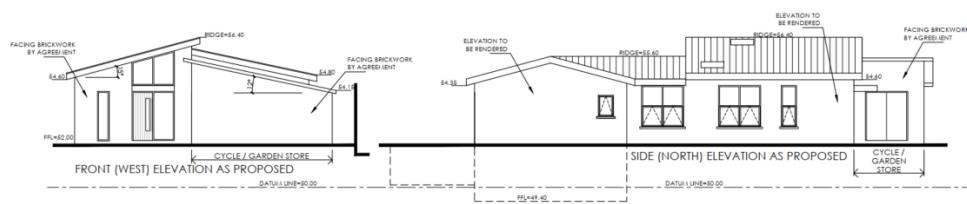
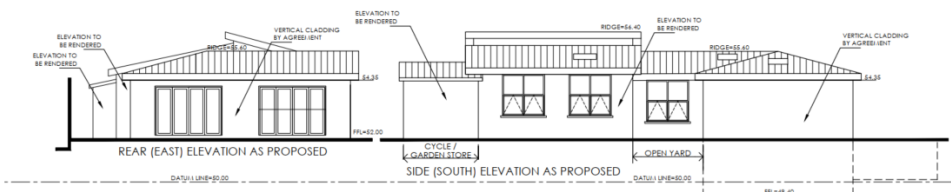
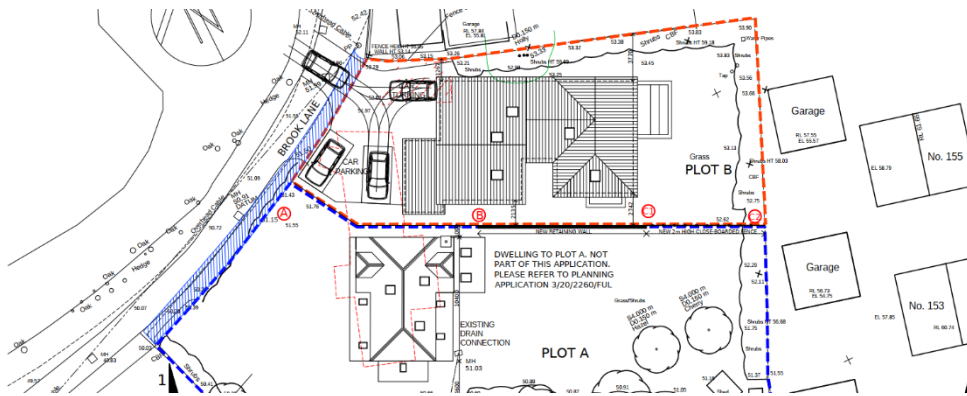
5.0 Description of Site

- 5.1 The application site subdivides the plot at 47 Brook Lane, also known as 'Smugglers Hyde', and occupies the north-west part and is referred to as Plot B. The southern part that is also in the applicant's control is Plot A, but this is not part of the current application and the dwelling submitted under application 3/20/2260 on Plot A is shown indicatively.
- 5.2 The southern boundary of the application site is with Plot A; the eastern (rear) is with 155 Hillside Rd and the northern boundary is with No 157 Hillside Road.
- 5.3 There are two existing accesses serving Smugglers Hyde, located close to the northern and southern site boundaries. Smugglers Hyde was damaged by fire some time ago and has been partially demolished. Ground levels fall away across the site from north to south and rise from west to east.
- 5.4 The site lies within the urban area of Corfe Mullen and close to the western edge of the settlement. Land to the west of the application site is agricultural and lies within the Southeast Dorset Green Belt and within an Area of Great Landscape Value.
- 5.5 Brook Lane is also a Bridleway. The unmade section of Brook Lane in the vicinity of the site is characterised by detached dwellings, relatively well spaced apart, in a mixture of architectural styles.
- 5.6 Ground levels fall gently across the site from NE to SW and rise across the site from west to east.
- 5.6 Across the Lane and opposite to the western boundary of the site is a line of Oak trees covered by a Tree Preservation Order (TPO).

6.0 Description of Development

- 6.1 It is proposed to sever the plot and construct a detached 3 bedroom single storey dwelling facing Brook Lane with parking to the front. The proposal will necessitate the demolition of the remaining dilapidated northern part of the existing Smugglers Hyde dwelling (the central part of that dwelling has already been almost completely demolished).
- 6.2 The dwelling would have rendered, vertical timber cladding and brick walls with a composite slate tiled roof and UPVC windows. It would be set closer to Brook Lane than the dwelling at 157 Hillside Rd to the north and further back from the lane than the remainder of the existing Smugglers Hyde dwelling.
- 6.3 The design is for a single storey building with shallow pitched gabled and asymmetrical roofs with a small area of floor in a basement providing a home gym, media room, ensuite and utility room.

The proposed site plan and elevations are below:



NB: The footprint of the dwelling shown on Plot A on the site plan relates to application 3/20/2260/FUL which was refused, but the refusal was solely due to lack of submission of a legal agreement to prevent an approved dwelling on Plot B (northern plot) being built if the 3/20/2260/FUL dwelling was built as this would have resulted in a cramped relationship between the dwellings.

7.0 Relevant Planning History

7.1 The existing dwelling known as Smugglers Hyde was extensively damaged by fire in 2007. The site has since been the subject of a large number of planning applications.

Those pertinent to this application are listed below (*those that are believed to have lapsed or were refused are in italics*).

7.2 There are now 3 further applications to consider,

- 1) the application this report relates to
- 2) application P/FUL/2023/04037 for a two-storey dwelling on the southern part of the site (Plot A)
- 3) application P/FUL/2023/04227 for an alternative two-storey dwelling on the southern part of the site (Plot A)

It appears the significant number of applications are a result of the applicant attempting to satisfy a covenant on the land. This is not a material planning consideration.

Planning application	Proposal	Decision	Comments
P/FUL/2023/04227	Demolish remaining section of existing dwelling. Erect dwelling, double garage and cycle store	Pending decision	Two storey house on S part of site (Plot A)
P/FUL/2023/04067	Sever plot & erect replacement dwelling	Pending decision	Two storey house on S part of site (Plot A)
P/FUL/2023/01483	Sever plot & erect new dwelling (house)	Approved	Two storey house on N part of site (Plot B)
<i>3/21/0953</i>	<i>Sever plot, demolish remaining section of existing dwelling and garage and erect replacement dwelling on the northern side of the site.</i>	<i>Appeal Dismissed (non-determination)</i>	<i>Alternative proposal for the northern part of the plot (Plot B)</i>
<i>3/21/0603</i>	<i>Demolish remaining section of the existing dwelling & garage & erect a new dwelling on the northern side of the land</i>	<i>Appeal Dismissed (non-determination)</i>	<i>Alternative proposal for the northern part of the plot (Plot B)</i>
<i>3/21/0830</i>	<i>Sever plot, demolish remaining section of</i>	<i>Appeal Dismissed</i>	<i>Alternative proposal for the</i>

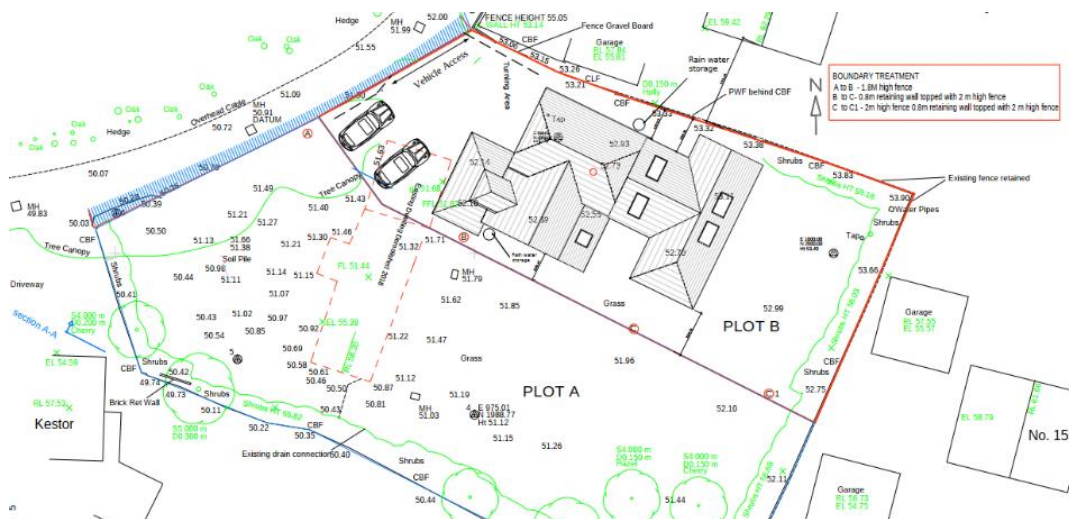
	<i>existing dwelling & erect a Replacement Dwelling.</i>	<i>(non-determination)</i>	<i>southern part of the plot (Plot A)</i>
<i>3/20/2260</i>	<i>Sever Plot, Demolish Remaining Part of Existing Dwelling & Erect Replacement Dwelling on the southern side of the site</i>	<i>Refused - as legal agreement not completed to require the permission for a dwelling on the north part of the site under application 19/0382 not to be built out.</i>	<i>Detached house on S part of site (Plot A) Would have been acceptable if legal agreement completed as in box to left</i>
<i>3/19/0382</i>	<i>Erect replacement dwelling and garden studio after demolition of existing.</i>	<i>Granted 24/04/19</i>	<i>Detached dwelling on the northern part of the plot (Plot B)</i>
<i>3/18/2945</i>	<i>Demolish existing dwelling and garage-erect replacement dwelling</i>	<i>Refused; appeal dismissed</i>	<i>Detached dwelling on the northern part of the plot refused on design grounds. (Plot B)</i>
<i>3/18/2946</i>	<i>Erect a New Dwelling and Garage on the South Side of the Land</i>	<i>Granted 13/12/18</i>	<i>Detached dwelling on the southern part of the site. (Plot A)</i>
<i>3/18/2273</i>	<i>Demolish Existing Dwelling & Erect a New Dwelling.</i>	<i>Granted 19/10/18</i>	<i>An alternative two storey replacement dwelling at the front of the site (Whole site)</i>
<i>3/18/2054</i>	<i>Demolish existing dwelling & erect new dwelling</i>	<i>Granted 24/09/18</i>	<i>An alternative two storey design for a backland dwelling at rear of site</i>
<i>3/18/0883</i>	<i>Demolish existing garage and erect an</i>	<i>Granted</i>	<i>An alternative 1 storey design for</i>

	<i>additional dwelling at the rear of the site</i>		<i>the backland dwelling</i>
<i>3/17/1556</i>	<i>Replacement dwelling and detached annex</i>	<i>Refused (appeal dismissed)</i>	<i>Two buildings, replacement dwelling including angled wing- issues of character & compatibility with rear plot</i>
<i>3/16/2307</i>	<i>Replacement 5- bedroom dwelling</i>	<i>Refused</i>	<i>5 bedroom dwelling parallel with Brook Lane with angled wing- issues of character and overlooking</i>
<i>3/16/2283</i>	<i>Replacement dwelling and attached garage</i>	<i>Refused</i>	<i>Dwelling parallel with Brook Lane with angled wing incorporating garaging- issue impact on character</i>
<i>3/16/1856</i>	<i>Sever land and erection of 1 x 3 bed dwelling</i>	<i>Appeal upheld (8.3.18)</i>	<i>Two storey backland dwelling</i>
<i>3/15/1189</i>	<i>Replacement Dwelling</i>	<i>Granted (believed to be extant; applicant states development commenced)</i>	<i>4-bedroom dwelling facing Brook Lane (over Plots A and B)</i>
<i>3/15/0348</i>	<i>Erection of three dwellings</i>	<i>Refused (appeal dismissed)</i>	<i>Issue- character (not prejudicial to living conditions)</i>
<i>3/13/1183</i>	<i>Replacement dwelling</i>	<i>Granted (lapsed)</i>	<i>The design and siting of the approved dwelling is the same as 3/11/0614</i>

3/11/0911	Replacement dwelling on the northern part of the site	Granted (lapsed)	Subdivision of the plot and dwelling facing Brook Lane to north (Plot B)
3/11/0614	Replacement dwelling	Granted (lapsed)	Replacement for original
3/10/0939	Replacement dwelling	Refused (appeal dismissed)	Issue- out of keeping with character due to scale
3/09/0083/RM	Demolish existing dwelling and erect two dwellings	Granted (but lapsed)	Two dwellings facing Brook Lane

Extant permission on the application site

7.3 The extant permission P/FUL/2023/01483 at the application site is for a detached house occupying a similar position on the site as the current proposal - approved plans below:

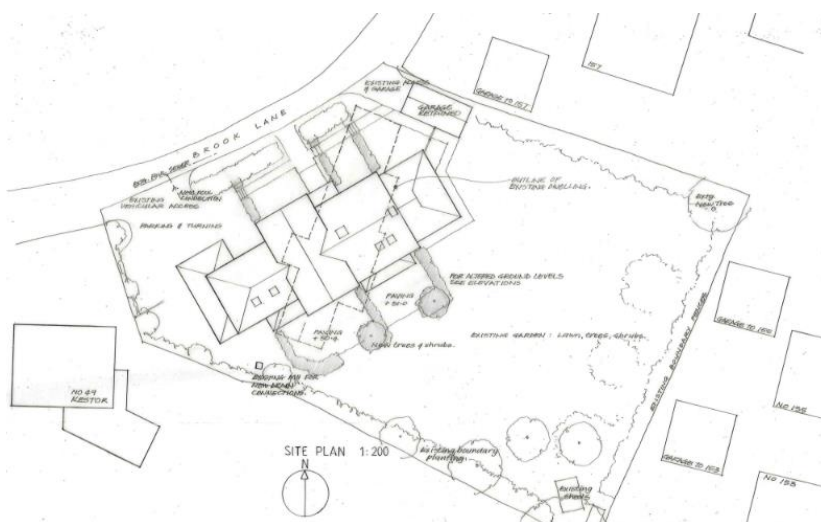


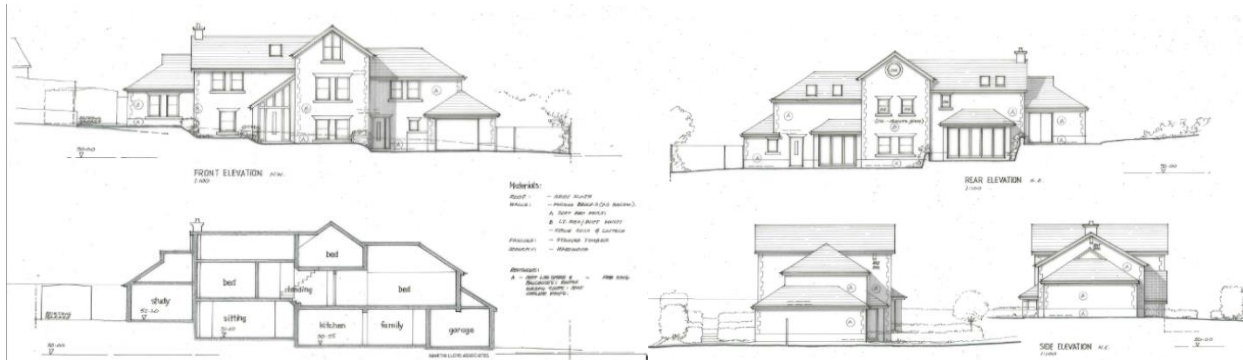


Below: Street scene from Brook Lane:



7.4 There is also an extant permission 3/15/1189/FUL for a two storey replacement dwelling on the front of plot. Extant permission and could be implemented. Approved plans below:





8.0 List of Constraints

Within Settlement Boundary; Corfe Mullen

Tree Preservation Order - TPO (EDDC/CM/104)

Dorset Heathlands - 5km Heathland Buffer

Legal Agreements S106 – heathland contribution and prevention of other planning permissions being implemented re: 18/2946

PROW - Rights of Way near the site: Footpath E37/19; Bridleway E37/18; Bridleway E37/17

Risk of Surface Water Flooding Extent 1 in 1000 – in Brook Lane and over small area of south boundary of site

Natural England Designation - RAMSAR: Poole Harbour (UK11054) and Dorset Heathlands (UK11021) within 5km

Wildlife Present: S41 - bat

Site of Special Scientific Interest (SSSI) impact risk zone

Groundwater Source Protection Zone

Radon: Class: Less than 1%

9.0 Consultations

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

Consultees

1. Natural England

- No objection provided mitigation secured for the proposal's impact on the Dorset Heathlands. NB: This would be secured via the Community Infrastructure Levy.

2. Dorset Council - Rights of Way Officer

- The proposed works are in the vicinity of the public right of way; bridleway E37/18, as recorded on the County Definitive Map and Statement of rights of

way. Rights of Way requirements listed for when work starts to ensure right of way remains open – to be an informative note on the decision.

3. Dorset Council - Highways

- Proposal does not present a material harm to the transport network or to highway safety. Condition advised to require parking & turning to be provided in accordance with block plan & informative note regarding the provision of Building Regulations re: electric vehicle charging.

4. Dorset Council - Building Control East Team

- Building Regulations Requirement B5 (Fire Service Access) to be considered. Brook Lane appears too narrow & unlikely to take fire appliance loads. Means of escape from basement to be carefully considered.

5. Corfe Mullen Town Council

- Access is dangerous as Brook Lane is a single track, un-adopted gravel lane which will not cope with additional traffic.
- Contrary to Christchurch and East Dorset Core Strategy (CS) Policy LN2 - Potential severing of plot to result in high density housing for remainder of plot.
- Contrary to CS Policy HE2 - Size of the proposed dwellings are overlarge for the severed plot and unsympathetic to the more spacious character and appearance of existing development in the unmade part of Brook Lane. This will result in a cramped development which is out of character with the immediate area of Brook Lane.

Representations received

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

Precis of comments

- Site has restrictive covenant
- A more modest dwelling would more closely resemble the former position on the site.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan (2014):

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

KS1 - Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS11 - Transport and Development

KS12- Parking Provision

LN1- Size and Types of New Dwellings

LN2- Design, Layout and Density of New Housing Development

HE2 - Design of new development

HE3 - Landscape Quality

ME1- Safeguarding biodiversity and geodiversity

ME2- Dorset Heathlands

ME6- Flood Management, Mitigation and Defence

Other Material Considerations

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

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.
- Section 6 'Building a strong, competitive economy'.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful 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 131 – 139 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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.

National Planning Practice Guidance

Emerging Dorset Council Local Plan:

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

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

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

Emerging Neighbourhood Plans

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

Supplementary Planning Documents/Guidance

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Poole Harbour Recreation 2019 to 2024 Supplementary Planning Document

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 living in the vicinity who are less mobile may be more impacted by the associated noise and disturbance, but this would be for a limited duration. The proposed single storey dwelling with basement may not be suitable for some disabled people. No other disadvantages have been identified.

14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
Council Tax	Council Tax (based on band D) £2294.07
Community Infrastructure Levy	£39,265.65

15.0 Environmental Implications

Carbon emissions will arise during the demolition of the existing property and in the construction stage of the proposed development. The proposal is for one new

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

16.0 Planning Assessment

Principle of development

16.1 The site lies within the urban area where the principle of additional development is acceptable under Core Strategy policy KS2. The proposal would make a modest contribution to housing provision sought by policy KS4 and as a two bedroom property, it accords with the Strategic Housing Market Assessment (SHMA) as required by policy LN1.

Current planning situation on the site

16.2 Planning permission for a detached two storey house on the application site was granted recently under P/FUL/2023/01483 on 28/7/23 and this remains extant. A previous permission for a dwelling on the northern part of the site granted under reference 3/19/0382 has expired.

Latest appeal

16.3 The latest appeal decision dated 17/11/2022 (dismissed) concerned refused applications 21/0953 (on northern part of site as the current proposal); 21/0603 (on northern part of site as current proposal) & 21/0830 (on southern part of site). The proposal differs from these in its design and form and the proposed bungalow design and scale are considered to be acceptable.

Whether proposal would allow previous permissions to be built out

16.4 The proposal would prevent vehicular access to the rear of the plot so a dwelling at depth as previously approved by lapsed permissions 16/1856; 18/0883 & 18/2054 could not be achieved.

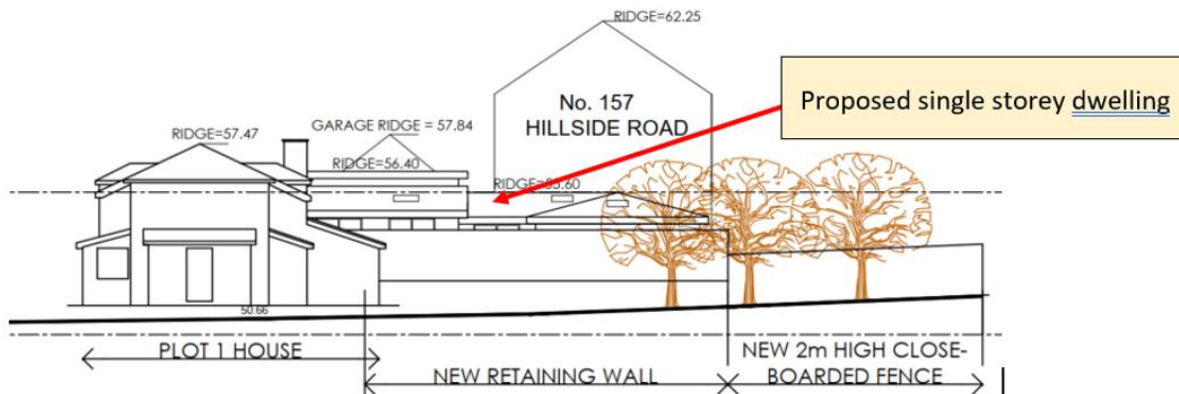
16.5 The current proposal would prevent the large detached house permitted by application 15/1189 from being built out as it overlaps the current application site and proposed dwelling.

Below: Extant permission alongside current proposal:



Impact on the character of the area

- 16.6 In determining the latest appeal at the site in November 2022 and making an assessment of the character of the area, the Inspector noted that the original dwelling had been damaged by fire and has been partially demolished and the site is situated along an un-made section of Brook Lane which, in the vicinity of the appeal site, is a narrow lane lined with mature trees and hedges and characterised by detached dwellings of various designs which are irregularly spaced. Dwellings in surrounding roads are visible from Brook Lane and the range of different orientations is clear. Dwellings along these roads have an apparently tighter urban grain with smaller plot sizes.
- 16.7 Local Plan Policy HE2 requires that development is compatible with or improves its surroundings in relation to 11 criteria including layout, architectural style, scale, bulk visual impact.
- 16.8 The proposed dwelling would be set back from Brook Lane with a parking area at the front served by a vehicular access in the same position as the existing northern access to the site. The span of the access is shown on the submitted site plan and would allow a section of hedge to be retained along the site's front boundary.
- 16.9 The proposed dwelling would be set further back from the lane than the part demolished building that was formerly a dwelling at the site and would not project beyond the rear elevation of 157 Hillside Rd to the north.
- 16.10 The land on the application site is higher than that immediately to the south on Plot A and the southern boundary of the proposed curtilage for the dwelling immediately adjacent to the proposed dwelling would be formed by a fence on top of a retaining wall as shown in the submitted section below (drawing 22-129/P/10) which shows the view from the south. The remainder of this boundary between the rear of the fence on top of the retaining wall and the site boundary with 155 Hillside Rd would be formed by a 2m high close-boarded fence.



- 16.11 This proposed boundary treatment would ensure no harmful overlooking of the rear garden of any dwelling approved on the southern site (Plot A) from the south facing windows in the proposed dwelling.
- 16.12 The proposed single storey dwelling would be appropriate in scale and height for its context and the submitted street elevation supports this view. Although the dwelling is deep, this would be similar to the extant permission and not excessive given the overall plot depth. The single storey nature of the design would not result in substantial massing and height and there would be no harm to the character of the immediate area. It is to be noted that the planning inspector considered a single storey dwelling to be acceptable in design terms on this plot.
- 16.13 The proposed design and external materials are considered acceptable here and Core Strategy Policy HE2 is complied with as the proposal would be compatible with its surroundings in terms of design, scale and materials.

Impact on the amenity of occupants of adjacent dwellings

- 16.14 The proposed dwelling would have a single floor of accommodation at ground level and no upper floors. The main outlook would be to the rear (east) and sides (north & south). Given the dwelling's lower level than the house at 157 Hillside Rd to the north, there would be no harmful impact from its massing or windows for the occupants of 157.
- 16.15 With the proposed retaining wall and fence boundary on the southern boundary of the application site in position, there would be no harmful overlooking to the south over Plot A and the dwelling at 'Kestor'. There would also be no harmful impact from the scale of the proposed bungalow on occupants of any dwelling approved on the southern plot.
- 16.16 The windows in the rear elevation would look towards the rear boundary of 155 Hillside Rd but would be some 10.5 metres from this boundary and 19 metres from the rear windows in number 155. Given that there are no upper floor windows proposed and the presence of the fenced rear boundary, this is an appropriate relationship in terms of overlooking and no harmful loss of privacy would result for the occupants of 155 or 153 Hillside Rd to the rear.
- 16.17 The roof lights proposed would light the ground floor and no overlooking would be possible from them.

- 16.18 The modest massing and height of the proposed dwelling would prevent any harmful impact from the physical presence of the dwelling on the occupants of 155 & 153 Hillside Rd and no overbearing impact would result.
- 16.19 There are no extant planning permissions solely on Plot A to the south of the proposed dwelling. Therefore, the impact on this plot in terms of planning applications previously determined does not need to be considered under the current application. The proposed dwelling is a sufficient distance from the boundary with Kestor to the south so as to prevent any adverse impact on the occupants of this property.
- 16.20 For the above reasons, the proposal is not found to result in significant harm to neighbouring amenity and is compatible with neighbouring properties in terms of impact on amenity, as required by policy HE2.

Amenity for future occupants

- 16.21 The lower ground floor is essentially a basement, and its rooms would have a limited outlook and receive limited light. However, the rooms would not be principal rooms and would not require the same standard of outlook as bedrooms or living rooms and it is considered that the home gym, media room, utility room and ensuite proposed are acceptable and there is no objection on the grounds of poor living conditions.
- 16.22 The study, bathroom and bedroom on the N elevation would receive low levels of light given they would face a fence and gable wall of the garage at 157 Hillside Rd and the outlook would be limited. The study and bathroom are not principal rooms, and their outlook would be acceptable.
- 16.23 The window to the bedroom (a principal room) would be approx. 2.5m from the fence boundary and this would have a limited outlook and light entering it would also be restricted.
- 16.24 The proposal would offer acceptable outlook and light to the other principal rooms and it is considered that the restricted outlook from the bedroom window on the north elevation is not reason enough to warrant refusal of the application.
- 16.25 The amount of outdoor amenity space provided is adequate and the proposal does not conflict with Policy HE2 of the Core Strategy.

Impact on road safety

- 16.26 The vehicle access would be in a similar position to the existing access shown on plans and the site would provide off-street parking for two vehicles. As such the proposal is in accordance with the guidance set out in the Council's document *Residential Car Parking Provision Local Guidance for Dorset*.
- 16.27 DC Highways has stated no objection subject to a condition regarding provision of parking/turning and this will be imposed.
- 16.28 It is noted that the Town Council has objected due to additional traffic generated by the proposal. However, it is considered that a refusal of the application on the grounds of harmful impacts to the highway could not be substantiated with no objection from the Highways team and because the traffic generated by the proposed dwelling would not be substantial. The proposal accords with policies KS11 and KS12 of the Local Plan.

Impact on Habitats Sites

- 16.29 There is an existing dwelling on the site and two extant permissions, either to replace the building across the site or to replace with one dwelling on the northern part of the site. The proposal would prevent either of those two permissions from being completed and therefore it is judged that the proposal would represent a replacement dwelling. As there is no net increase in dwellings, no potential for significant harm to protected Dorset Heathland or Poole Harbour Special Protection Area has been identified.
- 16.30 Notwithstanding the above, since there is the potential that a dwelling could be constructed on the other part of the site as a replacement prior to commencement of this permission, if granted, 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 2020-2025 Supplementary Planning Document and Poole Harbour Recreation 2019 to 2024 Supplementary Planning Document can be secured via the Community Infrastructure Levy, namely Heathland Infrastructure Projects and Strategic Access Maintenance and Management projects, which will ensure that there is no unmitigated harm generated by the proposal to interests of nature importance. The proposal therefore complies with policy ME2 of the Local Plan.

Biodiversity

- 16.31 Annex A to the consultation response letter from Natural England advises that biodiversity enhancement should be sought in new development and to satisfy this requirement, Condition 9 will secure biodiversity enhancement measures at the site and the proposal complies with Policy ME1 of the Core Strategy.

Other issues raised by third parties

- 16.32 Officers are aware of the covenant issue but this is not a material consideration in the planning assessment and cannot be considered.
- 16.33 It is considered that the proposed dwelling would be appropriate for the site and the massing and scale of the south elevation is not significant given the single storey massing and the proposal would not have an adverse impact on the character and appearance of the area. The plot is large enough to accommodate the proposed dwelling and provide suitable parking and garden areas and accords with policy HE2 of the Core Strategy.

Planning balance

Housing supply

- 16.34 The Council cannot presently show a 5 year housing supply and the supply is currently 4.15 years. The East Dorset area of Dorset Council has also failed the Housing Delivery Test. The development plan (Core strategy) is therefore out-of-date and the 'tilted balance' is engaged under NPPF paragraph 11 d).

16.35 Therefore, planning permission must be granted unless one of the following situations apply:

(i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Adverse impacts from the proposal

- Restricted outlook for the bedroom window on the north elevation of the proposed dwelling

Benefits of the proposal

- The addition of one dwelling to the Council's housing land supply
- Employment from the construction of the development and associated future repairs/maintenance and improvements
- Some benefit to the local economy from the spending from the occupants of the proposed dwellings as well as the spending from construction workers and this would benefit local businesses
- Some benefit to the vitality and viability of local services and facilities
- The sustainability benefits of the proposal in respect of the site being adjacent to the urban area with opportunities for future residents of the proposed dwellings to walk/cycle to the facilities and services that Corfe Mullen offers.

16.36 Therefore, it is considered that planning permission should be granted.

17.0 Conclusion

For the above reasons it is judged that the proposal accords with the Development Plan as a whole, there are no material considerations indicating that permission should be refused, and it is recommended that planning permission is granted.

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:

Drawing SMH/LC/9/3/23: Location Plan

Creation Design Drawing 22-129/P/01: Site location plan

Creation Design Drawing 22-129/P/03: Site plan as proposed

Creation Design Drawing 22-129/P/04: Proposed ground floor plan

Creation Design Drawing 22-129/P/05: Lower ground floor plan

Creation Design Drawing 22-129/P/06: Proposed roof plan

Creation Design Drawing 22-129/P/07: Proposed sections

Creation Design Drawing 22-129/P/08: Proposed elevations

Creation Design Drawing 22-129/P/09: Street elevation as proposed

Creation Design Drawing 22-129/P/10: Site sections as proposed

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, reenacting, or modifying that Order), there shall be no extensions to the property under Schedule 2, Part 1, Classes A, AA (additional storeys) and B (extensions to the roof).

Reason: In the interests of the character and appearance of the area and to protect neighbouring amenity.

4. The development shall be undertaken in accordance with the finished floor levels shown on the approved plans.

Reason: To protect the character of the area and the amenity of neighbouring residents

5. Prior to first occupation of the dwelling hereby approved the lych gate shall be removed and the front boundary hedge shall be reinforced with Laurel or Burberis Juliana and thereafter retained .

Reason: To protect the character and visual amenities of the area.

6. Before using any external facing and roofing materials in the construction of the development, details of their manufacturer, colour and type shall have been submitted to and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure the development uses external materials appropriate for its context

7. The dwelling hereby approved shall not be occupied unless and until the boundary fencing shown on the southern boundary on Creation Design Drawing 22-129/P/10 has been erected and this fencing shall be retained as approved for the lifetime of the development.

Reason: To prevent harmful overlooking of the southern plot by windows in the south elevation of the approved dwelling.

8. Any hard surfacing on the site shall be permeable.

Reason: To avoid increasing the risk of flooding

9. Prior to occupation of the dwelling hereby approved, biodiversity enhancement measures shall be installed at the site, details of which shall first be submitted to and approved by the Local Planning Authority. Such enhancement measures could include bee bricks, bat tiles, bat boxes, bird boxes and new planting. The approved measures shall be retained for the lifetime of the development.

Reason: To enhance biodiversity at the site.

10. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 22-129/P/03 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.

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

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. 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. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
5. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
6. A group Tree Preservation Order EDDC/CM/104 covers the trees situated to the north of the site on the other side of Brook Lane and the applicant/developer is advised that these trees are duly considered when large vehicles are accessing the site to ensure damage to the lower canopies is limited.
7. The proposed works are in the vicinity of public right of way bridleway E37/18, as recorded on the County Definitive Map and Statement of rights of way.

Throughout the duration of the development the full width of the public bridleway must remain open and available to the public, with no materials or vehicles stored on the route

It should be noted that the use of this bridleway by vehicular traffic without lawful authority is an offence contrary to the Road Traffic Act 1988. Any damage to the surface of the path attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980.

The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above bridleway, then a Temporary Path Closure Order must be obtained. This can be applied for through this office, but the application must be

Eastern Area Planning Committee

10 January 2023

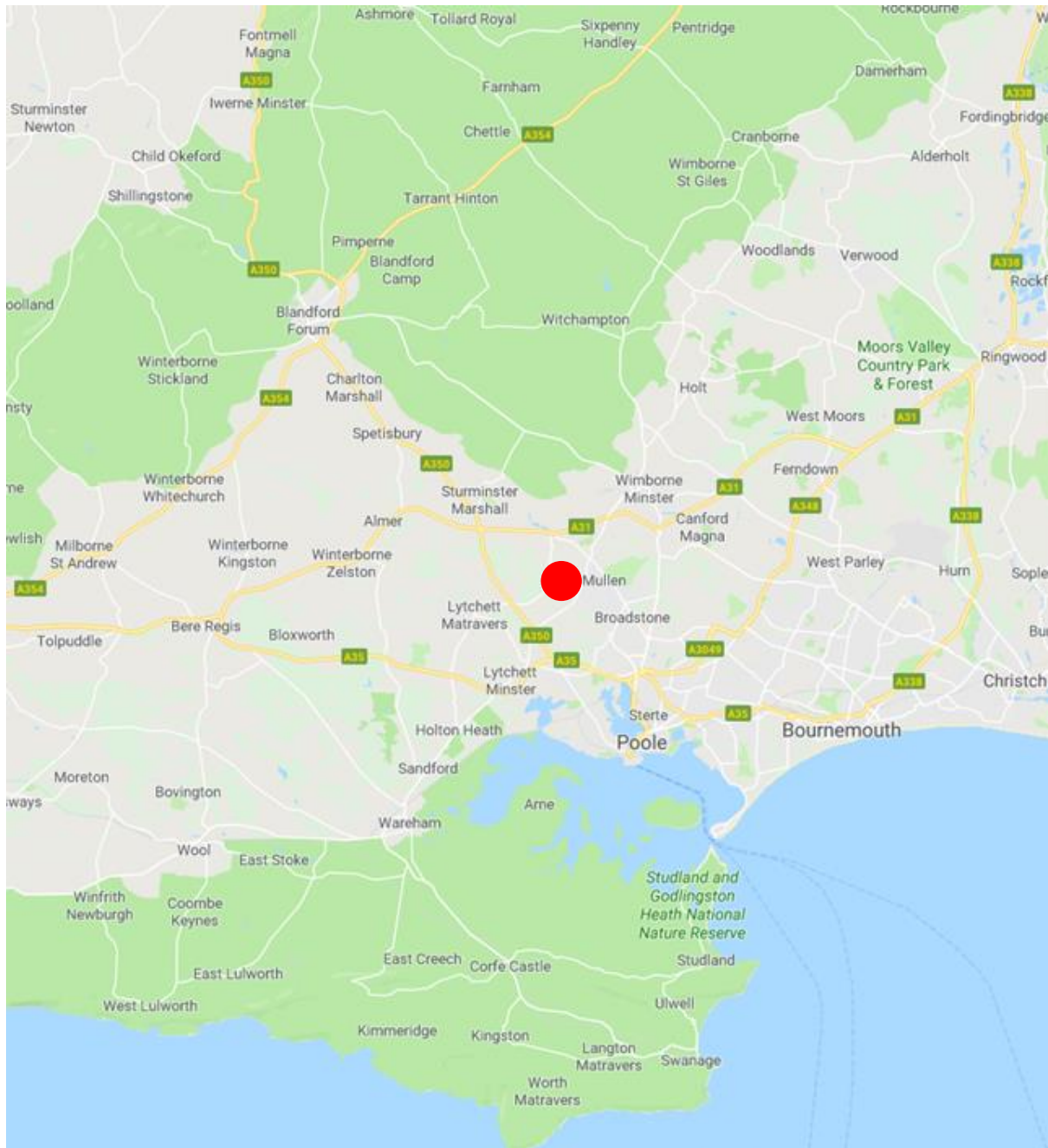
completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. [OBJ]

● Approximate Site Location

Application reference: P/FUL/2023/04037

Description of development: Erect a new dwelling on the northern side of the land

Site address: Smugglers Hyde, 47 Brook Lane, Corfe Mullen, BH21 3RD



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Agenda Item 8

Eastern Area Planning Committee
10 January 2023

Application Number:	P/FUL/2023/04067		
Webpage:	Planning application: P/FUL/2023/04067 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Smugglers Hyde 47 Brook Lane Corfe Mullen BH21 3RD		
Proposal:	Sever the plot and erect a replacement dwelling to southern side of land (Plot A). As amended by plans rec'd 29/11/23 to omit personnel door on southern elevation.		
Applicant name:	Mr N Briant		
Case Officer:	James Brightman		
Ward Member(s):	Cllr Barron and Cllr Harrison		
Publicity expiry date:	24 August 2023	Officer site visit date:	3 August 2023
Decision due date:	12 September 2023	Ext(s) of time:	12 January 2024
No of Site Notices:	2		
SN displayed reasoning:	1 outside site access in Brook Lane 1 outside 155 Hillside Rd (which has a common boundary with the rear (east) of the site)		

- 1.0** The application comes to committee at the request of the Service manager for Development Management and Enforcement.

The application should be read in conjunction with applications P/FUL/2023/04037 and 04227 at the same address which are also included on this agenda for consideration.

- 2.0 Summary of recommendation:**

GRANT subject to conditions

- 3.0 Reason for the recommendation:**

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. The site is within the urban area where the principle of development is acceptable.

- The location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposal would add to housing supply where there is a current lack of 5 year housing supply
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	<ul style="list-style-type: none"> • Site in urban area – compliant with Core Strategy Policy KS2
Current planning situation on the site	<ul style="list-style-type: none"> • Extant permission for a detached two-storey house on the land immediately to the N of the application site (P/FUL/2023/01483). • 1 extant permission for a detached house extending across both plots (A&B) which could not be built out should the current application be approved and implemented as they occupy part of the same footprint (3/15/1189).
Impact on the character and appearance of the area	<ul style="list-style-type: none"> • The proposed scale, design and external materials are considered acceptable and Core Strategy Policy HE2 is complied with as the proposal would be compatible with its surroundings
Impact on the amenity of occupants of adjacent dwellings	<ul style="list-style-type: none"> • the proposal would not result in significant harm to neighbouring amenity and is compatible with neighbouring properties as required by Core Strategy Policy HE2
Amenity for future occupants	<ul style="list-style-type: none"> • Proposal offers acceptable amenity for future occupants
Impact on road safety	<ul style="list-style-type: none"> • No road safety concerns & acceptable on-site parking provision would be provided

Other issues raised by Third Parties	<ul style="list-style-type: none"> Proposed dwelling would be appropriate for the site in terms of its siting, scale & outdoor amenity area and no adverse impact on the character of the area would result.
Planning Balance	<ul style="list-style-type: none"> Benefits of the proposal outweigh the impacts

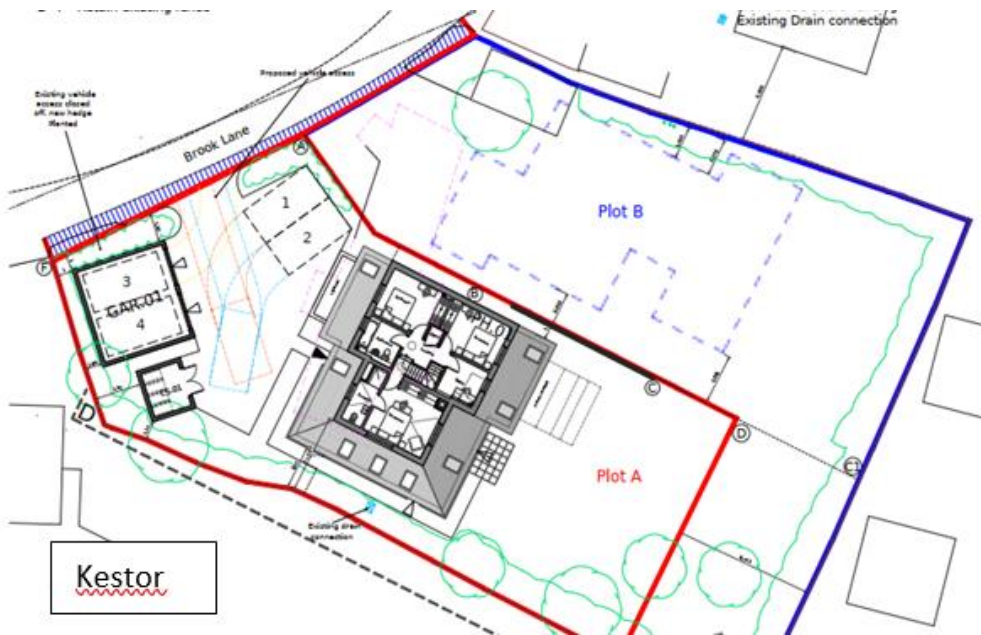
5.0 Description of Site

- 5.1 The application site 'Plot A' subdivides land at 47 Brook Lane, (also known as 'Smugglers Hyde'), and occupies the south-east part of the land. The northern part of the land, 'Plot B' is also in the applicant's control, but that site lies outside the red line of the current application. The footprint of a dwelling approved on 'Plot B' under application P/FUL/2023/01483 is shown indicatively.
- 5.2 The southern boundary of the application site is with 'Kestor' a residential dwelling; the eastern (rear) boundary adjoins a narrow strip of land within 'Plot B' with the property at 153 Hillside Rd beyond (the rear boundary to Plot A measures approx. 8.7m to the boundary with 153 Hillside Rd). The site's northern boundary is with Plot B.
- 5.3 There are two existing accesses serving Smugglers Hyde, located close to the northern and southern site boundaries. Smugglers Hyde was damaged by fire some time ago and has been partially demolished. Ground levels fall away across the site from north to south and rise from west to east.
- 5.4 The site lies within the urban area of Corfe Mullen and close to the western edge of the settlement. Land to the west of the application site is agricultural and lies within the South East Dorset Green Belt (GB) and within an Area of Great Landscape Value (AGLV).
- 5.5 Brook Lane is also a Bridleway. The unmade section of Brook Lane in the vicinity of the site is characterised by detached dwellings, relatively well spaced apart, in a mixture of architectural styles.
- 5.6 Across the Lane and opposite to the western boundary of the site is a line of Oak trees covered by a Tree Preservation Order (TPO).

6.0 Description of Development

- 6.1 It is proposed to sever the plot and construct a detached 4-bedroom two storey dwelling (with basement) facing Brook Lane with parking to the front. The proposal will necessitate the demolition of the remaining dilapidated part of the fire damaged 'Smugglers Hyde' dwelling.
- 6.2 The dwelling would have brick walls with a composite slate tiled roof and UPVC windows. It would be sited a similar distance from Brook Lane than the adjacent house at 'Kestor' to the SW and further back from the lane than the remainder of the existing Smugglers Hyde dwelling.

- 6.3 The design is for a two-storey building with a shallow pitched and cropped gable roof. A lower ground floor (underground) would provide a home gym, media room and bathroom.
- 6.4 The proposed site plan and elevations are below. The footprint of the extant two storey dwelling approved under application P/FUL/2023/01483 is shown on 'Plot B' by a dashed blue line:



Below: Proposed car port/garage

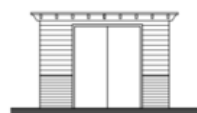
Below: Proposed cycle store



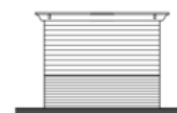
Front Elevation



Side Elevation



Front Elevation

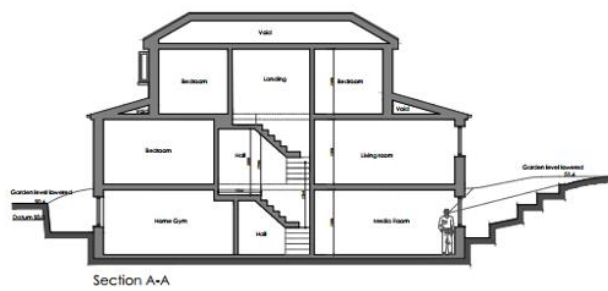


Side Elevation

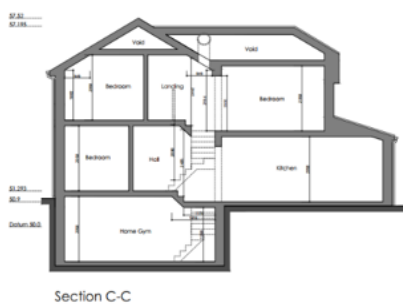
Below: Proposed elevations



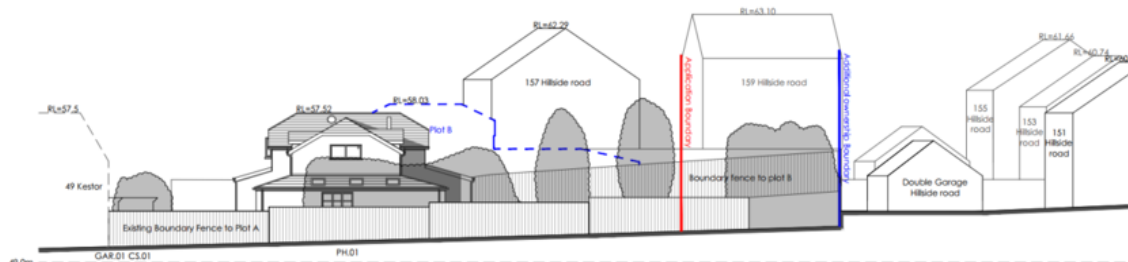
Below: Section A-A - when looking from the boundary with Kestor



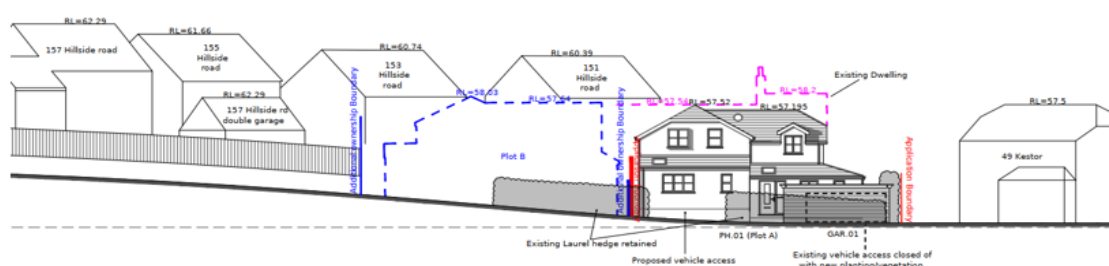
Below: Section C-C – when looking from Brook Lane



Below: Section D-D - when looking from the boundary with Kestor



Below: Proposed street scene (from Brook Lane)



7.0 Relevant Planning History

- 7.1 The existing dwelling known as Smugglers Hyde was extensively damaged by fire in 2007. The site has since been the subject of a large number of planning applications. Those pertinent to this application are listed below (those that are believed to have lapsed or were refused are shown in *italics*).
- 7.2 There are 3 applications pending consideration:
- 1) Application P/FUL/2023/04067
 - 2) An alternative proposal (application P/FUL/2023/04227) for a two-storey dwelling on the application site (Plot A)
 - 3) application P/FUL/2023/04037 for a single storey dwelling on Plot B (the N plot).

Planning application	Proposal	Decision	Comments
P/FUL/2023/04227	Demolish remaining section of existing dwelling. Erect dwelling, double garage and cycle store	Under consideration	Two storey house on S part of the land (Plot A)
P/FUL/2023/04037	Erect a new dwelling on the northern side of the land.	Under consideration	Single storey dwelling on N part of the land (Plot B)

P/FUL/2023/01483	Sever plot & erect new dwelling (house)	Approved	Two storey house on the northern part of the land (Plot B)
<i>3/21/0953</i>	<i>Sever plot, demolish remaining section of existing dwelling and garage and erect replacement dwelling on the northern side of the site.</i>	<i>Appeal Dismissed (non-determination)</i>	<i>Alternative proposal for the northern part of the plot (Plot B)</i>
<i>3/21/0603</i>	<i>Demolish remaining section of the existing dwelling & garage & erect a new dwelling on the northern side of the land</i>	<i>Appeal Dismissed (non-determination)</i>	<i>Alternative proposal for the northern part of the plot (Plot B)</i>
<i>3/21/0830</i>	<i>Sever plot, demolish remaining section of existing dwelling & erect a Replacement Dwelling.</i>	<i>Appeal Dismissed (non-determination)</i>	<i>Alternative proposal for the southern part of the plot (Plot A)</i>
<i>3/20/2260</i>	<i>Sever Plot, Demolish Remaining Part of Existing Dwelling & Erect Replacement Dwelling on the southern side of the site</i>	<i>Refused - as legal agreement not completed to require the permission for a dwelling on the northern part of the site under application 19/0382 not to be built out.</i>	<i>Detached house on S part of site (Plot A) Would have been acceptable if legal agreement completed as in box to left</i>
<i>3/19/0382</i>	<i>Erect replacement dwelling and garden studio after demolition of existing.</i>	<i>Granted 24/04/19</i>	<i>Detached dwelling on the northern part of the plot (Plot B)</i>

<i>3/18/2945</i>	<i>Demolish existing dwelling and garage- erect replacement dwelling</i>	<i>Refused; appeal dismissed</i>	<i>Detached dwelling on the northern part of the plot refused on design grounds. (Plot B)</i>
<i>3/18/2946</i>	<i>Erect a New Dwelling and Garage on the South Side of the Land</i>	<i>Granted 13/12/18</i>	<i>Detached dwelling on the southern part of the site. (Plot A)</i>
<i>3/18/2273</i>	<i>Demolish Existing Dwelling & Erect a New Dwelling.</i>	<i>Granted 19/10/18</i>	<i>An alternative two storey replacement dwelling at the front of the site (Whole site)</i>
<i>3/18/2054</i>	<i>Demolish existing dwelling & erect new dwelling</i>	<i>Granted 24/09/18</i>	<i>An alternative two storey design for a backland dwelling at rear of site</i>
<i>3/18/0883</i>	<i>Demolish existing garage and erect an additional dwelling at the rear of the site</i>	<i>Granted</i>	<i>An alternative 1 storey design for the backland dwelling</i>
<i>3/17/1556</i>	<i>Replacement dwelling and detached annex</i>	<i>Refused (appeal dismissed)</i>	<i>Two buildings, replacement dwelling including angled wing- issues of character & compatibility with rear plot</i>
<i>3/16/2307</i>	<i>Replacement 5- bedroom dwelling</i>	<i>Refused</i>	<i>5 bedroom dwelling parallel with Brook Lane with angled wing- issues of character and overlooking</i>
<i>3/16/2283</i>	<i>Replacement dwelling and attached garage</i>	<i>Refused</i>	<i>Dwelling parallel with Brook Lane with angled wing incorporating garaging- issue</i>

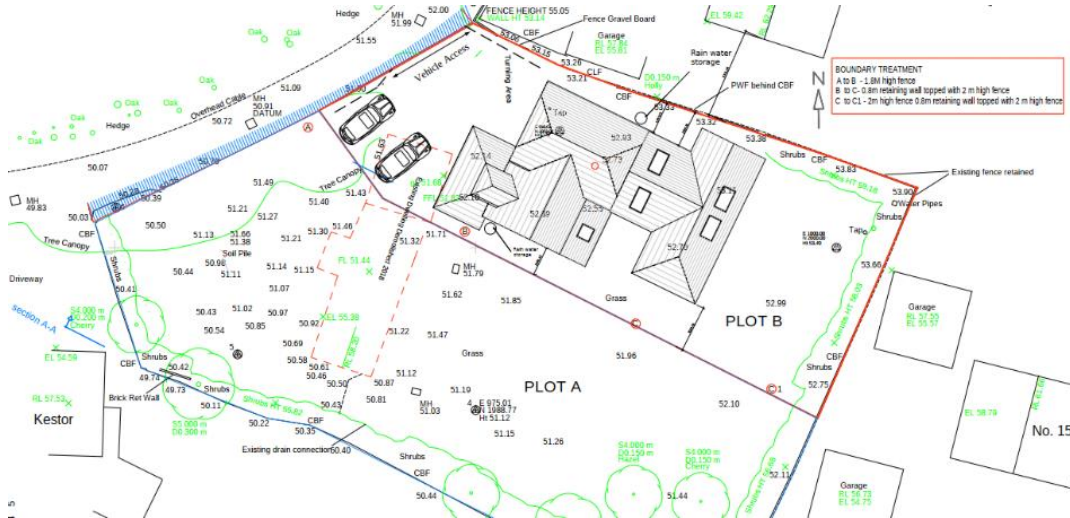
			<i>impact on character</i>
<i>3/16/1856</i>	<i>Sever land and erection of 1 x 3 bed dwelling</i>	<i>Appeal upheld (8.3.18)</i>	<i>Two storey backland dwelling</i>
3/15/1189	Replacement Dwelling	Granted (believed to be extant; applicant states development commenced)	4-bedroom dwelling facing Brook Lane (over Plots A and B)
3/15/0348	Erection of three dwellings	Refused (appeal dismissed)	Issue- character (not prejudicial to living conditions)
3/13/1183	Replacement dwelling	Granted (lapsed)	The design and siting of the approved dwelling is the same as 3/11/0614
3/11/0911	<i>Replacement dwelling on the northern part of the site</i>	<i>Granted (lapsed)</i>	<i>Subdivision of the plot and dwelling facing Brook Lane to north (Plot B)</i>
3/11/0614	<i>Replacement dwelling</i>	<i>Granted (lapsed)</i>	<i>Replacement for original</i>
3/10/0939	<i>Replacement dwelling</i>	<i>Refused (appeal dismissed)</i>	<i>Issue- out of keeping with character due to scale</i>
3/09/0083/RM	<i>Demolish existing dwelling and erect two dwellings</i>	<i>Granted (but lapsed)</i>	<i>Two dwellings facing Brook Lane</i>

Extant permissions on the application site

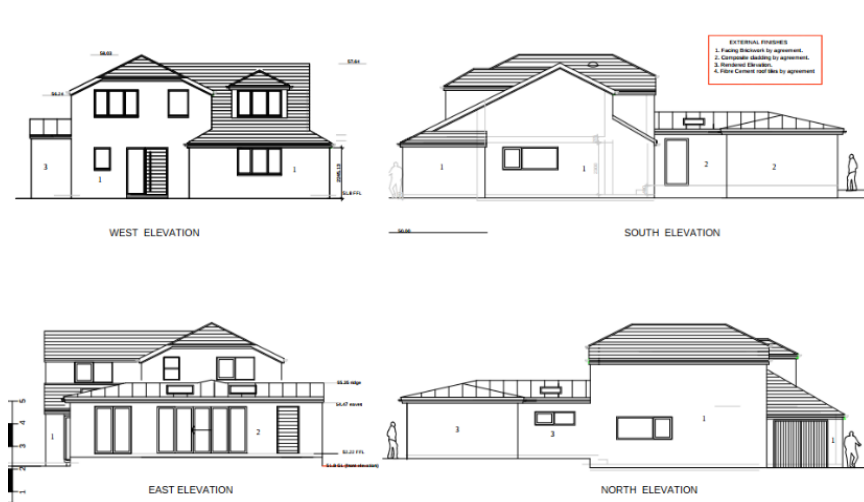
- 7.3 The extant permissions at the site that are capable of being built (and have not currently lapsed) are:

1) Application P/FUL/2023/01483 at Plot B for a detached two storey house occupying a similar position on the site as the proposed single storey dwelling under pending application P/FUL/2023/04037.

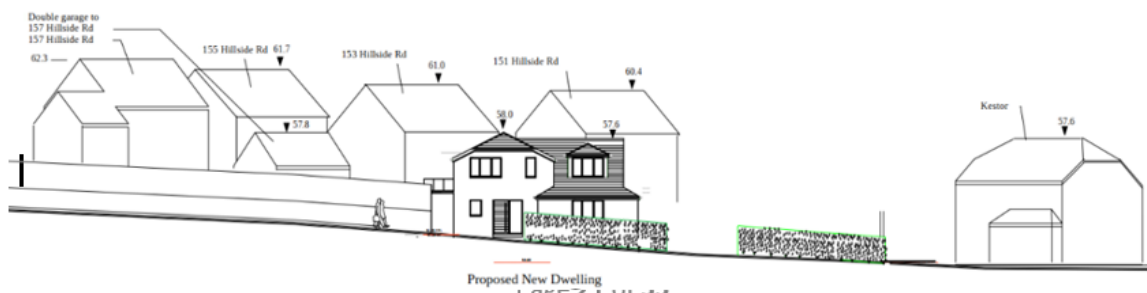
The approved plans are below:



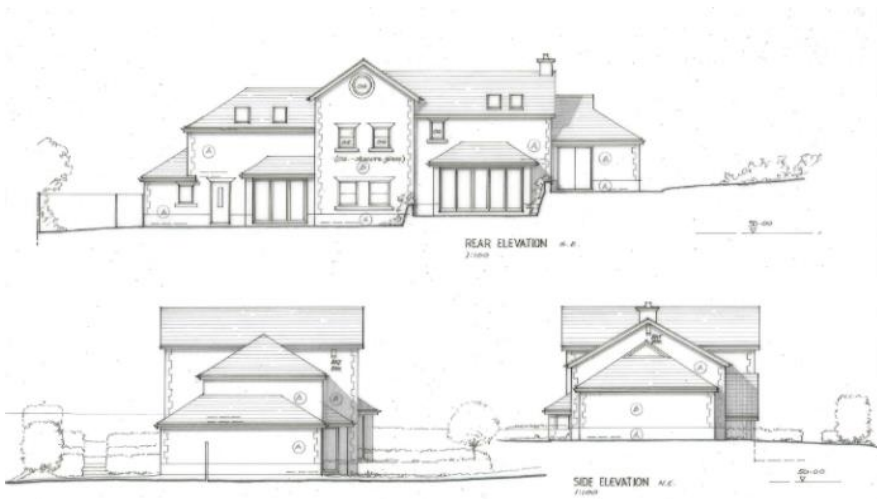
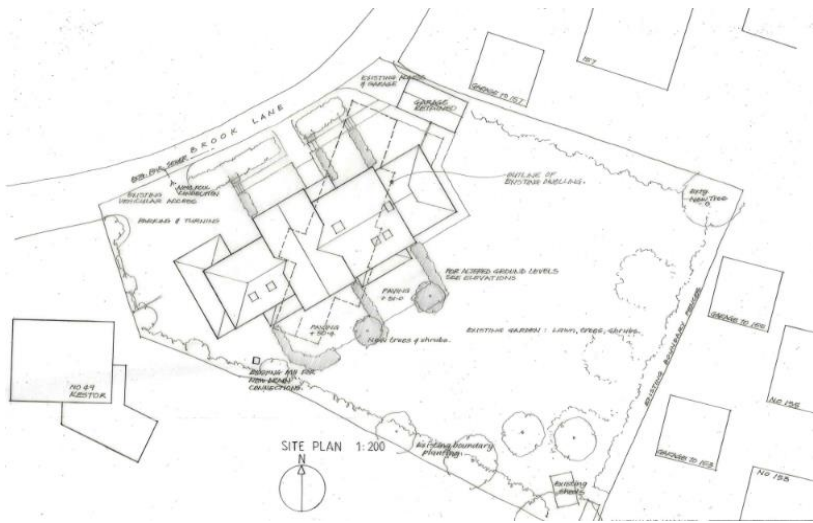
Below: Approved elevations for dwelling at Plot B (N.B: S elevation to face current application site):



Below: Street scene from Brook Lane:



2) Application 3/15/1189/FUL on Plots A & B for a two-storey replacement dwelling Approved plans below:



8.0 List of Constraints

Within Settlement Boundary; Corfe Mullen
 Tree Preservation Order - TPO (EDDC/CM/104)

Dorset Heathlands - 5km Heathland Buffer

Legal Agreements S106 – heathland contribution and prevention of other planning permissions being implemented re: 18/2946

PROW - Right of Way near the site: Footpath E37/19Bridleway E37/18;
and Bridleway E37/17

Risk of Surface Water Flooding Extent 1 in 1000 – in Brook Lane and over small area of south boundary of site

Natural England Designation - RAMSAR: Poole Harbour (UK11054);

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021) within 5km;

Wildlife Present: S41 - bat;

Site of Special Scientific Interest (SSSI) impact risk zone

Groundwater Source Protection Zone

Radon: Class: Less than 1%

9.0 Consultations

1. Dorset Council - Rights of Way Officer

- The proposed works are in the vicinity of the public right of way; bridleway E37/18, as recorded on the County Definitive Map and Statement of rights of way. Rights of Way requirements listed for when work starts to ensure right of way remains open – to be an informative note on the decision.

3. Dorset Council - Highways

- Proposal does not present a material harm to the transport network or to highway safety. Condition advised to require parking & turning to be provided in accordance with block plan & informative note regarding the provision of Building Regulations re: electric vehicle charging.

4. Dorset Council - Building Control East Team

- Building Regulations Requirement B5 (Fire Service Access) to be considered. Brook Lane appears too narrow & unlikely to take fire appliance loads. Means of escape from basement to be carefully considered.

5. Dorset Council Tree Officer

- No objection to the proposal in respect of tree matters subject to conditions to require details of any access facilitation pruning works and a construction traffic management plan showing the vehicular routes and access points for high sided vehicles.

6. Corfe Mullen Town Council

- Access is dangerous as Brook Lane is a single track, un-adopted gravel lane which will not cope with additional traffic.
- Contrary to Christchurch and East Dorset Core Strategy (CS) Policy LN2 – Potential severing of plot to result in high density housing for remainder of plot.
- Contrary to CS Policy HE2 – Size of the proposed dwellings are overlarge for the severed plot and unsympathetic to the more spacious character and appearance of existing development in the unmade part of Brook Lane. This will result in a cramped development which is out of character with the immediate area of Brook Lane.

6. Ward Members (Cllrs Barron and Cllr Harrison)

- No comments received.

Representations received

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

Precis of comments

- Plans worse than those for a dwelling under application 3/21/0830/FUL dismissed at appeal where the Inspector found that the plans caused harm to the character and appearance of the area and also failed to provide satisfactory living conditions for future occupiers in particular to the basement rooms.
- Dwelling is too large and will harm the character and appearance of the area.
- Fire safety concerns. Building Control Team advises that “Brook Lane is not adequate to achieve compliance with guidance within Approved Document B5 (Fire Service Access)” & concern about means of escape from basement rooms.
- Poor access and road safety dangers.
- Inadequate parking provision for residents, visitors and deliveries
- Extensive excavation on a steep slope for underground basement floor is likely to add to local flooding issues and could also compromise the structure of surrounding properties.
- Proposal is for a 6 bed dwelling given the 2 basement rooms.
- Would result in significant harm to the character and appearance of the area & Street Scene in a semi-rural location.
- Street scene plan is misleading and inaccurate.
- Loss of privacy from house and garden due to elevated plot and movement of these plans deeper into the plot in comparison to the location of the original cottage.

- Disturbance from the likely need for mechanical ventilation or air conditioning for basement rooms.
- Increase in visual bulk presented towards Kestor and its garden from such a large house.
- Light pollution.
- Overdevelopment – consideration needs to be given as to how this proposed house would sit with previously approved numerous applications and other applications in progress.
- 32 planning applications and counting since 2009 is a misuse of planning system.
- Garden grabbing and adverse impact on wildlife & protected species (bats).
- Garden area allocated for proposed house too small.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan 2014:

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

KS1 – Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS11 – Transport and Development

KS12- Parking Provision

LN1- Size and Types of New Dwellings

LN2- Design, Layout and Density of New Housing Development

HE2 – Design of new development

HE3 – Landscape Quality

ME1- Safeguarding biodiversity and geodiversity

ME2- Dorset Heathlands

ME6- Flood Management, Mitigation and Defence

Other Material Considerations

National Planning Policy Framework (revised December 2023) :

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant

policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply.
- Section 6 'Building a strong, competitive economy'.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful 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 131 – 139 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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.

National Planning Practice Guidance

Emerging Dorset Council Local Plan:

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

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

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

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

Emerging Neighbourhood Plans

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

Supplementary Planning Documents/Guidance

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Poole Harbour Recreation 2019 to 2024 Supplementary Planning Document

Planning for Climate Change Interim guidance and position statement (December 2023)

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 living in the vicinity 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	
None	
Non Material Considerations	
Council Tax	Council Tax (based on band D) £2294.07
Community Infrastructure Levy	£60,794.81 (but self-build exemption claimed)

15.0 Environmental Implications

Carbon emissions will arise during the demolition of the existing property and in the construction stage of the proposed development. The proposal is for one new dwelling which will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

16.0 Planning Assessment

Principle of development

- 16.1 The site lies within the urban area where the principle of additional development is acceptable under Core Strategy policy KS2. The proposal would make a modest contribution to housing provision sought by policy KS4.

Current planning situation on the site & applicant's land

- 16.2 Planning permission for a detached two storey house on Plot B was granted recently under P/FUL/2023/01483 on 28/7/23 and this remains extant.

Latest appeal

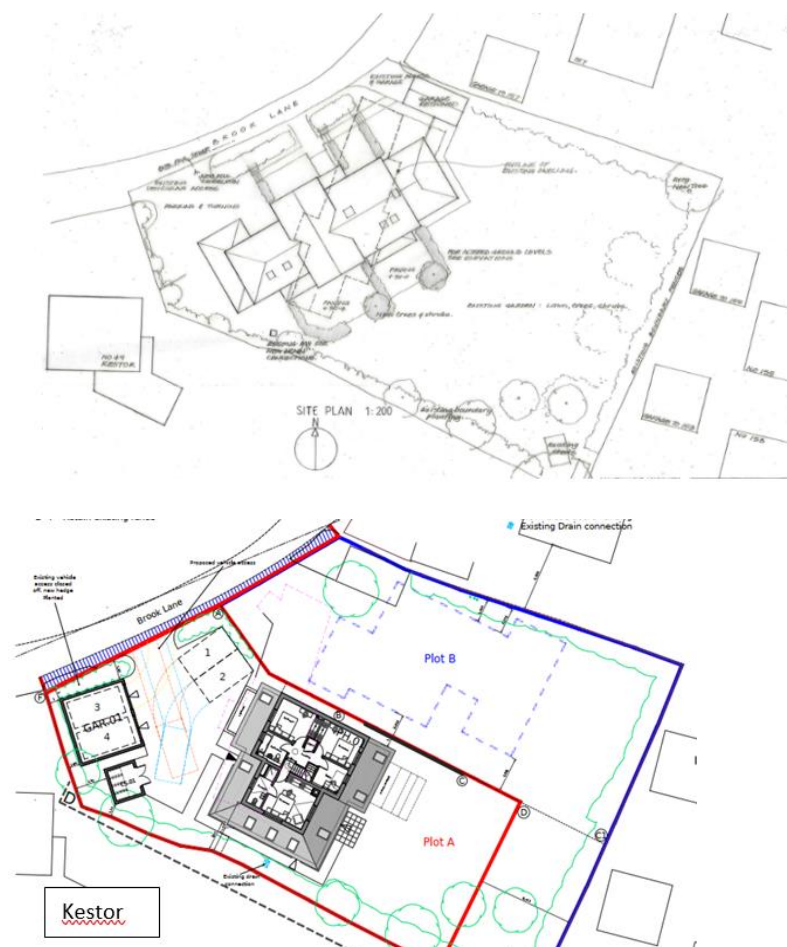
- 16.3 The latest appeal decision dated 17/11/2022 (dismissed) concerned refused applications 21/0953 (on north part of sitePlot B); 21/0603 (on north part of sitePlot B) & 21/0830 (on south part of site Plot A). The proposal differs from these in its

design and form and the proposed dwelling's design and scale are considered to be acceptable.

Whether proposal would allow previous permissions to be built out

- 16.4 The proposal would not allow permissions 16/1856; 18/0883 & 18/2054 for the plot at the rear of the site to be built out as the area at the rear of the application site between it and the boundary with 153 Hillside Rd is too narrow to accommodate the proposals. However, these permissions are considered to have lapsed so cannot be lawfully implemented and are no longer relevant.
- 16.5 The large detached house permitted by application 15/1189 could be built out as this planning permission appears to be extant. However, this could not be built if the current proposal was built as it overlaps the current application site and proposed dwelling.

Below: Extant permission above with current proposal below:



Impact on the character of the area

- 16.6 In determining the latest appeal at the site in November 2022 and making an assessment of the character of the area, the Inspector noted that the original dwelling had been damaged by fire and has been partially demolished and the site is situated along an un-made section of Brook Lane which, in the vicinity of the appeal site, is a narrow lane lined with mature trees and hedges and characterised by detached dwellings of various designs which are irregularly spaced. Dwellings in surrounding roads are visible from Brook Lane and the range of different orientations is clear. Dwellings along these roads have an apparently tighter urban grain with smaller plot sizes.
- 16.7 Local Plan Policy HE2 requires that development is compatible with or improves its surroundings in relation to 11 criteria including layout, architectural style, scale, bulk visual impact.
- 16.8 The proposed dwelling would be set back from Brook Lane with a parking area at the front served by a vehicular access onto Brook Lane. A double car port with flat roof is to be sited adjacent to the site boundary with Kestor at the front of the site with flat roofed cycle store to the south of it. The existing vehicular access is to be closed off in front of the garage and a new hedge planted here with a new vehicular access on the front boundary.
- 16.9 The proposed dwelling would be set further back from the lane than the part demolished building that was formerly a dwelling at the site and further forward than the extant two storey house on Plot B.
- 16.10 The land on the application site is lower than the land immediately to the north on Plot B and the south boundary of the proposed curtilage for the dwelling would be formed by the existing boundary fence as shown in the submitted section D-D.
- 16.11 The proposed street scene shows an acceptable separation distance with Kestor (approx. 13m) and no harm to the street scene will arise from this. The proposed traditional design and materials of facing brick for the walls, composite slate tile for the roof and UPVC window frames would be appropriate here and sit comfortably with the two-storey dwelling at Kestor.
- 16.12 The relationship between the proposed dwelling and the extant dwelling in addition to the proposed dwelling under the other pending application (both on Plot B) requires assessment in respect of the impact on the character of the area.

Scenario with the proposed dwelling and the extant dwelling on Plot B

- 16.13 This scenario would see two houses next to one another. The submitted site plan drawing shows a wall-to-wall minimum separation distance of approximately 3.1m between the two storey sections of the proposed dwelling and the extant dwelling and 2m between the nearest points. This separation is considered acceptable and would not result in a cramped development.
- 16.14 It is to be noted that the Inspector's concerns about the appeal proposal being cramped in relation to the then extant dwelling on Plot B (northern plot) were well-

founded as it is apparent from the plans submitted that the appeal dwelling would have almost overlapped the extant dwelling. Hence the Inspector's concerns that the dwellings would appear cramped and an overly large and poorly composed building. This would not be the case for the current proposal and the extant dwelling and no harm to the character of the area would result and Policy HE2 of the Core Strategy would be complied with.

Scenario with the proposed dwelling and the pending proposed single-storey dwelling on Plot B (P/FUL/2023/04037)

- 16.15 This scenario would see the proposed single-storey dwelling on Plot B (northern plot) next to the proposed house with a minimum separation distance of approximately 2.7m between the two-storey section of the proposed dwelling and the higher part of the proposed single storey dwelling and approx. 1.9m between the nearest points. This separation is considered acceptable and would not result in a cramped development. Policy HE2 of the Core Strategy would be complied with.

Whether proposal would allow other previous permissions to be built out

- 16.16 The proposal appears to allow land between the rear of the application site and the boundary with 153 & 155 Hillside Rd to be developed. Given that an appeal for a detached dwelling was allowed under application 3/16/1856 (now lapsed) on a larger area of land at the rear, there is potential for an application to be submitted to develop this land. However, such an application would need to be determined on its merits and as no proposal is in place at present, this is not a material consideration.
- 16.17 As set out in paragraph 16.6, the extant permission under reference 15/1189 for a large detached house could not be progressed if the current proposal was built as it overlaps the current application site and proposed dwelling.

Impact on the amenity of occupants of adjacent dwellings

Kestor

- 16.18 The proposed dwelling would be set back from the rear of the dwelling at Kestor and given the orientation of its windows in the front and rear elevations, there would be no harmful overlooking from these windows of the dwelling and garden at Kestor.
- 16.19 The south elevation of the proposed dwelling would face the boundary with Kestor and has a first floor and ground floor window. The applicant has submitted amended plans to omit the side door and confirmed that the first-floor window is needed for solar gain but the elevations show this to be high-level.
- 16.20 Proposed Site Section D-D shows that the existing fence on the southern boundary with Kestor would, in the absence of tall boundary planting, allow the kitchen window on this elevation to generate overlooking of the rear garden and dwelling at Kestor. A condition to require the kitchen window to have fixed and obscure glazing up to a height of 1.7m above the floor level of this room with fanlight openings above would prevent overlooking as relying on the vegetation would not be appropriate given it is not particularly dense and not in the control of the applicant. The kitchen would

receive light from the openings in the rear elevation that also serve a dining room and living room so the obscurity would not harm future amenity. On this basis, no harmful overlooking of Kestor or its rear garden would result.

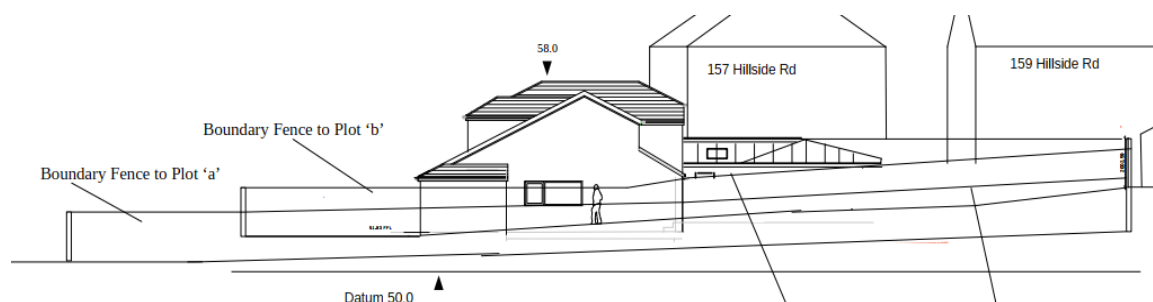
- 16.21 The height and massing of the south elevation facing Kestor would change the outlook for neighbouring residents but would not result in an adverse impact on the amenity of the occupants of Kestor as the design shows the massing reducing at first floor with a cropped hip gable and main roof pitching away from this boundary. Kestor is to the south of the application site and there would be some loss of sunlight for this dwelling in the morning, but this would not be significantly greater than that from the former two storey dwelling and would not be harmful.
- 16.22 The flat roofed garage and cycle store at the front of the site would be modest in height (2.3m high approx.) and have no adverse impact on the occupants of Kestor given this factor and their siting.

153 Hillside Rd

- 16.23 Given the separation distance of approx. 34m between the first-floor rear facing windows and the house at 153 Hillside Rd, there would be no harmful overlooking of No.153. This distance would also prevent any adverse impact from the scale and massing of the proposed dwelling.

Extant dwelling at Plot B (2023/01483 – two storey house)

- 16.24 The approved plans for this scheme show a tall fence on the boundary between the application site (Plot A) and the site for the extant dwelling (Plot B) and this would prevent the ground floor living room window in the extant dwelling overlooking the rear garden of the application site. The extant permission has a condition to require this fencing to be erected.



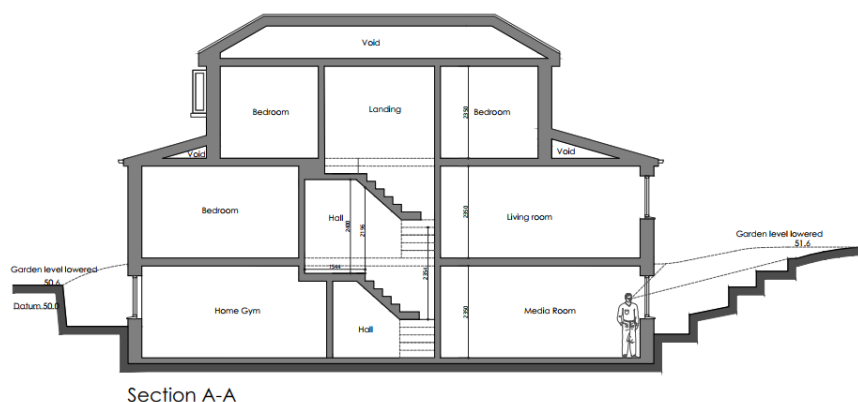
- 16.25 The proposed dwelling would be to the south of the extant dwelling on Plot B and there would be an impact on the extant dwelling from loss of sunlight from mid-morning onwards because of the proposal. The outlook from the living room window in the southern elevation of the extant dwelling is into the boundary fence. Having the two-storey gable of the proposed dwelling above this would further reduce this outlook. However, as this living room also has French doors at the rear, the limited outlook from the south-facing window is not harmful enough to the living conditions of the occupants of the extant dwelling to warrant refusing the application on this basis. There are no first-floor windows in the south elevation of the extant dwelling.

Proposed single storey dwelling at Plot B (2023/04037)

- 16.26 The proposed single storey dwelling at Plot B has 2 ground floor windows serving a kitchen/dining room that would face the boundary fence and gable of the proposed dwelling. On balance it is considered that as this kitchen/dining room also has French doors at the rear, the limited outlook from the south-facing windows would not be harmful enough to the living conditions of the occupants of the extant dwelling to warrant refusing the application on this basis.
- 16.27 For the above reasons, the proposal is not found to result in significant harm to neighbouring amenity and is compatible with neighbouring properties in terms of impact on amenity, as required by Core Strategy Policy HE2.

Amenity for future occupants

- 16.28 The outlook from the principal rooms in the ground and first floor would be acceptable and these rooms would receive adequate levels of natural light. The lower ground floor would have its windows below ground with a home gym served by a lightwell facing onto a small level area with retaining wall and a media room served by a large window facing a terrace. As these rooms are not principal living rooms, they are not required to afford the same light and outlook requirements as principal rooms (such as bedrooms and living rooms) and the poor outlook they would have is not a reason to refuse the proposal with the use addressing the Planning Inspector's concerns.



- 16.29 The amount of outdoor amenity space provided is adequate and on this basis the proposal would allow acceptable living conditions for the occupants of the proposed dwelling.

Impact on road safety

- 16.30 The vehicle access would be away from the boundary with Kestor and this is considered acceptable and would not result in an adverse impact on highway safety. The site would provide off-street parking for 4 vehicles and is in accordance with the guidance set out in the Council's document *Residential Car Parking Provision Local Guidance for Dorset*.

- 16.31 Dorset Council Highways has stated no objection subject to a condition regarding provision of parking/turning to accord with the proposed site plan and this will be imposed.

It is noted that the Town Council has objected due to additional traffic generated by the proposal. Dorset Council Highways raise no objection because the traffic generated by the proposed dwelling would not be substantial. The proposal is judged to accord with policies KS11 and KS12 of the Local Plan.

Impact on Habitats Sites

- 16.32 As the site lies within 5km of internationally protected Dorset Heathland and is a comparable distance from Poole Harbour to the formally identified Recreation Zone within which a net increase in dwellings has been identified to result in recreational pressures. The application, in combination with the extant permission, has the potential to have a significant effect on the Dorset Heathland Special Area of Protection and Ramsar, the Dorset Heaths Special Conservation Area and Poole Harbour Special Protection Area and Ramsar therefore 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 2020-2025 Supplementary Planning Document and Poole Harbour Recreation 2019 to 2024 Supplementary Planning Document can be secured via the Community Infrastructure Levy, namely Heathland Infrastructure Projects and Strategic Access Maintenance and Management projects which will ensure that there is no unmitigated harm generated by the proposal to interests of nature importance. The proposal therefore complies with policy ME2 of the Local Plan.

Biodiversity

- 16.33 Annex A to the consultation response letter from Natural England advises that biodiversity enhancement should be sought in new development and to satisfy this requirement, Condition 9 will secure biodiversity enhancement measures at the site in accordance with Local Plan policy ME1.

Other issues raised by third parties

- 16.34 Officers are aware there is a covenant on the site but this is a private matter, and not a material consideration in the planning assessment.
- 16.35 The scale of the proposed dwelling is considered acceptable, would not harm the street scene and character and appearance of the area and would provide satisfactory living conditions for future occupiers.
- 16.36 The above assessment has considered how the proposed house would relate to the extant and pending proposals for single detached dwellings on Plot B. There are no other extant permissions.
- 16.37 Fire safety, is a Building Regulations issue.

- 16.38 The Council's Highways Officer has raised no objection to the proposal and the access and parking provision is considered acceptable.
- 16.39 The excavation required to build the proposed dwelling would be extensive and there is nothing to presume this would add to flooding in the locality. The site for the dwelling is not affected by high groundwater levels or surface water flooding risk, being outside the high surface water flood risk area which lies to the south. The design of retaining walls and means of construction would be dealt with under the Building Regulations.
- 16.40 The proposed plans show 4 bedrooms and the 2 rooms in the basement are shown to be a media room and home gym.
- 16.41 The complete obscure glazing of the first-floor bedroom window in the S elevation and partial obscure glazing of the ground floor window and door in this elevation would prevent any harmful loss of privacy to Kestor and its rear garden.
- 16.42 The basement windows would allow ventilation without the need for mechanical ventilation. The basement is sited an acceptable distance from Kestor to prevent any mechanical ventilation having a harmful impact on the occupants of Kestor. In respect of the impact on the extant and pending proposal at Plot B, any mechanical ventilation would be small-scale and unlikely to introduce nuisance from noise.
- 16.43 The south facing gable of the proposed dwelling would result in an impact on Kestor, but its design to set the two-storey section away from the boundary and roofs to be hipped for the ground floor part and cropped for the two storey section would minimise the visual impact and the impact on the occupants of Kestor would not be harmful.
- 16.44 There would be some light emitted from the proposed dwelling, but this would not be harmful in this built-up area
- 16.45 The proposed curtilage and garden area is acceptable and would offer an appropriate outdoor recreational space for occupants of the proposed dwelling.

Planning balance

Housing supply

- 16.46 The Council cannot presently show a 5 year housing supply and the supply is currently 4.15 years. The Eastern Area of Dorset Council has also failed the Housing Delivery Test. The development plan (Core strategy) is therefore out-of-date and the 'tilted balance' is engaged under NPPF paragraph 11 d).
- 16.47 Therefore, the NPPF says that planning permission should be granted unless one of the following situations apply:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Adverse impacts from the proposal

- Restricted outlook for the south-facing living room window for future occupants of the extant dwelling to the north (on Plot B).

Benefits of the proposal

- The addition of a dwelling to the Council's housing supply
- Employment from the construction of the development and associated future repairs/maintenance and improvements
- Some benefit to the local economy from the spending from the occupants of the proposed dwellings as well as the spending from construction workers and this would benefit local businesses
- Some benefit to the vitality and viability of local services and facilities
- The sustainability benefits of the proposal in respect of the site being adjacent to the urban area with opportunities for future residents of the proposed dwellings to walk/cycle to the facilities and services that Corfe Mullen offers.

16.48 The site is within the urban area and does not adversely affect any assets of particular importance as identified by the NPPF. The adverse impact in relation to the restricted outlook for the living room window on the south elevation of the dwelling approved at Plot B would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

Therefore, it is recommended that planning permission should be granted.

17.0 Conclusion

17.1 For the above reasons it is judged that the proposal accords with the Development Plan as a whole, that there are no material considerations indicating that permission should be refused and so it is recommended that planning permission is granted.

18.0 Recommendation: Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Job No. P565 Drawings:

LP.01 A: Location Plan
PBP.01 C: Proposed Site Block Plan
PH.01.P1 B: Proposed Lower & ground floor plans
PH.01.P2 A: Proposed first floor & roof plans
PH.01.e B: Proposed elevations
PH.01.s A: Proposed sections AA, BB & CC
SS 01 B: Proposed section DD
SS 02 A: Proposed street scene
GAR.01.pe P2: Proposed garage plan & elevations
CS.01.pe A: Proposed cycle store plans & elevations

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

3. Before using any external facing and roofing materials in the construction of the development, details of their manufacturer, colour and type shall have been submitted to and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure the development uses external materials appropriate for its context.

4. The dwelling hereby permitted must not be occupied unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works have been carried out as approved. Thereafter, the soft landscaping shall be retained and any plants that are lost, die or become diseased within 5 years of being planted shall be replaced in accordance with a scheme to be agreed in writing by the Local Planning Authority and then planted in accordance with the approved details within 1 month of the agreement.

Reason: In the interests of visual amenity and to ensure the approved landscaping scheme is implemented correctly.

5. The finished floor level(s) for the dwelling hereby approved shall accord with submitted drawings PH.01.s A: Proposed sections AA & BB and SS 01 A: Proposed section DD.

Reason: In the interests of maintaining an acceptable relationship with the adjacent buildings and the amenity of the occupants of the adjacent dwelling to the south at Kestor.

6. Both in the first instance and upon all subsequent occasions, the first floor window in the south (side) elevation shall have a sill level of at least 1700mm above the floor level of the room it serves and the ground floor window shall be glazed with fixed panes of obscure glass up to a height of 1700mm above the floor level of this room with any opening sections above this. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) or any further re-enactment, these windows shall not be altered and no further openings shall be inserted into the south elevation.

Reason: To preserve the amenity and privacy of the occupants of the adjoining property at Kestor.

7. 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 or additional windows in the south elevation, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected, constructed or installed

Reason: To protect the amenity of the occupants of the adjacent dwellings.

8. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number PBP.01 A must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

9. Prior to occupation of the dwelling hereby approved, biodiversity enhancement measures shall be installed at the site, details of which shall first be submitted to and approved by the Local Planning Authority. Such enhancement measures could include bee bricks, bat tiles, bat boxes, bird boxes and new planting. The approved measures shall be retained for the lifetime of the development.

Reason: To enhance biodiversity at the site.

Informative Notes:

1. 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.

2. 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.

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

4. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

5. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.

6. The proposed works are in the vicinity of the public right of way; bridleway E37/18, as recorded on the County Definitive Map and Statement of rights of way.

Throughout the duration of the development the full width of the bridleway must remain open and available to the public, with no materials or vehicles stored on the route.

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

The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the bridleway then a Temporary Path Closure Order must be obtained. This can be applied for through this office, but the application must be completed and returned

at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application.

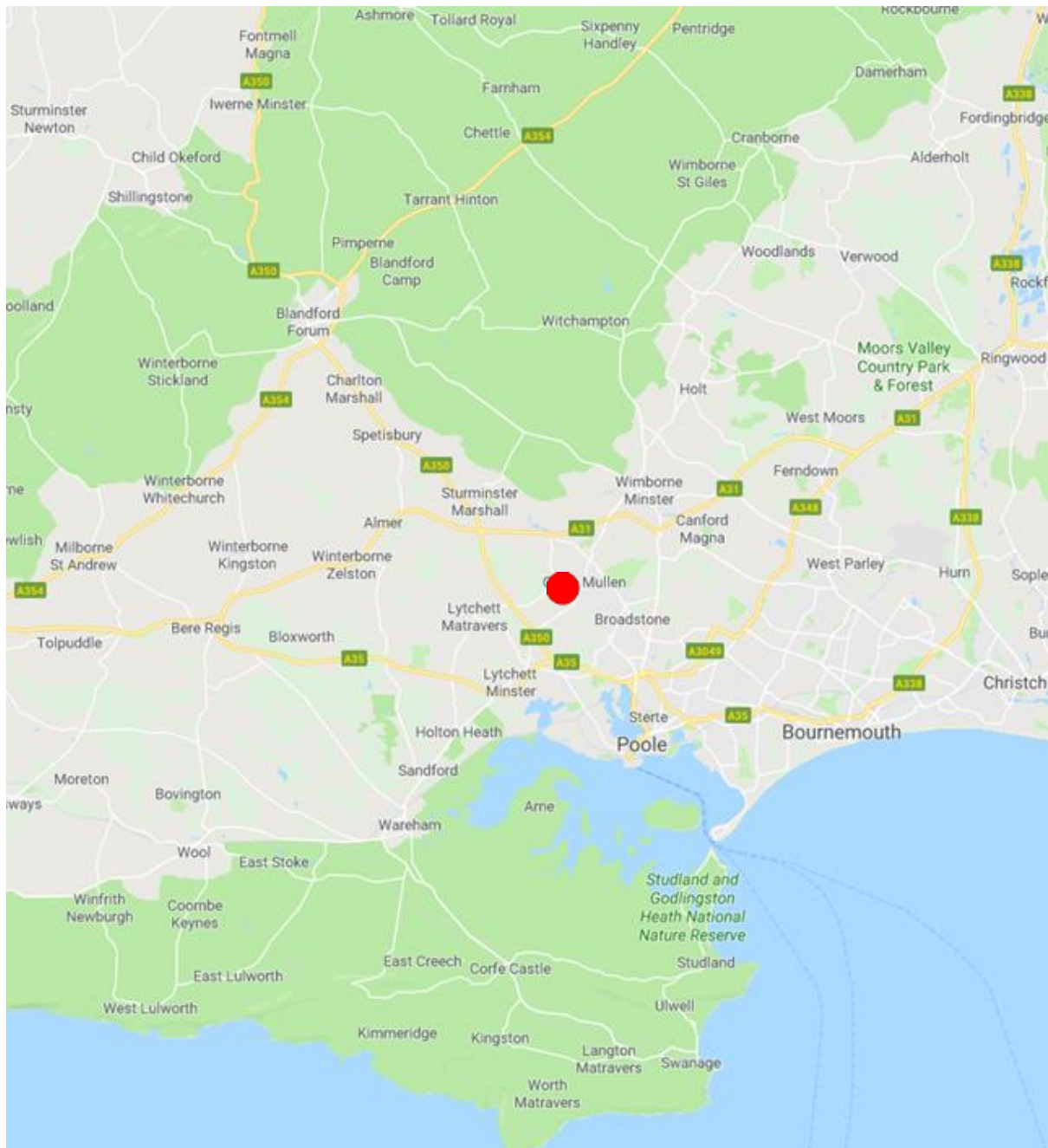
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● Approximate Site Location

Application reference: P/FUL/2023/04067

Description of development: Sever the plot and erect a replacement dwelling to southern side of land (Plot A). As amended by plans rec'd 29/11/23 to omit personnel door on S elevation.

Site address: Smugglers Hyde 47 Brook Lane Corfe Mullen BH21 3RD



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Agenda Item 9

Eastern Area Planning Committee
10 January 2023

Application Number:	P/FUL/2023/04227		
Webpage:	Planning application: P/FUL/2023/04227 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Smugglers Hyde 47 Brook Lane Corfe Mullen BH21 3RD		
Proposal:	Demolish the remaining section of the existing dwelling. Erection of dwelling, double garage and cycle store (Plot A on south part of land). As amended by plans rec'd 29/11/23 to omit personnel door on southern elevation.		
Applicant name:	Mr Nigel Briant		
Case Officer:	James Brightman		
Ward Member(s):	Cllr Barron and Cllr Harrison		
Publicity expiry date:	7 September 2023	Officer site visit date:	16 August 23
Decision due date:	18 September 2023	Ext(s) of time:	Requested but not given to date
No of Site Notices:	2		
SN displayed reasoning:	1 outside site access in Brook Lane 1 outside 155 Hillside Rd (which has a common boundary with the rear (east) of the site)		

- 1.0 The application comes to committee at the request of the Service manager for Development Management and Enforcement.
- 1.0 The application should be read in conjunction with applications P/FUL/2023/04037 and 04067 at the same address which are also included on this agenda for consideration.
- 2.0 **Summary of recommendation:**
GRANT subject to conditions
- 3.0 **Reason for the recommendation:**

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The site is within the urban area where the principle of development is acceptable.
- The location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposal would add to housing supply where there is a current lack of 5 year housing supply
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	<ul style="list-style-type: none"> • Site in urban area – compliant with Core Strategy Policy KS2
Current planning situation on the site	<ul style="list-style-type: none"> • Extant permission for a detached two-storey house on the land immediately to the N of the application site (P/FUL/2023/01483). • 1 extant permission for a detached house extending across both plots (A&B) which could not be built out should the current application be approved and implemented as they occupy part of the same footprint (3/15/1189).
Impact on the character and appearance of the area	<ul style="list-style-type: none"> • The proposed scale, design and external materials are considered acceptable and Core Strategy Policy HE2 is complied with as the proposal would be compatible with its surroundings
Impact on the amenity of occupants of adjacent dwellings	<ul style="list-style-type: none"> • Proposal offers acceptable amenity for future occupants
Impact on road safety	<ul style="list-style-type: none"> • No road safety concerns & acceptable on-site parking provision would be provided
Other issues raised by Third Parties	<ul style="list-style-type: none"> • Proposed dwelling would be appropriate for the site in terms of its siting, scale &

	outdoor amenity area and no adverse impact on the character of the area would result.
Planning Balance	<ul style="list-style-type: none"> • Benefits of the proposal outweigh the impacts

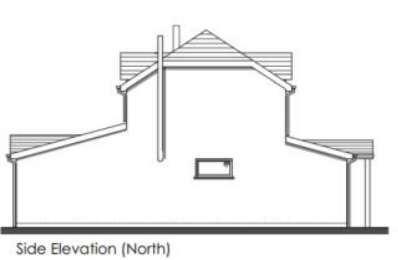
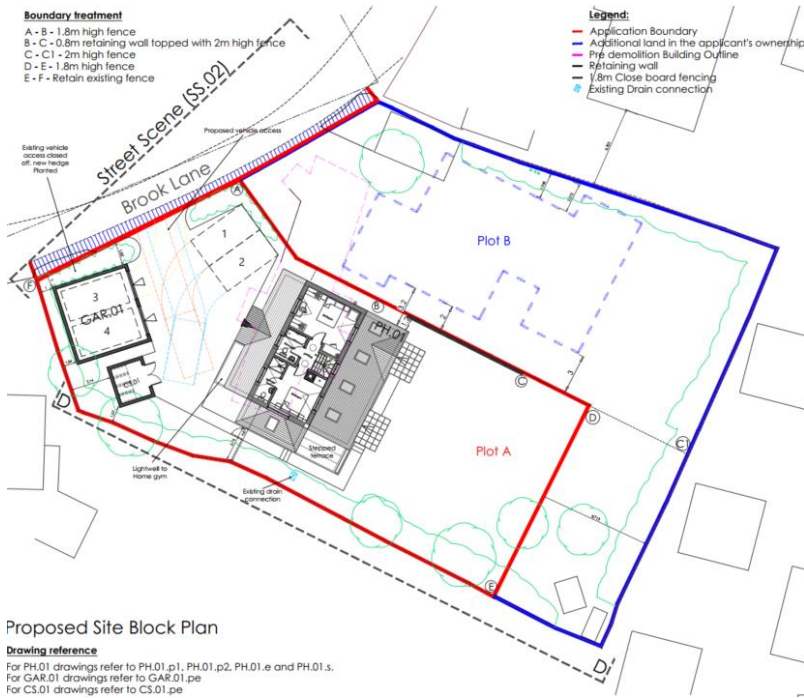
5.0 Description of Site

- 5.1 The application site 'Plot A' subdivides land at 47 Brook Lane, (also known as 'Smugglers Hyde'), and occupies the south-east part of the land. The northern part of the land, 'Plot B' is also in the applicant's control, but that site lies outside the red line of the current application. The footprint of a dwelling approved on 'Plot B' under application P/FUL/2023/01483 is shown indicatively.
- 5.2 The southern boundary of the application site is with 'Kestor' a residential dwelling; the eastern (rear) boundary adjoins a narrow strip of land within 'Plot B' with the property at 153 Hillside Rd beyond (the rear boundary to Plot A measures approx. 8.7m to the boundary with 153 Hillside Rd). The site's northern boundary is with Plot B.
- 5.3 There are two existing accesses serving Smugglers Hyde, located close to the northern and southern site boundaries. Smugglers Hyde was damaged by fire some time ago and has been partially demolished. Ground levels fall away across the site from north to south and rise from west to east.
- 5.4 The site lies within the urban area of Corfe Mullen and close to the western edge of the settlement. Land to the west of the application site is agricultural and lies within the South East Dorset Green Belt and within an Area of Great Landscape Value.
- 5.5 Brook Lane is a Bridleway. The unmade section of Brook Lane in the vicinity of the site is characterised by detached dwellings, relatively well spaced apart, in a mixture of architectural styles.
- 5.6 Across the Lane and opposite to the western boundary of the site is a line of Oak trees covered by a Tree Preservation Order (TPO).

6.0 Description of Development

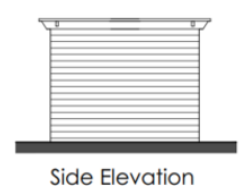
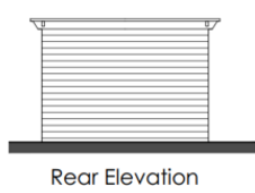
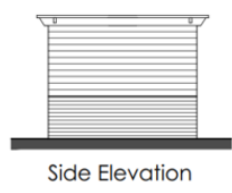
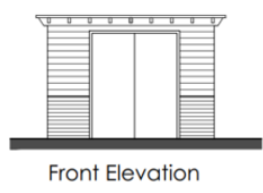
- 6.1 It is proposed to sever the plot and construct a detached 2-bedroom (with ground floor study) two storey dwelling facing Brook Lane with parking and a detached double garage and detached cycle store at the front. The proposal will necessitate the demolition of the remaining Smugglers Hyde dwelling
- 6.2 The dwelling would have render walls with a brick plinth, concrete tiled roof and UPVC windows. It would be sited a similar distance from Brook Lane than the adjacent house at Kestor to the SW and further back from the lane than the remainder of the existing Smugglers Hyde dwelling.
- 6.3 The design is for a two-storey building with a shallow pitched and cropped gable roof. A lower ground floor (underground) would provide a home gym, media room and bathroom.

6.4 The proposed site plan and elevations are below. The footprint of the extant two storey dwelling approved under application P/FUL/2023/01483 is shown on Plot B by a dashed blue line:

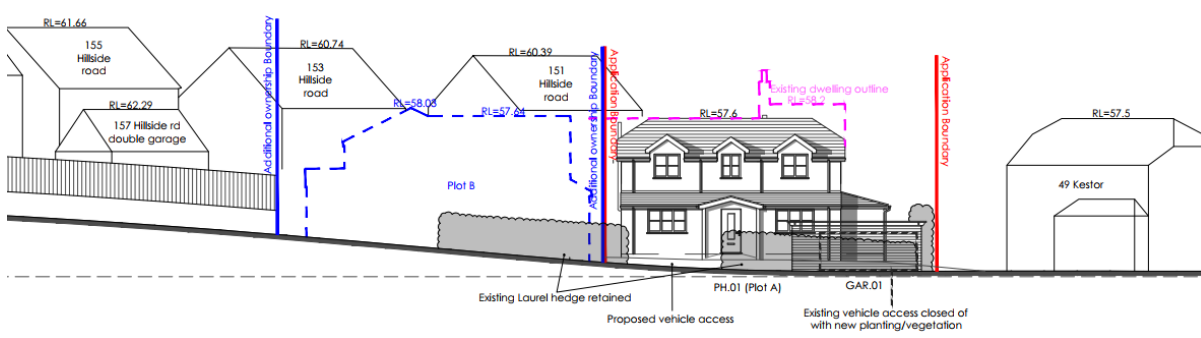


Legend

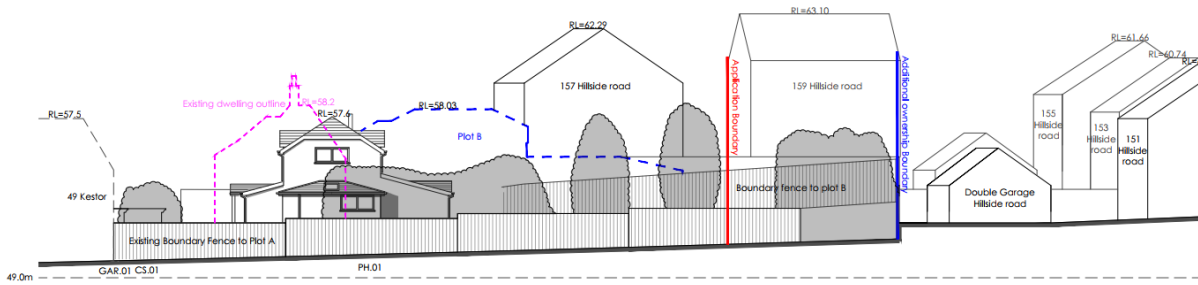
Bin store elevations below:



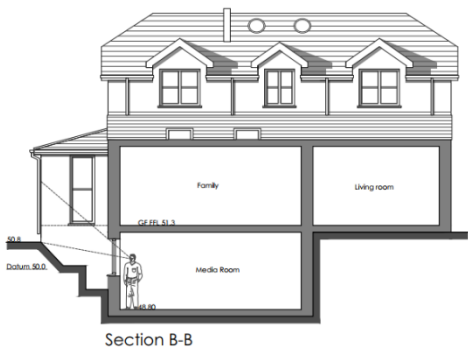
Proposed street scene below:



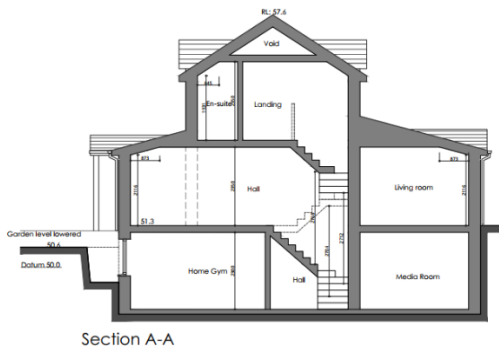
Proposed Cross-section D-D below (view from boundary with Kestor):



Section B-B below (view from rear of plot to rear of dwelling):



Section A-A below (View from boundary with Kestor):



7.0 Relevant Planning History

- 7.1 The existing dwelling known as Smugglers Hyde was extensively damaged by fire in 2007. The site has since been the subject of a large number of planning applications. Those pertinent to this application are listed below (*those that are believed to have lapsed or were refused are in italics*).
- 7.2 There are now 3 applications pending:
- 1) the application to which this report relates (P/FUL/2023/04227)
 - 2) application P/FUL/2023/04037 for a two-storey dwelling on the application site (Plot A).
 - 3) application P/FUL/2023/04037 for a single-storey dwelling on Plot B (the N plot).

Planning application	Proposal	Decision	Comments
P/FUL/2023/04067	Sever the plot and erect a replacement dwelling to southern side of land (Plot A). As amended by plans rec'd 29/11/23 to omit personnel door on S elevation.	under consideration	Two storey house on S part of site (Plot A)
P/FUL/2023/04037	Erect a new dwelling on the northern side of the land.	under consideration	Single storey dwelling on N part of site (Plot B)
P/FUL/2023/01483	Sever plot & erect new dwelling (house)	Approved	Two storey house on N part of site (Plot B)
<i>3/21/0953</i>	<i>Sever plot, demolish remaining section of existing dwelling and garage and erect replacement dwelling on the northern side of the site.</i>	<i>Appeal Dismissed (non-determination)</i>	<i>Alternative proposal for the northern part of the plot (Plot B)</i>
<i>3/21/0603</i>	<i>Demolish remaining section of the existing dwelling & garage & erect a new dwelling on the northern side of the land</i>	<i>Appeal Dismissed (non-determination)</i>	<i>Alternative proposal for the northern part of the plot (Plot B)</i>

<i>3/21/0830</i>	<i>Sever plot, demolish remaining section of existing dwelling & erect a Replacement Dwelling.</i>	<i>Appeal Dismissed (non-determination)</i>	<i>Alternative proposal for the southern part of the plot (Plot A)</i>
<i>3/20/2260</i>	<i>Sever Plot, Demolish Remaining Part of Existing Dwelling & Erect Replacement Dwelling on the southern side of the site</i>	<i>Refused - as legal agreement not completed to require the permission for a dwelling on the northern part of the site under application 19/0382 not to be built out.</i>	<i>Detached house on S part of site (Plot A) Would have been acceptable if legal agreement completed as in box to left</i>
<i>3/19/0382</i>	<i>Erect replacement dwelling and garden studio after demolition of existing.</i>	<i>Granted 24/04/19</i>	<i>Detached dwelling on the northern part of the plot (Plot B)</i>
<i>3/18/2945</i>	<i>Demolish existing dwelling and garage-erect replacement dwelling</i>	<i>Refused; appeal dismissed</i>	<i>Detached dwelling on the northern part of the plot refused on design grounds. (Plot B)</i>
<i>3/18/2946</i>	<i>Erect a New Dwelling and Garage on the South Side of the Land</i>	<i>Granted 13/12/18</i>	<i>Detached dwelling on the southern part of the site. (Plot A)</i>
<i>3/18/2273</i>	<i>Demolish Existing Dwelling & Erect a New Dwelling.</i>	<i>Granted 19/10/18</i>	<i>An alternative two storey replacement dwelling at the front of the site (Whole site)</i>
<i>3/18/2054</i>	<i>Demolish existing dwelling & erect new dwelling</i>	<i>Granted 24/09/18</i>	<i>An alternative two storey design for a backland dwelling at rear of site</i>
<i>3/18/0883</i>	<i>Demolish existing garage and erect an</i>	<i>Granted</i>	<i>An alternative 1 storey design for</i>

	<i>additional dwelling at the rear of the site</i>		<i>the backland dwelling</i>
<i>3/17/1556</i>	<i>Replacement dwelling and detached annex</i>	<i>Refused (appeal dismissed)</i>	<i>Two buildings, replacement dwelling including angled wing- issues of character & compatibility with rear plot</i>
<i>3/16/2307</i>	<i>Replacement 5- bedroom dwelling</i>	<i>Refused</i>	<i>5 bedroom dwelling parallel with Brook Lane with angled wing- issues of character and overlooking</i>
<i>3/16/2283</i>	<i>Replacement dwelling and attached garage</i>	<i>Refused</i>	<i>Dwelling parallel with Brook Lane with angled wing incorporating garaging- issue impact on character</i>
<i>3/16/1856</i>	<i>Sever land and erection of 1 x 3 bed dwelling</i>	<i>Appeal upheld (8.3.18)</i>	<i>Two storey backland dwelling</i>
<i>3/15/1189</i>	<i>Replacement Dwelling</i>	<i>Granted (believed to be extant; applicant states development commenced)</i>	<i>4-bedroom dwelling facing Brook Lane (over Plots A and B)</i>
<i>3/15/0348</i>	<i>Erection of three dwellings</i>	<i>Refused (appeal dismissed)</i>	<i>Issue- character (not prejudicial to living conditions)</i>
<i>3/13/1183</i>	<i>Replacement dwelling</i>	<i>Granted (lapsed)</i>	<i>The design and siting of the approved dwelling is the same as 3/11/0614</i>

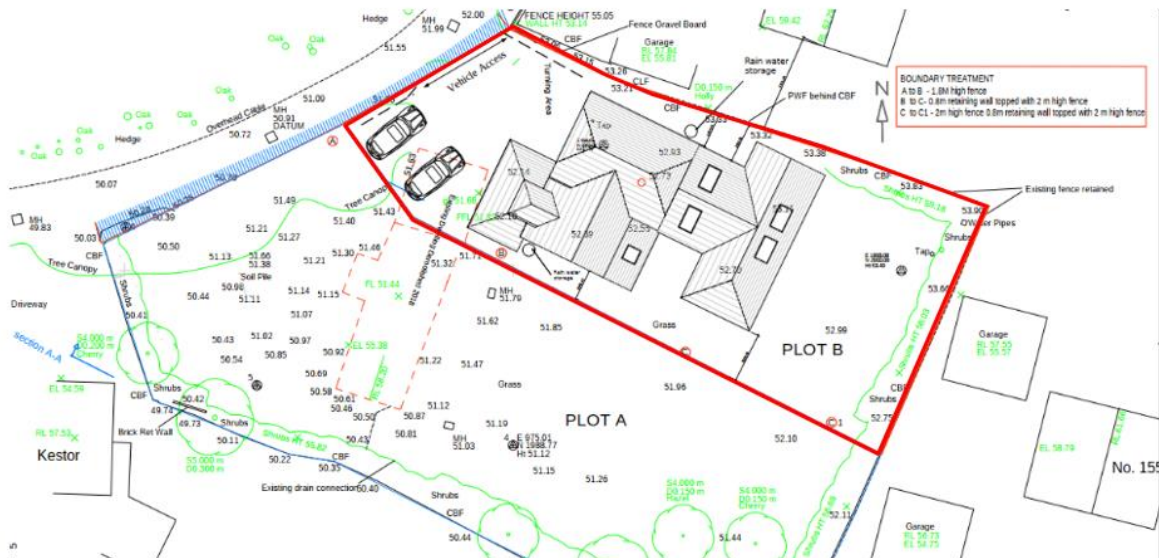
3/11/0911	Replacement dwelling on the northern part of the site	Granted (lapsed)	Subdivision of the plot and dwelling facing Brook Lane to north (Plot B)
3/11/0614	Replacement dwelling	Granted (lapsed)	Replacement for original
3/10/0939	Replacement dwelling	Refused (appeal dismissed)	Issue- out of keeping with character due to scale
3/09/0083/RM	Demolish existing dwelling and erect two dwellings	Granted (but lapsed)	Two dwellings facing Brook Lane

Extant permissions on and adjacent to the application site

7.3 The extant permissions at the site that are capable of being built (and have not lapsed) are:

1) Application P/FUL/2023/01483 at Plot B for a detached two storey house occupying a similar position on the site as the proposed single storey dwelling sought under application reference P/FUL/2023/04037.

The approved plans for 'plot B' are below:



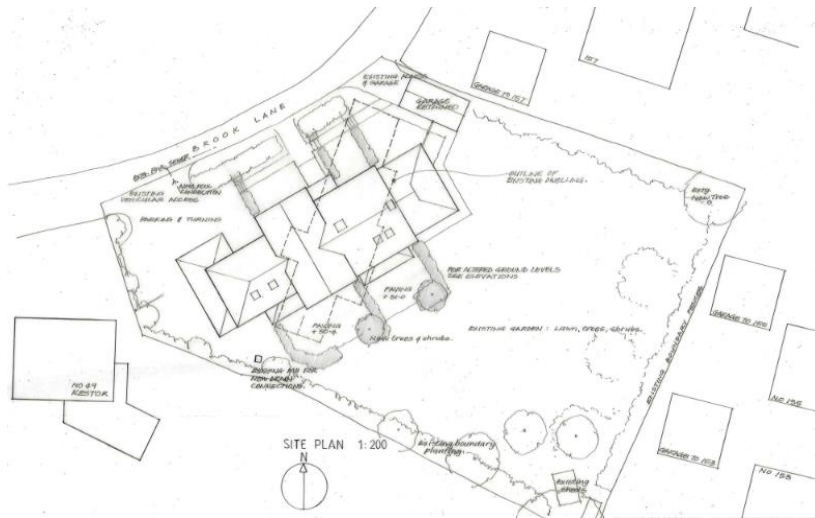
Below: Approved elevations for dwelling at Plot B (N.B: S elevation to face current application site):



Below: Street scene from Brook Lane:



2) Application 3/15/1189/FUL on Plots A & B for a two-storey replacement dwelling
Approved plans below:



8.0 List of Constraints

Eastern Area Planning Committee
10 January 2023

Within Settlement Boundary; Corfe Mullen

Tree Preservation Order - TPO (EDDC/CM/104)

Dorset Heathlands - 5km Heathland Buffer

Legal Agreements S106 – heathland contribution and prevention of other planning permissions being implemented re: 18/2946

PROW - Rights of Way near the site: Footpath E37/19; : Bridleway E37/18; and
Bridleway E37/17

Risk of Surface Water Flooding Extent 1 in 1000 – in Brook Lane and over small area of south boundary of site

Natural England Designation - RAMSAR: Poole Harbour (UK11054); and Dorset Heathlands (UK11021) within 5km

Wildlife Present: S41 - bat

Site of Special Scientific Interest (SSSI) impact risk zone

Groundwater Source Protection Zone

Radon: Class: Less than 1%

9.0 Consultations

Consultees

1. **Dorset Council - Rights of Way Officer**

Site in vicinity of a right of way and this must be kept open during the development works

2. **Dorset Council - Highways**

The proposal does not present a material harm to the transport network or to highway safety. No conditions suggested.

3. **Dorset Council - Building Control East Team**

No response received

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

No objection subject to the following information being conditioned:

- Details of any access facilitation pruning works and a construction traffic management plan showing the vehicular routes and access points for high sided vehicles
Soft Landscaping and planting to be submitted.

5. **Corfe Mullen Town Council**

- Access to site is dangerous as Brook Lane is a single track, un-adopted gravel lane which will not cope with additional traffic.
- Potential severing of plot to result in high density housing for remainder of plot contrary to policy LN2.
- There is a restrictive covenant on site
- The size of the proposed dwelling is overlarge for the severed plot and is unsympathetic to the more spacious character and appearance of existing development in the unmade part of Brook Lane. This will result in a cramped development that is out of character with the immediate area of Brook Lane and is therefore contrary to Christchurch and East Dorset Local Plan Policy HE2

Representations received

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

Precis of issues raised:

- The site is subject to a restrictive covenant. Applications have been made to the lands Tribunal to modify it and were refused.
- Plans worse than those for a dwelling under application 3/21/0830/FUL dismissed at appeal where the Inspector found that the plans caused harm to the character and appearance of the area and also failed to provide satisfactory living conditions for future occupiers in particular to the basement rooms.
- Dwelling is too large and will harm the character and appearance of the area.
- Fire safety concerns. Building Control Team advises that “Brook Lane is not adequate to achieve compliance with guidance within Approved Document B5 (Fire Service Access)” & concern about means of escape from basement rooms.
- Poor access and road safety dangers.
- Inadequate parking provision for residents, visitors and deliveries
- Extensive excavation on a steep slope for underground basement floor is likely to add to local flooding issues and could also compromise the structure of surrounding properties.
- Proposal is for a 4 to 5 bed dwelling given the 2 basement rooms.
- Would result in significant harm to the character and appearance of the area & Street Scene in a semi-rural location.

- Street scene plan is misleading and inaccurate.
- Loss of privacy from house and garden due to elevated plot and movement of these plans deeper into the plot in comparison to the location of the original cottage.
- Disturbance from the likely need for mechanical ventilation or air conditioning for basement rooms.
- Increase in visual bulk presented towards Kestor and its garden from such a large house.
- Light pollution.
- Overdevelopment – consideration needs to be given as to how this proposed house would sit with previously approved numerous applications and other applications in progress.
- 32 planning applications and counting since 2009 is a misuse of planning system.
- Garden grabbing and adverse impact on wildlife & protected species (bats).
- Garden area allocated for proposed house too small.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan (2014) (CED LP – Core Strategy):

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

KS1 - Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS11 - Transport and Development

KS12- Parking Provision

LN1- Size and Types of New Dwellings

LN2- Design, Layout and Density of New Housing Development

HE2 - Design of new development

HE3 - Landscape Quality

ME1- Safeguarding biodiversity and geodiversity

ME2- Dorset Heathlands

ME6- Flood Management, Mitigation and Defence

Other Material Considerations

National Planning Policy Framework (revised December 2023):

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 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 6 'Building a strong, competitive economy'.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful 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 131 – 139 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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 (National Landscapes) 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.

National Planning Practice Guidance

Emerging Dorset Council Local Plan:

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

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

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

Emerging Neighbourhood Plans

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

Supplementary Planning Document/Guidance

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Poole Harbour Recreation 2019 to 2024 Supplementary Planning Document

Planning for Climate Change Interim guidance and position statement (December 2023)

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 living in the vicinity 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	
None	
Non Material Considerations	
Council Tax	Council Tax (based on band D) £2294.07
Community Infrastructure Levy	£46,823.03 (but self-build exemption claimed)

15.0 Environmental Implications

Carbon emissions will arise during the demolition of the existing property and in the construction stage of the proposed development. The proposal is for one new dwelling which will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

16.0 Planning Assessment

Principle of development

- 16.1 The site lies within the urban area where the principle of additional development is acceptable under Core Strategy policy KS2. The proposal would make a modest contribution to housing provision sought by policy KS4.

Current planning situation on the site

- 16.2 Planning permission for a detached two storey house was granted recently under P/FUL/2023/01483 on 28/7/23 and this remains extant.

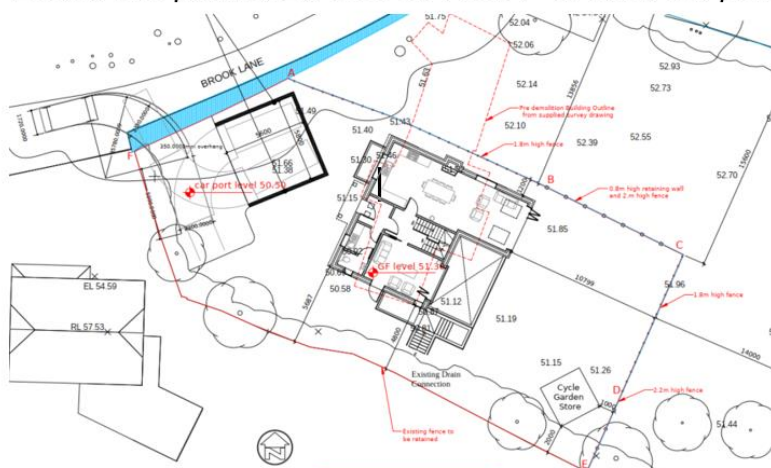
Latest appeal

16.3 The latest appeal decision dated 17/11/2022 (dismissed) concerned refused applications 21/0953 (on north part of site as the current proposal); 21/0603 (on north part of site as current proposal) & 21/0830 (on south part of site). The proposal differs from these in its design and form and the proposed design and scale are considered to be acceptable.

16.4 In the assessment of the dwelling on the application site (Plot A), the inspector made the following comments:

- The two-storey scale and traditional design and appearance proposed was appropriate for the area and the dwelling would complement other buildings in the area and would sit comfortably in its context.
- The extant planning permission on plot B, if built would mean the proposed dwelling and this dwelling would appear cramped and have the appearance of one overly large and poorly composed building.
- The proposed carport would be sited alongside Brook Lane in front of the dwelling and would interrupt views towards the dwelling and detract from the main elevation this would add unsympathetic visual clutter.
- The inspector concluded that the proposal would harm the character and appearance of the area.
- The outlook from the bedrooms in the basement level and light to them would be poor and not allow acceptable living conditions for occupants of the proposed dwelling.

Below: Site plan for 21/0830 on Plot A – to show car port position



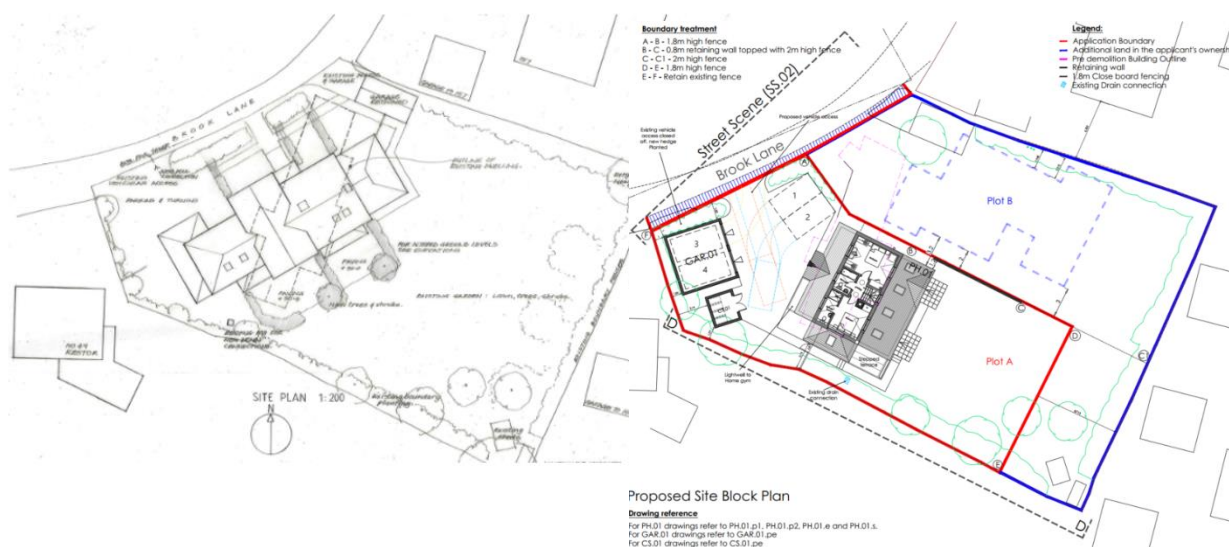
Whether proposal would allow previous permissions to be built out

16.5 The current proposal would prevent vehicular access to the rear of the plot so a dwelling at depth as previously approved by lapsed permissions 16/1856; 18/0883 & 18/2054 could not be achieved.

16.6 The current proposal would prevent the large detached house permitted by application 15/1189 from being built out as it overlaps the current application site and

proposed dwelling. The only extant permission that could be built out would be P/FUL/2023/01483 on Plot B as shown below.

Below: Extant permission alongside current proposal:



Impact on the character of the area

- 16.7 In determining the latest appeal at the site in November 2022 and making an assessment of the character of the area, the Inspector noted that the original dwelling had been damaged by fire and has been partially demolished and the site is situated along an un-made section of Brook Lane which, in the vicinity of the appeal site, is a narrow lane lined with mature trees and hedges and characterised by detached dwellings of various designs which are irregularly spaced. Dwellings in surrounding roads are visible from Brook Lane and the range of different orientations is clear. Dwellings along these roads have an apparently tighter urban grain with smaller plot sizes.
- 16.8 Local Plan Policy HE2 requires that development is compatible with or improves its surroundings in relation to 11 criteria including layout, architectural style, scale, bulk visual impact.
- 16.9 The proposed dwelling would be set back from Brook Lane with a parking area at the front served by a vehicular access onto Brook Lane. A double car port with flat roof is to be sited adjacent to the site boundary with Kestor at the front of the site with flat roofed cycle store to the south of it. The existing vehicular access is to be closed off in front of the garage and a new hedge planted here with a new vehicular access on the front boundary.
- 16.10 The proposed dwelling would be set further back from the lane than the part demolished building that was formerly a dwelling at the site and further forward than the extant two storey house on Plot B.

The land on the application site is lower than the land immediately to the north on Plot B and the south boundary of the proposed curtilage for the dwelling would be formed by the existing boundary fence as shown in the submitted section D-D.

- 16.11 The proposed street scene shows an acceptable separation distance with Kestor (approx. 13m between two-storey sections) and no harm to the street scene will arise from this. The proposed traditional design and materials of rendered walls, concrete tile roof and UPVC window frames would be appropriate here and sit comfortably with the two-storey dwelling at Kestor.
- 16.12 The relationship between the proposed dwelling and the extant dwelling, in addition to the proposed dwelling under the other pending application (both on Plot B) requires assessment in respect of the impact on the character of the area.

Scenario with the proposed dwelling and the extant dwelling on Plot B

- 16.13 This scenario would see two houses next to one another. The submitted site plan drawing shows a wall-to-wall minimum separation distance of approximately 3.2m between the two storey sections of the proposed dwelling and the extant dwelling and 2m between the nearest points. This separation is considered acceptable and would not result in a cramped development.
- 16.14 It is to be noted that the Inspector's concerns about the appeal proposal being cramped in relation to the then extant dwelling on Plot B (northern plot) were well-founded as it is apparent from the plans submitted that the appeal dwelling would have almost overlapped the extant dwelling. Hence the Inspector's concerns that the dwellings would appear cramped and an overly large and poorly composed building. This would not be the case for the current proposal and the extant dwelling and no harm to the character of the area would result. The application is therefore considered to comply with policy HE2 of the adopted CED Local Plan

Scenario with the proposed dwelling and the pending proposed single-storey dwelling on Plot B (P/FUL/2023/04037)

- 16.15 This scenario would see the proposed single-storey dwelling on Plot B (northern plot) next to the proposed house with a minimum separation distance of approximately 2.9m between the two-storey section of the proposed dwelling and the higher part of the proposed single storey dwelling and approx. 2m between the nearest points. This separation is considered acceptable, would not result in a cramped development and meets the requirements of policy HE2.

Whether proposal would allow other previous permissions to be built out

- 16.16 The proposal appears to allow land between the rear of the application site and the boundary with 153 & 155 Hillside Rd to be developed. Given that an appeal for a detached dwelling was allowed under application 3/16/1856 (now lapsed) on a larger area of land at the rear, there is potential for an application to be submitted to develop this land. However, such an application would need to be determined on its merits and as no proposal is in place at present, this is not a material consideration. As set out in paragraph 16.6, the extant permission under reference 15/1189 for a large detached house could not be progressed if the current proposal was built as it overlaps the current application site and proposed dwelling.

Impact on the amenity of occupants of adjacent dwellings

Kestor

- 16.17 The proposed dwelling would be set back from the rear of the dwelling at Kestor and given the orientation of its windows in the front and rear elevations, there would be no harmful overlooking from these windows of the dwelling and garden at Kestor.
- 16.18 The south elevation of the proposed dwelling would face the boundary with Kestor and has a first floor and ground floor window. The applicant has submitted amended plans to omit the door in this elevation and confirmed that the first-floor window is needed for solar gain, but the elevations show this to be high-level and a condition can secure this.
- 16.19 Proposed Site Section D-D shows that the existing fence on the southern boundary with Kestor would, in the absence of tall boundary planting, allow the dining room window on this elevation to generate overlooking of the rear garden and dwelling at Kestor.
- 16.20 The proposed elevations show the dining room window to have a high sill and a condition is necessary to require this to prevent overlooking; relying on the vegetation would not be appropriate given it is not particularly dense and not in the control of the applicant. The dining room would also receive light and have some outlook from the openings in the rear elevation that also serve a family room so use of obscure glazing would be reasonable. Subject to a condition, there would be no harmful overlooking of Kestor or its rear garden.
- 16.21 The height and massing of the south elevation facing Kestor would not result in an adverse impact on the amenity of the occupants of Kestor as the design shows the massing reducing at first floor with a cropped hip gable and main roof pitching away from this boundary. Kestor is to the south of the application site and there would be some loss of sunlight for this dwelling in the morning, but this would not be significantly greater than that from the former two storey dwelling and would not be harmful.
- 16.22 The flat roofed garage and cycle store at the front of the site would be modest in height (2.3m high approx.) and have no adverse impact on the occupants of Kestor given this factor and their siting. For these reasons the application is considered to accord with policy HE2 of the Local Plan in respect of relationship with nearby properties.

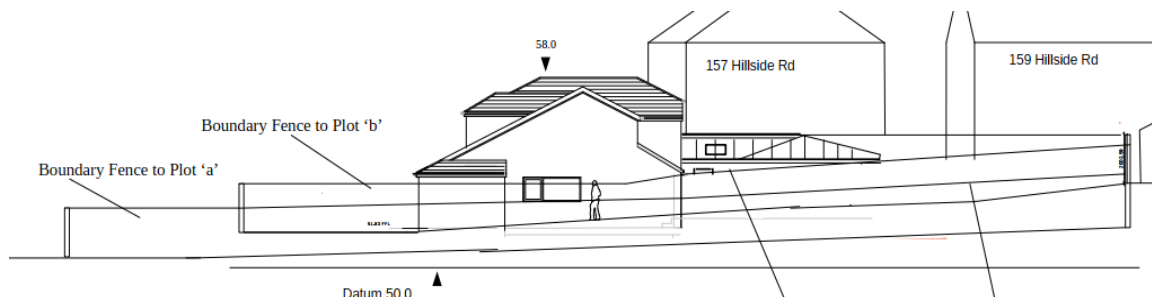
153 Hillside Rd

- 16.23 Given the separation distance of approx. 38m between the first-floor rear facing windows and the house at 153 Hillside Rd, there would be no harmful overlooking of No.153. This distance would also prevent any adverse impact from the scale and massing of the proposed dwelling. For these reasons the application is considered to accord with policy HE2 requirements.

Extant dwelling at Plot B (2023/01483 – two storey house)

- 16.24 The approved plans for this scheme show a tall fence on the boundary between the application site (Plot A) and the site for the extant dwelling (Plot B) and this would

prevent the ground floor living room window in the extant dwelling overlooking the rear garden of the application site. The extant permission has a condition to require this fencing to be erected.



- 16.25 The proposed dwelling would be to the south of the extant dwelling on Plot B and there would be an impact on the extant dwelling from loss of sunlight from mid-morning onwards because of the proposal. The outlook from the living room window in the southern elevation of the extant dwelling is into the boundary fence and having the two-storey gable of the proposed dwelling above this would lessen this outlook. However, as the two-storey gabled side elevation has a modest depth and would be set away from the principal rooms in the extant dwelling and the living room also has French doors at the rear, the limited outlook from the south-facing window is not harmful enough to the living conditions of the occupants of the extant dwelling to warrant refusing the application on this basis. There are no first-floor windows in the south elevation of the extant dwelling. For these reasons the proposal accords with Policy HE2.

Proposed single storey dwelling at Plot B (2023/04037)

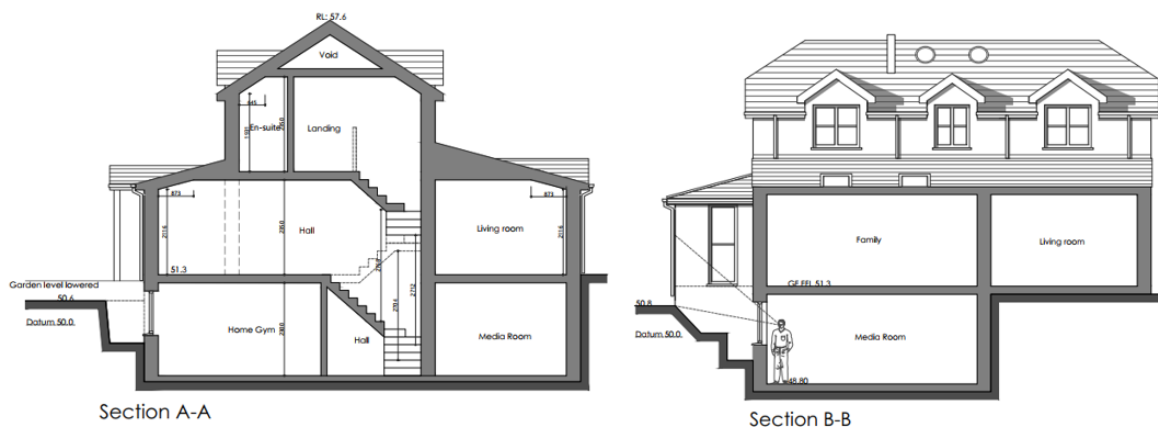
- 16.26 The proposed single storey dwelling at Plot B has 2 ground floor windows serving a kitchen/dining room that would face the boundary fence and gable of the proposed dwelling.
- 16.27 This room also has French doors in the rear elevation and as for the extant house on Plot B, on balance it is considered that as this kitchen/dining room has French doors at the rear, the limited outlook from the south-facing windows is not harmful enough to the living conditions of the occupants of the extant dwelling to warrant refusing the application on this basis.
- 16.28 For the above reasons, the proposal is not found to result in significant harm to neighbouring amenity and is compatible with neighbouring properties in terms of impact on amenity, as required by Local Plan Policy HE2.

Amenity for future occupants

- 16.29 The outlook from the principal rooms in the ground and first floor would be acceptable and these rooms would receive adequate levels of natural light. The lower ground floor would have its windows below ground with a home gym served by

a window facing onto a small level area with retaining wall and a media room served by a window facing a terrace.

- 16.30 As these rooms are not principal living rooms, they are not required to afford the same light and outlook requirements as principal rooms (such as bedrooms and living rooms) and the poor outlook they would have is not a reason to refuse the proposal and addresses the Planning Inspector's concerns.



- 16.31 The amount of outdoor amenity space provided is adequate and on this basis the proposal would allow acceptable living conditions for the occupants of the proposed dwelling.

Impact on road safety

- 16.32 The vehicle access would be away from the boundary with Kestor and this is considered acceptable and would not result in an adverse impact on highway safety. The site would provide off-street parking for 4 vehicles and is in accordance with the guidance set out in the Council's document *Residential Car Parking Provision Local Guidance for Dorset*.
- 16.33 Dorset Council Highways has stated no objection subject to a condition regarding provision of parking/turning to accord with the proposed site plan and this will be imposed.
- 16.34 It is noted that the Town Council has objected due to additional traffic generated by the proposal. Dorset Council Highways raise no objection because the traffic generated by the proposed dwelling would not be substantial. The proposal is considered to comply with Policies KS11 and KS12 of the Local Plan.

Impact on Habitats Sites

- 16.35 As the site lies within 5km of internationally protected Dorset Heathland and is a comparable distance from Poole Harbour to the formally identified Recreation Zone within which a net increase in dwellings has been identified to result in recreational pressures. The application, in combination with the extant permission, has the potential to have a significant effect on the Dorset Heathland Special Area of Protection and Ramsar, the Dorset Heaths Special Conservation Area and Poole Harbour Special Protection Area and Ramsar therefore 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 2020-2025 Supplementary Planning Document and Poole Harbour Recreation 2019 to 2024 Supplementary Planning Document can be secured via the Community Infrastructure Levy, namely Heathland Infrastructure Projects and Strategic Access Maintenance and Management projects which will ensure that there is no unmitigated harm generated by the proposal to interests of nature importance. The proposal therefore complies with policy ME2 of the Local Plan.

Biodiversity

- 16.36 Annex A to the consultation response letter from Natural England advises that biodiversity enhancement should be sought in new development and to satisfy this requirement, Condition 9 will secure biodiversity enhancement measures at the site and the proposal complies with Core Strategy Policy ME1.

Other issues raised by third parties

- 16.37 Officers are aware of a covenant on the site but this is a private matter, and not a material consideration in the planning assessment
- 16.38 The scale of the proposed dwelling is considered acceptable, would not harm the street scene and character and appearance of the area and would provide satisfactory living conditions for future occupiers.
- 16.39 The above assessment has considered how the proposed house would relate to the extant and pending proposals for single detached dwellings on Plot B. There are no other extant permissions.
- 16.40 Fire safety, is a Building Regulation issue.
- 16.41 The Council's Highways Officer has raised no objection to the proposal and the access and parking provision is considered acceptable.
- 16.42 The excavation required to build the proposed dwelling would be extensive and there is nothing to presume this would add to flooding in the locality. The site for the dwelling is not affected by high groundwater levels or surface water flooding risk, being outside the high surface water flood risk area which lies to the south.
- 16.43 The design of retaining walls and means of construction would be dealt with under the Building Regulations.
- 16.44 The proposed plans show 2 bedrooms at first floor with a study at ground floor and the 2 rooms in the basement are shown to be a media room and home gym.
- 16.45 High level windows for the first-floor bedroom window and ground floor window in the southern elevation would prevent any harmful loss of privacy to Kestor and its rear garden.
- 16.46 The basement windows allow ventilation without the need for mechanical ventilation. The basement is sited an acceptable distance from Kestor to prevent any

mechanical ventilation having a harmful impact on the occupants of Kestor. In respect of the impact on the extant and pending proposal at Plot B, any mechanical ventilation would be small-scale and unlikely to introduce nuisance from noise.

- 16.47 The south facing gable of the proposed dwelling would result in an impact on Kestor, but its design to have a narrow gable and setting the two-storey section away from the boundary would minimise the visual impact and the impact on the occupants of Kestor would not be harmful.
- 16.48 There would be some light emitted from the proposed dwelling, but this would not be harmful in this built-up area
- 16.49 The proposed curtilage and garden area is acceptable and would offer an appropriate outdoor recreational space for occupants of the proposed dwelling.

Planning balance

Housing supply

- 16.50 The Council cannot presently show a 5 year housing supply and the supply is currently 4.15 years. The Eastern Area of Dorset Council has also failed the Housing Delivery Test. The development plan (Core strategy) is therefore out-of-date and the 'tilted balance' is engaged under NPPF paragraph 11 d).
- 16.51 Therefore, the NPPF says that planning permission should be granted unless one of the following situations apply:

(i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Adverse impacts from the proposal

- Restricted outlook for the south-facing living room window for future occupants of the extant dwelling to the north (on Plot B).

Benefits of the proposal

- The addition of a dwelling to the Council's housing supply
- Employment from the construction of the development and associated future repairs/maintenance and improvements
- Some benefit to the local economy from the spending from the occupants of the proposed dwellings as well as the spending from construction workers and this would benefit local businesses
- Some benefit to the vitality and viability of local services and facilities

- The sustainability benefits of the proposal in respect of the site being adjacent to the urban area with opportunities for future residents of the proposed dwellings to walk/cycle to the facilities and services that Corfe Mullen offers.

16.52 The site is within the urban area and does not adversely affect any assets of particular importance as identified by the NPPF. The adverse impact in relation to the restricted outlook for the living room window on the south elevation of the dwelling approved at Plot B would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Therefore, it is recommended that planning permission should be granted.

17.0 Conclusion

For the above reasons it is judged that the proposal accords with the Development Plan as a whole and it is recommended that planning permission is granted.

18.0 Recommendation: Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Job No. P568 Drawings:

LP.01 A: Location Plan

PBP.01 C: Proposed Site Block Plan

PH.01.P1 B: Proposed Lower & ground floor plans

PH.01.P2 A: Proposed first floor & roof plans

PH.01.e B: Proposed elevations

PH.01.s P3: Proposed sections AA, BB

SS 01 B: Proposed section DD

SS 02 A: Proposed street scene

GAR.01.pe A: Proposed garage plan & elevations

CS.01.pe A: Proposed cycle store plans & elevations

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

3. Before using any external facing and roofing materials in the construction of the development, details of their manufacturer, colour and type shall have been submitted to and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure the development uses external materials appropriate for its context.

4. The dwelling hereby permitted must not be occupied unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works have been carried out as approved. Thereafter, the soft landscaping shall be retained and any plants that are lost, die or become diseased within 5 years of being planted shall be replaced in accordance with a scheme to be agreed in writing by the Local Planning Authority and then planted in accordance with the approved details within 1 month of the agreement.

Reason: In the interests of visual amenity and to ensure the approved landscaping scheme is implemented correctly.

5. The finished floor level(s) for the dwelling hereby approved shall accord with submitted drawings PH.01.s P3: Proposed sections AA & BB and SS 01 B: Proposed section DD.

Reason: In the interests of maintaining an acceptable relationship with the adjacent buildings and the amenity of the occupants of the adjacent dwelling to the south at Kestor.

6. The windows in the ground and first floor of the south (side) elevation shall have a sill level of at least 1700mm above the floor level of the rooms they serve. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) or any further re-enactment, no alterations to these windows nor any further openings shall be inserted into the south elevation.

Reason: To preserve the amenity and privacy of the occupants of the adjoining property at Kestor.

7. 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 or additional windows in the south elevation, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected, constructed or installed

Reason: To protect the amenity of the occupants of the adjacent dwellings.

8. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number P568 - PBP.01 C must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

9. Prior to occupation of the dwelling hereby approved, biodiversity enhancement measures shall be installed at the site and retained for the lifetime of the development, details of which shall first be submitted to and approved by the Local Planning Authority. Such enhancement measures could include bee bricks, bat tiles, bat boxes, bird boxes and new planting. The approved measures shall be retained for the lifetime of the development.

Reason: To enhance biodiversity at the site.

Informative Notes:

1. 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.
2. 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.
3. 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/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
4. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
5. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.

6. The proposed works are in the vicinity of the public right of way; bridleway E37/18, as recorded on the County Definitive Map and Statement of rights of way.

Throughout the duration of the development the full width of the bridleway must remain open and available to the public, with no materials or vehicles stored on the route.

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

The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the bridleway then a Temporary Path Closure Order must be obtained. This can be applied for through this office, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application.

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● Approximate Site Location

Application reference: P/FUL/2023/04227

Description of development: Demolish the remaining section of the existing dwelling. Erection of dwelling, double garage and cycle store (Plot A on south part of land). As amended by plans rec'd 29/11/23 to omit personnel door on southern elevation

Site address: Smugglers Hyde 47 Brook Lane Corfe Mullen BH21 3RD

