

<b>Application Number:</b>	6/2021/0314		
<b>Webpage:</b>	<a href="http://dorsetcouncil.gov.uk">Planning application: 6/2021/0314 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Purbeck Centre (former Grammar School), Northbrook Road, Swanage, BH19 1QE		
<b>Proposal:</b>	Demolition of former school, buildings & structures. Erection of 90 dwellings & the formation of a new vehicular access from Northbrook Road.		
<b>Applicant name:</b>	Barratt David Wilson Homes Southampton		
<b>Case Officer:</b>	Peter Walters		
<b>Ward Member(s):</b>	Cllr Suttle and Cllr Trite		
<b>Publicity expiry date:</b>	31 January 2022	<b>Officer site visit date:</b>	various
<b>Decision due date:</b>	3 September 2021	<b>Ext(s) of time:</b>	30 January 2022

1.0 The application is referred to Committee at the request of the nominated officer.

2.0 **Summary of recommendation:**

**A) GRANT subject to conditions** (see section 16.0 and 17.0) **and the completion of a satisfactory planning obligation to secure Affordable Housing and SANG Management**

OR

**B) Refuse permission if the required Legal agreement to secure Affordable Housing and SANG Management is not completed by 6 October 2022 or such extended time as agreed by the Head of Planning.**

3.0 **Reason for recommendation A):** as set out in paras 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 site is identified in the Swanage Local Plan as being suitable for the provision of 90 dwellings.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.

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- 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
- The development will secure **30** affordable housing units and an integrated SANG Management through a section 106 legal agreement.

OR

- **B) Refuse for the reasons set out in the officer report if the Legal agreement is not completed:** as set out in paras 16 at end

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Impact on the character of the area	Acceptable subject to conditions
Impact on the AONB	Acceptable subject to conditions
Impact on neighbouring amenity	Acceptable subject to conditions
Affordable Housing Provision	Acceptable subject to S106 agreement
Loss of community facility	Acceptable
Loss of Sports Pitch	Acceptable
Access and Parking	Acceptable subject to conditions
Flooding and Drainage	Acceptable subject to conditions
Biodiversity	Acceptable subject to condition
Protected heathlands	Acceptable subject to mitigation through CIL

#### 5.0 Description of Site

5.1 The application site is a two-hectare plot of land situated on urban land to the east of Northbrook Road in the northern end of Swanage.

The site comprises land formerly in use as a secondary school. At the southern end of the site is the former two storey Grammar school building with associated ancillary buildings.

The school closed in the 1970s, the last implemented lawful use of the site was as a residential field centre 'The Purbeck Centre' and holiday letting units (use class C2 "Residential Institutions) (application references 6/2005/0344 and 6/2006/0548).

The northern portion of the site which previously comprised the school playing field has permission for 52 dwellings (6/2005/0344 & 6/2006/0548), the permission has been legally commenced but the houses have not yet been built. Also present on the northern part of the site is a two-storey building known as the Lodge, which was associated with the school. The Lodge, which was previously in residential use has consent to be demolished. At the southern end of the site is the former outdoor

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swimming pool associated with the former school. The former school building and the swimming pool have consent to be demolished.

- 5.2 The topography of the application site is largely flat, with the site set slightly below the road level. Aside from trees on the southern and eastern boundaries of the site and surrounding the outdoor swimming pool, the site is largely open.
- 5.3 The grammar school building is a prominent feature in the local landscape, it dates from the 1920s and is an attractive red brick building with period fenestration and a long narrow form. The long roof form is broken by the bell tower and wind vane, forming a local point of interest.
- 5.4 To the north of the site is 'St Mary's' primary school and 'Little Birds' pre-school and their associated playing fields. Beyond the primary school are open fields. To the east of the site is the Swanage Cricket Club, comprising of the cricket pitch and club house. To the south of the site is Days Park, an area of public open space that comprises a mix of open fields, wooded walks, Swanage Town Football Club and a children's play area.

To the west of the site, across Northbrook Road is a recent residential development of 90 houses with a SANG ('Compass Point' - granted under reference 6/2017/0713)

D'Urberville Drive opposite the site to the south-west is a mid-twentieth century suburban development comprising of detached bungalows. Greensands Way to the west is higher density development, forming part of the Compass Point development, granted planning permission (6/2017/0713) and comprising of predominantly 2 storey buildings.

To the north of the Compass Point development are three areas of land dedicated to use as Suitable Alternative Natural Greenspace (SANG), in connection with the Compass Point development and the planning permissions granted on the application site.

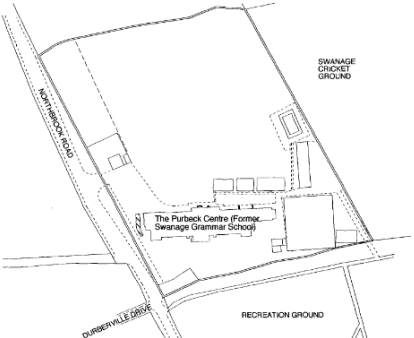
- 5.5 In common with all of Swanage, the site is situated within the Dorset Area of Outstanding Natural Beauty (AONB). The area is defined as the Corfe Valley Character Area in the AONB Management Plan's landscape character assessment.

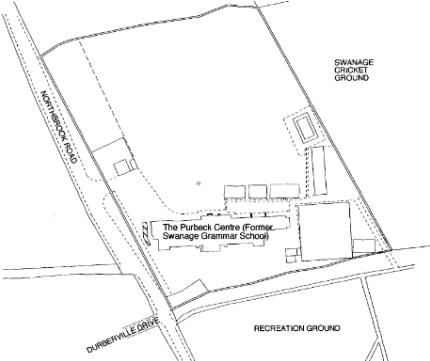
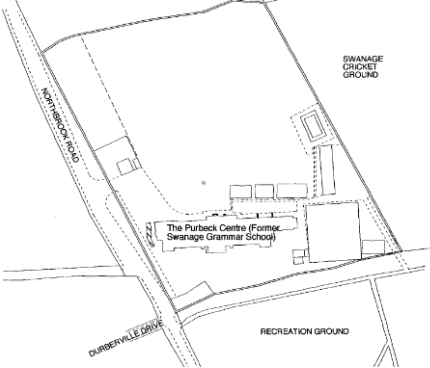

## **6.0 Description of Development**

- 6.1 The application, submitted in Full, seeks planning permission to erect 90 Dwellings together with the formation of access roads and open space. The dwellings range from 1 storey to 3 storey in height and comprise a mixture of detached, semi-detached houses and blocks of flats Accommodation mix ranges from. . 30 affordable dwellings will be provided as part of the scheme, comprising 1-to-4-bedroom units. to include 8 one-bedroom units, 12 two-bedroom units, 8 three-bedroom units and 2 four-bedroom units.
- 6.2 The accommodation schedule is as follows:

Swanage Grammar School - Overall							idp PARTNERSHIP NORTHERN				
BDW SOUTHAMPTON							ha	acres			
							GROSS SITE AREA	2.03	5.03		
							NET SITE AREA	1.71	4.23	14-Sep-2021	
HOUSETYPE	BEDROOM	CONFIG	STOREYS	NO	MIX	SQ FT	SQ M	TOTAL SQ FT	TOTAL SQ M		
<b>PRIVATE</b>											
FALKIRK (GROUND FLOOR)	2	Apartment	3	4	4	636	59.09	2544	236.36		
FALKIRK (UPPER FLOOR)	2	Terr/semi	3	8	9	665	61.78	5320	494.24		
ROSEBERRY	2	Terr/semi	2	4	4	679	63.08	2716	252.32		
RICHMOND	2	Terr/semi	2	4	4	711	66.00	2844	264		
ELLERTON	3	Terr/semi	2	16	18	830	77.11	13280	1233.76		
MORESBY	3	Terr/semi	2	10	11	854	79.34	8540	793.4		
KINGSVILLE	4	Terr/semi	2.5	10	11	1072	99.59	10720	995.9		
KINGSLEY	4	Detached	2	2	2	1085	100.80	2170	201.6		
KENFORD	4	Detached	2	2	2	1139	105.82	2278	211.64		
<b>AFFORDABLE</b>											
CHUDLEIGH (GROUND FLOOR)	1	Apartment	2	4	4	454	42.18	1816	168.72		
DURSLEY (UPPER FLOOR)	1	Apartment	2	4	4	576	53.51	2304	214.04		
HT1 (GROUND FLOOR)	2	Apartment	2	3	3	620	57.6	1860	172.8		
HT2 (FIRST FLOOR)	2	Terr/semi	2	3	3	724	67.2	2172	201.6		
T51	2	Terr/semi	2	6	7	838	77.85	5028	467.1		
T52	3	Terr/semi	2	7	8	927	86.12	6489	602.84		
T55	3	Terr/semi	2	1	1	957	88.91	957	88.91		
T54	4	Terr/semi	2	2	2	1103	102.47	2206	204.94		
			<b>TOTAL</b>	<b>90</b>	<b>100</b>			<b>73244</b>	<b>6804.17</b>		
<b>OVERALL TOTAL S</b>				<b>90</b>				<b>73244</b>	<b>6804.17</b>		

## 7.0 Relevant Planning History

Application reference	Description	Decision	Comment / Plan
6/2001/0787  Purbeck Centre, Northbrook Road, Swanage.	Change of use to self-catering holiday accommodation.	<b>Approved:</b> Decision notice issued 20/12/2001	
6/2005/0344  Purbeck Centre, Northbrook Road, Swanage.	Use of the premises for Class C2 use (Residential Institutions) - Approved	<b>Approved:</b> Certificate issued 01/06/2005	Certificate of Lawful Use (Existing) established that sufficient evidence has been submitted to show that the premises have been used for a period in excess of 10 years pursuant to an express grant of

			<p>planning permission in 1977, as a residential education and activity centre falling within the definition within Class C2 and the Town and Country Planning (Use Classes) Order 1987 as a residential school, school, college or training centre.</p> 
<p>Purbeck Centre, Northbrook Road, Swanage.</p>	<p>Change of use to self-catering holiday accommodation Class C1 - (Renewal of PP 6/2001/0787).</p>	<p><b>Approved:</b> Decision notice issued 01/08/2006</p>	<p>Restriction of use to holiday accommodation only (condition 3) with a maximum 4-week occupancy (condition 4).</p> 
<p>6/2012/0079  Former Grammar School Site/Purbeck Centre, Northbrook Road, Swanage, BH19 1QE</p>	<p>O/A - Demolition of existing house. Outline application for a residential development of 52 units (50/50 mix market and affordable housing) with access via Northbrook Road. Change of use of former school from C2 (Residential Institutions) to D1 (Non-Residential Institution). This will involve the</p>	<p><b>Approved:</b> Decision issued 31/07/2012</p>	<p>Relates to northern part of site only. Planning permission legally commenced but houses not built.</p> 

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	demolition of existing extension, portable buildings and hut, combined with a new single storey and two storey extension and sports hall. Create new access to Northbrook Road and move existing access.		
6/2013/0150  Former Grammar School Site/Purbeck Centre, Northbrook Road, Swanage, BH19 1QE	O/A - Demolition of existing house. Outline application for a residential development of 52 units (50/50 mix market and affordable housing) with access via Northbrook Road.	<b>Refused – allowed on appeal</b> Initial decision notice issued on 29/05/2013. Appeal decision 17/06/2014 (appeal reference: APP/B1225/A/13/2209425)	Relates to northern part of the site only.  Reasons for refusal (summarised): 1. Outside the defined settlement of Swanage, approval would be premature and prejudicial to the Swanage Local Plan achieving its objectives.  2. Harm to the AONB surroundings from urban character and potential loss of landscaping.  3. Disturbance arising from activities at adjoining school harmful to amenities of future occupiers.  4. Contrary to Policy AH (affordable housing) of the adopted Purbeck Local Plan Part 1 as no affordable housing secured by planning obligation.  5. Impact on European Sites- no commitment to SANG provision  6. Failure to secure Development Contributions towards Transport Infrastructure in Purbeck
Appeal decision: Refusal reasons 4, 5 and 6 were not pursued by the Council as a CIL charging schedule had been introduced and a Unilateral Undertaking offered by the applicant to provide a SANG.			



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The Inspector felt that it would not be premature to grant permission as the Swanage Local Plan was being drawn and the subject of consultation at the time of the appeal. Also considered that extant permission for residential development as part of a larger scheme for the use of the buildings back to a school weighed in favour of the scheme. The Inspector concluded that the site is inherently suitable for housing.

The Inspector concluded that the proximity of the (then) proposed school to the residential development. They concluded that the two uses were not incompatible, and the relationship is one that is established in other locations up and down the country. 6/2013/0150 plan:



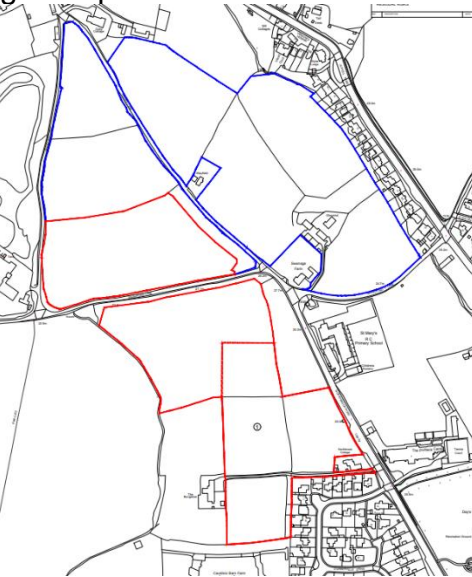

<p>6/2016/0278</p> <p>Land to West of Northbrook Road and South of Washpond Lane, Swanage, BH19 1QA.</p>	<p>Change of use of land from agriculture to public open space for use as suitable alternative natural green space.</p>	<p><b>Approved:</b> Decision issued 11/07/2016</p>	<p>Planning permission for SANG to serve application 6/2013/0150</p> 
<p>6/2016/0769</p> <p>Land Adjacent Swanage Grammar School, Northbrook Road, Swanage, BH19 1QE</p>	<p>Demolition of existing house, construction of residential development of 52 units (50/50 mix market and affordable housing) with access via Northbrook Road - Reserved matters</p>	<p><b>Approved:</b> Decision issued 31/5/2017</p>	<p>Relates to the northern part of the site only</p>


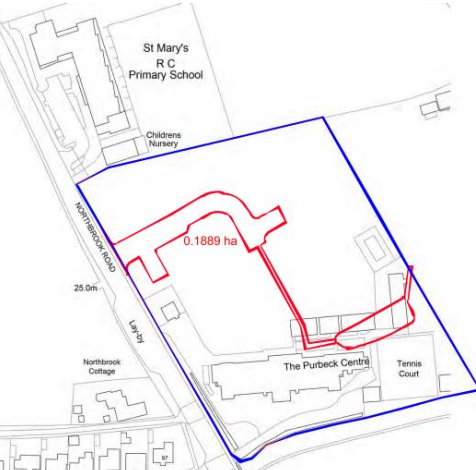
	<p>application seeking approval for access, appearance, landscaping, layout and scale.</p>		
<p>6/2016/0753 Purbeck Centre, Northbrook Road, Swanage, Dorset, BH19 1QE</p>	<p>Demolition of the former Swanage Grammar School and ancillary buildings and erection of 39 new dwellings with associated infrastructure.</p>	<p><b>Refused:</b> Decision issued on 31/05/2017</p>	<p>Relates to the southern part of the site only. Reasons for Refusal (summary): 1. Lack of 'bespoke' measures to mitigate harm to biodiversity and geodiversity, DH – Dorset heaths international designations as supported by the Dorset Heathlands Planning Framework, Supplementary Planning Document and Policy SS (Swanage Settlement) of the emerging Swanage Local Plan. 2. Lack of affordable housing provision</p> 
<p>6/2017/0713 Compass Point, Land West of</p>	<p>Erection of 90 dwellings with access via Northbrook Road, associated</p>	<p><b>Approved:</b> Decision issued 25/01/2019</p>	<p>Planning permission for development on the western side of Northbrook Road. Includes permission for SANG that will be incorporated with the SANG</p>



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<p>Northbrook Road, Swanage</p>	<p>landscaping, drainage and provision of a Suitable Alternative Natural Greenspace (SANG) to the north and south of Washpond Lane.</p>		<p>approved by planning permission 6/2016/0278 to form a larger greenspace.</p> 
<p>6/2019/0221  Purbeck Centre, Northbrook Road, Swanage, BH19 1QE</p>	<p>Demolition of the former Grammar School and ancillary buildings and erection of 39 new dwellings with associated infrastructure</p>	<p><b>Approved:</b> Decision issued 24/03/2021</p>	<p>Relates to the southern part of the site.</p> <p>Agreement by Natural England regarding the SANG provision overcame previous reason for refusal (second related to a S106 not being prepared for affordable housing – this matter was acknowledged as being able to be overcome if there were not other reasons for refusing the application.)</p> 
<p>6/2021/0074  Land east of Northbrook Road, Swanage</p>	<p>Temporary permission for a period of 12 months to use the land East of Northbrook Road, and the existing access thereto, for a Site Compound in association with the</p>	<p><b>Approved:</b> Decision issued on 17/12/2021</p>	<p>Temporary planning permission for a site compound. If this application is refused the site must be restored after 12 months.</p>

	<p>adjacent development (reference: 6/2017/0713; granted 25/01/2019 to erect 90 houses and associated infrastructure) at Land West of Northbrook Road, Swanage (retrospective)</p>		
<p>P/FUL/2021/02799  Former Grammar School Site/Purbeck Centre Northbrook Road Swanage</p>	<p>Create new vehicular access road from Northbrook Road into the site of the former Swanage Grammar School (temporary 1 year permission)</p>	<p><b>Approved:</b> Decision issued on 23/12/2021</p>	<p>Road must be removed by Jan 2025 if planning permission for development it is intended to serve is not granted.</p> 

## 8.0 List of Constraints

Area of Outstanding Natural Beauty : (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Heathland Consultation Area: within 5km of a European Habitat (SSSI).

Record of protected species: Bats have been recorded on the site.

## 9.0 Consultations

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

### Consultees

#### 1. Natural England - Somerset and Dorset Team (11/08/2021)

- No objection – as long as SANG Management Plan has an integrated approach to the two former SANGs.

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**2. Sport England (08/07/2021)**

- No objection to loss of sports pitch subject to appropriate level of contributions and/ or playing pitches.

**3. Swanage Town Council (25/11/2021)**

- No objection
- Wish to see existing brick wall retained
- Wish consideration to be given to access point, given proximity to the school due to highway safety concerns.
- Wish to see footpath connection to Days Park

**4. Ward Member – Cllr Suttle (26/07/2021)**

- Concerns regarding whether the development would be in keeping with existing development.
- Overdevelopment of the site.

**5. DC - Urban Design (13/08/2021 and 15/12/2021)**

- Initial objection to layout, design approach, building heights, on street parking and use of materials
- Following further discussions and some amendments to the scheme objections are now overcome.

**6. Wessex Water (16/07/2021)**

- No objections

**7. Southern Gas Networks (was Transco) (07/07/2021)**

- No objection – advise that gas pipelines are in vicinity of site – take note of no dig zones

**8. Dorset AONB Team (23/07/21 and 19/01/2022)**

- No objection in principle to the development
- Consideration should be given to the materials used and the planting provided

**9. DC – Landscape (19/10/2021)**

- Initial objections overcome.

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- No objection subject to conditions and informatives
- 10. DC - Transport Development Management (04/08/2021)**
- No objection, subject to conditions and informatives
- 11. DC - Housing Policy (12/07/2021)**
- Identified need for affordable housing
  - Quantum of affordable housing acceptable
  - Tenure mix acceptable subject to capacity of two-bedroom flats
- 12. DC - Minerals and Waste (27/07/2021)**
- No objection
  - Recommend consideration of dust potentially generated by brickworks 434m from site
- 13. DC - Lead Flood Authority (22/12/2021)**
- No objection in principle
  - Drainage scheme considered to be acceptable, subject to it performing its landscape function
- 14. DC - Planning Policy (19/10/2021)**
- Principle acceptable
  - Need to ensure officers are satisfied with housing mix
  - Ensure that Natural England are satisfied with SANG arrangement
  - First homes not applicable to this application as previously granted planning permission
- 15. DC - Env. Services – Protection (26/22/2021)**
- Any expected contamination must be reported
  - Submitted construction management plan considered to be acceptable
  - Conditions and informatives required
- 16. DC – Design and Conservation (05/08/21)**
- No objections

**17. DC – Countryside Team (18/01/2022)**

- No objections subject to conditions and informatives

**Representations received**

The application was advertised by means of a site notice on the 05/07/2021 with an expiry date of 29/07/2021 and a press advert (Bournemouth Echo) with an expiry date of 01/08/2021

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
41	1	27

In addition to letters of representation, an online petition has also been submitted to the Council with 1109 signatures (at the time of preparing the report). The petition raises concerns about the potential impact of construction works on the health of the children in the neighbouring school and pre-school and also concerns regarding the safeguarding of the children. It is noted that the petition includes comments made by people from across the country and internationally.

**Summary of comments for:**

- Provides homes on a brownfield site
- Buildings fit with the character of the area
- Sufficient parking spaces provided

**Summary of comments against:**

- Should not be allowed in an AONB
- Increasing road traffic with resultant highway safety and pollution concerns
- Lack of provision for infrastructure and lack of amenities (e.g. supermarket)
- Loss of wildlife habitat and biodiversity interests and impact on trees
- Concerns of overlooking onto the school from the houses
- Impact of the construction process
- Boundary treatments should be confirmed
- Density of development too high
- Loss of informal footpath to Ulwell

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- Significant increased surface water run off and risk of flooding to other properties
- Query the need for further housing and the sustainability of the housing
- Concerns for the potential of asbestos to be present in the existing building
- Objections to the demolition of the old school building – could be converted into flats
- Safeguarding concerns of children in the neighbouring school
- Affordable housing units are not sufficiently tenure blind

## **10.0 Relevant Policies**

### **The Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise.

#### Purbeck Local Plan Part 1

Policy LD: General Location of Development

Policy HS: Housing Supply

Policy AHT: Affordable Housing Tenure

Policy AH: Affordable Housing

Policy BIO: Biodiversity and Geodiversity

Policy DH: Dorset Heaths International Designations

Policy FR: Flood Risk

Policy D: Design

Policy LHH: Landscape, Historic Environment and Heritage

Policy IAT: Improving Accessibility and Transport

#### Swanage Local Plan

Policy SS: Swanage Settlement

Policy SHM: Swanage Housing Mix

Policy SGI: Swanage Green Infrastructure

### **Other Material Considerations**

#### Emerging Purbeck Local Plan:

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). The council's website provides the

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latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council, and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the councils position following consultation on proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

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

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 E10: Biodiversity and geodiversity

Policy E12: Design

Policy I2: Improving accessibility and transport; and,

Policy I3: Green infrastructure, trees, and hedgerows

Supplementary Planning Documents/Guidance:

- Purbeck District Design Guide Supplementary Planning Document adopted January 2014.
- The Dorset Heathlands Planning Framework 2020-2025 adopted March 2020
- National Planning Policy Framework revised July 2021
- National Planning Practice Guidance
- Affordable housing supplementary planning document 2012-2027 adopted April 2013.
- Purbeck Strategic Flood Risk Assessment 2018
- Bournemouth, Poole, and Dorset residential car parking study May 2011 – guidance
- Dorset Biodiversity Appraisal and Mitigation Plan.

National Planning Policy Framework

Section 2: Achieving sustainable development:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be

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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.

#### Section 4: Decision-taking:

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

#### Section 5: Delivering a sufficient supply of homes

Outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.

#### Section 9: Promoting sustainable transport

Requires potential impacts of development on transport networks to be addressed and opportunities for sustainable travel to be identified.

#### 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 climate change, flooding, and coastal change

Requires development to avoid areas of highest flood risk and be made safe for its lifetime without increasing flood risk elsewhere.

#### Section 15: Conserving and enhancing the natural environment



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Requires Local Planning Authority to give “great weight” to conserving and enhancing landscape in AONBs (paragraph 176). Paragraph 177 states that permission should be refused for major development in the AONB other in exceptional circumstances. An assessment of the exceptional circumstances should be taken considering the need for development, the cost of and scope for developing outside of the designated area and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which it can be moderated.

### **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.

- An off-road pedestrian access will be provided to Days Park.
- A condition is proposed requiring measures to be taken to safeguard the amenity of the children and staff at the neighbouring primary school and pre-school.

### **13.0 Financial benefits**

What	Amount / value
Material Considerations	
Affordable Housing	30 units
Non Material Considerations	
CIL	£1,857,571.34
New Homes Bonus	£2340pa paid for 6 years

## 14.0 Climate Implications

- 14.1 The site is within one of the towns in Purbeck, providing amenities that can be accessed without requiring the use of a car.  
The development on this site will need to comply with the current Building regulations in terms of energy efficiency

## 15.0 Planning Assessment

The main considerations involved with this application are:

- Principle of development
- Scale, design and impact on the character of the area
- Impact on the AONB
- Impact on neighbouring amenity
- Affordable housing
- Loss of a community facility
- Loss of a sports pitch
- Access and parking
- Drainage and flooding
- Biodiversity/heathlands

These points will be discussed as well as other material considerations under the headings below.

### **Principle of development**

- 15.1 The site is situated within the settlement boundary of Swanage. Policy LD: Location of Development of the Purbeck Local Plan Part 1 states that development should be situated within settlement boundaries. The policy also provides a hierarchy of settlements, with the towns, including Swanage, being at the top of the hierarchy.
- 15.2 The Swanage Local Plan forms part of the development plan document. The site is identified in Policy SS: Swanage Settlement of Swanage Local Plan as being suitable for the provision of 90 dwellings. The policy sets out the requirement for development on the site to achieve “*an appropriate balance in maximising the opportunity to provide housing, whilst minimising negative landscape impact on and, where possible, enhancing the AONB*”.

- 15.3 Policy SS of the Swanage Local Plan also requires development to deliver appropriate new public open space (Suitable Alternative Natural Greenspace). The development should provide safe and sustainable access to local facilities, particularly for pedestrians, cyclists and public transport users. Where appropriate it should also provide an improvement to the local highway network. The policy also requires the development to be in accordance with all relevant policies in the Purbeck Local Plan Part 1 including Policy D: Design.
- 15.4 Subject to meeting the requirements of the above policies and subject to other material planning considerations, the proposal is considered to be acceptable in principle. As detailed in the report it is considered that these are all suitably resolved, therefore the principle is considered to be acceptable.
- 15.5 Officers have conducted an EIA Screening and concluded that the development, while meeting the criteria of paragraph 10(b) of Schedule 2 of the EIA Regulations 2017, it falls below the threshold of 150 houses set out in the schedule. However, as the site is in a sensitive location (within the Dorset AONB), the development has been further screened. Officers conclude that the proposal is not to have a likely significant impact and therefore is not considered to be EIA development. The Screening Opinion is available on the planning file.

### **Impact on the character of the area**

#### **Building Heights**

- 15.5 The proposed development will be characterised by predominantly two storey dwellinghouses, the majority of which are semi-detached or terraced properties. The proposal includes five pairs of 2.5 storey semi-detached dwellings, largely focussed around the south eastern corner of the site. In addition, the proposal includes two blocks of apartments that are three storeys tall. These follow the rough alignment of the existing school building that will be demolished. Some of the properties have detached single storey garages. The building heights are comparable with the Compass Point development across Northbrook Road. The three storey apartment blocks will be of a comparable height to the existing school building. Officers are satisfied that the building heights are not incompatible with the character of the area, particularly in the context of the former buildings on the site.

#### **Layout**

- 15.6 The site is accessed by means of one access road to the north western end of the site leading to a number of cul-de-sacs. While the Senior Urban Design Officer has stated that the use of cul-de-sacs is not the preferred layout for housing developments, it is acknowledged that the layout of the site is constrained by the allocation for this site.

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15.7 The development will have a mixture of an active frontage onto Northbrook Road at the northern end and car parking for units 71-80. It is acknowledged that car parking on the road frontage is not a preferential layout design, however, this will be offset by the inclusion of tree planting on the boundary of the site.

15.8 The layout is considered not to be unduly harmful to the character of the area.

#### Landscape

15.9 A landscaping plan has been submitted with the proposals. It relies largely on tree planting along the western boundary of the site (fronting on Northbrook Road) and some tree planting within the site. In accordance with paragraph 131 of the NPPF, the roads are all tree lined. In terms of green open space, the applicant is proposing that the SUDs basin can also function as a public open space. It is not expected that water will be retained in the basin all year around. Clarification has been sought on the gradient of the basin and the applicant has confirmed that the gradient will not exceed 1:3. This is the maximum gradient that can be accommodated while safely allowing public access. Policy SGI of the Swanage Local Plan requires all development to take account of the Swanage Green Infrastructure Strategy, and that applications for major development should be accompanied by a statement setting out how the proposals:

- Will avoid damage or loss to the existing green infrastructure network (as defined in the Swanage Green Infrastructure Strategy) unless such damage or loss is outweighed by other benefits of the development.
- Will maximise any opportunities to improve and enhance the green infrastructure network, in line with the Swanage Green Infrastructure Strategy.

15.10 In this instance, officers are content that these matters are suitably resolved by the application. In terms of hard landscaping, the applicant has proposed the use of tarmac with the exception of the shared surface area, which will be block paving in a burnt ochre colour, and private paths and patios within curtilages which will be grey paving slabs. Officers had concerns that the block paving may give an urban looking finish if they are a functional concrete block, this has been addressed by the applicant, proposing instead Contrysetts in grey with white blocks to demarcate parking spaces. This is considered to be a more suitable solution. The submitted hard landscaping proposals are therefore considered to be acceptable.

15.11 In principle the proposed landscaping is considered to be acceptable, although additional detail will need to be provided, including plant schedules and maintenance and management details in order to meet the requirements of Policy SGI. This can be dealt with through a planning condition. (Condition 6)

#### Design and materials

- 15.12 The area is a modern suburb of Swanage and as such there is no established architectural style or use of materials (the historic core of Swanage utilises Purbeck Stone however this is largely not reflected in the mid twentieth century development that characterises this part of the town). The form of the buildings is traditional, with two storey pitched roofs on all the buildings and the use of dormer windows on some of the buildings. This form is considered to be acceptable in the area, given the variety of architectural styles employed and while not distinctive, is not considered to be harmful to the character of the area. The design of the units closely follows that of the neighbouring Compass Point development and as such provides a degree of uniformity in design.
- 15.13 The three-storey apartment block also features gable ends on the roof providing a focal point to the front elevation. Officers have raised concerns about the rear elevation of the apartment block which initially featured a continuous roof form. The design has been amended to provide a feature gable end on the rear which softens the visual impact of the building and is considered to be acceptable.
- 15.14 In terms of materials the proposal primarily utilises brick for the walls, using Lingfield Red Multi bricks and Sandallwood yellow multi bricks. Units at key focal points in the development will also be coursed with Purbeck Stone. The roofs will all be charcoal Bute slate grey interlocking tiles following feedback from the AONB Management Team. The proposed materials are considered to be acceptable.

#### Boundary Treatment

- 15.15 A boundary treatment plan has been submitted. The northern boundary will feature 1.8m high close boarded timber fencing. The same will be used for units 43 and 46-49 on the southern boundary of the site. Within the site, the boundary treatment is comprised of a combination of 1.8m close board timber fencing, 1.8m reducing to 1.2m close board timber fencing, 1.8m Purbeck Stone wall with coping in prominent areas and 1.8m brick wall with brick plinths.
- 15.16 The proposed boundary treatment details submitted are considered to be acceptable however details have not been provided of boundary treatment for site boundaries not attached to the curtilage of the residential units. A condition will be required to ensure that all site boundaries are adequately considered. ( Condition 5)

#### Impact on the AONB

- 15.17 The site is situated within the Dorset Area of Outstanding Natural Beauty (AONB). The character area is defined as the Corfe Valley Character Area which is a clay valley. These are characterised as having a settled rural character with coastal influences, featuring a patchwork of rolling pastures and scattered woodlands. In this instance, the site forms part of the periphery of Swanage as it transitions from an urban to a rural character.

15.18 Paragraph 177 of the NPPF states that:

**177.** When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development <sup>60</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

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

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

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

Footnote 60 advises that whether a development is considered to be “major” for the purposes of paragraph 177 is a matter for the decision maker, taking account of the nature scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

15.19 In this instance, the Dorset AONB Management Team advise that this development could reasonably be considered “major” for the purposes of paragraph 177 and advise that the above test should be taken into consideration when determining whether the development is acceptable. Taking each point in turn, the need for development is considered to be established as the site is allocated for development within the Swanage Local Plan. The need for housing in Swanage is established by the development plan and is to be addressed through the development of allocated sites, including this one.

15.20 The boundary of the AONB is approximately 8 miles away, to the south of Wareham and in a different market housing area. Consequently, there is considered to be little scope to provide the proposed scale of housing for Swanage elsewhere.

15.21 With regards to the extent of any detrimental impact upon the AONB, it is acknowledged that there is already extant outline and reserved matters applications granting planning permission for housing development on the northern part of the site. The proposed development is overtly suburban and this contrasts with the transitional nature of the site. However, it is noted that similar development has been approved at the Compass Point development to the west of the site.

15.22 In their consultation response, the AONB Management Team have advised that the use of different roof materials would have the effect of causing a colour contrast that increases the visual impact when viewed from elevated vantage points along the Purbeck Ridge. In response the applicant has amended the design to utilise slate grey coloured roof tiles. It is suggested that further consideration should be given to

landscaping, which the applicant has also done, providing a more detailed landscape plan.

15.23 Therefore, taking into account the amendments that have been made by the applicant to the scheme, the proposal is not considered to have an unduly harmful impact upon the AONB. Having assessed the proposal against the factors set out in paragraph 177 of the NPPF, it is considered that the circumstances support approval of the proposed development which is in the public interest.

#### **Impact on neighbouring amenity**

15.24 The site is situated in an area with a number of mixed uses. To the north of the site is a Primary School and a Pre-School. To the east of the site is Swanage Cricket Club. To the south of the site is Days Park, which is a large public open space. To the west, across Northbrook Road is Compass Point residential development and the established residential street D'Urberville Drive. None of the existing uses in the area are considered to be incompatible with residential development.

15.25 The residential properties to the west of the site are situated on the opposite side of Northbrook Road. They are approximately 15m from the neighbouring residential properties opposite. While this falls below the 21m threshold suggested by the Purbeck Design Guide to avoid overlooking, the relationship is considered to be acceptable given that Northbrook Road is between the properties. It is noted that a number of the properties in Compass Point and some of the units proposed as part of this development are set further back from the road further increasing the separation between the properties.

15.26 The Cricket Club to the east of the site would not be impacted by the proposed development. The applicant has discussed the possibility of assisting the cricket club to purchase portable screens however this is not considered to be essential to ensure an acceptable relationship between the uses. The applicant proposes planting on the boundary between the Cricket Club and the application site to provide additional screening. This is considered to be acceptable.

15.27 To the north is the primary school and pre school. The Council has received correspondence from members of the public who are concerned about the proposed development on the grounds of the disruption during the construction process and the potential for harmful overlooking once the development is complete. The Council has also been made aware of an on line petition raising the same issues.

#### **Concerns regarding the construction process**

15.28 Concerns have been raised regarding the impact of the construction process on those using the neighbouring school and pre-school. It is anticipated that a degree of dust and noise will be generated during the construction process. The applicant has

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prepared a construction management statement in which they outline a number of ways in which they will seek to reduce the impact of the works. These include:

- Acoustic fencing along the northern site boundary
- All subcontractors will be provided with a briefing regarding minimising noise levels and upholding high standards of conduct.
- Where possible, plots nearest the school will utilise strip foundations instead of piling. According to the plan attached to the management statement, no houses on the boundary with the school will require piling foundations.
- Plots on the northern boundary to be constructed during the winter season to reduce dust generation, and windows in the school are less likely to be open.
- Bricklayers instructed to undertake cutting as far away as possible from the school
- Scaffolding on the northern side of the site will be netted to reduce dust
- Water suppression methods will be used across the site to reduce dust and this will be monitored.
- Regular contact with the headteacher and management of the school and pre-school
- An in person briefing meeting for parents, teacher and neighbours will be arranged at the start of the construction process.
- The site manager will be available via mobile phone to address any issues that arise.

15.29 The Environmental Health Team are satisfied with this approach and officers consider that subject to a planning condition requiring the implementation of this management plan the proposal would be acceptable. ( Condition 4)

#### Potential overlooking of the school

15.30 Concerns have been raised regarding the potential for overlooking of the pre-school and school from units in the northern part of the site. The applicant proposes 1.8m close board fencing in order to address this concern. Officers consider that education facilities and residential properties are not incompatible planning uses. Officers note that in allowing the appeal for application 6/2013/0150, the appeal inspector explicitly made the point that it is commonplace for schools to be located adjacent to residential properties.



15.31 It is considered that the proposed screening for properties on the northern edge of the site will provide an acceptable degree of privacy for both the users of the schools and the residents of the dwellings.

### **Affordable Housing provision**

15.32 The proposed development includes 30 affordable units, equating to 33% affordable housing provision. Policy AH of the Purbeck Local Plan Part 1 specifies that 50% affordable housing should be provided on sites within the AONB. However, it is noted that vacant building credit can be applied to the buildings on site, in accordance with the planning practice guidance. The reduced provision is therefore identical to the provision formerly provided across the two applications for the site. This being the case, 30 units is considered to be acceptable.

15.33 Eight of the affordable housing units will have one bedroom, all of these will be affordable/ social rented units. Twelve of the units will have two bedrooms. Of these, 10 will be allocated as affordable/ social rented units, while 2 will be shared ownership. Eight of the units will have three bedrooms, of these 1 will be social rented, while 7 will be shared ownership. Finally, two 4 bedroom units will be provided. One will be affordable/ social rented, while the other will be for shared ownership.

15.34 The Council's Senior Housing Officer has been consulted on the proposal and highlighted that the proposed tenure splits do not match that of Policy AHT: Affordable Housing Tenure of the Purbeck Local Plan Part 1. However, she has indicated that she would be satisfied with this tenure split subject to the two bedroom flats being able to accommodate 4 people, instead of 3 as proposed. Officers have been in discussion with the applicant about whether this can be achieved. They have indicated that the constraints of the site prohibit this, given the allocation of 90 houses on the site. Officers therefore accept that the tenure split does not match Policy AHT but consider that the application would still meet an identified need for affordable housing in the area.

### **Loss of a community facility**

15.35 The site previously has a lawful use as a residential field centre (C2 use) and letting units, which is considered to be a community use. Policy CF: Community Facilities and Services of the Purbeck Local Plan Part 1 states that the loss of community facilities will be resisted unless it can be established that sufficient and realistic marketing, for a period of at least 9 months has occurred. However, in this instance, the site has been allocated for development in the Swanage Local Plan.

15.36 The Swanage Local Plan has been adopted more recently than the Purbeck Local Plan Part 1 and therefore in this instance, the allocation within the plan is considered to supersede Policy CF. In addition it is noted that there are two separate extant planning permissions covering the site for the development of housing. While the

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southern end is covered by an outline planning permission for 39 dwellings, the northern end of the site for 52 dwellings has commenced. Therefore, the lawful use of the northern part of the site is for residential use.

15.37 Taking the above into account of the above, the proposal is considered to be acceptable in relation to Policy CF of the Purbeck Local Plan Part 1.

### **Loss of Sports Pitch**

15.38 The site includes the former playing field associated with the school and latterly the residential centre. Paragraph 99 of the NPPF states that playing pitches should not be built on unless better or equivalent playing pitches are being provided. In this instance, the site was allocated for development by the Swanage Local Plan. The development of the new primary school to the north of the site includes a playing pitch which replaces the one that would be lost. It should be noted that the site has not functioned as an active sports field for at least 8 years as indicated by a Google Street View search.

15.39 Sport England were consulted on the proposals and so long as the replacement provision is demonstrated or appropriate contributions are made, they have no objections to the proposal.

### **Access and Parking**

15.40 Access to the site has been established through planning permission P/FUL/2021/02799. There will be a single access point for vehicles at the north western end of the site leading to a number of cul-de-sacs. There will be additional pedestrian access points to the site from the west, as well as from the south eastern corner leading to Days Park and the north east. The Highways Team have raised no objection to the proposed estate road and raised no concerns regarding highway safety concerns.

15.41 The majority of parking is provided within the curtilage of individual residential plots, with the exception being the apartment block. Each residential unit has at least one parking space. Visitor parking spaces are also provided, largely as on street laybys. In total, 150 allocated parking spaces, 14 visitor spaces and 24 unallocated spaces are provided. In accordance with the Dorset Residential Parking Study, as each residential unit has an allocated parking space, there is less need for unallocated and visitor spaces. It is also noted that previous appeal decisions have established Swanage as being considered to be a sustainable location, with previous appeal decisions allowing smaller residential developments to provide no parking provision at all.

### **Flooding and Drainage**

- 15.42 The site is situated within Flood Risk Zone 1 and therefore there is not considered to be at risk from coastal or fluvial flooding. As the site area exceeds 1 hectare, a flood risk assessment has been provided. The applicant contends that the area should be considered to be a brownfield site for the purposes of considering run-off and considering discharge rate. The Lead Local Flood Authority (LLFA) contends that the majority of the site should be considered to be greenfield. However, as part of the site is brownfield, the LLFA has accepted a higher discharge rate of surface water run off of 15l/s.
- 15.43 The surface water run-off will be discharged to a pond in the eastern end of the site where it will be attenuated and released at a rate of 15 l/s into the existing surface water sewer at the eastern site boundary. The Lead Local Flood Authority are satisfied that this scheme will work, subject to conditions regarding a detailed surface water management scheme for the site and a maintenance and management scheme. (Conditions 9 and 10)

### **Biodiversity**

- 15.44 In accordance with the Dorset Biodiversity Protocol, the applicant has submitted a survey to establish whether there are protected species on the site. The survey established the presence of bats (grey long eared and common pipistrelles) in the former school building. In accordance with the Dorset Biodiversity Protocol, a mitigation plan has been prepared and submitted to the Council's Natural Environment Team for consideration. Initially, the proposed mitigation involved the erection of a bat roost on the SANG situated between Washpond Lane and Northbrook Road. However, as the SANG is outside of the application site a further planning application would be required and a Grampian condition would need to be used to tie the two permissions.
- 15.45 The applicant has opted to consider whether alternative solutions for biodiversity mitigation could be considered. A revised mitigation plan includes the proposed bat roost situated in the south-eastern corner of the application site as opposed to the SANG. The proposal has been submitted to the Council's Natural Environment Team who have approved this approach to mitigating the impact caused to the protected species.
- 15.46 The proposals are therefore considered to be acceptable in terms of the impact upon protected species.

### **Protected heathlands**

- 15.47 The site is within 5km of SSSI and Ramsar protected heathland, but beyond the 400m buffer for development. An Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species

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Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF, which shows that there is no unmitigated harm generated by the proposals to interests of nature importance. Natural England was consulted on the application and have advised that an Appropriate Assessment should be completed to consider the pressures generated by the development on protected heathlands and Poole Harbour for recreational purposes.

The Appropriate Assessment concludes that these matters can be satisfactorily resolved through the provision of a SANG, contributions made to the Community Infrastructure Levy (CIL) in accordance with the Dorset heathlands planning framework 2020 – 2025, and the Poole Harbour Recreation 2019-2024 SPD.

15.48 Policy DH: Dorset Heaths International Designations and the Dorset Heathlands SPD also advise mitigation is required to ensure that the residential development does not have a harmful impact upon the protected heathland through increased recreational pressure. To alleviate this, and in accordance with the requirements of Policy SS: Swanage Settlement of the Swanage Local Plan, a Suitable Alternative Natural Greenspace (SANG) should be provided for the development. An accompanying map relating to Policy SS outlines the proposed location for the SANG.

15.49 The SANG is split in 2, dissected by Washpond Lane. The majority of the land identified in the Swanage Local Plan to be used as a SANG was already in the ownership of the applicant, who developed the site to the west of Northbrook Road, now known as Compass Point. A small parcel of land designated as a SANG was in the ownership of the previous owner of the land. This parcel of land formed an inverted "L" shape and separated the SANG to the north of Washpond Lane from the SANG to the south of Washpond Lane. The two SANGs therefore functioned independently.

15.50 On acquiring the site, the applicant has also acquired the small SANG. Natural England have been consulted on the proposal. They have stated that while the SANG associated with the previous applications for development on land to the east of Northbrook Road is smaller than would usually be considered to be acceptable, in combination the larger SANG (in conjunction with the SANG to the north of Washpond Lane) is sufficient to mitigate the impact on the protected heathlands.

15.51 Natural England have asked for a revised SANG management plan to be submitted in order to ensure that the two SANGs function effectively together. The applicant has provided a Management Plan to demonstrate this.

## **16.0 Conclusion**

The proposed development is considered to be in accordance with the development and there are no material considerations that mean that the application should not be granted.

## **17.0 Recommendation**

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**a) Grant, 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 secure the following:**

Affordable Housing  
SANG Management

And 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: 100 P1, 103 P6, 105 P6, 104 P6, 110 P2, 101 P11, 102 P6, PL14 and Housetype Booklet Dec 2021

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

3. The materials used for the walls and roof of the dwellings hereby approved must be those detailed in the supplied specification document reference N81:2413 102 P6 unless otherwise agreed in writing by the Local Planning Authority.

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

4. The demolition and construction works shall be carried in accordance with the Construction Traffic & Construction Environmental Management Plan Swanage Grammar School submitted on 23rd December 2021.

Reason: In the interests of the amenity of the neighbouring school

5. The hard surfacing/paving, walls, fences or other external structures detailed on approved drawing numbered BDWS23003 Sheet 12 (Hard Landscaping Proposals) shall be completed before the first occupation of any of the dwellings hereby approved and permanently retained and maintained for the lifetime of the development

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

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6. Before groundworks take place above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following completion of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of any trees, shrubs or plants that die or become seriously damaged or diseased within a period of not less than 5 years from completion of development.

Reason: In the interest of visual amenity.

7. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 101 Rev P11 Proposed Site Layout must be constructed, unless otherwise agreed in writing by the Planning Authority. 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.

8. Prior to any groundworks starting, 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 submitted details before the development is completed.

Reason: To prevent the increased risk of flooding and to protect water quality.

09. Prior to any groundworks starting, details of maintenance and management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained for the lifetime of the development in accordance with the approved details. The scheme should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure the future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

10. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation

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scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. This must be carried out prior to first occupation of the dwellings. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

11. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 08/12/2021 must be strictly adhered to during the carrying out of the development.

The dwellings hereby approved must not be occupied unless and until the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority.

Thereafter approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained for the lifetime of the development in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

12. Prior to any groundworks starting, a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter be carried out in accordance with the approved Statement.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

14. Prior to any groundworks starting, above damp course level, details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

Reason: In the interests of the amenities of the area

#### **Informative Notes:**

1. The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at

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dli@dorsetcc.gov.uk, or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.

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: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
  
4. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to [Insert key matters covered in the agreement]
  
5. 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 applications/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.

OR

**B) Refuse permission for the reasons set out below, if the required Legal agreement to secure Affordable Housing and SANG Management is not completed by 6 October 2022 or such extended time as agreed by the Head of Planning**

Reasons for Refusal

1. The application site has an area in excess of 2ha and the proposed development would result in a net increase of 90 dwellings. Therefore,



in accordance with Policy AH: Affordable Housing of the Purbeck Local Plan Part 1, the development is required to make a contribution towards the provision of affordable housing. In Swanage this is at least 50% (subject to vacant building credit) of the development and must be secured by a Section 106 Legal Agreement. A Legal Agreement containing the required affordable housing detail has not been signed by the applicant. Therefore, the proposal is contrary to National Planning Policy Framework: Section 2: Achieving sustainable development, Section 4: Decision-making, and Section 5: Delivering a sufficient supply of homes; Purbeck Local Plan Part 1: Policies AH: Affordable housing and AHT: Affordable housing tenure; National planning practice guidance; and Affordable housing supplementary planning document 2012-2027 adopted April 2013.

2. The site lies within 5km of a number of Sites of Special Scientific Interest (SSSIs) which are also designated European wildlife sites, namely Dorset Heathlands Special Protection Area, Dorset Heaths Special Area of Conservation and Dorset Heathlands Ramsar. The proximity of these European sites means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017, in particular Regulation 63. The proposal fails to secure the avoidance measures identified as necessary to mitigate the impact of the development, in combination with other plans and projects, on the integrity of the designated site as set out in the Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025 and there are no imperative reasons of overriding public interest in support of the proposal. The development is therefore contrary to policy DH: Dorset Heathlands International Designations of the Purbeck Local Plan Part 1 and the NPPF paragraphs 180-182 and the Conservation of Habitats and Species Regulations 2017.
3. 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.

### **Background Documents:**

Case Officer: Peter Walters

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NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.