

1.0 Application Number: 6/2020/0154

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2020/0154>

Site address: Land at Priests Road, Swanage, BH19 2RL

Proposal: Erection of three dwellings and associated parking

Applicant name: Synergy Housing

Case Officer: Alexandra Dones

Ward Member(s): Councillors G Suttle and B Trite

2.0 Summary of recommendation:

GRANT planning permission subject to conditions

3.0 Reason for the recommendation:

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The proposal will contribute to local housing supply where there has been an undersupply of housing delivery.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The loss of a green space does not significantly and demonstrably outweigh the benefits of the proposal.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable within settlement boundary.
Scale, design, impact on character and appearance of the Area of Outstanding Natural Beauty (AONB)	Acceptable scale, design and impact on the character and appearance of the AONB.
Impact on the living conditions of the occupants of neighbouring properties	Acceptable, subject to conditions.
Highway impacts and parking	Acceptable, subject to conditions.
Flood Risk and Drainage impacts	Acceptable, subject to conditions.
Biodiversity impacts	Acceptable, subject to conditions.

Impact on Green Infrastructure	Some harm from development outweighed by benefits of the scheme
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5.0 Description of Site

The application site comprises a triangular parcel of land, 0.08ha in size, located on the intersection of Bell Street and Priest's Road, Swanage. The parcel of land has not previously been developed, lies vacant and has been cleared of the trees and hedges previously present on site.

From the junction with Marsh Way/Priests Road, the site rises southwards by approximately 4.5m. This results in the dwellings to the south of the site, 69-79 Bell Street being set at a significantly higher level than the northern site extent.

The site is surrounded by residential development predominantly laid out as two-storey semi-detached and terraced housing to the north, east and south. To the west of the site (on Ash Close) the properties are larger and detached, with detached garages.

A Public Right of Way (#SE3/67) runs along the western boundary of the site southwards for 120m where it connects with Priests Way public bridleway.

The site is located approximately 1.3k from the main service provision and facilities on offer at Swanage seafront to the east. The site is located in the Swanage settlement boundary and Dorset AONB. The Herston Conservation Area boundary is located 15m north of the site.

6.0 Description of Development

The application proposes the erection of 3no. 3 bedroom dwellings with associated off-street parking and fenced private gardens. The proposed dwellings will appear as two-storey but have a converted roof space providing an additional third floor for a bedroom served by rooflights. The layout will be terraced, and their front elevations will face southwards, towards 75-79 Bell Street. The materials proposed include plain roof tiles, red brick and grey windows.

A new access point is proposed off Bell Street, a cul-de-sac, to the vehicle parking area for six vehicles, laid out in permeable tarmac.

7.0 Relevant Planning History

No recorded planning history relating to the site.

8.0 List of Constraints

The following constraints and designations are applicable to this application:

- Within the parish of Swanage
- Within Swanage Settlement Boundary

Dorset Area of Outstanding Natural Beauty (AONB)
Corfe Valley AONB Landscape Character Area
Within 15m of Herston Conservation Area Boundary
Within 350m of Belle Vue Quarry SSSI
Within 500m of St Albans Head to Durlston Head SAC and Townsend SSSI
Within 1.5km of Studland to Portland SAC
Within 5km of Dorset Heathland SSSI

9.0 Consultations

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

Consultees

- **Dorset Council Highway Engineer (received 29 April 2020)**

No objection. The revised proposals do not present material harm to the transport network or to highway safety.

Conditions and informatives are recommended ensuring turning and parking areas are constructed as per the amended plans and ensuring no surface water drainage onto the adjacent public highway.

- **Dorset Council Drainage Engineer (received 22 April 2020)**

No objection. The flood risk map shows this site to be in flood risk zone1 and in this respect the development would be acceptable.

The application form indicates that surface water will be dealt with using a Sustainable Drainage System (SuDS) or soakaway. This would be a satisfactory way of dealing with this, but no further details were included in the application about the design standard, location or maintenance and management of the drainage system.

This site is in an area where the surface water mapping shows that there are flooding problems in extreme events in the adjacent road and further down in the catchment. It is therefore important that the surface water drainage scheme is designed such that it does not exacerbate the flooding problems elsewhere. There should be adequate arrangements for subsequent long-term maintenance, and this should be detailed in a management plan showing what inspection and maintenance work will be carried out over the lifetime of the development. It should also provide details of who will be responsible for every part of the system.

A condition is recommended to ensure a surface water management scheme is submitted to the Council for approval.

- **Dorset Council Design and Conservation Officer (received 3 June 2020)**

No objection. The proposed scheme does not directly affect any heritage assets although the majority of the site does lie within the boundary of historic quarries.

The site layout is at odds with the general pattern of development in the immediate vicinity in so far as the development shows its rear and side face to the main public realm whereas development generally faces the (through) street. Reconsideration of the layout suggested.

- **Dorset Council Landscape Architect**

No response received.

- **Dorset Council Housing Officer (received 23 April 2020)**

The proposal is not for affordable housing and does not need to provide any affordable housing under the policies in the current adopted Purbeck Local Plan.

- **Dorset Council Public Rights of Way Officer (received 15 April 2020)**

The proposed works are in the vicinity of the public right of way SE 3/67 as recorded on the County Definitive Map and Statement of rights of way. PROW Officer is unaware of any unrecorded paths that may be affected.

The developer has not provided any information on how they intend to undertake this work without affecting the public right of way, as throughout the duration of the development, the full width of the public footpath must be able to remain open and available to the public, with no materials or vehicles stored or using the route.

- **DC Landscaping Team**

The proposals for new tree planting/GI [Green Infrastructure] at Priests Road contained in the Swanage GI Strategy are recommended improvements. There is an aspiration for these improvements to be implemented, but the existing open space is not one of those protected by the open space and recreation Policy in the Swanage Local Plan (Policy OSR).

Swanage Local Plan (Policy SGI) states that damage or loss to the existing GI network should be avoided unless loss or damage is outweighed by the benefits of the development. Given that the open space is not protected, and that the balance is likely to be tilted towards the provision of housing, I think the best solution is to ensure that the

development proposals maximise any opportunities to improve and enhance the green infrastructure network as required by the second part of Policy SGI. This could be achieved by requiring tree and hedgerow planting by condition.

- **Natural England**

None received

- **Swanage Town Council (received 15 May 2020)**

Objection to the proposed development on the following grounds:

Loss of important historic green space.

Adverse Impact on nature conservation interests and biodiversity opportunities

Contrary to Swanage Green Infrastructure Strategy (SGIS) SPD

Overdevelopment/layout and density of building design, visual appearance and materials to be used and potentially detrimental impact on the street-scene.

Potential adverse impact on the Herston Conservation Area (HCA)

Potential adverse impact on neighbour amenity, overlooking and loss of privacy

Highway issues – traffic generation, vehicular access, highway safety

Flooding/excess water run-off from the fields and down the adjacent footpath, particularly after heavy rainfall.

Summary of Local Representations received

The application was advertised by means of a site notice displayed on 04/06/2020, a press notice in the Daily Echo on 23/04/2020 and by letters sent to neighbours.

The Council received a total of 45 letters of objection from neighbours about the application. In addition, a letter was received from Councillor Suttle on behalf of the local residents. The representations are all available in full on the Council's website.

The following list sets out a summary of the key issues raised:

- Concerns regarding the loss of habitat and vegetation during site clearance

- Lack of public advertisement and site visit and insufficient time to fully consider the application
- Overbearing and overlooking on surrounding properties
- Misleading information in submitted plans
- Inappropriate massing, and height is out of keeping with surrounding properties
- Impact on Priests Way footpath
- Loss of privacy and light to dwellings on Ash Close
- Loss of sunlight and the subsequent impact on the health of surrounding residents
- Lack of turning space and parking
- Traffic congestion for residents, emergency vehicles and waste collection
- Overdevelopment of the site
- Red brick aesthetic out of keeping with surrounding Purbeck stone.
- Drainage, surface water runoff and flooding concerns
- Stability of the land and potential for underground quarry tunnels
- Increased pressure on local surgery, county hospitals and schools.
- Impact on local protected wildlife species
- Impact on mental wellbeing
- Lack of affordable housing
- Impact on the local sewer network
- Impact of noise from the development
- Concerns that the properties will be second homes/holiday lets.

10.0 Policy and other Considerations

Development Plan

Purbeck Local Plan Part 1:

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy HS: Housing Supply

Policy D: Design

Eastern Planning Committee
10 March 2021

Policy LHH: Landscape, historic environment and heritage

Policy BIO: Biodiversity and geodiversity.

Policy FR: Flood risk

Policy CE: Coastal erosion.

Policy IAT: Improving accessibility and transport.

Swanage Local Plan – adopted July 2017:

Policy SS: Swanage Settlement

Policy STCD: Swanage townscape character and development

Policy SGI: Swanage Green Infrastructure

Other material considerations:

Emerging Purbeck Local Plan 2018 – 2034

Regard has been had to the emerging Purbeck Local Plan 2018-2034. Following initial examination of the plan the Inspector has reported that she is reasonably satisfied that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'. A further consultation has just been completed and the Sustainability Appraisal and Habitats Regulation Assessment will be updated prior to a final decision on whether the plan is found legally compliant and sound.

Paragraph 48 of the NPPF advises that;

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

and

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

The following relevant policies of the emerging Local Plan are consistent with the Framework, there are no significant unresolved objections and the emerging local plan is considered to be at a stage where weight can be given to these policies:

E1: Landscape

Eastern Planning Committee
10 March 2021

E12: Design

The following policies of the emerging Local Plan are also considered relevant to the application but cannot be given any significant weight in the decision-making process because there remain unresolved objections and/or there are the potential for further objections through Main Modifications consultation. The weight that can be given to these policies will change as the local plan progresses to adoption:

E8: Dorset Heathlands

E9: Poole Harbour

E10: Biodiversity and geodiversity

I2: Improving accessibility and transport

I3: Green infrastructure, trees and hedgerows

H14: Second Homes

National Planning Policy Framework:

Section 2: Achieving sustainable development – paragraph 8(b)

Section 4: Decision making - paragraph 48

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting sustainable transport.

Section 11: Making effective use of land;

Section 12: Achieving well-designed places;

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

Section 15: Conserving and enhancing the natural environment.

National planning practice guidance

Purbeck District design guide supplementary planning document adopted
January 2014.

Swanage townscape character appraisal supplementary planning document
adopted August 2012.

Swanage Green Infrastructure Strategy supplementary planning document
adopted June 2018

Dorset AONB Management Plan 2019-2024

Dorset AONB Landscape Character Assessment & Management Guidance 2008

Dorset biodiversity appraisal and mitigation plan.

Purbeck Strategic Flood Risk Assessment 2018

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

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.

It is not considered that the proposed dwellings would result in any disadvantage to persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	N/A
Non-Material Considerations	

CIL Contribution	£64,478.70
Council Tax	£6496.56 (based on average Council Tax Band D)

14.0 Climate Implications

The proposal is for three new dwellings located within an established settlement. The properties will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

15.0 Planning Assessment

15.1 The main planning considerations in respect of this application are:

- Principle of development
- Scale, design, impact on character and appearance of the AONB
- Impact on the living conditions of the occupants of neighbouring properties
- Highway impacts and parking
- Flood Risk and Drainage impacts
- Biodiversity impacts

These and other considerations are set out below.

Principle of development

15.2 The application site is located within Swanage settlement boundary as defined by Map 20 of the Purbeck Local Plan Part 1 (PLP1). The proposed development of three additional dwellings is therefore considered to be acceptable in principle in accordance with PLP1 Policies SD: Presumption in favour of sustainable development and Policy LD: General Location of Development.

It is relevant that on 19 January 2021 the Housing Delivery Test: 2020 measurement results were published. Purbeck Local Plan area was found to have delivered only 74% of the total number of homes required and therefore, in accordance with National Planning Policy Framework (NPPF) footnote 7, it is judged that the Purbeck housing policies are out of date. In this case, as housing policies are the most important for determining the application, permission should be granted unless:

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

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

15.3 The proposed development would provide the benefit of an additional 3no. dwellings to meet the Purbeck area housing supply requirement.

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

15.4 The principle of developing the site for residential purposes is acceptable. Policy D of the PLP1 requires proposals to integrate positively in their surroundings, displaying good design practises whilst avoiding overlooking and overshadowing.

15.5 The site is located to the south of the Herston Conservation Area which is also an *Area of High Townscape Value (AHTV)* as referenced in Policy STCD of the Swanage Local Plan. These are areas in which the local vernacular and historic context should be protected, and proposals should be appropriate to the setting in form and scale whilst not exceeding the density levels of existing development within the area. The proximity of the application site to this designated area is a material consideration in terms of the proposal's design, scale, density and layout.

15.6 The proposal sites the three dwellings to the south of the plot, away from the designated Herston area, and maintains a modest landscaping area where planting can screen the boundary enclosure. The design of the terrace is two-storey (with a habitable roof space) reflecting the design of neighbouring properties, which are a mix of terraced and semi-detached houses. The dwelling design is traditional and proportionate in scale, with an eaves height of 4.8m and a ridge height of 8.5m, creating additional accommodation space without the need for an out-of-keeping third storey. Visual elements such as the rustication detail and the columns & trims help interrupt the design to avoid the dwellings appearing plain and featureless.

15.7 The proposed density within the 0.08ha plot equates to 37 dwellings/ha, a lower density than the dwellings opposite the site on Bell Street (66d/ha) and the neighbouring terraced block on Marsh Way (60d/ha). The modest block of dwellings is situated in the centre of the plot with ample space for a parking and turning area and private gardens with rear pedestrian access.

15.8 Policy D of the PLP1 states that new dwellings should reflect the diverse but localised traditions of building material usage found across the district. Concerns have been raised regarding the use of red brick (referred to in the submitted planning statement) and its contrast to the surrounding building materials. Whilst many of the surrounding properties have been constructed in Purbeck stone, the four dwellings north of the site, within the Conservation Area are red brick built with a dark roof tile as have some of the dwellings on Ash Close and all of the

dwellings on Sandbourne Close to the west of the site. On approach to the site and when it is viewed in the street-scene, the proposed dwellings will not appear incongruous in their context so as to amount to significant and demonstrable harm to the surrounding area. In order to ensure the materials proposed will appear cohesive in relation to the nearby properties, a condition (no. 3) is recommended requiring details of the materials to be submitted for consideration.

- 15.9 The Swanage townscape character appraisal SPD denotes the development site as being within the “Council Estate Development” character type class. The proposed dwellings broadly comply with the identified elements of visual character in the SPD such as ubiquitous estate architecture, modest porches, two-storey heights and red brick with concrete tiles. The distinct topographic changes are also acknowledged in this area and the use of retaining walls and banks are considered to contribute to the area’s character. Whilst it is acknowledged that the site is located in a relatively prominent position topographically, the proposed density and scale, and presence of further terraced dwellings beyond the site at a higher level sufficiently provide to soften the visual impact associated with the introduction of built form on this plot.
- 15.10 A varied topography and tight networks of streets have contributed to the character of this part of Swanage and the introduction of a single block of built form on a previously undeveloped plot at a staggered road junction would not constitute significant and demonstrable visual harm. It is acknowledged that the houses will face onto a parking area rather than directly onto the street but this enables soft landscaping to be reinstated along the eastern boundary and Bell Street, as a cul-de-sac, does not have the through-road character of neighbouring streets so this departure from the general pattern of development will not result in any demonstrable harm to the character of the area. Furthermore, the proposal will be implemented with a full landscaping scheme (secured by conditions 5 and 6) to ensure additional cohesion with the surrounding area and the previously undeveloped state of the site.
- 15.11 The site is within the Dorset Area of Outstanding Natural Beauty (AONB). The NPPF places great weight to conserving and enhancing the landscape and scenic beauty of the AONB.
- 15.12 In this case, the application site lies within the urban area of Swanage which is extensively residential in nature such that the proposal would have limited impacts on the landscape. Any views from the public footpath are already punctuated by existing dwellings and the site is not on the settlement edge. The development of this formerly undeveloped green space would increase density but would not demonstrably change the settlement pattern and accommodating housing within the settlement is preferable to extending into greenfield areas. It is concluded that the proposal will not have a harmful wider impact on the AONB.

Impact on the living conditions of the occupants of neighbouring properties

- 15.13 The proposed development will be situated in proximity to a number of neighbouring dwellings to the east, south and west, at a range of separation distances. To the south, the small terraces at the end of Bell Street would be situated 21m from the front elevation of the proposed dwellings; to the east, 103 Priests Road is sited upwards of 25m away and to the west, 1 Marsh Way is 12m from the rear elevation of the proposal, at it's closest point. There are also the dwellings on Ash Close, 21m from the proposed side elevation, whose rear gardens back onto the footpath adjacent to the site. It is acknowledged that the construction of the 3no. dwellings will have an impact on the residential amenity of some of these neighbouring occupiers. However, this impact is considered to be acceptable on balance for reasons outlined below.
- 15.14 Policy D of the PLP1 seeks to ensure that new development avoids and mitigates effects of overshadowing and overlooking on local amenity; they must also integrate into their existing context, paying equal regard to environmental quality and overall residential amenity. The Purbeck District Design Guide SPD further reiterates the attention to be paid to protecting the quality of life of neighbours in terms of privacy, light and noise.
- 15.15 The SPD recommends, on the subject of overlooking, a minimum recommended distance between buildings on similar levels with windows facing back to back as 21m. The proposed block of dwellings has no side facing windows, ensuring overlooking is negligible to the neighbours to the east and west. The rear elevations (north) contain six first floor windows, serving a bedroom of each of the 3no. dwellings. Due to the proposed orientation of the building, these windows will be located over 40m from the dwellings to the north, and over 21m from the neighbouring dwelling on 1 Marsh Way, at an angle of approximately 37 degrees and with a detached garage obscuring any views. Furthermore, this view would mostly look onto the windowless side elevation of 1 Marsh Way and constitute minimal harm in terms of privacy impingement.
- 15.16 On the main elevation (southern), the separation distance is at least 21m to the dwellings on Priests Road. This elevation features six first floor windows, 3 serving bedrooms and 3 serving bathrooms. These windows, as a result of their separation distance to the dwellings to the south, will not cause a loss of privacy to a degree that is considered demonstrably harmful. The second floor utilises roof lights which offer limited downward views and thus limited risk to neighbours' privacy, even when considering the topography of the wider area.
- The three dwellings themselves will overlook the other's private amenity spaces but this is expected with this form of development and will not wholly compromise the rear garden's proposed use as a private amenity space.

- 15.21 It is acknowledged that the proposed development will have an impact on the surrounding residents, especially considering the current open nature of the site. However, the proposal is found to be acceptable in relation to neighbouring amenity as it does not threaten the privacy, sunlight provision or overall amenity of the residents of the area to a level sufficiently harmful to form a reasonable reason for refusal of the proposal. The proposal is thus considered to accord with Policy D of the PLP1 and the Purbeck District Design Guide SPD.

Highway impacts and parking

- 15.22 The development site would be accessed off Bell Street, a cul-de-sac which terminates to the south, 15m beyond the proposed access point. Policy IAT of the PLP1 seeks to locate proposals in the most accessible locations and reduce the need for travel. The main service provision of Swanage can be safely reached on foot from the property along existing public footpaths and pavements. The policy also requires developers to provide safe access to the highway and provide adequate parking levels.
- 15.23 The location of the parking and turning area is situated between the proposed dwellings and the existing properties, 75-79 Bell Street. The area of hard standing includes space for vehicular turning on-site, and 6no. parking spaces, in a perpendicular arrangement. Following an amendment requested by officers, the proposed parking spaces have been increased in width to 2.8m to improve accessibility. There is a recommendation within the strategy for the provision of an additional visitor space for such a size development. However, the applicant has demonstrated that due to the sustainable location of the site and nearby public transport links that the lack of a visitor space would not compromise highway safety or contribute to negative impacts on the wider road network. In this case, the provision of two spaces per dwelling (3 bedrooms) is in line with the 2011 Bournemouth, Poole and Dorset Residential Car Parking Strategy.
- 15.24 Regarding the access point and arrangement, the Council's Highways Authority has no objections subject to the imposition of conditions relating to drainage and turning/parking construction (condition 4 and 8). The Highway Authority considers that the revised proposals do not present material harm to the transport network or to highway safety and therefore comply with Policy IAT of the PLP1.
- 15.25 Concerns were raised from nearby residents which related to an inadequate provision of parking and thus a reliance on on-street parking in an already congested area. Furthermore, residents were concerned that the proposal would result in additional congestion for emergency vehicles and waste collection. As the scheme complies with the District's recommended parking levels and all parking is provided off the public highway (with space within the site for turning), there are no concerns that the scheme would lead to an increase in on-street parking. Additionally, a full off-street parking provision should not increase

congestion in the local area for residents, emergency vehicles or waste collection; many of the dwellings in the immediate area do not have off-street parking or turning and growing levels of car ownership may be exacerbating the level of congestion in the area; as this proposal will not contribute to this congestion, it is outside the remit of this application to address this issues.

Flood Risk and Drainage impacts

- 15.26 The application site is not located within an area of identified fluvial or surface water flood risk. However, the proposed dwelling is likely to alter the natural rate of surface water run-off on the site and the Council's Drainage Engineer has been consulted on the proposal in accordance with Policy FR: Flood Risk of PLP1.
- 15.27 The Drainage Engineer noted that this site is in an area where the surface water mapping shows that there are flooding problems in extreme events in the adjacent road and further down in the catchment. It is therefore important that a surface water drainage scheme is designed such that it does not exacerbate the flooding problems elsewhere.
- 15.28 The application form indicates that surface water will be dealt with using a Sustainable Drainage System (SuDS) or soakaway. The engineer considers that this is a satisfactory way of dealing with the drainage but no further details are provided in the application about the design standard, location or maintenance and management of the drainage system. Such details can, however, be dealt with by way of a condition on the decision notice, and the engineer, therefore, raises no objection the proposal subject to a standard drainage condition (no. 4).

Biodiversity and ecological impacts

- 15.29 The application site which is not specifically subject to any designation or ecological protection has recently been cleared of vegetation, as within the landowners right (subject to compliance with The Wildlife and Countryside Act and the Natural Environment and Rural Communities Act). The site has not been identified by the Dorset Natural Environment Team as forming part of an ecological network and is too small to necessitate a biodiversity appraisal.
- 15.30 Policy BIO of the PLP1 requires new development to ensure no adverse effects upon the integrity of European protected sites (SPA, SAC, Ramsar) or SSSI. The development site is located within 350m of the Belle Vue Quarry SSSI and as such is located within an SSSI Impact Risk Zone. The risk zone encompassing the site requires consultation with Natural England if the proposal contains a net gain in residential units. Natural England were consulted on the proposal but chose not to comment.
- 15.31 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 proposal for a net increase in residential units, 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 site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

- 15.32 The appropriate assessment (separate document to this report) has concluded that the likely significant effects on Dorset Heathland arising from the proposal are consistent with the effects associated with new dwellings detailed in the Dorset Heathlands Planning Framework Supplementary Planning Document.
- 15.55 Securing the mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the protected site from the proposed development. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development, the Council will fund the HIP and SAMM provision via the Community Infrastructure Levy. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries. With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with policy ME2.
- 15.34 Considering the relatively prominent position of the site and the loss of trees and as a result of the site clearance, it is reasonable to secure a full landscaping scheme by condition (5 and 6). The scheme should adequately mitigate the development's visual impact and ensure opportunities for biodiversity arise in and around the site. Additionally, as it is a requirement of all development to enhance the natural environment, as stated in the NPPF (2018 as amended), paragraphs 8, 170 and 175, biodiversity enhancements in the form of a bird box and bat tube are to be secured by condition (no. 7).

Impact on Green Infrastructure

- 15.35 Concerns have been raised by Swanage Town Council that the proposed development of a previously green space is contrary to the Swanage Green Infrastructure Strategy SPD. Swanage Local Plan policy SGI requires that development proposals in Swanage should take account of the strategy.
- 15.36 The National Planning Policy Framework requires that decisions should aim to achieve healthy, inclusive and safe places which, amongst other requirements, '*enable and support healthy lifestyles, especially where this would address identified local health and well-being needs- for example through the provision of safe and accessible green infrastructure...*' (para 91).
- 15.37 The SPD identifies that Herston is a low green infrastructure area so prioritises a tree planting and wildflower meadow project in this area. Appendix 1 of the SPD

provides an audit table of green infrastructure. The current application site is identified as *'Open space and footpath at end of Priests Road'* and is highlighted as a proposal to be written into a development brief. The existing function was identified as *'Open space with communal verges, leading to section of Priests way with hedges'* and the benefits as *'Green corridor from densely populated housing area to open countryside. Hedges have some biodiversity value'*. The ownership was unknown at the time of the audit so it was recognised that there was little potential for change but tree planting scheme was proposed to a value of £1,500. These works are aspirational. The open space is not one that is protected by the open space and recreation Policy OSR in the Swanage Local Plan.

- 15.39 The current application would see the loss of some green infrastructure and increased urbanisation of the site. Replacement hedging can be secured to the east and planting to the north of the site to mitigate the loss and there would be no harm to the existing footpath providing the public right of way, but it is recognised that opportunities for meaningful tree planting would be reduced. Whilst the lost opportunity for improved green infrastructure weighs negatively against the proposal, limited weight can be given to this matter in the planning balance and it is outweighed by the benefit of the development's contribution to housing supply in the area.

Other Material Considerations

- 15.40 The Public Rights of Way Officer was consulted as part of the consideration process and raised concerns that the application site boundary crossed over the public right of way. On further examination, the existing footpath would remain outside of the application site and unaffected by the proposed development. The applicant can be made aware that any diversion of the public right of way would require separate full width of the public footpath must be able to remain open and available to the public, with no materials or vehicles stored or using the route via an informative note.
- 15.41 If the proposals require a temporary closure of the route it is important this is discussed with the Rights of Way Officer before any works commence. It is for the applicants to assure themselves that any other necessary consents have also been obtained to ensure compliance with the Highways Act 1980.
- 15.42 Neighbours have raised concerns regarding the ground stability of the site due to the impact of the close proximity of a former quarry to the south. The Council's Engineer has been consulted on the proposal and has confirmed that they are not aware of any ground stability issues in the area. They stated that as the site appears to be fairly small and is surrounded by residential development and associated infrastructure, it would be prudent to advise the applicant/developer that some local residents have highlighted the possibility of tunnels near the site. An informative note can be added.

- 15.43 Concerns have been raised regarding the increased pressure on the local surgery, county hospitals and schools as a result of the proposal. Policy LD of the PLP1 recognising Swanage as one of the most sustainable locations in the district and Policy SE recognises a future need for improved service provision should larger residential development sites and settlement extension plans take place. It has not been demonstrated that there is no current capacity in the existing service provision in Swanage to support the construction of three dwellings in the existing settlement.

16.0 **Balancing judgement**

As the Purbeck area has not provided the necessary housing delivery over the past three years current housing policies are out of date and there is a presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework.

The proposal for three dwellings on the site will not result in harm to the Area of Outstanding Natural Beauty nor any other protected area. The development is considered to be acceptable in principle, of an appropriate scale, size and design and the impact on neighbouring amenity, highway safety and drainage are also considered to be acceptable.

The proposal will result in an adverse impact arising from the loss of green infrastructure and loss of potential for tree planting improvements. This weighs against the proposal but is not judged to significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the National Planning Policy Framework taken as a whole.

In these circumstances, following NPPF paragraph 11, approval is recommended subject to the conditions as set out below. The agreement of the applicant has been obtained in relation to pre-commencement conditions.

17.0 **Recommendation**

To grant planning permission subject to the following conditions:

1. The development must start within three years of the date of this permission.
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
2. The development permitted must be carried out in accordance with the following approved plans:
BDS-01-20 (Site Survey)
P1_1793_PLAN1 (Proposed Elevations)
P2_A_1793_PLAN1 (Proposed Block Plan and Floor Plan)
SITE_1793-Location (Location Plan)

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

3. The manufacturers name, product name and colour of all external facing and roofing materials must be submitted to and approved in writing by the Council before they are used on the proposal. The development must then be implemented using the approved materials.

Reason: To ensure satisfactory appearance of the development.

4. Before any groundworks start, a scheme to deal with surface water drainage must be submitted to and approved in writing by the local planning authority. The design standard for the drainage system within the scheme must be the 1 in 100 year event plus 40% allowance for the predicted increase in rainfall due to climate change. The scheme must be accompanied by the results of an assessment into the potential for disposing of surface water by means of the sustainable drainage system (SuDS). The scheme must include details of the ongoing management and maintenance of the surface water drainage. The development must be completed fully in accordance with the approved drainage scheme and must thereafter be managed and maintained in accordance with the agreed details.

Reason: These details are required to be agreed before surface water drainage works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to this site and adjoining catchment land.

5. Prior to first occupation of any of the dwellings, a hard and soft landscaping scheme must be submitted to and approved in writing by the Council. This needs to include:
 - i. A landscape proposals plan showing details of hard landscape (any cables, pipes and ducts above ground, all surfacing/paving, walls, fences and other structures, lighting, CCTV etc.) and soft landscape (trees, shrubs, herbaceous plants and grassed areas). The boundary enclosures shall include details of hedgehog holes.
 - ii. Planting plans which must show the species of trees, shrubs and herbaceous plants to be planted and where they will be planted, the size that the trees/shrubs/plants will be on planting, and the number that will be planted.
 - iii. Maintenance schedule details for planting beyond residential gardens identifying parties responsible for the upkeep.

The development must be carried out in accordance with the approved scheme.

Reason: These details are required to be agreed in order to ensure the satisfactory landscaping of the site, and to enhance the biodiversity, visual amenity and character of the area

6. The soft landscaping works detailed in the landscape proposals agreed by the Council pursuant to condition 5 must be carried out during the first planting season (October to March) following either substantial completion of the buildings. The planted scheme must be maintained in accordance with the agreed details.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

7. A bat tube and bird box shall be installed prior to first occupation of the dwellings hereby approved and these shall thereafter be retained and maintained.

Reason: In the interests of biodiversity.

8. Before the development is occupied or utilised the parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

Informative Notes:

1. Informative Note - Matching Plans. 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.
2. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. 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.

3. If the proposals require a temporary closure of the public right of way it is important this is discussed with the Rights of Way Officer before any works commence. It is for the applicants to assure themselves that any other necessary consents have also been obtained. It should be noted that the use of this footpath by vehicular traffic without lawful authority is an offence contrary to the Road Traffic Act 1988. Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980. The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above path then a Temporary Path Closure Order must be obtained. This can be applied for through this office but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.
4. The applicant/developer is advised that some local residents have highlighted the possibility of tunnels near the site which may impact on ground stability.
5. In relation to condition 5 the Council will be looking for native species within the planting which contribute to biodiversity.

NB. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.