

# Eastern Area Planning Committee

## 5<sup>th</sup> April 2023

### Decision List

**Application Reference:** P/FUL/2022/03050

**Application Site:** Battle Farm Throop Dorchester DT2 7JD

**Proposal:** Change of use of agricultural buildings at Battle Farm to use Class B8 (storage or distribution)

**Recommendation:** GRANT subject to conditions

Decision: **Refuse for the following reasons:**

The site is in an isolated, inaccessible and unsustainable location which is not appropriate for a storage and distribution use which is associated with potentially significant trip rates. The traffic movements generated along single track country roads through Briantspuddle and Throop will result in an adverse impact on the environment and the amenity of residents which is judged to outweigh the benefits of the scheme. The proposal is contrary to policies CO, D, E and IAT of the Purbeck Local Plan and NPPF para 83 and 105.

**Application Reference:** 6/2021/0342

**Application Site:** Swineham Farm, Bestwall Road Wareham BH20 4JD

**Proposal:** Use of lake for recreational activities (outdoor swimming) and retrospective siting of shipping container to provide changing room facilities.

**Recommendation:** GRANT planning permission subject to conditions.

Decision: **Grant subject to the following conditions:**

1. The development hereby approved shall be undertaken only as shown on drawing no: Location Plan Rev B and 5926-SWIM revision A

Reason: To ensure the development remains as permitted in the interests of amenity.

2. The recreational swimming use hereby permitted shall only take place between 1 April and 30 September each calendar year and shall not take place outside of that period.

Reason: In the interests of wildlife.

3. No more than 25 people in connection with the use hereby permitted shall be on site at any one time and no more than 25 people shall swim in the lake at any one time. There shall be no more than 6 hours of swimming sessions in total at the site in any given week.

A written record of swimming sessions and the number of participants at each shall be kept and made available to the Local Planning Authority upon request.

Reason: In the interests of wildlife.

4. Swimming shall only take place in the areas shown on drawing no: 5926 -SWIM scale 1:2500. All marker buoys shall be removed immediately at the end of each swimming session.

Reason: In the interests of wildlife.

5. Within the first planting season (November to March) following the granting of this permission no. 5 *Cornus sanguinea* (Dogwood) shall be planted 0.6m apart alongside the southern edge of the container body. If any of the plants are removed or dead, dying or diseased in the first five years they shall be replaced with specimens of the same species, same size and in the same location in the next planting season (November to March).

Reason: In the interests of wildlife and visual amenity

6. No external lighting whatsoever shall be placed on the container body or within the red outline areas shown on drawing no: 5926 – SWIN rev A.,

Reason: To safeguard the night-time rural environment and in the interests of wildlife.

7. The container body shall be removed from the site and the land reinstated to its former condition within 6 months of the permanent cessation of the outdoor swimming use.

Reason: To ensure redundant structures are removed in order to retain the openness of the Green Belt.

8. The Lakeside Woodland Management identified in the Biodiversity Plan certified by the Dorset Natural Environment Team on 20/10/2022 shall be undertaken in the summer of 2023 in accordance with the details set out in the Biodiversity Plan.

Reason: In the interests of biodiversity

9. Bat boxes and a Tern raft shall be installed in accordance with the Biodiversity Plan certified by the Dorset Natural Environment Team on 20/10/2022, before 31 December 2024 and shall thereafter be retained.

Reason: In the interests of biodiversity

10. One portable toilet must be available to swimmers on the site during swimming sessions to be emptied off-site. The toilet shall be removed from the site between 1 October and 31 March (inclusive) each calendar year.

Reason: In the interests of biodiversity, the character of the AONB and Greenbelt openness.

11. The use hereby permitted shall be for a temporary period of 5 years starting from the date of this decision. The use hereby permitted shall be discontinued and any associated paraphernalia removed from the land on or before 6 April 2028.

Reason: To ensure that the principle purpose of the site for biodiversity conservation is maintained and to monitor the impacts of the development on biodiversity.

### **Informatives**

1. The applicant is advised that the lake cannot be lawfully used for swimming as hereby approved until the legal agreement which is in force on the land is varied. Please contact the Case Officer to progress this. A legal fee will be payable.

2. The House Martin Tower proposed in the biodiversity plan would require separate planning permission.

3. The applicants are reminded that driving on a footpath is an offence under Section 34(1) of the Road Traffic Act 1988 unless the express permission of the owner of the footpath has been obtained.

4. The applicants are reminded of the need to maintain the surface of the public right of way which serves the application site.

5. The land owner is advised that the spoil heaps north of the application site should be removed in the interests of the AONB.

6. 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.

**Application Reference:** 6/2021/0262

**Application Site:** Withy Lakes Church Knowle BH20 5NG

**Proposal:** Erect detached self-build rural exception site dwelling

**Recommendation:**

**GRANT** permission subject to conditions and the completion of satisfactory S106 obligations to secure the provision of the affordable housing **and nutrient neutrality** in perpetuity.

or

**Refuse** permission if the obligations under section 106 of the Town and Country Planning Act 1990 (as amended) are not completed within 6 months from the date of committee or such extended time as agreed by the Service Manager for Development Management and Enforcement.

**Decision: (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 provision of a single rural exception site dwelling with the following restrictions:

- The property cannot change ownership without the written consent of the Council.
- Consent for resale will only be granted where the Council is satisfied that the new purchaser is paying the prevailing 'affordable' price and meets the terms of the S106 Legal Agreement.
- The re-sale price will be equal to 47% of the prevailing market value.
- Inheritance of the property by family members is permitted in the first instance provided that they meet the local needs criteria.

**And nutrient neutrality:**

- **Prior to the commencement of development - the submission and agreement in writing by the Local Planning Authority of full details of the siting, pipework, connection points, and ongoing maintenance of the Graf One2Clean PTPs as described in the Updated Withy Lake P&N Balance Technical Note dated 30th January 23.**
- **The implementation and maintenance of the 'Treatment Plants' in perpetuity in accordance with the submitted details.**
- **Connection of the existing bungalow of 'Withy Lakes' to its operational treatment plant before any development on the new dwelling exceeds damp course level.**
- **Connection of the new dwelling to its operational treatment plant prior to first occupation.**

- **That the combined nutrient loading of the two treatment plants shall not exceed 0.54kg of Total Phosphorous per year and 3.03kg of Total Nitrogen per year.**
- **That no replacement plant shall be installed to serve either dwelling (approved and/or the existing bungalow of Withy Lakes) until full details of the plant, together with the nutrient loading calculations, have been submitted to and approved in writing by the Local Planning Authority, and that thereafter the plant shall be installed and maintained in accordance with the approved details.**

And the following conditions:

1. No part of the development hereby approved shall commence until details of all 'reserved matters' (that is any matters which concern the layout, scale and appearance of the building(s) to which this permission and the application relates, and to the means of access to the building(s) and the landscaping of the site) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

2. An application for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 21134.01/P3 and Block Plan 21134.02/P2.

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

5. This permission shall not permit a dwelling other than of a single storey design only. The floor area shall be limited to 100sqm gross internal floor area (including attached garages). No habitable accommodation shall be included within the roof space.

Reason: In order to ensure the building is appropriate as a rural exception dwelling and does not have a detrimental effect upon the landscape character of the Dorset AONB.

6. Any reserved matters application including details of layout and scale shall be accompanied by a plan showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished floor levels and their relationship with adjoining buildings and ground levels. Thereafter the

development shall be carried out in accordance with the approved finished floor and ground levels.

Reason: To control matters which will impact on the visual impact of the development within the Area of Outstanding Natural Beauty.

7. Prior to the commencement of development details of surface water and foul drainage schemes for the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to the completion of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

8. An Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted with any Reserved Matters application for layout or landscaping and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the AMS must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- c) a schedule of tree work conforming to BS3998;
- d) details of the area for storage of materials, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- f) details of any no-dig specification for all works within the root protection area for retained trees;
- g) details of the supervision to be carried out by the developer's tree specialist;

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

9. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Biodiversity Mitigation Plan dated 24/01/22 and certified as approved by the Natural Environment Team on 27<sup>th</sup> January 22 shall be completed in full.

Reason: To minimise impacts on biodiversity.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent re enactment thereof, with or without amendments, there shall be no extensions to the property, including its roof and no habitable accommodation shall be created within the roofspace.

Reason: To ensure that the dwelling is maintained at a size appropriate to a rural exception dwelling.

**Informative Notes:**

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to the provision of affordable housing in perpetuity at the site.
2. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.
3. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.
4. 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.
- The applicant was provided with pre-application advice.

**or**

**(B) Refuse permission if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 5<sup>th</sup> September 2023 (6 months from the date of committee) or such extended time as agreed by the Service Manager for Development Management and Enforcement.**

**Application Reference:** P/FUL/2022/06807

**Application Site:** April Cottage South Instow Harmans Cross Swanage BH19 3DS

**Proposal:** Sever plot and erect a 4no bedroom detached house

**Recommendation:** Grant, subject to conditions

Decision: **Grant, subject to the following conditions:**

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

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

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

- 011 Proposed Location & Block Plans
- 012 B Proposed Block Plan
- 013 B Proposed Ground Floor Plan
- 014 B Proposed First Floor Plan
- 015 B Proposed Rear & Side Elevations
- 016 A Proposed Front & Side Elevations
- 017 A Proposed Sections
- 018 Proposed North Street Scene
- 019 A Proposed West Street Scene
- 020 A Proposed Section AA
- 021 A Proposed Section BB
- 022 A Proposed Section CC
- 023 A Proposed Section DD

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

3. Prior to development above damp-proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. Prior to development above damp course level, a soft landscaping and planting scheme including species, sizes and densities shall be submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include replacement trees. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local



Planning Authority. Any plants found damaged, dead or dying in the first five years shall be replaced.

Reason: In the interest of visual and neighbouring amenity.

5. Prior to development above damp course level, details of all proposed means of enclosure of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The development must be implemented in accordance with the approved details prior to first occupation and shall be thereafter retained.

Reason: In the interests of the amenities of the area

6. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated 03 January 2023 by Treecall Consulting Ltd and on Tree Protection Plan TC1 dated 03 January 2023 setting out how the existing trees are to be protected and managed before, during and after development.

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

7. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 012 must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified; the garaging hereby approved shall not be used as living accommodation.

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

8. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on 29 September 2022 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the

dwellinghouse hereby approved, permitted by Classes A, AA or B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed and no mezzanine or other second floor accommodation shall be created.

Reason: To protect amenity, the character of the area, and trees.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: To protect amenity, character of the area, and trees.

11. The first floor window in the east elevation shall be obscure glazed and any opening part shall be at least 1.7m above the finished floor level of the room it serves prior to first occupation and for the lifetime of the development.

Reason: In protect the amenity of the occupiers of Fairfields.

**Informative notes:**

1. The applicant is reminded that the site lies within Dorset AONB. Use of curtains/blinds is encouraged to reduce light spill in the interests of the character of the area.

2. 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:

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