

<b>Application Number:</b>	WD/D/20/003114
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Sandringham Sports Centre Armada Way Dorchester DT1 2TN
<b>Proposal:</b>	Erection of single storey dance school with mezzanine and pitched roof
<b>Applicant name:</b>	Lesley Cocker
<b>Case Officer:</b>	Jennie Roberts
<b>Ward Member(s):</b>	Cllr Jones and Cllr Rennie

**1.0** This application is brought to committee in the interests of transparency, as the Town Council is the landowner and has not commented on the application, and there is a large number of both supporters and objectors to the proposal.

**2.0 Summary of recommendation:**

GRANT planning permission, subject to conditions

**3.0 Reason for the recommendation:** as set out in sections 15 and 16 at end

- Para 14 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 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**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The site is located in a sustainable location, within the defined development boundary, within an existing sports centre. As such, the principle of the development is acceptable.
Visual amenity	The design of the proposed building is in keeping with other built form on the site.

Residential amenity	The sports centre is an established and well-used facility, and a dance school in this location would not have an unacceptable impact on the residential amenity of nearby properties.
Access and Parking	The Highway Authority raises no objection to the proposal and the proposal is acceptable in terms of access and parking.
Flooding	<p>The site is located outside of Flood Zones 2 or 3, although part of the site is shown on the Council's mapping system as being prone to surface water flooding. The proposed leisure use is classified as 'less vulnerable' under the Technical Guidance to the NPPF.</p> <p>Investigations have led to an initial surface water drainage strategy being drawn up, with a new soakaway proposed to deal with surface water flooding. The Council's Flood Risk Management Team is satisfied with the strategy and has suggested a condition for a detailed drainage scheme to be attached to any planning permission.</p>
Other:	<p><u>Dorchester Petanque Club:</u> Dorchester Town Council intends to provide a replacement petanque court, c.100m from the existing location, prior to construction of the proposed building.</p> <p><u>Motorcycle School:</u> A motorcycle school uses part of the car park which is proposed to be built on for training purposes. However, the school would only be built over a small area of the existing car park, with the majority of the space remaining unaffected.</p> <p><u>Notification issues:</u> The chair of Dorchester Bowls Club considers that the club should have had noticed served on it as one of the leaseholders at the site. The Council's Planning Lawyer has been consulted over this and from the information available does not consider this to be necessary.</p> <p><u>Renewable Energy:</u> In response to public comments about renewable energy, an amended plan has been submitted, to include the use of solar panels on the roof.</p>

	<p><u>Dorchester Pistol and Rifle Club</u>: DPRC believes excavation could damage the fabric of its underground building, however, building works would be subject to Building Regulations and any damage caused would be a private civil matter, not a material planning consideration.</p> <p>It has also raised concerns about flooding; this has been addressed above, under 'Flooding'.</p> <p>DPRC says its members should park as close to their facility as possible to reduce time spent carrying weapons outside; the erection of the proposed building will prevent this. However, the car park is small, so time spent carrying firearms between cars and the building would be minimal wherever they parked within it.</p>
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## 5.0 Description of Site

The site is located within Sandringham Sports Centre, which is within a sustainable location, within the defined development area of Dorchester. There are several established clubs which use the grounds, some of which have existing buildings and/or specialised facilities on the site. These include but are not limited to Dorchester Pistol and Rifle Club, Dorchester Bowls Club, Dorchester Petanque Club and a motorcycle training school. There are also a children's play park and numerous sports pitches on the site. The site is accessed via Armada Way (a residential road) and has a large car park.

## 6.0 Description of Development

The application proposes the erection of a single storey dance school with mezzanine in the north-east corner of the sports centre car park. The walls and roof of the pitched-roof building would be clad in grey standing seam, powder-coated, aluminium panelling. The building would measure 29.5m(l) x 14.5m(w) x 8.54m (h). There are currently 120 parking spaces on the site and this development would see a reduction by 15 spaces to 105.

As explained in a letter by the applicant of 23/10/2021, in terms of opening hours, the current term-time timetabled hours (which vary slightly from term-to-term) are:

Mon-Fri: 1000-2145; Sat: 0900-1715; Sun/bank hols: Closed

Regular classes are largely paused during school holidays, including Easter, Summer and Christmas holidays. This means that the timetable only runs for approximately 35 weeks per year and the other 17 weeks see much reduced use.

The dance school also carries out a number of off-timetable, low-key activities which involve using the studio at other times of the week.

On Saturday or Sunday evenings they have previously held fundraising events such as quizzes and flower arranging workshops.

Sunday afternoons have been a popular slot with private hirers who typically hire for about two hours. Examples of these uses are: children's birthday parties, students filming audition pieces, examination preparatory sessions.

Once in every two years the club puts on a dance show – these are held off site, at the Weymouth Pavilion or Thomas Hardy School Theatre – but rehearsals and costume fittings are held at the studio for three or four consecutive Sundays and on these days the studio is in use for the greater part of the day.

The applicant states that most of the uses listed above involve a modest number of people, but they are a vital part of both the functioning of the dance school and the charity's finances.

The charity's trustees consider that the facility will be an asset to the community, providing a modern and comfortable activity space with disabled access which could be privately hired. Limiting the hours of use to specific days and times would remove that opportunity for many and would not make the most of the resource. The applicant therefore has requested that restrictions to hours or days of opening are not imposed.

Amended/additional plans have been received to show:

- The location of the waste and recycling store area for the proposed dance school
- Solar panels on the roof
- The location of proposed cycle storage
- The location of a proposed new soakaway to deal with surface water-run-off from the development

## **7.0 Relevant Planning History**

No recent relevant history

## **8.0 List of Constraints**

NE - SSSI impact risk zone;

NE - SSSI: River Frome ;

NE - SSSI: Upwey Quarries and Bincombe Down ;

EA - Poole Harbour Catchment Area

## 9.0 Consultations

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

### Consultees

- **NATURAL ENGLAND:** *No objection*
- **SPORT ENGLAND:** *The proposal does not fall within the statutory or non-statutory remit of this organisation.*
- **HIGHWAY AUTHORITY:** *No objection, subject to condition about cycle parking*
- **BUILDING CONTROL:** *No adverse comments*
- **DORCHESTER TOWN COUNCIL:** *No comment made, as DTC is the landowner*
- **WARD MEMBER (Cllr Rennie):** *“I wish to recommend approval”*

### Representations received

20 comments have been received in **support** of the proposal, from users and supporters of the existing dance facility and members of the local community:

- The existing facility is too small, not fit for purpose and is located on an industrial estate. Heavy goods vehicles manoeuvre near to the existing dance school, which is not safe for its users, particularly young children. There is safe parking and good footpaths at this location, which is far safer for all concerned.
- The proposed building increases the capacity of the dance school and allows more members of the community to access its classes. The dance school is a valuable community asset, being a charity and not-for-profit organisation, and having an inclusive ethos. It is excellent for the mental and physical health of members of the community of all ages, particularly in these times of Covid-related restrictions.
- The new building will have a low carbon footprint, compared with the existing building that is located on the industrial estate.
- The new building and location mean the dance school is accessible to disabled people, whereas access is difficult at the current location.

15 comments and a petition have been received **objecting** to or raising concerns about the proposal. These include comments from the Dorchester Pistol and Rifle Club, Dorchester Bowls Club, a motorcycle training school and Dorchester Petanque Club, as well as neighbouring residents and users of the above-listed clubs:

- The development will result in an increase in traffic levels, which will have road safety implications, will generate excessive noise and pollution from fumes, and may cause damage to the roads and footpaths from poor parking. This will be detrimental to the residential amenity of neighbouring properties.
- The north side of the development backs on to the Dorchester Pistol and Rifle Club (DPRC) facility, which is largely below ground under the bund to the rear of the application site. Excavation could damage the fabric of the building.
- There are issues with flash flooding on the site: the new building would create more surface water run-off into a soakaway system that already cannot cope with wet conditions. DPRC's building is likely to be flooded because of this.
- DPRF members are encouraged by the police to park close to their facility, to reduce the time spent carrying firearms between their cars and the building. The proposed building will prevent them from parking close to the building.
- The proposed development would result in pressure on the existing parking provision, due to the comings and goings of people to the multiple dance classes. The capacity of the car park would be reduced and would result in overflow of parked cars onto surrounding residential streets.
- There would be a lot of noise during the construction period.
- The opening hours of the dance school are too long.
- The proposal would impact on the motorcycle training school which is run from the site and could result in it closing down.
- There is no public transport to the site.
- There is no renewable energy provision.
- The building would be built on the site of the existing boules court, which is located in the corner of the car park: an alternative site must be provided prior to the commencement of construction of the building
- It is contended that the ownership certificate has not been correctly completed; other clubs at the site, including Dorchester Bowls Club, have leaseholds with DTC, which makes them legal owners, and notice wasn't served on them by the applicant.
- The Highway Authority requires the provision of cycle parking: this would further eat into car parking provision.

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
11	20	2

<b>Petitions Objecting</b>	<b>Petitions Supporting</b>
1	0
82 Signatures	0 Signatures

## 10.0 Relevant Policies

### **Adopted West Dorset and Weymouth & Portland Local Plan (2015)**

**INT1** Sustainable development  
**SUS2** Distribution of development  
**ENV5** Flood risk  
**ENV10** Landscape and Townscape setting  
**ENV12** Design and positioning of buildings  
**ENV16** Amenity  
**COM4** New or improved local recreational facilities  
**COM7** Safe and efficient transport network  
**COM9** Parking

### **Material Planning Considerations:**

### **National Planning Policy Framework**

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

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, including brownfield registers and permission in principle, 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.

### **Other material considerations**

WDDC SPD – Design and Sustainable Development Planning Guidelines (2009)

## 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 development would not give rise to any identified impacts on persons with protected characteristics.

## **13.0 Financial benefits**

There would be financial benefits to the local economy during construction. Additional Business Rates would also be raised. Therefore, the scheme would contribute towards economic development in the area.

## **14.0 Climate Implications**

The building will need to comply with modern Building Regulations standards and will also feature solar panels on the roof.

## **15.0 Planning Assessment**

### **Principle**

The site is located in a sustainable location, within the defined development boundary, within an existing sports centre. As such, the principle of the development is considered acceptable.

### **Visual amenity**

The design of the proposed building is considered to be in keeping with other built form on the site. It is to be clad in grey powder-coated aluminium panels, and it is considered that it will have an acceptable impact on the visual amenity of the surrounding area.

### **Residential amenity**

The application site is located within a residential area and there are houses on two sides of it. It is accessed via a residential road, Armada Way.

As discussed in the ‘Description of Development’, above, the applicant has requested that no restrictions to days and hours of use are imposed on any planning permission granted, so that the low key uses and activities the school sometimes



hosts in the current building can continue. It is considered to be unduly restrictive to limit the use of the building to the timetabled classes only, considering other clubs at the site are able to operate outside of those times; there are no restrictive conditions relating to opening times on the Pistol and Rifle Club and there is no evidence to suggest that the Bowls Club has any such restriction either. A condition would be attached limiting the use of the building to the old 'D2' use class (now part of the new 'E' class), which includes 'gymnasiums and indoor recreations not involving motorised vehicles or firearms'.

It is acknowledged that the siting of the dance school in this location is likely to give rise to an increase in the amount of traffic using the site and surrounding road network, which may have a modest impact on noise levels in the area. However, the sports centre is an established and well-used facility, with many users of varied sports/activities and it is considered that the provision of a dance school in this location will not have an unacceptable impact on the residential amenity of nearby properties.

### **Access and parking**

As discussed above, the proposed development is likely to generate additional vehicular traffic to and from the site. It will also see a small reduction (c.13%) in the number of parking spaces on the site, which objectors are concerned will result in cars being parked in the surrounding residential streets. However, the Highway Authority raises no objection to the proposal, subject to a condition requiring the provision of cycle parking facilities – an amended plan has been submitted, to show the proposed location of the cycle parking. Furthermore, the site is within a sustainable location, within the defined development boundary, and close to public transport links. As such, it is considered that the proposal is acceptable in terms of access and parking.

### **Flooding**

The site is located outside of Flood Risk Zones 2 and 3, although the Council's mapping system shows that part of the site is within an area at some risk of surface water flooding. The proposed leisure use is classified as 'less vulnerable' under the Technical Guidance to the NPPF, and so is considered 'appropriate development' in this location.

Concerns have been raised by members of the public about the potential for surface water flooding on the site, and the impact this could have on the Dorchester Pistol and Rifle Club's underground facility – it is claimed that the existing soakaway cannot currently cope with surface water run-off, let alone if a new building were to be erected. In light of these concerns, the applicant appointed a civil engineering firm to carry out preliminary investigations and devise an initial surface water drainage strategy to deal with surface water run-off. The civil engineers have concluded that all surface water should be drained to a soakaway, details of which can be seen on the submitted plan, drawing no. 21533-GAP-XX-XX-DR-C- 9000 P01.

On receipt of the investigation findings and proposed strategy, the Council's Flood Risk Management Team were consulted, who noted the area of prevailing surface water flood risk to the site. They are satisfied that the submitted strategy demonstrates that surface water run-off can be dealt with effectively without detriment to neighbouring buildings. The Team and has suggested that a condition requiring the submission of a detailed surface water drainage scheme be attached to any planning permission granted, in order to effectively mitigate against the surface water flood risk to the site.

## **Other**

- *Dorchester Petanque Club*: Discussions have been held with the Dorchester Town Council's (DTC) Clerk, the petanque club and the planning case officer. The Town Clerk has confirmed in writing that DTC intends to provide a replacement site within Sandringham sports field, approx. 100m from the existing location. The new site would be provided prior to the commencement of the construction of the proposed dance school.
- *Motorcycle School*: An objection was received from the owner of a motorcycle school which uses the car park of the sports centre for training purposes. He is concerned that the erection of the dance school would close his business down, as there is nowhere else for the training to take place. However, the dance school would only be built over a small area of the existing car park, with the majority of the space remaining for the purposes of car parking.
- *Notification issues*: The Chairman of Dorchester Bowls Club contends that notice should have been – but was not - served on the club (as a legal owner at the site) and that the application is therefore invalid. The situation has been checked, and officers are satisfied from having viewed the information available, including the relevant Land Registry documents, that the application is valid, and that notice was not required to be served on the bowls club.
- *Renewable Energy*: In response to comments made by a number of objectors about the lack of renewable energy features of the proposed building, an amended plan has been submitted, to include the use of solar panels on the roof. This has been designed in conjunction with Low Carbon Dorset.
- *Dorchester Pistol and Rifle Club*: In addition to issues discussed above, DPRC is concerned that excavation could damage the fabric of its underground building, which lies to the rear of the proposed building. However, building works would be subject to Building Regulations and any damage caused would be a private civil matter, not a material planning consideration.

DPRF also states that its members are encouraged by the police to park as close to their facility as possible, in order to reduce the time spent carrying firearms between their cars and the building. It is concerned that the erection of the proposed building will prevent this from happening. However, the small size of the car park is such that the time spent carrying firearms between cars and the building would be short wherever they parked within it.

## 16.0 Conclusion

The proposal would result in a social benefit through the provision of a new dance school. Furthermore, the proposal would comply with the development plan and the NPPF. There are no material considerations that would indicate that permission should be refused.

The proposed development is acceptable in planning terms and officers recommend that planning permission should be granted, subject to conditions.

## 17.0 Recommendation

Grant planning permission, subject to conditions.

**Recommendation:** Approve subject to the following conditions:

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

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

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

Elevations, section & view (amended) - drawing no. 19/77/1 Rev A, (received 22/06/2021)

Floor plans, roof plan & location plan (amended) - drawing no. 19/77/2 Rev B, (received 24/06/2021)

Surface Water Drainage Strategy Layout - drawing no. 21533-GAP-XX-XX-DR-C- 9000 P01 (received 06/12/2021)

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

3. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of cycle parking facilities is submitted to and approved in writing by the Planning Authority. The approved scheme must be

constructed before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

4. No works shall commence on site unless a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:
  - i) The hours of construction work and deliveries;
  - ii) The parking of vehicles of site operatives and visitors;
  - iii) The loading and unloading of plant and materials;
  - iv) The storage of plant and materials used in constructing the development;
  - v) Wheel washing facilities;
  - vi) Measures to control the emission of dust and dirt during construction;
  - vii) Measures to ensure the safe access of construction vehicles through Armada Way

Reason: In the interests of the amenity of neighbouring properties and other sports/recreation facilities

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

Reason: To prevent any increased risk of flooding.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the premises the subject of this permission shall only be used for the following purposes which fall under Class E of the Use Classes Order: Gymnasium and indoor recreations not involving motorised vehicles or firearms and for no other purposes which fall under Class E.

Reason: In the interests of amenity and to ensure that the use remains compatible with surrounding land uses in the area.