

Application Number:	P/FUL/2023/01030		
Webpage:	Planning application: P/FUL/2023/01030 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Knoll Beach Ferry Road Swanage BH19 3AQ		
Proposal:	Disabled persons WC and changing building		
Applicant name:	Mr Mark Foxwell		
Case Officer:	James Brightman		
Ward Member(s):	Cllr Brooks		
Publicity expiry date:	15 April 2023	Officer site visit date:	23/03/2023
Decision due date:	18 April 2023	Ext(s) of time:	05/05/2023

1.0 The reason for this application coming to committee is that Dorset Council is the applicant.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as explained in paras 16.1 to 16.14 at the end of this report:

- The location is considered to be sustainable, the proposal is acceptable in its design and general visual impact and there are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable, as proposal would be close to existing facilities and recreational uses
Scale, design, impact on character and appearance	Acceptable, as no harm anticipated for Area of Outstanding Natural beauty (AONB) or general character and appearance of the area
Impact on amenity	Acceptable, as the proposal would not result in any harmful impacts on general amenity of users of the site
Impact on landscape & Heritage Coast	Acceptable, as no harm would result for the AONB and Heritage Coast

Impact from ground water flooding	Acceptable, as a Flood Risk Assessment is submitted to advise that flood proofing/resilience measures will be included in the building
Accessibility by disabled persons	Acceptable, as the proposal would provide an accessible changing and WC facility for disabled persons

5.0 Description of Site

- 5.1 The site is immediately to the east of the existing public changing rooms/toilets building at Knoll Beach and to the south of the National Trust shop/café building. There are extensive car parking areas to the north west and south.
- 5.2 The site is relatively level and there are trees to the south which grow in an area of raised land adjacent to the application site's boundary with the car park.

6.0 Description of Development

- 6.1 It is proposed to construct a flat roofed single storey building to provide a 'Changing Places' accessible WC which includes washing and changing facilities. The building would have a footprint of 3.5m x 4.8m with a height (from ground level) of 2.81m.
- 6.2 The roof will be dark grey with black base board, PVCu soffits and rainwater goods. The walls would be Cedral Lap grey/brown composite timber effect cladding. There would be single yellow steel door.
- 6.3 The supporting design and access statement advises that 'Changing Places' go beyond the provision of standard accessible toilets and are solely intended to support the needs of profoundly disabled users stating that there is a lack of 'Changing Places' facilities nationwide.
- 6.4 The building will be constructed from a modular system off site and can be easily relocated or removed if/when required. All surface water and foul drainage will connect into existing mains system on site. The building will be located adjacent to the existing shower facilities and minor groundworks will be required using a lightweight slab to match the level of the adjacent building.
- 6.5 A changing place toilet is much larger than a regular accessible toilet and is better equipped, including items like a height adjustable adult changing bench, a ceiling track hoist, a peninsular toilet with space for two assistants and a backrest on the toilet seat. The application explains that the aim is to provide everyone, regardless of their access needs, disability or reliance on the assistance of carers or specialist equipment, to be able to use a toilet facility with dignity and in a hygienic way.

7.0 Relevant Planning History

6/1977/0219 - Decision: GRA - Decision Date: 22/07/1977

Re-site 50 beach huts and 3 kiosks to avoid erosion.

6/1985/0257 - Decision: GRA - Decision Date: 07/06/1985

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Erect temporary building for use as shop/information display.

6/1985/0876 - Decision: GRA - Decision Date: 30/01/1986

Retain temporary building for use as shop/information display (renewal).

6/1986/0844 - Decision: GRA - Decision Date: 04/02/1987

Retain temporary building for use as information display/shop (renewal).

6/1987/0735 - Decision: GRA - Decision Date: 29/10/1987

Erect information centre, shop, cafe, public toilets, Coastguard lookout and Warden's office to replace existing facilities.

6/1988/0203 - Decision: GRA - Decision Date: 08/04/1988

Retain and re-site temporary building for use as information point/shop (renewal).

6/1988/1223 - Decision: GRA - Decision Date: 06/01/1989

Site temporary building for use as information point/shop (renewal).

6/1989/0911 - Decision: GRA - Decision Date: 24/11/1989

Site temporary building for use as information point/shop (renewal).

6/1990/0182 - Decision: GRA - Decision Date: 14/05/1990

Erect single-storey building to comprise information area, shop, kitchen and ancillary offices.

6/1990/0632 - Decision: GRA - Decision Date: 05/11/1990

Site temporary building for use as information point/shop (renewal).

6/1999/0151 - Decision: GRA - Decision Date: 26/04/1999

Erect store extension.

6/2001/0183 - Decision: GRA - Decision Date: 30/04/2001

Relocate 32 beach huts and remove 60m of gabions from the shoreline.

6/2002/0933 - Decision: GRA - Decision Date: 29/01/2003

Provision of parking meters and associated signage to car parks.

6/2005/0426 - Decision: GRA - Decision Date: 20/06/2005

Station 3 temporary buildings for seasonal use as First Aid/Information, Shop Storage and Ice Cream Sales

6/2006/0238 - Decision: GRA - Decision Date: 12/04/2006

Extend path across the sand to start of beach.

6/2008/0522 - Decision: GRA - Decision Date: 05/09/2008

Insert new door to east elevation, install external umbrellas and erect building on west elevation

6/2010/0387 - Decision: GRA - Decision Date: 10/08/2010

Erect staff room hut and install drainage scheme for w.c.

6/2011/0339 - Decision: GRA - Decision Date: 28/07/2011

Erect local telecommunication masts on roof of Knoll Beach Cafe, Knoll Beach Study Centre and Middle Beach Lookout Hut.

6/2011/0419 - Decision: GRA - Decision Date: 30/08/2011

Erect extension to cafe and carryout alterations to doors and windows, install flue for wood burning stove. Site a portacabin for staff facilities, and a portacabin for food preparation (March to October only), extend existing portacabin for stock storage, erect a timber visitor and information kiosk, and a timber food and drink kiosk, all for a temporary period of 5 years.

6/2013/0155 - Decision: GRA - Decision Date: 01/05/2013

Erect timber framed glazed veranda. Replace existing entrance fencing with timber posts. Replace existing parasols with four new parasols. Erect willow screening to pumping station & new refuse station. Erect flagpole.

6/2017/0711 - Decision: GRA - Decision Date: 01/02/2018

Siting of porta-cabin connected to the main building to extend kitchen facilities.

8.0 List of Constraints

Purbeck Heritage Coast

Dorset heathlands - 400m heathland buffer (Studland & Godlingston Heaths)

Nutrient Catchment Areas/Poole Harbour Recreation Zone

Groundwater levels are between 0.025m and 0.5m below the ground surface. There is the possibility of groundwater emerging at the surface locally.

Dorset Area of Outstanding Natural Beauty (AONB): (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)

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Natural England Designation - RAMSAR: Poole Harbour- approx 3.3km away
Site of Special Scientific Interest (SSSI)

9.0 Consultations

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

Consultees

Studland Parish Council (received 21 March 2023)

No objection

South East Purbeck Ward Member – Cllr Brooks (received 10 March 2023)

No objection

Representations received

The application was advertised by site notices. No public representations were received.

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan Part 1

Policy SD – Presumption in favour of sustainable development

Policy D – Design

Policy LHH – Landscape, Historic Environment and Heritage

Policy CO – Countryside

Policy DH – Dorset Heathlands

Policy PO – Poole Harbour

Policy FR – Flooding

Policy TA – Tourist Attractions

Emerging Dorset Council Local Plan

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

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

The Dorset Council Local Plan Options Consultation took place between January and March 2021.

Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The Purbeck Local Plan (2018-2034) Submission January 2019

The Submitted Draft Purbeck Local Plan was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022.

Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

E1: Landscape

E12: Design

E4: Assessing flood risk

Material Considerations

NPPF

Para 11: Presumption in favour of sustainable development

Para 47: Determining applications in accordance with the development plan unless material considerations indicate otherwise

Para 98: Opportunities for sport and physical activity is important for the health and well-being of communities

Para 100: Planning decisions should take opportunities to provide better facilities for users

Para 130: Planning decisions should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

Para 154: New development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. Care should be taken to ensure that risks can be managed through suitable adaptation measures

Para 159: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Para 174: Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, b) recognising the intrinsic character and beauty of the countryside, c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate

Para 176: Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas

Para 178: Within areas defined as Heritage Coast, planning decisions should be consistent with the special character of the area and the importance of its conservation.

Other material considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Nitrogen Reduction in Poole Harbour SPD Adopted

Consultation Report - Nitrogen Reduction in Poole Harbour SPD

Consultation Statement - Nitrogen Reduction in Poole Harbour SPD

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

The relevant considerations under the PSED are:

- Access - The proposed changing facility would meet the needs of people with protected characteristics by providing an appropriate facility for disabled persons to use whilst enjoying Knoll Beach and its environs.

14.0 Financial benefits

None

15.0 Environmental Implications

None

16.0 Planning Assessment

Principle of development

- 16.1 The principle of the development is acceptable as it would represent a small-scale ancillary facility for visitors to Knoll Beach and the immediate area and the site's countryside location is essential.
- 16.2 The site lies outside a settlement boundary and the proposal would comply with Policy CO of the Purbeck Local Plan Part 1 as it comprises small-scale outbuildings within the curtilage of existing buildings where a countryside location is essential and the proposal would not have a significant adverse impact on the environment.

Scale, design, impact on character and appearance

- 16.3 The proposed building is small in scale with a footprint area of 3.5m by 4.8m and an overall height of 2.81m and would use a dark grey roof covering with grey/brown horizontal board timber effect cladding for its walls. This simple design of structure, its scale and proposed external materials are considered appropriate for the building's context and no adverse impact on the character and appearance of the area would result from the proposal. Therefore, the proposal accords with Policies CO & D of the adopted Purbeck Local Plan Part 1.

Impact on amenity

- 16.4 The proposal would enhance the amenity of disabled persons who use Knoll Beach and the surrounding area and there would be no adverse effects on the amenity of users of the adjacent buildings and outdoor spaces given the small scale of the building. Therefore, the proposal accords with Policy D of the adopted Purbeck Local Plan Part 1.

Impact on landscape (AONB)

- 16.5 The proposed building is small in height and scale, is an appropriate design for its purpose and uses external materials that would be sympathetic to its context and would sit comfortably in its surroundings with no adverse visual impact upon the character and appearance of the immediate area. No adverse impact on the AONB would result and the proposal accords with Policy LHH of the adopted Purbeck Local Plan.

Impact from ground water flooding

- 16.6 The Design & Access Statement advises that all surface water and foul drainage will connect into the existing mains system on site and on this basis, there would be no additional surface water drainage into the ground at the site.
- 16.7 The site is not in an area with a high risk of surface water flooding but is in an area of high groundwater levels (levels are between 0.025m and 0.5m below the ground

surface) and within this area there is a risk of groundwater flooding to both surface and subsurface assets. The mapping extract below shows the light purple shaded area for this zone (site indicated by the red arrow), with the light blue area in a lesser risk zone and the yellow area to the east (towards the sea) in the highest risk zone.



- 16.8 Annex 3 of the National Planning Practice Guidance (NPPG) advises that changing rooms are a water-compatible development and on this basis the proposal is considered to be an appropriate development in an area with a high risk of ground water flooding. Consequently, there is no need to undertake a Sequential Test to ascertain whether there are any reasonably available sites appropriate for the proposal in areas with a lower risk of flooding as set out in paragraphs 161 & 162 of the NPPF.
- 16.9 It is necessary for the building to be located in the proposed position as it is close to existing facilities and the adjacent land is level and easy to negotiate. The building is not intended to be habitable and the site is appropriate for a water-compatible use.
- 16.10 The applicant has provided a Flood Risk Assessment (FRA) received 29/3/2023 that advises flood proofing / resilience and resistance techniques will be included in the proposed building to accord with the Communities & Local Government advice 'Improving the flood performance of new buildings' (2007) <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>. The applicant has also specified the flood resilience measures and a condition is advised to require these.
- 16.11 FRAs need to show that development will be safe for its users for the intended lifetime of the development, without increasing flood risk elsewhere, and be sufficiently flood resistant and resilient to the level and nature of the flood risk.
- 16.12 As flood proofing / resilience and resistance techniques will be included in the proposed building, the proposal would be safe for its intended lifetime and would accord with Policy FR of the adopted Purbeck Local Plan.

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Accessibility by disabled persons

16.13 The proposal is designed to be accessible by disabled persons and will enhance the changing and WC facilities for disabled persons visiting Knoll Beach and the immediate area.

Impact on Sites of Special Scientific Interest (SSSIs)

16.14 The site for the proposed building is not within any SSSI but lies approx.65m from the nearest SSSI (the beach to the east). The building would have no physical impact on the SSSIs from its construction/assembly on site and as it would not result in additional visitors to the site, it does not fall to be considered as a use that would increase nutrients into the Poole Harbour catchment area and there is no requirement to demonstrate nutrient-neutrality. The proposal would accord with Policies BIO, DH and PH of the Purbeck Local Plan.

17.0 Conclusion

17.1 The proposal would not have any adverse impact on the AONB, character and appearance of the immediate area, Heritage Coast, SSSIs and amenity of visitors to the site and would be constructed to provide resilience to ground water flooding and is compliant with local and national planning policy.

18.0 Recommendation

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:

Drawing No. RADPT.0001 Rev 1: Planning Drawings

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

3. The building hereby approved shall incorporate the following flooding resilience measures prior to first use:

- Waterproof flooring (including 150mm up the walls)
- Floor gully to allow any water in the building to flow out via waste pipes
- Multipanel Hydrolock walling to prevent water reaching the plasterboard / timbers / insulation
- Sealed floor insulation to prevent water penetration
- Waterproof paint for the steel frame of the building
- Ventilation behind the cladding to allow walls to dry out easily

- Moisture resistant Insulation inside the walls
- Finished floor level to be higher than adjacent ground levels

Reason: To mitigate against the risk of groundwater flooding to the building.

4. Before using any external facing and roofing materials in the construction of the development, details of their manufacturer, colour and type shall have been submitted to and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: To ensure the development uses external materials appropriate for its context.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and
- as appropriate updating 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.

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. In respect of Condition 3, flood proofing / to be included in the proposed building should accord with the Communities & Local Government advice 'Improving the flood performance of new buildings' (2007)
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>