



Eastern Area Planning Committee

Date: Wednesday, 18 December 2024
Time: 10.00 am
Venue: The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

Members (Quorum: 6)

David Tooke (Chair), Duncan Sowry-House (Vice-Chair), Alex Brenton, Toni Coombs, Beryl Ezzard, Scott Florek, Spencer Flower, Barry Goringe, Hannah Hobbs-Chell, David Morgan, Andy Skeats and Bill Trite

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

For more information about this agenda please contact Democratic Services Meeting Contact joshua.kennedy@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 - 12

To confirm the minutes of the meeting held on 6 November 2024.

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 Monday 16 December 2024.

5. **P/MPO/2024/02946 LANDS EAST OF NEW ROAD WEST PARLEY DORSET** 13 - 32

Application to modify legal agreement dated 18 February 2021 (PA 3/17/3609/OUT) variation of S106 to 'swap' the order of SANG delivery, requiring the following changes:

- Swap the references to SANG A and B on Plan 1
- Reverse references to SANG A and B in the definitions (where there is a distinction in the wording between the two types of SANG)
- Reverse the Successors in Title paragraphs 7.3.3 and 7.3.4
- Reverse the definitions in Schedule 6 (including the certificate/practical completion and step-in maintenance contribution references)
- Swap S6 Parts 2 and 3 and reverse the SANG references therein.
- Mechanism inserted to secure the 2ha of temporary grassland is planted across the old SANG A (what will be SANG B).

6. **P/FUL/2024/02833 THE WELD ESTATE LULWORTH COVE MAIN ROAD WEST LULWORTH WAREHAM BH20 5RL** 33 - 58

Demolition of shed and erection of building for use as a sauna and retaining wall. Erect wood store and access steps/ladder.

7. **P/FUL/2023/03855 KEMPS COUNTRY HOUSE, WAREHAM ROAD, EAST STOKE** 59 - 80

Sever land and erect a dwelling with associated parking and access.

8. **P/FUL/2024/05639 ST CATHERINES ROMAN CATHOLIC FIRST SCHOOL CUTLERS PLACE COLEHILL BH21 2HN** 81 - 98

Creation of a Multi-Use Games Area (MUGA), erection of a dining canopy, boundary treatments, hardstanding for bin storage, installation of air source heat pump equipment, hard standing and enclosure for electric substation, water storage for the sprinkler system, ancillary equipment, reconfiguration of parking and circulation space. Hard and soft landscaping.

9. 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.

10. 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 x 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 NOVEMBER 2024

Present: Cllrs David Tooke (Chair), Duncan Sowry-House (Vice-Chair), Alex Brenton, Toni Coombs, Beryl Ezzard, Scott Florek, Spencer Flower, Barry Goringe, Hannah Hobbs-Chell, David Morgan, Andy Skeats and Bill Trite

Also present: Christine Reeves (Senior Consultant)

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

Elizabeth Adams (Development Management Team Leader), James Brightman (Senior Planning Officer), Kim Cowell (Development Management Area Manager (East)), Philip Crowther (Legal Business Partner - Regulatory), Alison Curtis, Susan Hetherington (Engineer (Development Liaison)), Joshua Kennedy (Democratic Services Officer), Anna Lee (Service Manager for Development Management and Enforcement), Ellie Lee, Megan Rochester (Democratic Services Officer) and Naomi Shinkins (Lead Project Officer)

24. Apologies

No apologies for absence were received at the meeting.

25. Declarations of Interest

Cllr Ezzard declared that she was pre-determined on application P/FUL/2022/06012 and did not take part in the debate or vote, but spoke as the ward member.

26. Minutes

The minutes of the meeting held on 09 October 2024 were confirmed and signed.

27. Registration for public speaking and statements

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

28. P/FUL/2022/06012 - Land east of Sandford Road and south of Pottery Lines Sandford Road Sandford BH20 7AD

The Lead Project Officer delivered an update to the committee, in which it was explained that the applicant had requested for the application to be deferred until

after the revised NPPF was finalised. Figures around the applicant's public consultation exercise were also provided in the update.

With the aid of a visual presentation, that included plans and photographs, the Lead Project Officer identified the location of the site, which lay outside of the defined settlement boundary and within the Green Belt. The proposed site plan was shown, giving an indication of the scale and appearance of the proposed development. Details of both the public comments in support and objection to the application were outlined, as well as details of consultee responses.

The Lead Project Officer outlined the proposal, which consisted of developing a 1.25 hectare site for retail purposes, including a parking area, access and landscaping. This represented a marked change to the currently undeveloped nature of the site. It was explained that, where the Green Belt would be impacted, very special circumstances would need to be identified to outweigh any harm caused.

It was considered that the site was in a sustainable location, within walking distance of Wareham and linked by bus routes to Poole and Swanage. A sequential test carried out by the applicant, showed that there were not any other suitable sites in the nearby or wider area that could be used for the development.

The landscaping plan and design of the store were shown and it was explained that these had been designed to reduce the visual impact of the site, however it was considered that the concerns over the visual impact could not be overcome due to irreversibly impacting the character of the area, by developing the Green Belt and filling in an open pocket of land.

The Lead Project Officer gave details of conditions that would be included should the application be approved, which included lighting restrictions, delivery and opening hours, a biodiversity plan and drainage plan. It was also explained that there were no objections on highways grounds, on the condition that improvements were made to the nearby pedestrian crossing.

To conclude, details of the planning balance were shown to members, detailing the level of weight given to each factor and officers considered that the harm to the Green Belt could not be overcome from the benefits of the application.

Public representation was received in objection to the application from Mr Chamblor, Mr Fagan (Wareham Town Trust), Mr Schofield, Cllr Williamson (Wareham St Martin Parish Council) and both Dorset Council ward members, Cllr Ezzard and Cllr Holloway. They raised concerns including, impacting the character of the area, eroding the Green Belt, setting a precedent for developing Green Belt land and increased traffic and congestion.

Public representation was also received in support of the application from, Mr Stewart, Mrs Fletcher and Mr Mitchell, who spoke on behalf of the applicant. They noted the benefits that the application would bring, such as offering a discount supermarket for residents, reducing the number of car journeys of people travelling outside of the area to do their shopping and the significant number of people, who had expressed support for the application.

In response to questions from members the Lead Project Officer, with support from other officers in attendance and a retail consultant provided the following responses:

- The pedestrian crossing, which was proposed to be improved, was outlined on a map and photographs provided.
- The applicant's public consultation did not contain information about the Green Belt or the settlement boundary.
- The traffic impact assessment took into account a range of times of day and was compliant with guidelines.

Members had the opportunity to debate the merits of the application, several members expressed support for the application, identifying several benefits of the proposal, such as providing more choice in supermarkets for residents, they also noted the large amount of public support from residents and lack of objections from consultees. In addition, the value of the Green Belt land, in this particular case being surrounded by existing development and woodland, was questioned.

Other members agreed with the Case Officers recommendation to refuse the application on the grounds of loss of the Green Belt, which impacted the overall character of the area. They also highlighted the objections raised from the local parish council and ward members.

It was proposed to grant permission for the application on the grounds that there were very special circumstances, these being the provision of additional retail space in the area and a reduction in journeys travelling out of the area for shopping, which outweighed the harm to the Green Belt and other harm from the development. Members voting in favour of the development considered the benefits afforded by the scheme constituted very special circumstances and that those benefits clearly outweighed the harm caused by allowing development in the Green Belt in accordance with national policy.

The Lead Project Officer gave an overview of the conditions that would be imposed should permission be granted and that a S106 obligation was required to secure a financial contribution to mitigate biodiversity loss and provide biodiversity net gain. The proposer and seconder confirmed they were happy with the conditions, with the formal wording to be delegated to officers in consultation with the Chair and Vice-Chair and the requirement for a S106 obligation.

Proposed by Cllr Flower and seconded by Cllr Brenton.

Decision: Resolution to grant subject to securing the required biodiversity compensation payment; planning conditions with authority delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to agree the wording of conditions with the Chair and the Vice-Chair of the Eastern Area Planning Committee; and referral to the Secretary of State.

29. **P/VOC/2024/04064 - 89 Woolsbridge Road, Ashley Heath BH24 2LY**

The meeting adjourned 12:30 – 13:05

Cllr Hobbs-Chell left the meeting at 13:05.

The committee agreed to extend the meeting beyond three hours.

The Planning Officer presented the application, which was for the variation of the plans condition on the existing permission to make alterations to the design, including introducing first floor accommodation to the two rear residential units.

The location of the site was shown on a map of the area and it was explained that no alterations would be made to the footprint of the approved dwellings and the distance between neighbouring properties remained the same. The proposed changes were outlined and plans of the proposal were provided including the existing and proposed elevations and floor plans.

The parish council had objected to the application on the grounds of overdevelopment and potential flood risk, however it was noted that a pre-commencement condition would be included, should the application be approved, to secure a drainage management plan.

Public representation was received in support of the application from Mr Holmes, the agent, who noted the minimal impact the proposed changes would have.

The following responses were provided to members questions:

- There were no changes proposed to the number of dwellings, so the existing permission covered bin storage and parking.
- The Council's parking guidance required 2 spaces for a 3 or 4 bed dwelling.
- The existing permission given at appeal had permitted development rights removed by condition so that future proposals could be assessed.
- No garages or garden stores were included in the plans.
- The entrance to the site was being widened as part of the proposal.

Proposed by Cllr Sowry-House and seconded by Cllr Coombes.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

30. **P/FUL/2022/01319 - Land to the rear of 12 West Street Wareham BH20 4JX**

With the aid of a visual presentation the Senior Planning Officer identified the location of the application site within Wareham and noted that there had been five objections to the application, including from Wareham Town Council.

Aerial photographs of the site were provided, as well as photographs of the site and surrounding area and nearby heritage assets were highlighted on a map. The details of the application were outlined and the proposed site plan and elevations were shown to members. It was explained that the design of the proposal aimed to minimise the impact on neighbouring properties, as a result, it was considered that there would not be any harmful level of overlooking.

In response to questions from members the Senior Planning Officer explained that the fire service would not be able to access the property directly, they could service a fire on the site using a hose, or sprinklers, which could be enforced by building control. It was also explained that although the property was designed to be small it was not considered to be excessively small for a two-bedroom property.

Proposed by Cllr Brenton and seconded by Cllr Morgan.

Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.

31. P/FUL/2024/02975 - 7 West Borough Wimborne Minster BH21 1LT

Cllr Goringe left the meeting at 13:48.

The Planning Officer presented both application P/FUL/2024/02975 and P/LBC/2024/02976 in a single presentation as both applications related to the same site.

The location of the site within Wimborne was identified and it was noted that the site fell within the Wimborne Minster Conservation Area and was a grade II listed building. The proposed changes to the building were outlined on a site plan and the existing and proposed elevations were also shown, along with photographs of the site from the street.

The works to the parking area were considered to be modest and would not result in harm to the heritage asset. Concerns had been raised about the size of the bin storage area, however this was considered appropriate in relation to the number of dwellings. It was also explained that the town council had objected on the grounds of increased traffic, however Dorset Council Highways did not consider the scheme to create an unacceptable level of increased vehicle movements.

Public representation was received in support of the application from a representative of the applicant, Mr Boothe, who stated that the current parking situation was unsuitable and this application would help to solve the current issues, while also reusing existing brickwork.

Members were in agreement that the application would allow a positive change to the parking arrangements.

Proposed by Cllr Morgan and seconded by Cllr Sowry-House.

Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.

32. P/LBC/2024/02976 - 7 West Borough Wimborne Minster BH21 1LT

Proposed by Cllr Flower and seconded by Cllr Sowry-House.

Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.

33. **P/FUL/2023/03855 - Kemps Country House, Wareham Road, East Stoke**

The application was deferred.

34. **P/HOU/2024/02924 - Dunromin, Uddens Drive, Colehill, BH21 7BJ**

Cllrs Skeats, Coombes and Flower left the meeting at 14:10.

The Senior Planning Officer clarified that the relevant ward members for the application were Cllr Atwell and Cllr Todd.

The location of the site was shown to members and it was explained that the site was in the Green Belt and an area at risk of surface water flooding. The existing and proposed site plan and elevations were provided and the Senior Planning Officer provided details of the construction materials proposed to be used. It was not considered that there would be an adverse impact on the character area as a result of the proposal and the proposal was judged to represent a proportionate extension and therefore appropriate development in the Green Belt. A flood risk assessment had been submitted and measures to mitigate against flooding had been included in the application.

Public representation was received from the agent for the application, Mr Kitching, who noted that the changes in the overall footprint of the dwelling were very modest and that the proposal would significantly modernise the current outdated accommodation.

In response to members questions, the Senior Planning Officer clarified that the extension would replace the current mobile home extension that formed part of the dwelling benefitting from a lawful development certificate.

Proposed by Cllr Sowry-House and seconded by Cllr Ezzard.

Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.

35. **Urgent items**

There were no urgent items.

36. **Exempt Business**

There was no exempt business.

Decision List

Duration of meeting: 10.00 am - 2.26 pm

Chairman

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Application Number:	P/MPO/2024/02946
Webpage:	Planning application search and comment - Dorset Council
Site address:	Lands East of New Road West Parley Dorset
Proposal:	<p>Application to modify legal agreement dated 18 February 2021 (PA 3/17/3609/OUT) variation of S106 to 'swap' the order of SANG delivery, requiring the following changes:</p> <ul style="list-style-type: none"> - Swap the references to SANG A and B on Plan 1 - Reverse references to SANG A and B in the definitions (where there is a distinction in the wording between the two types of SANG) - Reverse the Successors in Title paragraphs 7.3.3 and 7.3.4 - Reverse the definitions in Schedule 6 (including the certificate/practical completion and step-in maintenance contribution references) - Swap S6 Parts 2 and 3 and reverse the SANG references therein. - Mechanism inserted to secure the 2ha of temporary grassland is planted across the old SANG A (what will be SANG B).
Applicant name:	Bellway Homes
Case Officer:	Naomi Shinkins
Ward Member(s):	Cllr Parry

1.0 The application is being considered by the Planning Committee as requested by the Head of Service given the Parish Council and third party concerns.

2.0 Summary of recommendation:

To grant the change, swapping the delivery of SANG A and SANG B

3.0 Reason for the recommendation:

- There is no material planning reason the current SANG B (eastern) cannot be delivered in advance of SANG A (western).

- The provision of the current SANG B first will provide a larger, better quality SANG available to public sooner.
- Appropriate access arrangements are proposed and can be secured via legal agreement via the current SANG A.
- Natural England and The Dorset Council Natural Environment Team (NET) have raised no objection to the proposed change.

4.0 Key planning issues

Issue	Conclusion
Impact on Dorset Heathland	Acceptable – no changes to the overall SANG area and design. The proposed change would result in the larger, better quality SANG being delivered first providing a larger space not adjacent to a construction site for the wider community.
Impact on neighbours	Acceptable – while SANG A provides some screening to the adjacent construction site this is limited and the majority of screening is provided by existing vegetation to neighbouring boundaries, which is retained under the approved development. Prolonged outlook of the adjacent construction site would not warrant refusal of this application.
Impact on local amenity	Acceptable- the trigger for the allotment provision remains unchanged. The provision of the local equipped area of play will be delayed but will be provided by July 2025, which can be secured by legal agreement.

5.0 Description of Site and Site History

- 5.1 The SANG lands in question form part of the site allocated for development by Christchurch and East Dorset Local Plan Part 1 – Core Strategy April 2014 Local Plan Policy FWP6.
- 5.2 Outline planning permission was approved under PA 3/17/3609/OUT for up to 386 dwellings, up to 1000sqm of retail units; up to 900sqm of offices and up to 2200sqm of food store; together with accesses, a link road and associated highway works,

public open space including Suitable Alternative Natural Greenspace (SANG), allotments, landscaping and associated works, with all matters reserved apart from the access junctions with New Road and Church Road, and the link road between Christchurch Road and New Road.

- 5.3 A separate but linked application for the change of use of agricultural land to SANG was also granted permission on 18th February 2021 under PA 3/17/3610/COU for almost 16ha of land on the east side of Church Lane.
- 5.4 As approved SANG A is the SANG adjacent to the development to the west of Church Lane and SANG B is the SANG land approved separately under PA 3/17/3610/COU to the east of Church Lane as shown in the image on the following page.



Illustrative plan showing SANG A adjacent to the development and SANG B to the east of Church Lane

- 5.5 As approved SANG A is required to be delivered prior to the occupation of the first dwellings and SANG B to be delivered after, in accordance with timescales in the approved SANG management plan.
- 5.4 The quantitative level of SANG provision exceeds Natural England's guidance in mitigating impacts on the Dorset Heathlands Special Protection Area and Dorset Heaths Special Area of Conservation (about 22ha proposed to be provided across the two SANGs, policy guidance requires approx 7.4ha for this development to be compliant with Policy ME2 and the guidelines at Appendix 5 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014).

6.0 Description of Amendment

- 6.1 The applicant is seeking to 'swap' the delivery of the approved 'SANG A' (land adjacent to the development and to the west of Church Lane) with approved 'SANG B' (land east of Church Lane).
- 6.2 The following amendments to the s106 legal agreement are required to achieve this change:
- Swap the references to SANG A and B on Plan 1
 - Reverse references to SANG A and B in the definitions (where there is a distinction in the wording between the two types of SANG)
 - Reverse the Successors in Title paragraphs 7.3.3 and 7.3.4
 - Reverse the definitions in Schedule 6 (including the certificate/practical completion and step-in maintenance contribution references)
 - Swap S6 Parts 2 and 3 and reverse the SANG references therein.
 - Mechanism inserted to secure the 2ha of temporary grassland is planted across the old SANG A (what will be SANG B).
- 6.3 Swapping the delivery means the SANG to the east of Church Lane will be provided first and the SANG adjacent to the development on the west of Church Lane will be delivered in line with timescales to be approved as part of an updated management plan.

7.0 Relevant Planning History

- Outline planning permission was approved under PA 3/17/3609/OUT for up to 386 dwellings, up to 1000sqm of retail units; up to 900sqm of offices and up to 2200sqm of food store; together with accesses, a link road and associated highway works, public open space including Suitable Alternative Natural Greenspace (SANG), allotments, landscaping and associated works, with all matters reserved apart from the access junctions with New Road and Church Road, and the link road between Christchurch Road and New Road.
- Bellway Homes Ltd obtained Reserved Matters Approval for two phases of development. Reserved matters approval P/RES/2022/03505 dated 2nd November 2022 for Phase 1 of the development comprising 238 dwellings, together with related public open space, SANG (SANG A), allotments and landscaping. This was followed by Reserved matters approval P/RES/2022/08041 dated 5th May 2023 for Phase 2 of the development comprising 148 dwellings, together with related public open space, internal access, parking and landscaping.
- A non-material amendment to relocate a substation within a parking courtyard and associated amendment to the Block F access was approved 21 June 2023 (Council reference P/NMA/2023/02708).
- SANG A and B Management Plans have been submitted pursuant to the s106 Agreement on 7th March 2023 and 23rd July 2024 respectively but no decision has been received to date [Officer note – updated management plans will be required if this application is approved].
- The SANG B specification, required before development takes place, pursuant to condition 4 and the Construction Management Plan, pursuant to condition 5 of the separate change of use planning permission was approved 13th February 2024 (PA 3/17/3610/COU). This was subject to signage and leafletting details and approval of promotional material, to raise local awareness, in the case of the former condition.

8.0 List of Constraints relevant to the application

Within Dorset Heathlands - 5km Heathland Buffer

9.0 Consultations

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

Consultees

1. Natural England

- No objection
- Confirm that the proposed modifications are acceptable to Natural England subject to:
 - Secure 2ha area on SANG A as an entrance to SANG B
 - Secure a specified date by when the 2ha area will be available for use
 - Secure agreement about (a date) when the first full area of SANG will be available.
- Confirms no objection to occupations of up to 48 dwellings prior to SANG delivery as per letter dated 19 November 2024.

2. Dorset Council Natural Environment Team (NET)

- No objection.
- Proposal to swap SANG A and SANG B delivery acceptable subject to:
 - the inspection of SANG B works to a standard where it is suitable for use by the end of January 2025.
 - SANG B being partially delivered by January 2025 and fully delivered as the final arisings are mobilised to complete the approved SANG B bund from the early stages of the Phase 2 construction.
 - SANG A being delivered as detailed in the required SANG Management Plan.
 - payment of the Step-in contribution that is due to be paid and monitoring for this will begin when SANG B is open to the public.
 - promotional materials will be developed and distributed to occupied homes before the end of December 2024 and homes as they are occupied thereafter.
 - SANG land west of Church Lane and public open space would not have the development site compound or soil stockpiled on them and that only the required construction work and access as formally expected will take place.
 - SANG carparking will be provided by January 2025 to coincide with the opening of SANG B.

3. West Parley Parish Council

- Objection.
- Concern over future delivery of developer obligations and ongoing management of the SANG (additional concern over accessibility of the SANGs for the wider public)
- Concern over the future delivery, and potential loss, of the allotment provision.
- Concern over the damage to the whole wildlife space of the main development site. With no recovery of biodiversity; no softening of the site through vegetation; no provision onsite for the initial residents to enjoy open green space on their doorstep.
- Concern over the loss of the green 'buffer' to the rear boundaries of the properties along Church Lane; as the development progresses over a number of years.
- the proposed change of SANGs has led to the developers not keeping the site as tidy as they would otherwise; which can have a detrimental visual and mental effect for residents and neighbours who perceive to be on a building site and others.

4. Dorset Council – Ward Member

- No response.

Representations received

Site notices were posted on and around the site boundary with an expiry date for consultation of 27 June 2024.

Total - Objectors	Total - No Objections	Total - Comments
14	0	0

Comments received raising concerns as follows (summary only, full comments available online):

- Unclear what is proposed and why
- Impacts unclear
- Changes to the approved development which do not have planning permission

- Development should not have been allowed in the first place.
- Impact of prolonged construction
- Existing mounds of rubble need to be sorted out
- Large areas of land will be left in poor condition
- Delays delivery of the SANG
- Impacts negatively on the properties on Church Lane
- No timescale for completion or commitment to fences and mounds of earth removed, entrances pathways and planting etc.

10.0 Relevant Policies

Development Plan:

Adopted Christchurch and East Dorset Local Plan:

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

KS1 - Presumption in favour of sustainable development

ME2 – Dorset Heathlands

FWP6- East of New Road New Neighbourhood

Other Material Considerations

Neighbourhood Plans

None

Emerging Local Plans:

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

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

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

Supplementary Planning Document/Guidance

Supplementary Planning Documents/Guidance for East Dorset Area:

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

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

13.0 Financial benefits

- None

14.0 Climate Implications

- 14.1 The proposal is to swap the delivery of the SANGs only. There are some environmental benefits for the wider community by delivering the larger SANG first.

15.0 Planning Assessment

‘Swapping’ SANG delivery

- 15.1 The applicant has advised it is necessary to deliver the approved SANG B first as the approved SANG A will have drainage plumbed into and through it, when the Phase 2 construction takes place, and is in part a soil store to reduce wider lorry movement impacts. The applicant also notes it will be running materials and drainage to the three Plots on Church Lane (Plots 384-386) from the building site, which will be completed later in the build programme for Phase 2, to avoid larger construction vehicles accessing via Church Lane. The applicant also considers that provision of the larger SANG B ahead of the smaller SANG A will deliver early, wider community benefits and more useable SANG land that meets the requirements as set out in the Dorset Heathlands Supplementary Planning Document (SPD).
- 15.2 The applicant also notes that provision of the narrower SANG A area along the east edge of the development first would leave it adjoining a construction zone when phase 2 is being delivered making less attractive to use.
- 15.3 General advice on SANG design in the Dorset Heathlands Planning Framework 2020-2025 SPD Appendix D notes:
- ‘8. It should be possible to complete a circular walk of 2.3-2.5km around the SANGs, and for larger SANGs a variety of circular walks.
 - 9. SANGs must be designed so that visitors are not deterred by safety concerns.
 - 10. SANGs should have good green infrastructure links with nearby developments to encourage use of the SANG...
 - 13. SANGs must be perceived as natural spaces without intrusive artificial structures, except in the immediate vicinity of car parks. Visually sensitive way-markers and some benches are acceptable.
 - 14. SANGs must aim to provide a variety of habitats for visitors to experience (e.g.

some of: woodland, scrub, grassland, heathland, wetland, open water).

15. Access within the SANG must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.

16. SANGs must be free from unpleasant visual, auditory or olfactory intrusions (e.g. derelict buildings, intrusive adjoining buildings, dumped materials, loud intermittent or continuous noise from traffic, industry, sports grounds, sewage treatment works, waste disposal facilities).'

- 15.4 The applicant has advised, were it practical to deliver SANG A first it would not meet these quality objectives until completion of the building works. Whereas SANG B can deliver both qualitative and quantitative objectives from day 1 of practical completion. It is acknowledged larger and better quality SANG in line with the SPD requirements noted above would be delivered first if the application is approved.
- 15.5 It is noted that the allotments secured by the legal agreement form part of SANG A. However the trigger for the delivery is prior to the occupation of the 386th (final) dwelling. Swapping SANG delivery will not impact this trigger.
- 15.6 A local equipped area for play (LEAP) is also secured by the legal agreement as part of the approved SANG A. The delivery of this will be delayed, however the applicant has agreed the LEAP can be segregated from the phase 2 construction and delivered by July 2025, which can be secured by legal agreement.

Impact on neighbouring amenity

- 15.7 Concerns have been raised that delivering SANG A later would negatively impact existing neighbours on Church Lane due to prolonged disturbance from construction, where the western SANG was considered to provide a buffer to the construction.
- 15.8 It is acknowledged the western SANG would provide some screening to the construction site, however the majority of screening is provided by vegetation close to existing properties, which is to be retained.
- 15.9 The western SANG is generally flat land with low level landscaping and sustainable urban drainage (SUDs) features. It is acknowledged that SANG A would improve the outlook from neighbouring properties during construction, however the screening capabilities are limited.
- 15.10 The residential development is approx 30m – 110m from existing neighbouring boundaries on Church Lane and construction is controlled by an approved construction management plan.

- 15.11 The later delivery of the western SANG would not warrant the refusal of this application based on the impact of neighbouring amenity.

Delivery Timescales

- 15.12 82 of the Phase 1 dwellings (Plots 1-4, 6-11, 18-26 & 104-166) have been commenced to date (of which 37 dwellings are affordable). Due to the current market forces the applicant has advised it is currently predicted that the remaining 304 homes will take about 3 years and 11 months to complete which will mean build completion in Summer 2028.
- 15.13 SANG B works have progressed in accordance with details approved by the recent discharge of conditions application. The vacant barn has been demolished, fencing and benches installed, and the shallow pond extended and formed. Mown paths, ground planting and extensive tree planting will follow in the next planting season between November 2024 and March 2025.
- 15.14 The SANG parking has been formed and would be available for public use from December 2024 once the area at the southern end of Phase 1 has been completed and is no longer a construction zone.
- 15.15 A 2 ha area of land in the western SANG by the SANG parking area will be delivered with the opening of the eastern SANG.
- 15.16 The applicant has advised that leafletting will be used to advise residents of the revised SANG delivery and access arrangements for the eastern SANG.
- 15.17 The above timescales have been discussed on site with Natural England and Dorset Council Natural Environment Team (DC NET) who have agreed with the above process.
- 15.18 Proposed timescales for the western SANG will be secured by a SANG management plan as required by condition of the original planning application and delivery of the eastern SANG and the 2 ha gateway on the western SANG will be secured by the revised deed of variation s106 agreement.
- 15.19 Officers are aware that some occupations have occurred on site, which is a breach of the current s106 legal agreement where the trigger for SANG delivery is prior to occupation of any dwelling. An enforcement case has been opened and the issue reviewed by planning officers, DC NET officers and Natural England. Based on the timescales set out above, it is not considered expedient to take legal action as harm has not arisen as confirmed by Natural England in their letter dated 19 November 2024. Natural England are satisfied the SANG can be delivered prior to the occupation of the 49th dwelling, where the threshold for a development to require a SANG is 50 dwellings as set out in the Dorset Heathlands Supplementary Planning

Document. Allowing the occupation of up to 48 dwellings facilitates the occupation of the 37 affordable housing units which have recently secured a registered provider. The proposed deed of variation to the legal agreement will need to amend the SANG delivery trigger to prior to the occupation of the 49th dwelling.

Third Party concerns

15.20 Concerns raised by the Parish Council have been addressed as follows:

Concern	Officer response
<p>Concern over future delivery of developer obligations and ongoing management of the SANG (additional concern over accessibility of the SANGs for the wider public)</p>	<p>Obligations are secured by legal agreement, ongoing management secured by a revised SANG management plan to be submitted and agreed with DC NET.</p> <p>Parking for SANG will be provided and a 2ha entrance area from the western SANG will be provided to access the eastern SANG.</p>
<p>Concern over the future delivery, and potential loss, of the allotment provision.</p>	<p>Swapping of SANG delivery does not impact allotment delivery to be provided prior to the occupation of the final dwelling as secured by legal agreement.</p>
<p>Concern over the damage to the whole wildlife space of the main development site. With no recovery of biodiversity; no softening of the site through vegetation; no provision onsite for the initial residents to enjoy open green space on their doorstep.</p>	<p>Currently not a wildlife area.</p> <p>SANG Management plan will ensure delivery timescales of the western SANG</p>
<p>Concern over the loss of the green 'buffer' to the rear boundaries of the properties along Church Lane; as the development progresses over a number of years.</p>	<p>Western SANG to be delivered with Phase 2 and controlled by SANG management plan.</p> <p>Impact on outlook noted but this is temporary and would not warrant the refusal of the application.</p>

<p>The proposed change of SANGs has led to the developers not keeping the site as tidy as they would otherwise; which can have a detrimental visual and mental effect for residents and neighbours who perceive to be on a building site and others.</p>	<p>Not a material consideration for this application. Approved development has a construction management plan which should be adhered to.</p>
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15.21 Neighbour concerns are addressed as follows:

Concerns	Officer Response
<p>Unclear what is proposed and why</p>	<p>The applicant submitted an additional cover letter explaining proposed changes and timescales to address this concern</p>
<p>Changes to the approved development which do not have planning permission</p>	<p>Not considered under this application</p>
<p>Development should not have been allowed in the first place.</p>	<p>Proposed development already approved - see site history above</p>
<p>Impact of prolonged construction</p>	<p>Western SANG to be delivered with Phase 2 and controlled by SANG management plan.</p> <p>Impact on outlook noted but this is temporary and would not warrant the refusal of the application.</p>
<p>Existing mounds of rubble need to be sorted out</p>	<p>Not relevant to this application</p>
<p>Delays delivery of the SANG</p>	<p>SANG B will be delivered earlier providing a larger and better quality SANG available to the wider public.</p>

Impacts negatively on the properties on Church Lane	Western SANG to be delivered with Phase 2 and controlled by SANG management plan. Impact on outlook noted but this is temporary and would not warrant the refusal of the application.
Large areas of land will be left in poor condition	Western SANG to be delivered with Phase 2 and controlled by SANG management plan.
No timescale for completion or commitment to fences and mounds of earth removed, entrances pathways and planting etc.	Timescales noted above

Impact on the original planning balance

15.22 The original permission was judged to be acceptable in all respects subject to conditions by planning committee. The proposed change of SANG delivery will not change the final delivery of the SANG as approved or other planning matters.

16.0 Conclusion

16.1 On the basis there are no material planning considerations why the eastern SANG (A) cannot be delivered before the western SANG (B) that would warrant refusal, it is considered acceptable in this specific instance to 'swap' the delivery of SANG A and SANG B.

16.2 Officers therefore consider that permission should be granted to 'swap' the delivery of SANG A and SANG B as set out above.

17.0 Recommendation

A) Grant permission subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to amend planning obligations as follows:

- Swap the references to SANG A and B on Plan 1
- Reverse references to SANG A and B in the definitions (where there is a distinction in the wording between the two types of SANG)
- Reverse the Successors in Title paragraphs 7.3.3 and 7.3.4
- Reverse the definitions in Schedule 6 (including the certificate/practical completion and step-in maintenance contribution references)
- Swap S6 Parts 2 and 3 and reverse the SANG references therein.
- Mechanism inserted to secure the 2ha of temporary grassland is planted across the old SANG A (what will be SANG B).
- Secure delivery of local equipped area for play (LEAP) by July 2025.
- Amend SANG delivery trigger to prior to the occupation of the 49th dwelling.

OR

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

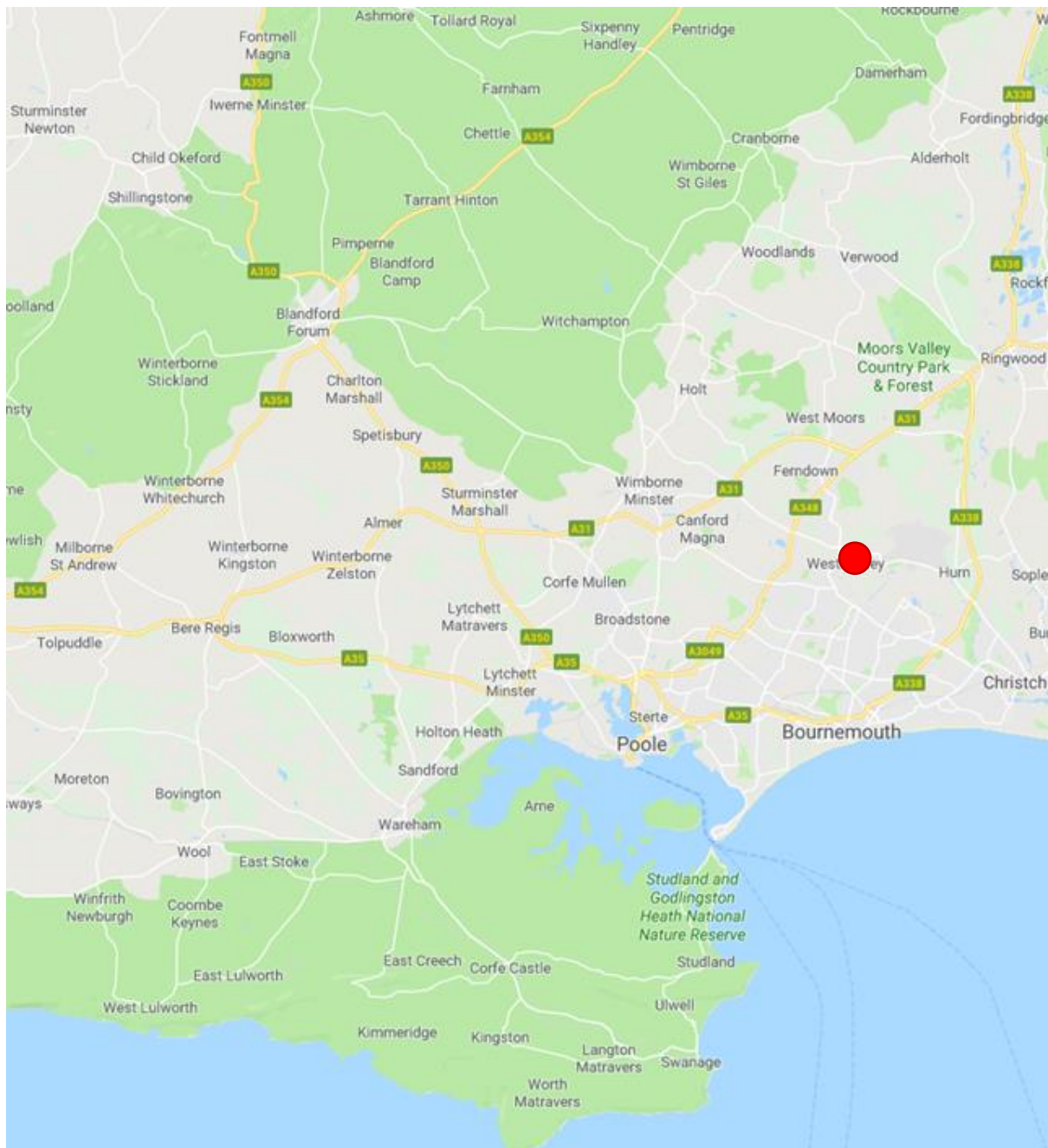
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● Approximate Site Location

Application reference: P/MPO/2024/02946

Application to modify legal agreement dated 18 February 2021 (PA 3/17/3609/OUT)
variation of S106 to 'swap' the order of SANG delivery

Site address: Lands East of New Road West Parley
Dorset



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Agenda Item 6

Eastern Area Planning Committee
18 December 2024

Application Number:	P/FUL/2024/02833		
Webpage:	Planning application: P/FUL/2024/02833 - dorsetforyou.com		
Site address:	The Weld Estate Lulworth Cove Main Road West Lulworth Wareham BH20 5RL		
Proposal:	Demolition of shed and erection of building for use as a sauna and retaining wall. Erect wood store and access steps/ladder		
Applicant name:	On behalf of Lulworth Estate Trustees Ltd and Weld		
Case Officer:	Emma Macdonald		
Ward Member(s):	Cllr Beddow and Cllr Baker		
Publicity expiry date:	5 November 2024	Officer site visit date:	5 June 2024 and 19 September 2024
Decision due date:	19 December 2024	Ext(s) of time:	19 December 2024
No of Site Notices:	3		
SN displayed reasoning:	Two notices at the site and a third by the beach cafe		

1.0 The application comes before committee for decision at the request of the Chair of the Planning Committee.

2.0 Summary of recommendation:

The committee GRANT planning permission subject to conditions set out in section 18.

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

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal is acceptable in its design, scale and general visual impact including impact on the West Lulworth Conservation Area, and wider Dorset National Landscape (formerly AONB) and the Jurassic Coast.
- The proposal will support the visitor economy, offer an additional community facility and provide local economic benefits.

- There is not considered to be any significant harm to residential amenity.
- In terms of coastal change, for a temporary period of three years, the risk to users and members of the public from the proposed development in its amended location is considered acceptable.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable – generally in accordance with Policy EE4 ‘Supporting vibrant and attractive tourism and Policy I7 ‘Community facilities and services’ and the NPPF which provides support for rural tourism.
Impact on the character of the area, Conservation Area, Heritage Assets, Dorset National Landscape and World Heritage Site	Acceptable - the scale, design and external appearance of the proposed sauna building is considered acceptable in this setting. The proposal will not have any significant demonstrable adverse impacts on the landscape character of the Dorset National Landscape, World Heritage and will avoid harm to the West Lulworth Conservation Area.
Coastal Change	Acceptable – subject to conditions, and for a temporary period, the risk to users and members of the public is considered low and therefore the proposal is considered acceptable.
Impact on amenity	Acceptable - given its siting, away from residential dwellings it is not considered that there will be any significant impacts on residential amenity from the proposal.
Biodiversity	Acceptable – given the proposed location of the sauna on an existing concrete plinth the proposal is acceptable subject to conditions related to the cliff vegetation.

5.0 Description of Site

- 5.1 The application site is located on the beach front at Lulworth Cove approximately 500m (as the crow flies) to the South of West Lulworth. The site comprises of an elevated concrete and masonry plinth on which currently sits a metal clad storage building understood to be used to store fishing equipment.
- 5.2 There is a vegetated cliff adjacent to the northern boundary of the site with the beach immediately to the south. To the west is an assortment of commercial buildings with the beach continuing around the cove to the east.

- 5.3 The site sits within the Dorset National Landscape (formerly AONB), West Lulworth Conservation Area and the Dorset and East Devon Coast World Heritage site.

6.0 Description of Development

- 6.1 Planning permission was originally sought to remove the existing storage building and replace it with a saltwater sauna on the existing concrete and masonry plinth, in the same location as the removed building. However, this has been amended during the application process to re-position the proposed sauna building on a lower portion of the existing plinth where there is less danger of coastal erosion.
- 6.2 The sauna is proposed to be constructed offsite as a modular unit which will be positioned on-site. The sauna is proposed to be finished externally with black vertical timber cladding to both the walls and roof. The fenestration arrangement comprises one window to the southeast facing elevation to provide scenic views across Lulworth Cove. The external measurements of the sauna will be slightly smaller than the existing structure.

All measurements approx.	Existing building	Proposed sauna building	Difference
Internal area	14.6sqm	11sqm	-3.6
Width	5.1m	4.8m	-0.2m
Depth	2.9m	2.3m	-0.6m
Height	2.9m	2.8m	-0.1m

- 6.3 Alongside the sauna, it is proposed to construct a small log store measuring 1.6m by 0.6m with a height of 1m. Ladder access to the plinth will also be installed. In response to concerns about coastal stability (see below for details) details of the foundation slab have been provided and a retaining wall at a height of 500mm is proposed.

7.0 Relevant Planning History

None relevant

8.0 List of Constraints

Application is within West Lulworth Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Dorset National Landscape (Areas of Outstanding Natural Beauty): (statutory protection Local Planning Authorities to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Heritage Coast

Eastern Area Planning Committee
18 December 2024

World Heritage Site: Dorset and East Devon Coast

Isle of Portland Special Areas of Conservation;

Purbeck Heritage Coast, Description

Nutrient Catchment Areas

Right of Way: Footpath SE26/15; - Distance: 7.23

Existing ecological network

Higher Potential ecological network

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4554.18

Special Area of Conservation (SAC) (20m buffer): Studland to Portland (UK0030382); - Distance: 17.98

Wildlife Present: bird ; - Distance: 2.87

Wildlife Present: S41 - insect - butterfly ; - Distance: 2.87

Site of Special Scientific Interest (SSSI) impact risk zone

DESI - Scheduled Monument: Bindon Hill camp (List Entry: 1002705.0); - Distance: 117.21

Radon: Class: Class 3: 3 - 5%

9.0 Consultations

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

Consultees

1. Natural England

No objection, on the basis that the concrete plinth which is within a number of specially protected sites will not be increased in its surface area as part of this proposal.

2. Jurassic Coast Trust

The impacts to the outstanding universal value and setting of the World Heritage Site (WHS) arising from this development would be negligible and the sauna would improve the presentation of the WHS and provide a means for people to make better use of the Jurassic Coast to support wellbeing.

The foreshore position of the proposal makes it highly vulnerable to coastal change, making the long-term sustainability of the site questionable.

Support, subject to a temporary consent, which can be reviewed at future intervals to account for changes to the beach, state of repair of the concrete plinth and the effectiveness of the retaining wall. A repair and recovery strategy should be prepared that addresses the possibility of catastrophic damage caused by major storm events or significant cliff failures. This should ideally include an exit strategy for the

dismantling and removal of the sauna building should its location become unviable. This would avoid a reversion back to a circumstance where a disused / derelict building is left on that site.

Re-consultation on amended plans – No further comments received

3. Dorset Council - Conservation Officers

No objection in principle on heritage grounds. Recommend a temporary consent to enable the condition of the sauna to be monitored.

Re-consultation on amended plans

I note that the revised drawings do not show a boundary treatment or handrail. As mentioned in my previous comments there is a distinct level difference between the proposed sauna and the beach and if such a structure was required then depending on its appearance and extent this could result in the development being more apparent and visually intrusive.

As highlighted in my previous comments the existing shack is very understated, with all commercial activity being focused around the steps down to the beach and not intruding into this area of the cove. It is therefore essential that the new use does not expand or attract additional paraphernalia or clutter (e.g. seating, tables, umbrellas, signage etc) which would detract from the natural beauty of the cove. I note that the new location, and demolition of the previous structure, would leave a large flat area. We would therefore wish to be reassured that this would not be incorporated and utilised as part of the proposed use since this would obviously result in a greater visual impact and encroachment into the cove.

In view of the extremely exposed position, and that the sauna would be constructed of vertical timber cladding which will deteriorate over time, if you are minded to support the current application I would recommend a temporary consent to enable its condition to be monitored.

4. Dorset Council - Building Control East Team

Should the structure not be exempt from Building Regulations 2010. Please apply for an application at the below address.

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/building-control/applications>

5. Dorset Council - Coastal risk management

Concerns were originally raised regarding the risks associated from the stability of the slope. However, following the provision of further information the Coastal Risk Management Team support the proposal. Conditions are recommended.

6. West Lulworth Parish Council

No objection to the principle of a sauna in the lower Cove area, however the proposed siting is considered to be unacceptable due to the stability of the cliff and engineering work required.

Solar panels are suggested but it is unclear what purpose they serve and are considered unnecessary, with potential for harmful glare. (received 28/06/24)

Re-consultation on amended plans

There are no objections to the principle of having a sauna in the Lower Cove area, however the proposed siting is considered to be unacceptable. Many residents also queried why this is even being considered given the instability of the cliff right the way around the Cove and particularly in view of the fact that access to the South West Coast path has been removed due to ongoing cliff slippage immediately above the proposed site. It seems sensible to move the proposed sauna to a place where there doesn't have to be risk mitigation. Saunas are not part of the unique heritage of the Cove and are not in any way similar to the bucket and spade shops and ice cream outlets normally found in British coastal areas. (received 04/10/24)

7. Ward Councillor Cllr Mike Baker (received 20/06/24 and 18/09/24)

Given the amount of interest and objection from the parish council, suggest this goes to the Planning Committee (especially if likely to be approved otherwise).

8. Ward Councillor Cllr Beddow (18/09/24)

Echo Cllr Bakers request that the application goes to the planning committee

Representations received

Total - Objections	Total - No Objections	Total - Comments
Original plans		
18	79	97
Re-consultation on amended plans		
18	4	22

Summary of objections:

- Safety risk from cliff erosion
- Site has become too commercial
- Concern for the development within a currently undeveloped area
- Site is outside the settlement boundary, in open countryside
- Would set a precedent for incremental spread of commercialism and demands for outside lighting

- Design and appearance of the proposed sauna building
- Visual impacts/impact on WHS/AONB
- Impact on dark skies
- Existing structure should be removed and not replaced.
- Impact on local roads/car parking
- Smoke from the chimney/air quality impacts
- Impact on biodiversity
- Public toilet provision would be necessary
- Impact on wooden bollard/groyne structure

Summary of supporting representations:

- Encourage much needed tourism
- Sustainable tourism
- Community & Economic benefits
- No threat to the WHS
- Physical/mental wellness/health benefits
- Visual improvement
- Small and discrete design which won't impact on its surroundings

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.

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

Section 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

11.0 Relevant Policies

Development Plan

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

- V1: Spatial strategy for sustainable communities
- E1: Landscape
- E2: Historic environment
- E4: Assessing flood risk
- E6: Coastal change management areas
- E8: Dorset heathlands
- E10: Biodiversity and geodiversity

E12: Design
I2: Improving accessibility and transport
I7: Community facilities and services
EE4: Supporting vibrant and attractive tourism

Material Considerations

Emerging Local Plans:

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

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

The draft Dorset Council Local Plan

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

National Planning Policy Framework

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

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed beautiful new

buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.

- 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 – 141 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 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Other material considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

West Lulworth Conservation Area Appraisal

Jurassic Coast Partnership Plan 2020-2025 - policies R1, CSS5 and W1

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.

No arrangements have been made to accommodate people with mobility impairments and given the nature of the location this would be difficult to achieve without substantial additional development. However, the nature of the proposal may have a positive impact on user’s health and wellbeing.

14.0 Financial benefits

The provision of 1 additional job likely to be created
Economic benefits to the local area from users of the facility

15.0 Environmental Implications

No significant implications have been identified – all requirements for electricity will be supplied by a solar panel on the roof. Biodiversity enhancement to be secured.

16.0 Planning Assessment

The principle of development

- 16.1 The application site lies outside of the settlement boundary.
- 16.2 Policy EE4 ‘Supporting vibrant and attractive tourism’ of the Local Plan supports the development of opportunities to enhance the visitor economy where they are of a scale, type and appearance to the locality and provide local economic benefits. Further consideration is given below regarding the impact of the proposal on the character of the area, but officers consider that the proposal would provide economic benefits, in accordance with this policy.
- 16.3 Policy I7 ‘Community facilities and services’ allows for new facilities outside of settlement boundaries subject to a series of criteria. The policy requires that the proposed use cannot reasonably be met within a settlement, and the facility:
- meets an identified local need; and

- where appropriate is located close to a settlement in an accessible location and
- its impact on landscape, environment and local character is minimised.

- 16.4 The application site is approximately 70m south of the settlement boundary but given the nature of the proposed sauna, officers consider that it is appropriately placed to be accessed from the settlement. The positioning of the sauna near to the sea is also part of the overall experience known as 'Contrast Therapy', involving the sauna followed by a cold-water dip. Although there is no specific identified need for this type of facility, officers consider that it would provide benefits to the area and significant support has been demonstrated through representations to this planning application. The proposed location is relatively close to the settlement and public transport options are available, albeit limited.
- 16.5 However, officers also note the objections raised to the proposed facility in this location. Objections are considered further within this report.
- 16.6 Like policy I7, the support provided by paragraph 88 of the NPPF for sustainable rural tourism, requires that development should respect the character of the countryside. The impact on the landscape is fully considered below.
- 16.7 Overall, officers consider that the principle of development is generally in accordance with the adopted Local Plan and the NPPF and can be supported, subject to consideration of material considerations, in particular the impact on the character of the area and representations received. These matters are considered in the sections that follow.

Impact on the character of the area, Conservation Area, Heritage Assets, Dorset National Landscape and World Heritage Site

- 16.8 The application site lies in a prominent and sensitive location within the Dorset National Landscape (formerly AONB) and the Purbeck Heritage Coast and is part of the Jurassic Coast World Heritage Site. The site also lies within the West Lulworth Conservation Area.
- 16.9 Chapter 15 of the National Planning Policy Framework (NPPF) seeks to ensure that decisions contribute to and enhance the environment. Paragraph 182 requires great weight to be given to conserving and enhancing the landscape and scenic beauty of the AONB. The NPPF requires that the scale and extent of development should be limited within the designated area. Within the Heritage Coast, paragraph 184, requires decisions to be consistent with the special character of the area. Chapter 16 of the NPPF affords great weight to designated heritage assets and their conservation.
- 16.10 Policy E1 'Landscape' of the Purbeck Local Plan attaches great weight to conserving and enhancing landscape and scenic beauty in the Dorset National Landscape, with the scale and extent of development being limited. Development will only be

permitted in the Dorset National Landscape where the proposals would conserve and enhance the natural beauty of the area and where it is appropriate in terms of appearance and scale. It should also be appropriate in terms of other effects on landscape character and visual quality (such as noise, light and traffic).

- 16.11 Policy E2 'Historic Environment' of the Purbeck Local Plan affords great weight to protecting and enhancing heritage assets and their settings.
- 16.12 Policy E12 'Design' expects proposals to demonstrate high quality of design that positively integrates with their surroundings amongst other things. Poorly designed development which harms landscape character and fails to take the opportunities to improve landscape character shall be refused.
- 16.13 Dorset Council's Conservation Officer has been consulted on this application. The Character Appraisal (dated October 2015) for the conservation area (Zone 2) notes that:
- 'The most significant open space defined by, if not contained within, the conservation area is that of the Cove itself ... enclosed by the dramatic sculptural form of the cliffs. This is one of highlights of the World Heritage Site and demonstrates the physical and visual qualities of the geology for which the coast has been designated. The quality of this space is compromised to some extent by concrete defences and the remains of collapsed buildings – the loss of which has nonetheless reduced a source of more substantial visual intrusion. The nestled position of the surviving (disused) boat house however has subtle scenic quality, recalling the functional role of the Cove and its historic relationship with the village. This is still evidenced by fishing boats, and a clutter of associated equipment' (para 62).*
- 16.14 The accompanying Conservation Area Quality Map 3 also identifies the presence of structures in the location of the application site which it notes as having a negative impact. The condition of the metal shack and concrete plinth have clearly continued to deteriorate in the intervening time. As such, Dorset Council's Conservation Officer has no objection in principle to the demolition of the existing structure.
- 16.15 With regards to its replacement, within an extremely sensitive location, the Conservation Officer considers that it would ideally be preferable if no buildings or structures interrupted the dramatic beauty of the surrounding cliffs. However, it is recognised that structures have been located in this vicinity for many years as demonstrated by the OS map from 1888 at paragraph 6.40 of the submitted Planning Statement.
- 16.16 Furthermore, the proposed new sauna is of a similar size and form to the existing structure and would visually be an improvement on the dilapidated storage shed that currently stands. As such it would be difficult to argue that the current application would cause greater harm to the character and appearance of the conservation area than the existing situation. This being the case the Conservation Officer does not

consider that the proposal will give rise to harm to the Conservation Area and has raised no objection in principle on heritage grounds.

- 16.17 However, the existing shack is very understated, with all commercial activity being focused around the steps down to the beach and not intruding into this area of the cove. It is therefore essential that in order to avoid harm, the new use does not expand or attract additional paraphernalia or clutter (e.g. seating, tables, umbrellas, signage etc) which would detract from the natural beauty of the cove. The site plan is modest in scale and paraphernalia can be controlled by condition (no. 11).
- 16.18 In view of the extremely exposed position, and that the sauna would be constructed of vertical timber cladding which will deteriorate over time, the Conservation Officer has recommended that only a temporary consent should be granted to enable its condition and associated visual impact to be monitored.
- 16.19 Dorset Council's Conservation Officer was consulted on further iterations of this proposal raising no additional concerns.
- 16.20 The Jurassic Coast Trust has also commented on this application. The Trust is in general agreement with the Conservation Officer considering that the impact on the setting of the World Heritage Site (WHS) would be negligible, improving the presentation of the WHS and providing a means for people to make better use of the Jurassic Coast to support well-being in accordance with the Jurassic Coast Partnership Plan. However, the Trust highlighted the highly vulnerable foreshore position of the proposal to coastal change and questioned the long-term sustainability of the development site and need for additional protection due to damage or threat of damage from coastal erosion. This matter will be considered further below. Overall, the Trust supports the application for a temporary period to allow the sustainability of this location to be reviewed.
- 16.21 The Jurassic Coast Trust recommended that a repair and recovery strategy is conditioned for the sauna building that addresses the possibility of catastrophic damage caused by major storm events or significant cliff failures. This would avoid a reversion back to a circumstance where a disused/derelict building is left on the site. This could be conditioned, should the proposal be otherwise acceptable (no. 12).
- 16.22 Third party objections have been received to the proposal's impact on the character of the area. Concerns have been raised regarding the visual impact on the sauna building and the commercialisation of this part of the cove, which is otherwise undeveloped. However, representations in support have also been received noting that due to the nature and scale of the proposal it would not pose a threat to the character of the area. Others considered that the proposal represents a visual improvement on the existing situation.
- 16.23 Concerns have also been raised regarding the impact of lighting from the proposed building on the intrinsically dark landscape. The supporting statement confirms that

no external lighting is proposed. However, it is reasonable and necessary to condition this to ensure impacts are minimised (condition 7).

- 16.24 The Conservation Officer queried the need for additional perimeter treatment in the form of handrails etc as any further structures could result in the development being more apparent and visually intrusive. This matter was discussed on site with the agent confirming that no further handrails etc would be required. An application to building control would be necessary prior to development, this would address safety issues and any further alterations to the design of the sauna and its surrounds would require planning permission, this will ensure sufficient control regarding the visual appearance of the building (condition 11).
- 16.25 Officers note that the Ecological Impact Assessment requires mitigation in the form of fencing along the northwestern boundary to provide protection to the existing vegetation. This would be a simple post and rail fence, or similar which officers consider would be sympathetic to its setting, it would also be located to the rear of the sauna building minimising its impact on the character of the area to an acceptable level.
- 16.26 The retaining wall is proposed to be faced with stone detailing, laid in a lime mortar mix. Officers consider that this would be in keeping with walling within the locality of the site, however given the sensitivity of the area, it is reasonable to condition the proposed materials to ensure that they match existing Purbeck Stone walls found locally (condition 5).
- 16.27 The planning statement includes reference to a solar photovoltaic (PV) panel mounted to the roof of the sauna. No details of the solar panel have been provided, it is reasonable to require details to be submitted to ensure that the solar panel is of a sensitive design and positioning so to minimise glare in this sensitive area (condition 6).
- 16.28 Officers have considered the single storey scale and nature of the proposal and its positioning on an existing concrete plinth within Lulworth Cove. It is considered that the removal of an existing dilapidated building and erection of the proposed sauna building of modest scale, simple design and appropriate materials will preserve and enhance the character and appearance of the area. Given the scale of the proposal, no harm has been identified to the landscape and scenic beauty of the Dorset National Landscape, Heritage Coast or the Conservation area in accordance with the NPPF at this present time. Notwithstanding this, officers consider that permission should be granted for a temporary period of 3 years to enable the sustainability of the location and the appearance and condition of the structure to be monitored and controlled. It is also considered reasonable to include conditions requiring the land to be restored following removal of the sauna (condition 1).
- 16.29 Overall, the scale, design and external appearance of the proposal is considered to be acceptable within this setting. Officers consider that the proposal would positively

integrate with its surroundings in accordance with paragraph 130 of the NPPF and Policy E12 'Design' of the Purbeck Local Plan. Furthermore, officers do not consider that the proposal will have any significant demonstrable adverse impacts on the landscape character of the Dorset National Landscape, or World Heritage Site in accordance with Policy E1 'Landscape' and will avoid harm to the Conservation Area in accordance with Policy E2 'Historic Environment' of the Local Plan and the NPPF.

Coastal change

- 16.30 The site lies within the Coastal Change Management Area where Policy E6 'Coastal change management areas' of the Local Plan requires proposals to be supported by a vulnerability assessment. The site is located within an area deemed as 'No Active Intervention' on the Shoreline Management Plan (SMP16), although it is suggested that maintenance of existing structures would be acceptable.
- 16.31 The Coastal Management Team has agreed with the findings of the site inspection submitted to support the original application which covers the existing structures providing details of how the cliff system works. The report states that the existing concrete and masonry plinth has prevented marine erosion that would have exacerbated land instability along the cliff face without it. However, instability is present, and the existing shed building appears to have been impacted by rock falls in the past. Although major landslides may not have happened in the immediate vicinity, this does not mean that this could not happen in the future. In terms of instability, the report states that the cliff face is likely to be steeper than the theoretical angle of stability which could lead to periods of instability, mainly due to the effects of high rainfall.
- 16.32 In response to advice from the Council's Coastal Risk Management team an updated Slope Stability Assessment and a Risk Management Plan were received and amended plans have repositioned the proposed sauna on the lower portion of the plinth where the cliff slope face is lower.
- 16.33 The Slope Stability Assessment concludes that the coastline to the north of the originally proposed sauna location has evidence of active and ongoing coastal erosion of the sea cliffs from wind, rain and tidal action. This will lead to the sea cliffs becoming over-steepened with subsequent collapse of the rock and superficial deposits within the slope face. This mechanism for erosion has likely resulted in the recorded historic incidents of landslide and slope collapse that have occurred within the sea cliffs to the north of the proposed sauna location.
- 16.34 However, the assessment stated that the amended site of the proposed sauna location is at significantly lesser risk when compared to the cliffs to the rear of the tin shed (the original proposed location for the sauna building) and the adjacent sea cliffs further north around Lulworth Cove. This is because the sea cliffs are at a reduced height and reduced slope gradient. The base of the sea cliffs are also protected from waves or tidal erosion zone by the presence of the existing concrete

plinth foundation. The concrete plinth foundation also acts as substantial mass and 'toe weight' present at the base of the slope, which is effective in retarding and preventing rotation movement of material within the slope and collapse of material from the slope face.

- 16.35 The assessment recognises that there is a mechanism in place whereby erosion of the slope face may occur which may result in slope face instability and possible collapse. Therefore, the risk to the site is considered as Low to Moderate. The assessment includes a series of recommendations dealing with the slope face retention of vegetation, the concrete plinth and a new retaining wall at the base of the slope that the Coastal Risk Management team has confirmed should be adopted as part of the risk management of the site.
- 16.36 A risk management plan was also submitted to support this proposal, with the aim of managing and mitigating the risks associated with the geotechnical stability of the slope face to the rear of the proposed sauna building. If the precautions and controls listed in the Risk Management Plan are adopted and followed, the subsequent residual risk of any ground movement or slope instability of sufficient size and extent to present a risk to the proposed sauna development / or any site users was concluded, by the assessment, as being acceptably Low.
- 16.37 The Coastal Risk Management Team provided further comments on the revised location of the sauna building and further information submitted. Overall, the Coastal Risk Team has agreed that the revised location would give rise to a low to medium risk, but with the recommendations incorporated into the scheme it could be considered to be acceptably low. Further details were requested to ensure land instability is not compromised. The need for a time limited permission was re-iterated.
- 16.38 In order to clarify the extent of the work and potential need for associated remedial works, a structural survey of the plinth, and structural calculations were submitted during the application process along with a further plan which incorporated a retaining wall to the rear of the proposed sauna building and upgrades to the foundation of the plinth.
- 16.39 Having considered all the supporting information, the Coastal Risk Management Team is able to support the proposal, subject to conditions (no. 3, 4 and 9). The recommendations from the geotechnical assessments undertaken previously have now been incorporated into the proposal and the risk to users and members of the public can now be considered low and manageable.
- 16.40 Vegetation is to generally be retained to bind the face of the ground together, but large trees and shrubs are to be cut down to ground level, with their stump and root system retained to continue to bind the ground surface together.

- 16.41 Dorset Council's Coastal Risk Engineer has advised that daily inspections should be performed to ensure that the stability of the slope is sound. Annual inspections by a qualified professional are also recommended as per the report by Vertical Technology, dated 5 July 2023. It is advised that these inspections could then serve as evidence for renewal of planning consent. Furthermore, any excavations would have to be carefully managed and monitored. It is reasonable to condition the submission of a method statement and risk assessment. Contractors must be informed of the existing risks and mitigation implemented as part of their works. The Coastal Risk Engineer has also recommended excavation works do not take place after periods of heavy rain to avoid disturbance of an oversaturated slope. This should be included within the submitted method statement/risk assessment.
- 16.42 The original application was for a permanent facility, however in light of the position of the proposed building and comments from consultees the applicant/agent has confirmed a willingness to accept a temporary three-year consent. This will allow the sustainability of this location to be regularly reviewed to ensure that the proposal remains appropriate within its context and to enable the building and the site's overall condition to be monitored.
- 16.43 Overall, officers consider that subject to conditions and for a temporary period of three years the risk to users and members of the public from the proposed development is considered low and therefore acceptable.

Impact on amenity

- 16.44 Given its siting, away from residential dwellings it is not considered that there will be any significant impacts on residential amenity in accordance with Policy E12 'Design' of the emerging Local Plan.

Biodiversity

- 16.45 Natural England have been consulted on this application and have confirmed that they have no objection to the proposal on the basis that the surface area of the existing concrete plinth is not increased.
- 16.46 An Ecological Impact Assessment dated May 2024 and NET signed Certificate of Approval are submitted to support this application. Although the location of the sauna building has since been amended, NET have confirmed that the assessment was broad enough, covering the entire plinth area and therefore remains valid.
- 16.47 A series of mitigation measures are recommended due to the sites potential to impact on the cliff vegetation. It is reasonable to condition the recommended mitigation and enhancement measures set out in this document, in accordance with the local plan and the NPPF (condition 10).

16.48 One of the recommended enhancements is the display of informative signs. This signage should be contained to the walls of the sauna building to avoid additional clutter in this sensitive area.

Other matters

16.49 Concerns were raised regarding additional visitors to Lulworth Cove as a result of this proposal. It is understood that the sauna can accommodate up to 8 people per session. People will usually book onto a private or communal session for various durations up to 2 hours. Whilst it is acknowledged that the sauna may result in some additional visitors to Lulworth Cove, given the nature and scale of the proposal this is unlikely to result in significant numbers.

16.50 Officers do not consider that the proposal will result in unacceptable traffic impacts and sufficient car parking is available in the area for users of the sauna building in the main Lulworth Car Park.

16.51 A representation was received concerned that the proposal would require toilet facilities. The agent has confirmed that the sauna facility will work with the Lulworth Beach Hotel situated on Main Road so that users of the sauna will be able to use the hotel's amenities.

16.52 Concerns have been raised regarding the opening times of the sauna building and the potential for disturbance to the tranquillity of the cove area. Opening times are proposed to vary during the year, as set out below. Officers consider that given the low-key nature and scale of the proposed sauna facility these opening times are acceptable and should not have a demonstrable impact on other users of the cove (conditions 13 and 14).

September – March: 06:30-17:00

April – June: 06:30-19:30

July-August: 06:30-11:30 & 17:30- 22:30

16.53 The Parish Council have queried the purpose of the solar panels. The planning statement confirms electricity will be provided by a solar photovoltaic (PV) panel mounted to the roof. Officers consider that the solar panels will provide the businesses electrical requirements, from a renewable source. No external lighting is proposed. This is considered acceptable.

16.54 Smoke from the wood burner has been raised as a concern. Officers consider that, given the nature and scale of the proposal this should not result in a significant impact to warrant refusal of this application.

16.55 Concerns have been raised regarding an existing wooden bollard (marked groyne on the submitted plans) which lies between the sauna and proposed log store. The submitted foundation plan includes measures to retain and protect its base. This is considered acceptable.

- 16.56 In relation to the letters of support, there is a significant level of support for the business in terms of the benefits to health and wellbeing of this recreational facility and the contribution it will make to the local economy. The Jurassic Coast Trust, in their response, also highlighted that the facility would provide a means for people to make better use of the Jurassic Coast to support well-being in accordance with Policy W1 of the Jurassic Coast Partnership Plan 2020-2025.

17.0 Conclusion

On the basis of the amended plans submitted and subject to conditions, officers consider that the proposed sauna building is of an appropriate scale and design which will support the visitor economy, offer an additional community facility and provide local economic benefits. The proposal is therefore considered to be in accordance with Policy EE4 'Supporting vibrant and attractive tourism', Policy I7 'Community facilities and services' Policy E12 'Design', Policy E1 'Landscape', and E2 'Historic Environment' and E6 'Coastal Change Management Areas' of the Purbeck Local Plan and the NPPF.

18.0 Recommendation

Grant, subject to the following conditions:

1. The use hereby approved shall cease and the building hereby permitted together with any associated structures and works (including the retaining wall) shall be removed and the land restored to its former condition on or before 19 December 2027 or 3 years following substantial completion of the building provided that evidence of the substantial completion is submitted in writing to the Local Planning Authority. The land should be restored in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: To reserve to the Local Planning Authority control over the long term use of the land where a permanent development may not be considered acceptable and to enable the ongoing monitoring of the condition/appearance of the building and coastal recession/instability issues and to ensure safety of users of the sauna and visual amenity.

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

Location plan (rev A)

Existing & Proposed Floor Plan

Proposed Elevations (rev K)

BH205RQ-001 P01 Foundation Slab and Details

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

3. Prior to the commencement of any excavations on the site, a method statement and risk assessment should be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the agreed details.

Reason: This needs to be agreed before any excavations begin on the site in order to avoid any risk from excavations.

4. Works to the concrete plinth/retaining wall should be undertaken fully in accordance with the details set out in the Plinth Review (letter dated 18/10/2024), the Foundation Slab and Details drawing reference BH205RQ-001_P01 and the Calculations, dated October 2024 undertaken by Seabrook Groves Engineers. Thereafter, the plinth/wall should be maintained, as such throughout the operational life of the sauna.

Reason: To ensure the safety of users of the site and visual amenity.

5. Prior to use on site, details, samples/photographs of the facing materials and lime mortar mix to be used for the retaining wall to the rear of the sauna building shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

6. Prior to installation on site, details, photographs and drawings of the roof mounted solar panel shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with agreed details.

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

7. No external lighting shall be installed unless details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

It should be noted that the Ecological Impact Assessment relies upon no external lighting. Therefore, any proposals for external lighting should be supported by an ecological assessment.

Reason: To protect visual amenity, impact on the character of the area and biodiversity.

8. Prior to the use of the development hereby approved, the existing tin shed located to the northeast of the proposed sauna building shall be removed entirely.

Reason: To protect character of the area

9. In accordance with the recommendations set out within the Vertical Technology Report on the inspection of the slope behind the tin beach hut, Lulworth Cover dated 5 July 2023, the site operator must undertake a daily visual inspection of the stability of the slope and maintain a record of the inspections, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

An additional inspection of the cliff and crest should be undertaken by an experienced Geotechnical Engineer annually and after any significant change has been noted during the daily inspections. A record of the inspections should be maintained and must be made available at the request of a duly authorised officer of the Local Planning Authority.

Reason: In the interest of protecting the site from issues relating to slope instability.

10. The detailed biodiversity mitigation and enhancement strategy set out within the approved Ecological Impact Assessment, certified by the Dorset Council Natural Environment Team on 05/06/2024, must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

- i) the mitigation and enhancement measures detailed in the approved Biodiversity Plan have been completed in full, in accordance with any specified timetable.
- ii) evidence of compliance, including photographic evidence, has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved Impact Assessment and thereafter the approved mitigation, and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no boundary enclosures other than those shown on the approved plans. No additional signage, decking, verandas, handrails or other permanent features shall be laid or erected within the application site.

Reason: In the interest of the character of the National Landscape and the setting of the Conservation Area

12. In the event that the sauna suffers catastrophic damage as a result of major storm events or significant cliff failures, or by any other means, the sauna will be dismantled and removed from the site. The dismantling, removal of the sauna and restoration of the site will be agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and safety of the public.

13. The premises shall not be used for the purposes hereby permitted outside the following periods;

September – March: 06:30-17:00

April – June: 06:30-19:30

July-August: 06:30-11:30 & 17:30- 22:30

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

14. The Sauna building hereby approved shall not be used other than for daytime recreational purposes only, and shall not be used as overnight holiday or permanent residential accommodation.

Reason: The Sauna is suitable for daytime recreational use only.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and

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

In this case:

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

2. You are reminded that should you wish to continue to operate the sauna building hereby permitted, beyond 3 years of date of this planning permission a further planning application will be required to be approved by the by the Local Planning Authority prior to that date.

3. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

- The permission which has been granted is for development which is exempt being:

- Development below the de minimis threshold, meaning development which:

- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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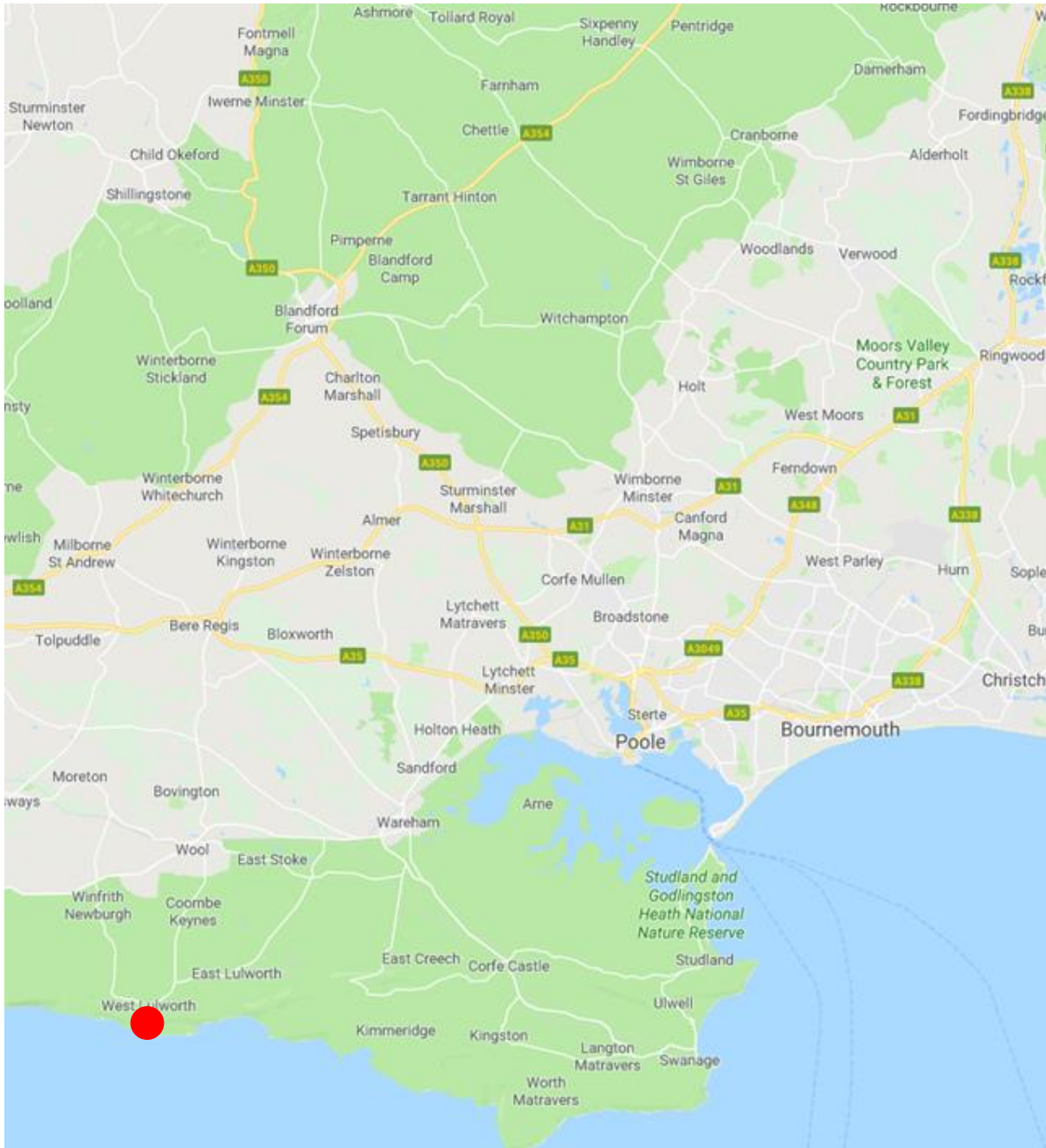
Eastern Area Planning Committee
18 December 2024

Application Reference: P/FUL/2024/02833

Description of development: Demolition of shed and erection of building for use as a sauna and retaining wall. Erect wood store and access steps/ladder

Sire Address: The Weld Estate Lulworth Cove Main Road West Lulworth Wareham
BH20 5RL

Approximate Site Location 



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Agenda Item 7

Eastern Area Planning Committee
18 December 2024

Application Number:	P/FUL/2023/03855		
Webpage:	Planning application: P/FUL/2023/03855 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Kemps Country House, Wareham Road, East Stoke		
Proposal:	Sever land and erect a dwelling with associated parking and access		
Applicant name:	MDM Developments Ltd & Char Bo Properties Ltd		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Wilson		
Publicity expiry date:	14 September 2023	Officer site visit date:	Case officer familiar with site from previous visits and regular passing
Decision due date:	30 September 2024	Ext(s) of time:	20 December 2024
No of Site Notices:	x1 – Telegraph pole to front of site		
SN displayed reasoning:	Visible to all passing on A352 and all neighbours		

1.0 Background

1.1 This application was deferred from the November 2024 committee to allow notice to be properly served by the applicant on landowners who had not received the initial notification. The application was originally considered by the Planning Committee in July but is referred back to the committee for consideration for the reasons set out in paragraphs 1.2 – 1.5 below.

1.2 On 30 July 2024 the committee resolution was that:

The committee delegate power to the Head of Planning to GRANT planning permission once mitigation to secure nutrient neutrality has been secured subject to conditions as set out in Section 18 of this report

or

REFUSE planning permission if nutrient neutrality mitigation is not secured within 6 months or extended date if agreed by the Head of Planning.

- 1.3 On 5 September 2024 the planning agent confirmed that as CIL could no longer be relied upon to secure nutrient neutrality, they would rely upon third party credits secured by a pre-commencement condition on the decision notice. This change required the Council to undertake a new Appropriate Assessment and statutory consultation with Natural England, and the Council's Environmental Assessment Team were instructed to complete this process.
- 1.4 On 26 September 2024, before the planning decision was issued, the Planning Inspectorate's report on the Council's 5-year housing land supply position statement was received. This confirmed that Dorset Council has a 5.02-year housing land supply for the Dorset area. As there is now a confirmed 5-year housing land supply, the Council's housing policies are up to date and the tilted balance is no longer engaged.
- 1.5 Since the Council's resolution to grant was based upon the tilted balance, this report and the officer recommendation has been updated to reflect the new 5 year housing land supply position for the Dorset Council area and returns to the Committee.

2.0 Summary of recommendation:

The committee REFUSE planning permission.

3.0 Reason for the recommendation:

The application site is in an unsustainable location in the countryside and outside any settlement boundary and the proposed residential development fails to accord with policy V1 of the Purbeck Local Plan 2024 and paragraph 84 of the NPPF. No material circumstances exist that outweigh the harm arising from the development of the isolated dwelling in the countryside.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Unacceptable. Development of dwelling in the countryside and outside a settlement boundary contrary to local and national policy in respect of rural housing. A 5-year housing land supply for the Dorset Council area has been confirmed by PINS and the tilted balance no longer applies.
Affordable Housing Provision	Policy requirement for provision not triggered.
Scale, layout, design, impact on character and appearance	Acceptable subject to conditions.
Impact on the Dorset National Landscape (formerly known as AONB)	Acceptable.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable.
Impact on protected trees	Acceptable subject to condition.
Flood risk and drainage	Acceptable subject to condition.

Highway impacts, safety, access, and parking	Acceptable subject to condition.
Biodiversity	Acceptable subject to condition.

5.0 Description of Site

- 5.1 The application site comprises an area of land located to the side (west) of Plot 1 on the Kemps Country House development. The site originally formed part of the curtilage of Plot 1 and has remained undeveloped since construction of the parent property as part of the original development of 6 dwellings.
- 5.2 The site is of a level finish and is enclosed by a 1.8m high close boarded fence on the rear boundary with the parent dwelling and a post and wire fence on the western boundary with the adjoining field. To the rear, the plot adjoins open fields. To the front, the site is set back from the road and has been subject of hard and soft landscaping, including provision of vehicular access (off the A352 to the south), parking, and bin storage in accordance with the former consent for six dwellings which is now complete.
- 5.3 Although located within the village of East Stoke, the settlement hierarchy for the Purbeck area identifies the village as 'without a settlement boundary' and the site therefore falls within the countryside. The Dorset National Landscape is located to the south, extending up to the southern edge of the A352. The site – including the adjacent residential development and Kemps Country House - is covered by a Tree Preservation Order and this includes trees on the western boundary of the application site.

6.0 Description of Development

- 6.1 The application proposed the severance of land forming Plot 1 and the erection of a two-storey, two-bedroom house on the western end of the existing terrace of three dwellings. Associated vehicular access, parking, and amenity space is to be provided.

7.0 Relevant Planning History

- 7.1 The application site has a long planning history with the most relevant applications (and appeals) summarised below:

Application number	Proposal	Decision	Comment
313229	Change of use of rectory to a guest house	Granted 1968	Condition limiting use of the guest house facilities to residents only later removed 6/1982/0093
6/1983/0076	Outline permission to Form flat in existing hotel and erect dining room extension, erect new buildings to form 2 storey block of six 2 bedroom accommodation units and extension to coach house	Granted 1983	

	to form further 2 bedroom unit, form car parking area, construct swimming pool and tennis court, form new vehicular access		
6/1988/0095	Erect 2-storey block to form six g/floor bedrooms and bathrooms and first floor sauna and games room, form additional car parking	Granted 1988	
6/2009/0268	Erect two storey extension to the outbuilding known as The Coach House within grounds of Kemps Country House and change of use of the outbuilding from a use ancillary to the hotel to a unit of independent residential accommodation	Granted 2009	Permission extended in 2011 (6/2011/0723)
6/2015/0005	Change of use of Kemps Country House to 6 dwellings with associated alteration works, extension to the coach house, parking and landscaping.	Granted 2015	Not implemented
6/2015/0427	Variation of Conditions 5 & 7 of PP 6/2015/0005 (Change of use of Kemps Country House to 6 dwellings with associated alteration works, extension to the coach house, parking and landscaping)	Granted 2015	Allowed phased implementation of 2015 permission but not implemented
6/2016/0718	Outline permission to demolish existing annexe building and erect a terrace of six 3-bedroom dwellings and associated car parking with details of access, layout and scale	Granted 2017	S106 agreement secured £87,672 towards affordable housing. Not implemented
6/2017/0424	Reserved matters for the erection of six 3 bedroomed dwellings	Withdrawn 2017	

6/2018/0382	Full application for six dwellings	Refused 2018	Lack of affordable housing contribution
6/2018/0545	Two storey extension to the hotel	Granted 2018	
6/2019/0090	Demolition of the existing annexe building and erection of two terraces of three 3-bedroom dwellings and associated car parking	Granted 2019	Completed
P/FUL/2021/05599	Erection of 1no. 3 bed house	Refused 2022	Principle Overdevelopment Nutrient neutrality Flood risk
P/HOU/2022/06608	Two storey side extension	Granted April 2023	Extension to dwelling on plot 1

The current application again seeks planning permission to sever the land at the western end of the terrace (Plot 1) and erect a dwelling with associated parking and access.

8.0 List of Constraints

TPO (PDC/TPO 447)

Poole Harbour Nutrient Catchment Area

Dorset Heath Designation Buffer 5km

Legal Agreements S106 – Outline Consent 6/2016/0718 – affordable housing financial contribution. As no development was commenced under this permission, the s106 agreement ceases to have effect and the contribution for affordable housing is no longer applicable.

SGN - Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar) - Distance: 7.38

Groundwater – Susceptibility to flooding

Area of Outstanding Natural Beauty (AONB): Dorset - Distance: 8.45 (statutory protection Local Planning Authorities to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 3854.1

Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 4190.66

Site of Special Scientific Interest (SSSI) impact risk zone – To enable the identification of potential risk posed by new residential development proposals to nearby SSSIs, SACs, SPAs and Ramsar sites.

Minerals and Waste Safeguarding Area - ID: 31

Minerals and Waste Safeguarding Area - ID: 3081

Minerals and Waste - Waste Consultation Area - Name: EAST STOKE

Mineral and Waste - Ball Clay Consultation Area

Minerals and Waste - Sand and Gravel

Minerals and Waste - Safeguarding Sites - Name: EAST STOKE; - Distance: 230.38

Radon: Class: Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. **Natural England**

Response to Appropriate Assessment completed by the Council's Environmental Assessment Team on 28th June 2024: No objection provided the authority is satisfied that sufficient nutrient mitigation credits are available to mitigate the additional nitrogen load generated by the proposal. Credits to be secured by pre-commencement condition. A condition should also ensure that the house meets the 110 l per person water use requirement.

2. **Southern Gas Networks**

Plans provided showing location of SGN assets within proximity of site – medium and low pressure mains, connections, poles.

3. **Dorset Council – Highways Engineer**

No objection subject to condition to secure turning/manoeuvring and parking construction as submitted.

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

No objection subject to condition requiring implementation of Tree Protection and landscaping condition to replace lost hedges / trees on western site boundary.

5. **Dorset Council - Flood Risk/ Drainage Engineer**

Verbal comments 28/11/23:

Groundwater flooding susceptibility but no ponding of surface water on the site so flood risk unlikely.

Surface water drainage scheme submitted – surface water will be piped to existing attenuation tank and discharged to water course on other side of road (as per existing dwellings).

Attenuation tank has capacity including for climate change allowance.

No objection. Condition implementation of details.

6. Dorset Council - Building Control

No comments received.

7. Dorset Council – Minerals and Waste Team

Part of the site where the proposed development is located is not within the Minerals Safeguarding Area.

In this case, the mineral safeguarding requirement is waived, and no objection will be raised to this proposal on mineral safeguarding grounds.

8. East Stoke Parish Council

Overdevelopment of the site

Is there a need for an additional property when the recently built ones have not been sold?

The CIL for the whole site needs to be investigated

Confirmation is required that the proposed property will be on mains drainage

9. Ward Member(s) – Cllr Brooks prior to May 2024 local elections

Object strongly.

The existing houses have not sold despite a reduction in price.

Houses are too small, with very little room for a family to actually live in.

Little or no room in the gardens - a shed, which would be a necessity, would take up a lot of the available space.

There are no garages.

Proposed dwelling seems even smaller and not in keeping.

History of submitting single applications for the avoidance of CIL on this site which I consider to be a material consideration.

Flooding from surface water at the rear when we have severe weather conditions.

Concerns over the shared sewage facility.

Over development of the site.

Representations received

A site notice was displayed to the front of the application site. Five third-party neighbour representations were received.

Total - Objections	Total - No Objections	Total - Comments
5	0	0

Summary of comments of objections:

Trees on boundary covered by TPO. Majority of natural boundary decimated by development. Further development will damage remaining trees.

Site already overdeveloped.

More drainage problems and noise. Risk of noise will increase by side door instead of front.

The additional dwelling will make the terrace look unbalanced.

The proposal will increase potential visitor numbers but reduce visitor parking spaces- alternative parking spaces should be provided.

Shared outbuilding is at its capacity so cannot accommodate a further property.

Impact on property values and conflict with deeds.

10.0 Duties

10.1 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.

10.2 s85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)

11.0 Relevant Policies

Development Plan

The Purbeck Local Plan (2018-2034) Adopted 2024 – Date of adoption 18/07/24

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape
Policy E4: Assessing flood risk
Policy E5: Sustainable drainage systems (SuDs)
Policy E7: Conservation of protected sites
Policy E8: Dorset heathlands
Policy E9: Poole Harbour
Policy E10: Biodiversity and geodiversity
Policy E12: Design
Policy H2: The housing land supply
Policy I2: Improving accessibility and transport
Policy I3: Green infrastructure, trees, and hedgerows

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

Emerging Neighbourhood Plans

N/A

National Planning Policy Framework

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

Other relevant NPPF sections include:

Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.

Section 11 'Making effective use of land'

Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

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

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

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

Section 14 'Meeting the challenges of climate change, flooding and coastal change'

Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Nitrogen Reduction in Poole Harbour SPD Adopted- very limited weight to be given

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Bournemouth, Poole and Dorset residential car parking study May 2011 – guidance.

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Dorset Level 1 Strategic Flood Risk Assessment 2024

Purbeck District design guide supplementary planning document adopted January 2014.

Purbeck Housing Land Supply report (April 2023)

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted March 2020.

British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

It is considered that the proposed development would not disadvantage persons with protected characteristics.

14.0 Financial benefits

What	Amount / Value
Material Considerations	
N/A	N/A

Non-material Considerations	
Council Tax	£2427.03 (based on average Council Tax Band D)
CIL	£3,370.38

15.0 Environmental Implications

15.1 The proposal is for a single dwelling which will be constructed to current building regulations standards. Suitable drainage will prevent any additional impact on terms of flood risk. Landscaping and biodiversity measures will be secured.

16.0 Planning Assessment

Principle of development

- 16.1 The application site is located in East Stoke, a village without a settlement boundary, as defined by Policy V1: Spatial strategy for sustainable communities and the settlement hierarchy of the Purbeck Local Plan. Policy V1 identifies appropriate locations for new housing. The proposed site is classed as falling within the open countryside and does not accord with the policy requirements in respect of the location of new housing development.
- 16.2 National and local planning policies support sustainable growth in rural communities whilst recognising the need to retain the intrinsic character and beauty of the countryside. Paragraph 83 of the National Planning Policy Framework (NPPF) advises that in order 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.' Paragraph 84 of the NPPF advises that new isolated homes in the countryside should be avoided unless special circumstances apply. The proposal does not meet any of the identified special circumstances.
- 16.3 The definition of 'isolated' was considered by the Court of Appeal in *Braintree District Council v Secretary of State for Communities and Local Government* [2018] EWCA Civ 610, [2018] 2 P. & C.R. 9. The court determined that it is for the decision maker to determine 'whether [the development] would be physically isolated, in the sense of being isolated from a settlement' (*Braintree* 42).
- 16.4 In this case the building is not isolated from other houses, as it would adjoin recently completed housing on the former Kemps Hotel site. However, the nearest settlement boundaries serve the town of Wareham (approx. 3 miles to the east) and the village of Wool (approx. 2.5 miles to the west). Despite its location on a main road, the village of East Stoke is served by a very limited range of facilities as identified by the Local Plan settlement hierarchy. Any occupants would be reliant upon private vehicle or limited public transport provision to access shopping, education and medical facilities in Wareham and / or Wool, and beyond. In this respect, the site is isolated from key services and facilities and is not located in a sustainable location.
- 16.5 Application 6/2019/0090 for the 6 dwellings erected on the site noted that the replacement dwellings would not harm the intrinsic character and beauty of the countryside at this location as the principle of demolition and replacement was long

established. The dwellings were located within an area of land outlined on the Council's Brownfield Register Part 1 (Ref: BR/11/003) and the site was considered suitable, available, and achievable for housing development. For these reasons, the proposed dwellings were acceptable in accordance with the Local Plan policy in place at that time - Policy CO of the Purbeck Local Plan 2012.

- 16.6 Officers considered the same issue of impact on the countryside in relation to the formerly refused application for an additional end of terrace dwelling (P/FUL/2021/05599). It was determined that the built form of the approved and implemented dwellings (6/2019/0090) already exceeded the western edge of the former hotel annexe footprint and resulted in additional mass above the 1.5 storey former chalet bungalow accommodation. Officers considered that the addition of a single dwelling on the end of the existing terrace, outside the area of land on the Brownfield Register, could not be considered as a 'replacement building' within the countryside in the same manner as the former application for six dwellings; the new dwelling did not accord with Policy CO (in place at that time). In addition, at the time of determination of P/FUL/2021/05599, the Purbeck Area had a deliverable housing supply equivalent to 5.15 years, the principle of 'tilted balance' was not triggered, and the proposal was found to be contrary to policy.
- 16.7 The additional dwelling proposed by the current application would again result in a built form within the countryside that would extend beyond the identified brownfield land and would exceed the western edge of the former hotel annexe footprint. Officers have re-considered whether the additional dwelling would form an acceptable and effective use of land given the previously developed land (PDL) classification of the former application site. The NPPF definition of PDL is as follows:
- 'Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure...'***
- 16.8 Whilst the application site is located outside the red line of the brownfield land register listing, it is considered to fall within the curtilage of previously developed land. Nevertheless, the definition confirms that this does not mean that the whole site should be developed, and paragraph 124(c) of the NPPF emphasises the use of brownfield land within settlements, as opposed to rural sites, for redevelopment for homes.
- 16.9 As a result, it is considered that the additional dwelling within the countryside, albeit within the curtilage of previously developed land, would constitute isolated and unsustainable development contrary to paragraphs 83 and 84 of the NPPF. The new dwelling would result in an increase in the extent and cumulative mass of residential development within the Kemps site, harmfully impacting on the openness and visual character of the retained western curtilage of the former brownfield land. This, together with the proximity of the new dwelling to the western site boundary, would result in visual encroachment on the countryside to the detriment of the intrinsic character and beauty of the rural setting and contrary to paragraph 180(b) of the NPPF.
- 16.10 Dorset Council now has a confirmed 5-year housing land supply, the Council's housing policies are up to date, and the tilted balance is no longer engaged. For the

above reasons, the principle of the proposed development is unacceptable in the countryside as it is contrary to Policy V1 of the Purbeck Local Plan 2024 and paragraphs 83, 84 and 180(b) of the NPPF.

Affordable Housing Provision

16.11 The officer report for former application 6/2019/0090 confirmed that the former single planning unit of the site had, through various consents and changes to planning units, been subdivided into separate planning units (of which the former annexe was one) and that this process – which had not been manipulated – produced exemption from affordable housing provision. The application did not meet Planning Practice Guidance requirements in relation to affordable housing provision and none was required as part of the scheme.

16.12 Updated Planning Practice Guidance (Planning Obligations - Paragraph: 023 Reference ID: 23b-023-20190901) states:

Planning obligations for affordable housing should only be sought for residential developments that are major developments...

For residential development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

In designated rural areas local planning authorities may instead choose to set their own lower threshold in plans and seek affordable housing contributions from developments above that threshold...

16.13 Policy H11: Affordable Housing of the Purbeck Local Plan 2024 sets a lower affordable housing threshold for designated rural areas and requires the provision of 20% affordable housing – in the form of a commuted sum - for proposals of 2 – 9 dwellings. The current proposal for a single dwelling does not trigger the new affordable housing requirement.

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

16.14 The development site is positioned in the countryside and is surrounded by agricultural land apart from the new development of six dwellings and Kemps Hotel to the east. The six approved dwellings are complete and most have been sold. The houses are set back from the road (A352) with an informal grass area, parking, and landscaping to the front.

16.15 The two existing terrace blocks are very similar in design and appearance. They comprise two gable ended properties and a central pitched roof property with dormer window feature. At ground floor level, projecting windows and porch canopies are recurrent features. The two blocks measure approximately 17.5m by 9.5m with a 1m gap in between and wider spaces to each side. The dwellings have been orientated East - West to face the road. At its highest point, at the top of the gable, the buildings are approximately 9m high. Chimneys are included on the front roof slope and design features replicate those of Kemps Hotel.

16.16 Neighbour comments have raised concern over the additional built development including overdevelopment of the site, encroachment on the western boundary,

negative aesthetic impact as the two terraces would no longer match and harm (historic and new) to landscape screening which has historically softened built development on the site. The former refusal for a larger new dwelling (P/FUL/2021/05599) identified that the proposal would cause harm to the spacious rural western edge of the development and would not make a positive contribution or enhancement to the prevailing rural character and appearance of the area.

- 16.17 The new dwelling would form a continuation of the existing western terrace of three dwellings and would not appear incongruous within the street scene. It would be of the same size, height, design, and external appearance as the recently approved extension to Plot 1 (P/HOU/2022/06608) and would relate well to the built character of its setting. An area of side garden is retained between the proposed extension and the western site boundary, retaining a greater width than was proposed as part of the previous refusal for an attached dwelling. The existing open and green character on the western edge of the site is better retained with a reduction in perceived intrusion into the countryside. Overall, the scale, design, and external appearance of the proposal is considered acceptable within its setting.
- 16.18 Materials are to match the existing development and include white render and hanging tiles on the walls, clay effect roof tiles and upvc sash windows as detailed on the submitted plans and within the application form.
- 16.19 The Council's Tree Officer has recommended that a condition is included on the decision requiring a landscaping and planting plan for the western boundary of the site to restore much of the boundary screening that has previously been lost. This will serve to soften the impact of the new and existing development within countryside views, thereby delivering betterment to the countryside character (condition 6).
- 16.20 In summary, officers consider that the combination of the reduced width of the dwelling, the retention of a wider area of garden to the side and betterment if secured by landscaping and planting conditions, is sufficient to overcome the previous reason for refusal on character grounds. The proposal is considered to accord with Policy E12: Design of the Purbeck Local Plan 2024.

Impact on the Dorset National Landscape (formerly known as AONB)

- 16.21 The land on the opposite side of the A352 is designated as part of the Dorset National Landscape (DNL) (formerly known as AONB). The 'Landscape Character Assessment and Management Guidance for the Dorset AONB' (2008) describes this part of the DNL as 'Frome Valley Pasture'. It notes that the landscape in this area is typified by a flat river flood plain with small wet woodlands, wet winter flooded grass lands, and an extensive pattern of water meadows. The Assessment states that the character of the landscape in this area is strong but also notes that pylons and roads running close to valley floor do cause harm to the condition of the landscape.
- 16.22 The proposed dwelling is located within the curtilage of the existing development and Kemps House with additional soft landscape proposed. As such, officers consider that the proposal would avoid adverse impacts on the landscape character of the DNL to the south, and the proposal accords with Policy E1: Landscape of the Purbeck Local Plan 2024.

Impact on neighbouring and future occupier amenity

- 16.23 The closest neighbouring home to the west (Grange View) is approx. 80 metres away from the proposed dwelling. Comments of objection have been received from the occupants of this property in respect of noise, loss of the natural boundary, overdevelopment, and flood risk.
- 16.24 Existing trees and other vegetation screens views between the two dwellings. A landscaping condition is recommended if permission is granted to secure betterment in terms of additional planting which will further screen the additional dwelling in views from the west. In terms of noise, the residential use is not considered to result in additional demonstrable harm to the neighbouring amenity above that already established by the existing development of 6 dwellings.
- 16.25 Directly to the east, the new house would adjoin the existing terrace with no harmful impacts on neighbours. Impacts on neighbouring amenity are therefore considered to be acceptable in accordance with Policy E12: Design of the Purbeck Local Plan 2024.

Amenity for future occupiers

- 16.26 The former Ward Member (Cllr Brooks) raised an objection to the proposal that includes concern over the small size of the proposed dwelling.
- The NPPF (paragraph 63) notes that ‘.....*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies....*’.
- 16.27 The Purbeck Local Plan 2024 is silent on the minimum space standards for properties, but officers consider that the living space provided remains an appropriate consideration in light of the requirements set out at paragraph 135 of the NPPF that developments should ‘*function well...*’ and ‘*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...*’
- 16.28 The gross internal floor area of the proposed dwelling has been compared with the Nationally described space standards (DCLG guidance ‘Technical housing standards – nationally described space standard’ 2015) for new 2 bedroom dwellings in the table below. Officers have taken account of the impacts on low headroom on the useable gross internal. When the internal floor area provision is considered against the national standards (see table below), the usable floor space falls short.

Number of bed spaces	National minimum internal floor area (m ²)	Proposed total internal floor area (m ²)	Proposed ‘useable’ internal floor area (m ²)	Deficit (m ²)
4	79	69	62	10 – 17
3	70	69	62	1 - 8

- 16.29 As the table shows, the proposed level of internal floorspace provision for a 2-bedroom 3-person dwelling is below but does not fall significantly short of the nationally described space standard. In the absence of a local policy, officers consider

that the proposed dwelling - whilst small in size - would provide an adequate standard of accommodation and amenity for future occupiers. The proposal is therefore considered, on balance, to accord with paragraph 135 of the NPPF and Policy E12: Design of the Purbeck Local Plan 2024.

Impact on protected trees

- 16.30 There are a number of trees located along the western boundary of the site within proximity of the new dwelling. Some of the trees are protected by a Tree Preservation Order. The application is supported by a Tree Survey and Tree Protection Plan which has been considered by the Council's Tree Officer. The Tree Officer has raised no objection subject to conditions in respect of implementation of the tree protection and a landscaping / planting scheme for replacement tree and hedgerow along the western boundary of the site in the interest of visual amenity. On this basis, the proposal is considered to accord with Policies E12 and I3 of the Purbeck Local Plan 2024 in respect of tree impacts.

Flood risk and drainage

- 16.31 The Dorset Level 1 Strategic Flood Risk Assessment mapping indicates that the site to be in Flood Risk Zone 1, and in this respect the development would be acceptable. However, the mapping indicates that the site is in an area which is susceptible to groundwater flooding, and parts of the A352 in proximity of the site are at low risk of surface water flooding (1 in 1000-year extent). Officers have considered the available evidence in respect of flood risk from groundwater and have identified that drainage works undertaken in relation to the previous housing development have already reduced the flood risk to a low level so that a sequential test is not required.
- 16.32 The application form advises that surface water drainage will be dealt with by way of a soakaway. However, during the course of the application process, and in response to officer concerns, the applicant has submitted an alternative surface water drainage scheme for consideration. This details that surface water from the new dwelling will be collected by the existing attenuation tank on the site and discharged to a watercourse on the other side of the road (as per the existing dwellings). Should ground water levels rise, the existing attenuation tank has capacity – including for a climate change allowance – to store the additional water before discharge at an attenuated rate to the nearby watercourse. On this basis, the Council's drainage Engineer considers that the proposed scheme is acceptable.
- 16.33 Subject to a condition on the decision requiring full implementation of the submitted scheme, the proposal is considered to accord with Policies E4: Assessing flood risk and E5: Sustainable drainage systems of the Purbeck Local Plan 2024.

Highway impacts, safety, access, and car parking

- 16.34 The new dwelling would be accessed via the existing vehicular access to the site (as approved by 6/2019/0090). The Council's Highways Engineer has considered the arrangements for the additional dwelling and has raised no objection subject to a condition (no occupation until turning / parking provided) and informative note on the decision.

16.35 Concern has been raised by the occupiers of neighbouring dwellings that the proposal relies on the reallocation of two existing visitor parking spaces and would increase pressure for on-site parking without providing additional space. Any conflict with covenants would need to be resolved between parties. From a planning perspective the original permission for the six dwellings (6/2019/0090) was granted with 13 parking spaces interspersed with landscaping. The current plan shows that a larger gravel area has been provided which is other than in accordance with the approved plans. There remains opportunity for the developer to comply with the approved plans and provide the two spaces proposed to serve the new dwelling, so the parking provision accords with County Parking guidance.

16.36 The proposal is considered to accord with Policy I2 of the Purbeck Local Plan 2024.

Biodiversity impacts

Biodiversity Impacts

16.37 Condition 9 (Biodiversity Plan) of approval 6/2019/0090 for the residential development of 6 dwellings required the provision of three bat tubes to be built into the west elevation of the end of terrace dwelling (the parent dwelling). Photographs provided by the agent in respect of the approved householder application confirmed that the bat tubes had been provided on site since November 2022.

16.38 An informal response from the Council's Natural Environment Team has advised that if the application is approved, a condition is required on the decision requiring the bat tubes to be checked for use by an ecologist with a bat licence prior to the construction of the dwelling, and for the tubes to be replaced like for like on the western elevation of the new dwelling (condition 3). This will ensure that the requirements of the implemented Biodiversity Plan for the site continue to be met in accordance with Policy E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Appropriate Assessment

16.39 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The site also falls within the Poole Harbour Nutrient Catchment Area.

The proposal for a net increase in one residential unit, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the sites.

16.40 An Appropriate Assessment is in progress 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 Natural Environment and Rural Communities Act 2006 and the NPPF. The planning agent has confirmed that nutrient credits will be purchased from a third-party provider to deliver nutrient neutrality within the Poole Harbour Catchment and impacts on Dorset Heathland will be mitigated through the CIL. An Appropriate Assessment has been completed by the Council's Environmental Assessment Team which concludes that subject to conditions on the decision to secure the credit purchase and water consumption limitation, there is no unmitigated harm generated by the proposal to interests of nature importance.

16.41 The positive completion of the Appropriate Assessment has been subject of consultation with Natural England who have confirmed no objection subject to required

conditions. The proposed development is considered to comply with Policies E7: Conservation of protected sites, E8: Dorset heathlands, E9: Poole Harbour, and E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Other considerations

- 16.42 The former Ward member (Cllr Brooks) raised an objection to the proposal if the application has been submitted to avoid CIL contributions. The CIL payment for application 6/2019/0090 was fully discharged in October 2021. The current application is also CIL liable as detailed above.
- 16.43 The site lies within an area of minerals safeguarding. The Council's Minerals and Waste Policy team have been consulted on the proposal and have confirmed that there is no objection to the proposed development within the safeguarding area.
- 16.44 SGN (Southern Gas Networks) and SSEN (Scottish and Southern Electricity Networks) consultation responses have provided information in respect of their assets (pipes and cables) that may be affected by the proposal. An informative note is recommended on the decision in this respect.

17.0 Conclusion

- 17.1 Although the proposal has overcome the previous reasons for refusal in respect of impact on the character and appearance of the area, nutrient neutrality and flood risk, the change to the Council's published Housing Land Supply position means that weight can be given to the Council's housing policies.
- 17.2 The application site is in an unsustainable location outside any settlement boundary so fails to accord with policy V1 of the Purbeck Local Plan 2024. The site is isolated from any settlement and services and fails to benefit from any of the exceptions at paragraph 84 of the NPPF. No material circumstances that outweigh the harm arising from the development of the isolated home in the countryside has been identified, so the application cannot be recommended for approval.

18.0 Recommendation

Refuse for the following reason:

1. The proposal, by reason of its siting outside the settlement boundary of a small village with a limited range of facilities and within the countryside, would not promote sustainable and accessible development or provide rural housing in a location where it would enhance or maintain the vitality of rural communities. As such, the proposal is contrary to Policy V1: Spatial strategy for sustainable communities of the Purbeck Local Plan 2024 and paragraphs 82 – 84 of the National Planning Policy Framework.

Informative Notes:

1. The plans that were considered by the Council in making this decision are:
9034/600 A Location & block plan
9034/601 A Proposed floor plans and Elevations
9034/602 Proposed street scene

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

2. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

3. National Planning Policy Framework

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

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

In this case:

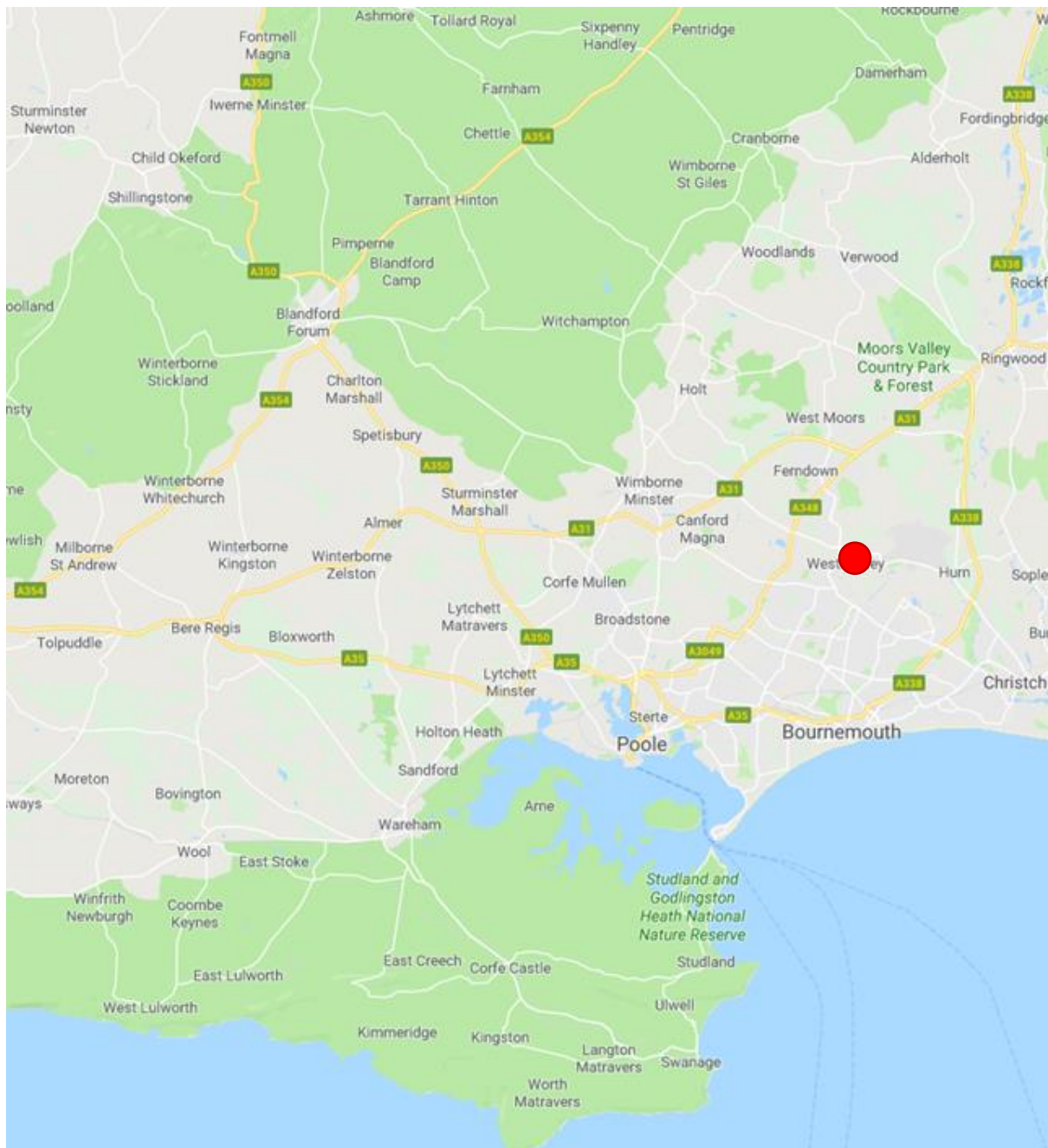
-The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

● Approximate Site Location

Application reference: P/MPO/2024/02946

Application to modify legal agreement dated 18 February 2021 (PA 3/17/3609/OUT)
variation of S106 to 'swap' the order of SANG delivery

Site address: Lands East of New Road West Parley
Dorset



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Agenda Item 8

Eastern Area Planning Committee
18 December 2024

Application Number:	P/FUL/2024/05639		
Webpage:	Planning application: P/FUL/2024/05639 - dorsetforyou.com		
Site address:	St Catherines Roman Catholic First School Cutlers Place Colehill BH21 2HN		
Proposal:	Creation of a Multi-Use Games Area (MUGA), erection of a dining canopy, boundary treatments, hardstanding for bin storage, installation of air source heat pump equipment, hard standing and enclosure for electric substation, water storage for the sprinkler system, ancillary equipment, reconfiguration of parking and circulation space. Hard and soft landscaping.		
Applicant name:	Dorset Council		
Case Officer:	Victoria Chevis		
Ward Member(s):	Cllr Atwal and Cllr Todd		
Publicity expiry date:	15 November 2024	Officer site visit date:	4 th November 2024
Decision due date:	20 December 2024	Ext(s) of time:	20 th December 2024
No of Site Notices:	5		
SN displayed reasoning:	All erected on lampposts, 4 on Cutlers Place in front of the School entrance and in front of numbers 147-193, 187-193, 195-213 and 215-247 Cutlers Place and 1 in front of 25 Jessopp Road, secures visibility for all adjoined properties.		

1.0 Reason application is going to committee

The application site is land owned by Dorset Council.

2.0 Summary of recommendation:

GRANT subject to conditions.

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

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable- No objection to the principle of development within the settlement boundary.
Scale, design, impact on character and appearance	Acceptable- The design elements are functional and given the surrounding context no objection is raised.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable- There are no substantial amenity impacts for the neighbouring properties.
Community benefits	The proposal will allow the school site to be reutilised providing additional school places for the local area which accords with Government advice in the NPPF which gives great weight to the need to create, expand or alter schools.
Impact on trees	Acceptable subject to conditions

5.0 Description of Site

- The school is located centrally within the Colehill urban area.
- The main entrance is located to the north off Cutlers Place. There is a maintenance vehicle access to the southeast also off Cutlers Place.
- Olivers Park and Recreation Ground is located on the school's west boundary.
- Established residential properties of a variety of designs and sizes lie to the north, east and south of the school.
- The site is surrounded by an established woodland on the south and west boundary with a less dense coverage of trees on the east and north boundary.

6.0 Description of Development

This proposal is for the redevelopment of the outside areas of the school site. Individual elements of the proposal are listed below:

- Creation of a Multi-Use Games Area (MUGA)
- Erection of a external dining area canopy
- New boundary and area fencing
- Hardstanding areas for bin storage, air source heat pump equipment, an electric substation and a water storage area for a sprinkler system
- The reconfiguration of the parking area to accommodate a new disabled access ramp, taxi drop off and waiting area and additional parking provision

- Hard and soft landscaping across the site
- A new play area
- External safety lighting on the main buildings

7.0 Relevant Planning History

03/00/0026/FUL - Decision: GRA - Decision Date: 10/02/2000

Extension To Provide Improved School Office And Entrance & Reclad Existing Building.

03/00/0990/FUL - Decision: GRA - Decision Date: 16/10/2000

Erect Two Timber Framed Buildings For Use As Classroom & Kinder Garten.

03/87/0652/FUL - Decision: GRA - Decision Date: 08/07/1987

Extension And Alterations

03/92/0076/FUL - Decision: GRA - Decision Date: 03/03/1992

Detached Storage Building,

03/92/0833/FUL - Decision: GRA - Decision Date: 13/01/1993

Single Storey Extension, As Amended By Plans Rec. 9 Nov 92

03/93/0637/FUL - Decision: GRA - Decision Date: 26/08/1993

Formation Of A Rear Dormer,

3/06/1497/FUL - Decision: GRA - Decision Date: 18/01/2007

Extension to School Classroom and a Covered Play Area

3/11/0488/FUL - Decision: GRA - Decision Date: 19/07/2011

Construction of raised paths, decking and seating as part of prayer garden within school playing field - part retrospective. Additional information received on 22/06/11.

3/12/0299/FUL - Decision: GRA - Decision Date: 12/07/2012

Demolition of existing wooden classrooms, construction of new multi-purpose classroom block. Erect two temporary classrooms during period of building works additional information received 19 June 2012 and 21 June 2012

03/78/1166/HST - Decision: GRA - Decision Date: 16/10/1978

Erect Games Hut for School

3/12/0299/FUL - Decision: GRA - Decision Date: 12/07/2012

Demolition of existing wooden classrooms, construction of new multi-purpose classroom block. Erect two temporary classrooms during period of building works additional information received 19 June 2012 and 21 June 2012

3/13/1036/NMC - Decision: GRA - Decision Date: 15/11/2013

Non-material minor amendment to 3/12/0299/FUL to relocate boiler room door in front elevation and to replace pitched glazed roof over courtyard with a straight glazed roof.

P/CLP/2024/02543 - Decision: GRA - Decision Date: 03/07/2024

The works include the erection of extensions and alterations to the existing school. Works include internal and external alterations for updating the school for educational purposes, to improve the energy efficiency of the building and to rationalise the layout for improved movement and circulation. The works proposed also include the erection of structures for outside educational purposes.

8.0 List of Constraints

Area Tree Protection Order

Adjacent to Olivers Park- Open Space

Dorset Council Land (freehold): Land for St Catherines Roman Catholic First School
Cutlers Place Colehill

Dorset Heathlands - 5km Heathland Buffer

Risk of Surface Water Flooding Extent 1 in 100

9.0 Consultations

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

Consultees

1. Sport England

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306) and, therefore, Sport England has not provided a detailed response in this case.

2. Dorset Council - Natural Environment Team

The submitted Ecological Impact Assessment has been certified as providing appropriate mitigation and enhancement.

3. Dorset Council - Highways

The Highway Authority considers that the submitted Transport Statement is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 114 and 115 of the National Planning Policy Framework (NPPF) - December 2023.

Therefore, the Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION, subject a condition to secure the manoeuvring, parking and loading areas.

4. Dorset Council - Trees (East & Purbeck)

While the loss of the JM would be regrettable, due to its form and size, it would be acceptable as it unfortunately offers little by way of amenity beyond the site.

The Birch is clearly the most visible tree when approaching the site and its loss would be very regrettable and should be avoided. But there seems little opportunity to construct access ramps from the carpark to the main building.

The Pine on the other hand is clearly retainable with smarter layout of the pad and construction, this was agreed on site and updated plans in this area are expected shortly showing the Pine to remain.

The only other issue was the incorporation of the Oak 08 into the rubber mulched area of the play area. I'm not convinced this is a good idea for a number of reasons, 1/ the ground around the tree will become impermeable and therefore water uptake will be reduced/lost

2/ at what heat is the mulch at when its laid and what ground works will be need in preparation taking into account it's in a play area?

These points aside the proposed works to the building and MUGA area acceptable subject to an Arb Method statement and construction method statement condition.

7. Dorset Council - Environmental Services – Protection

This noise impact assessment is based on the operational use of the proposed MUGA during school hours only, therefore Environmental Protection suggest a condition to restrict its use to Mon-Fri 9:00 – 15:00 and no use outside of the school term time. In our experience the time, frequency and duration of operation are related to MUGA noise complaints.

Environmental Protection have concerns regarding the adequacy of the noise survey to determine background sound levels (LA90) at night. Nighttime only accounted for approximately 5 hours out of the 12 hours of the survey used and the wind speed was still slightly above 5m/s during this time. Comments at 6.16 and 6.17 of the planning statement state that the final specification of plant is yet to be determined. Environmental Protection would be happy to agree an appropriate condition as suggested by the planning agent, however we would want to see further noise measurements undertaken to justify the LA90 used at night.

The applicant has now submitted a revised lighting report. I have no further adverse comments. I would suggest a condition is included to ensure the external lights are

installed as per the submitted report “Land at Former St Catherines, External Lighting Lux Levels Rev B, dated 19/11/2024, by DIALux”

8. Colehill Parish Council

No comment.

9. Colehill & Wimborne Minster East Ward Members- Cllr Jindy Atwal and Cllr Andrew Todd

No comments received.

Representations received

One neighbourhood objection received from 27 Cutlers Place related to hedging ownership. No planning objection was raised and tree removal plans have been amended to address the neighbour concerns.

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

Christchurch and East Dorset Local Plan: Part 1, Core Strategy 2012

KS1	- Presumption in favour of sustainable development
KS11	- Transport and Development
KS12	- Parking Provision
HE2	- Design of new development
HE3	- Landscape Quality
HE4	- Open Space Provision
LN7	- Community Facilities and Services
ME1	- Safeguarding biodiversity and geodiversity
ME5	- Sources of renewable energy
ME6	- Flood Management, Mitigation and Defence

Saved policies of the East Dorset Local Plan 2002

LTDEV1	- Criteria for external lighting on developments
DES2	- Criteria for development to avoid unacceptable impacts from types of pollution, of the East Dorset Local Plan 2002.
DES7	- Criteria controlling the loss of trees: Where express consent is needed, the felling of any tree or trees will only be

permitted where the loss to public amenity is outweighed by one or more special circumstances.

Material Considerations

Emerging Local Plans:

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

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

The draft Dorset Council Local Plan

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

National Planning Policy Framework

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

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 8. Promoting healthy and safe communities- Paragraph 99 sets out the important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They

should (a) give great weight to the need to expand schools through the preparation of plans and decisions on applications.

- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

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

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change' Paragraphs 152 - 158 advise that:

The planning system should support renewable and low carbon energy and associated infrastructure. It should help increase the supply of renewable energy and support community lead initiatives where impact are (or can be made) acceptable.

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. 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.

14.0 Financial benefits

None relevant.

15.0 Environmental Implications

The proposal will lead to a reduced carbon footprint by decarbonising the school estate.

16.0 Planning Assessment

16.1 The main planning considerations for this application are:

- Principle of development
- Scale, design and impact on character and appearance
- Impact on amenity
- Community Benefits
- Impact on trees

Principle of development

16.2 As this site lies within the settlement boundary of Wimborne/Colehill the principle of development is acceptable under policy KS2.

16.3 The school site was closed in 2021 and remains vacant. A recent certificate of lawfulness application has confirmed that alterations to the building’s layout, to better facilitate its use as a new school, do not require planning permission. The current proposal is for additional alterations where permission is required. This proposal will secure an additional 59+ school places within the newly re-developed site so accords with paragraph 99 of the National Planning Policy Framework (NPPF). This explains that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should give great weight to the need to create, expand or alter schools.

Scale, design and impact on character and appearance

16.4 The character of the site is defined by mature trees and grassland with a collection of single storey school buildings.

- 16.5 All majority of the elements of the proposal are contained well within the school grounds, where the mature trees and hedges will remain a dominant feature and additional planting is proposed.
- 16.6 The new 2.4m high boundary fencing around the site is to be constructed of weldmesh incorporating timber slat infills. This will be more visually prominent than existing boundary treatment, particularly where it fronts the highway to the north of the site, but the length of the section adjacent to the highway is limited (approx. 23m) and trees will remain the dominant feature when viewed from neighbouring properties. The fencing is required to ensure the site is safe and secure, meeting current regulations.
- 16.7 The character of the area will be maintained and enhanced by the rejuvenation of the school site being brought back into use. The proposal accords with design and landscaping local plan policies HE2 and HE3.

Impact on neighbouring amenity

- 16.8 The site's historical use was as a mainstream school with a higher pupil capacity than now anticipated.
- 16.9 The proposed Multi Use Games Area (MUGA) is to be located upon an existing grass sports pitch, which is surrounded on three sides by a playing field. Its installation will allow the school children to play outside sports more often than would be the case on a grass pitch, which becomes waterlogged after heavy rainfall. The MUGA is to be surrounded by sports fencing to reduce the likelihood of stray balls. Whilst it is likely there will be an increase in use of the area because of this, it is not considered that this would be to such a scale that it would detrimentally impact upon the residential amenity of nearby houses.
- 16.10 Dorset Council's Environmental Protection Team suggested applying a restriction on use of the MUGA to term time use within certain hours only, however considering the historic use of the site and the anticipated lower pupil capacity, the restriction is not considered reasonable or necessary to make the development acceptable. The application is accompanied by a lighting plan which is limited to safety lighting in the car park and near exits which can be secured by condition (no. 10). There is no proposed lighting to serve the MUGA therefore its use will be restricted to daylight hours only. Officers consider that a lighting restriction condition would provide the necessary control to ensure any further expansion in use was appropriately assessed if required (condition 11).
- 16.11 The Environmental Protection team had concerns regarding the adequacy of the noise survey provided to support the proposal for mounted plant on the site. The issues relate to how the background sound levels (LA90) at night were calculated due to limited assessment hours and wind speeds. The planning statement confirmed that the final specification of plant is yet to be determined therefore Environmental Protection suggest a condition is applied to secure details and further assessments of equipment due to be installed prior to its use to protect neighbouring amenity. Officers agree that although neighbours are some distance away this is necessary in the interest of their amenity (condition 6).

- 16.12 The proposed replacement boundary fencing and additional hedge planting will increase privacy for both neighbouring properties and school users. The 2.4m high boundary fencing to replace existing fencing will be positioned on the southern boundaries of properties in Jessop Road and Cutler's Place so could contribute to shading but the gardens of the properties are sufficiently deep to avoid demonstrable harm. Other neighbours in Culter's Place will also be impacted by the visual change as palisade fencing is currently visually permeable, however, no harmful impacts on neighbouring amenity have been identified.
- 16.13 The taxi drop-off zone will provide a waiting area for vehicles during drop off and pick times and the increased parking provision will reduce the need for staff to park on surrounding roads ensuring no detrimental traffic impacts on neighbouring properties.
- 16.14 The proposal is judged to comply with local plan policy HE2 and saved policy DES2.

Community Benefits

- 16.15 The proposal will allow the school site to be re-utilised providing additional school places for the local area which accords with Government advice in the NPPF which gives great weight to the need to create, expand or alter schools.

Impact on trees

- 16.16 The site contains a significant number of trees which are the subject of a tree protection order. The original proposal resulted in the loss of five trees and two hedges. The applicant has worked with the Council's tree officer to reduce this to four trees, retaining a large pine tree (B2) within the area sectioned off for the water storage and air source heat pump equipment. The Council's Tree officer has no objection to the amended proposal subject to conditions (nos. 3-5 & 12). The remaining tree coverage will continue to contribute to the setting of the site and the amenity of the area.

Highway safety

- 16.17 The Highway Authority raises no objection to the scheme which includes the reconfiguration of the parking area with twenty parking spaces including 2 disabled and 2 minibus spaces and a long drop-off area. It is considered that the proposal is acceptable in terms of highway safety policy K11 and parking policy K12 subject to conditions.

Ecology

- 16.18 An ecological impact survey (EclA) for the site has been submitted as part of the application which found nesting birds were present on site. Mitigation and enhancement measures detailed within the assessment are currently being assessed by the natural environment team (NET). A condition will be applied to secure these measures (no. 7- with the date added when certification has been issued).

- 16.19 The development is subject to biodiversity net gain, the applicant has submitted a Biodiversity Metric Calculation Tool which indicates that net gain will be provided on site. In accordance with national legislation the final details of biodiversity net gain will be agreed by the submission of a biodiversity gain plan after permission has been granted (informative note 1).

Renewable Energy

- 16.20 The introduction of the air source heat pumps will provide a renewable energy source for the school. Local Plan Policy ME5 encourages the sustainable generation of energy from renewable and low carbon sources where adverse social, environmental and visual impacts have been minimised to an acceptable level. The air source heat pumps will be over 40m from the nearest residential property to the southwest with an established woodland between the boundaries. The Council's Environmental Protection team have raised no objection to the application; no harm to neighbouring amenity is anticipated.

Flood risk

- 16.21 The Council's Strategic Flood Risk Assessment identifies that a small section of the site in the northwest corner which has previously been used as car parking is at risk from surface water flooding in a 1 in 1000 event and potentially a 1 in 100 event. The use of the site will not change but a surface and drainage strategy is provided as part of the application which details appropriate mitigation measures to reduce the risk of flooding. These measures will be secured by condition therefore no harm from surface water flooding is anticipated and the application accords with policy ME6.

17.0 Conclusion

For the above reasons the proposal accords with the development plan as a whole and is recommended for approval subject to a condition.

18.0 Recommendation: Grant, subject to the 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:
 - 2001 P01 The location plan
 - 2100 P13 Proposed Block Plan
 - 2702 P01S2 Proposed Dining Canopy
 - 2710 P04S2 Proposed Habitats
 - 2711 P02S2 Ecology Feature Location Plan
 - 2750 P07S2 Proposed Planting Plan
 - 2751 P03S2 Proposed Planting Plan Continued
 - 9003 S4P02 External Services Layout
 - 9601 S4P02 External BWIC Proposed Layout
 - 6301 S4P03 External Lighting Layout

2100 P13S2 Proposed General Arrangement Plan
2001 P01S2 Location Plan
2110 P07S2 Proposed Fence Line
2113 P08S2 Tree and Hedge Removal Plan
2106 P02S2 Section & Elevation Location Plan - Proposed
2960 P04S2 Proposed Planting Schedule
2962 P02S2 Landscape Ecology Management Plan
2201 P03S2 Site Section & Elevation 1
2202 P03S2 Site Section & Elevation 2 and 3
631 P3 ASHP platform
2691 P1 External Details

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

3. Prior to commencement of works (including site clearance and any other preparatory works) a pre-commencement site meeting between the Council's Tree Officer and the Arboricultural Consultant or Site Manager shall take place to confirm the protection specification for the affected trees. The protection of the trees shall be in accordance with the Assured Trees Report dated 16th August 2024 and addendum dated 18th November 2024. The tree protection measures shall be erected in accordance with BS5837:2012 before any equipment, materials or machinery are brought onto the site for the purposes of development (including demolition). The protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered, or excavations made without the written consent of the planning authority.

Reason: In the interests of tree protection

4. Prior to commencement of works (including site clearance and any other preparatory works) a full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation foundations and details of any no-dig specification shall be submitted to and agreed by the Local Planning Authority in writing. The development shall take place in accordance with the approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area

5. Prior to commencement of works samples of the cellular confinement system to be used, including the samples of the cell infill aggregate, which shall not be of a calcareous nature rather a 4-20mm clean angular granite or flint shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area

6. Prior to the installation, details of any externally mounted plant shall be submitted to the Local Planning Authority (LPA) along with a noise assessment such as that conducted in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. The assessment shall be submitted to and approved in writing by the LPA. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use and maintained and operated in that condition thereafter unless agreed in writing by the LPA.

Reason: To protect neighbouring amenity.

7. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in the ecology report titled Land at Former St Catherine's Primary School, by Providence Ecological and dated July 2024 certified by the Dorset Council Natural Environment Team on 9 December 2024 and 2711 P02S2 Ecology Feature Location Plan produced and submitted by NVB Landscape.

The development hereby approved must not be first brought into use unless and until:

- i) the recommendations detailed in section 4 and 5 of the approved ecology report have been completed in full, in accordance with any specified timetable, unless otherwise agreed in writing with the Local Planning Authority, and
- ii) evidence of compliance has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

8. The landscaping shown on plan 2750 rev P07 S2 shall be fully implemented before the use of the building as a school re-commences unless an alternative timetable is agreed by the Local Planning Authority in writing. Any plants found to be damaged, dead or dying in the first five years shall be replaced in the next planting season (November- March).

Reason: In the interests of amenity and biodiversity.

9. Before the use of the building as a school re-commences the areas shown on Drawing Number 2307-NVB-XXXX-DR-L-2100 P12 S2 for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas must be 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.

10. The lighting scheme shall be installed, operated and maintained in accordance with the submitted report "Land at Former St Catherines, External Lighting Lux Levels Rev B, dated 19/11/2024, by DIALux".

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

11. No lighting shall be installed on or within the MUGA hereby approved unless details have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter any lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

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

12. Notwithstanding the details on the approved Plans there shall be no hard surfacing within 1m of the centre of oak tree T08.

Reason: To safeguard the tree which contributes to local amenity.

Informative Notes:

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain at
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

2. 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.

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:

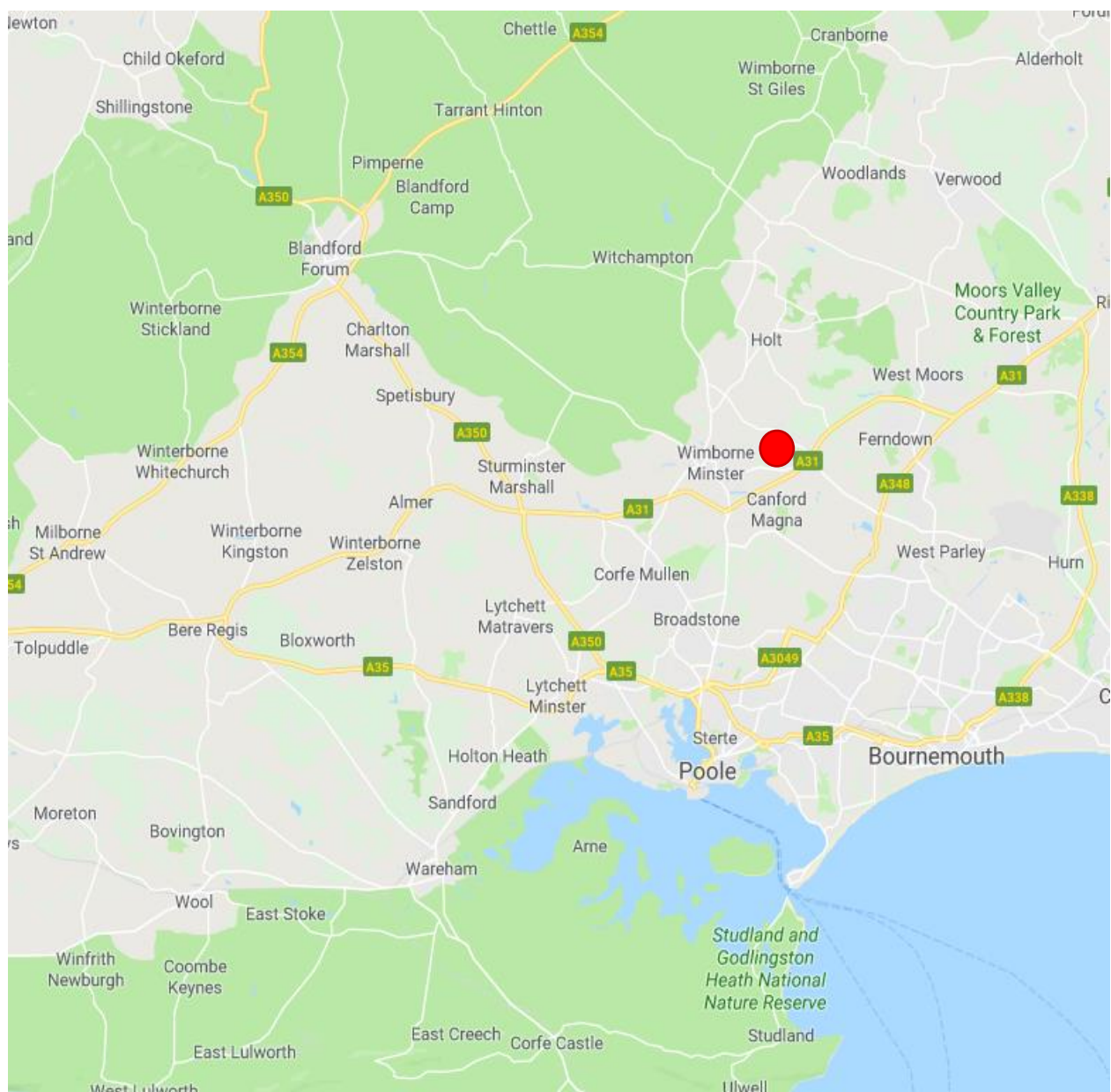
- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

● Approximate Site Location

Application reference: P/FUL/2024/05639

Site address: St Catherines Roman Catholic First School , Cutlers Place, Colehill, BH21 2HN

Proposal: Creation of a Multi-Use Games Area (MUGA), erection of a dining canopy, boundary treatments, hardstanding for bin storage, installation of air source heat pump equipment, hard standing and enclosure for electric substation, water storage for the sprinkler system, ancillary equipment, reconfiguration of parking and circulation space. Hard and soft landscaping.



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