

<b>Application Number:</b>	P/FUL/2023/03413		
<b>Webpage:</b>	<a href="https://www.dorsetforyou.com/dorsetcouncil.gov.uk">Planning application: P/FUL/2023/03413 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	23 De Moulham Road Swanage BH19 1NS		
<b>Proposal:</b>	Demolition of dwelling and erection of four dwellings		
<b>Applicant name:</b>	Westcoast Developments (Projects) Limited		
<b>Case Officer:</b>	Nikki Clayton		
<b>Ward Member(s):</b>	Cllr Suttle and Cllr Trite		
<b>Publicity expiry date:</b>	26 October 2023	<b>Officer site visit date:</b>	4 August 2023
<b>Decision due date:</b>	13 September 2023	<b>Ext(s) of time:</b>	TBC

The Nominated Officer has identified this application to come before the Planning Committee as the officer recommendation of approval is contrary to objections received from Swanage Town Council and Swanage Ward Members.

## 2.0 Summary of recommendation:

GRANT subject to conditions set out in section 17.

## 3.0 Reason for the recommendation: as set out in paras 16 – 17 at end

Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.

The proposal's scale, design, visual impact, impact on character and appearance would be acceptable and the application would therefore accord with local policy D and section 12 of the National Planning Policy Framework.

There is not considered to be any significant harm to neighbouring residential amenity from the new buildings.

There are no material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is located within the Swanage Settlement Boundary and within the designated town of Swanage. The towns within the Plan Area are considered to be the most appropriate places for the development of new residential properties, and so in this respect the principle of new residential development on the site is acceptable.
Scale, design, impact on character and appearance	The applicant has appropriately addressed the reasons for refusal given for the previous application and the dismissed appeal by reducing the height and massing of the upper floors, setting the buildings further back from De Moulham Rd and reducing the hard surfaced area to the west of the buildings. Whilst the dwellings are bulky, they can be accommodated on the plot without harm to the grain and spacing and it is considered that the proposal would not have a detrimental impact upon the character and appearance of the area
Impact on amenity	The proposal is in accordance with Local Plan Policy D and NPPF paragraph 130 which require development to positively integrate with its surroundings and avoid adverse impacts on local amenity.
Impact on landscape or heritage assets	The proposal appropriately responds to its context and would not have a harmful impact on the National Landscape (AONB) in respect of its scale and design.
Economic benefits	In July 2023 it was reported that for the period 2022 to 2027, the Purbeck Local Plan area does not have sufficient deliverable supply to meet the five-year supply requirement as required by national policy and can demonstrate a supply of deliverable sites equivalent to 3.66 years. The proposal would benefit by a net increase of 3 dwellings.
Access and Parking	Adequate car parking is proposed to serve the development.
Biodiversity	The Council's Natural Environment Team have approved the proposed Biodiversity Mitigation

	Plan and Officers are satisfied that the impact of the development on any protected species can be adequately dealt with. Subject to a condition requiring the implementation of the mitigation plan, the proposed development is acceptable in this regard.
Land Instability	The site is within 400m of coastal cliffs and the issue of cliff stability is required to be assessed. The Council's Coastal Erosion Officer advises that Coastal Erosion bandings are not anticipated to impact the site in the next 100 years and it is not expected to be existing instability issues at this location, which is set back from the coastline.

## 5.0 Description of Site

- The site is located within the Swanage Settlement Boundary and within the designated town of Swanage.
- The site is identified as an area of 'distinctive local character' in the Swanage Local Plan.
- There is currently a detached two storey house on the site that has its access via the rear service road and faces De Moulham Rd. The house is elevated above De Moulham Road.
- The house and site are visually prominent given its elevated position above De Moulham Rd and absence of high vegetation on the site's east boundary. There is a three storey block of flats at Oceana immediately to the south.
- This building is of modest scale given its subservient upper floor section that is recessed from the section beneath, and it has a relatively narrow frontal area facing De Moulham Rd. This, together with the space between the flats and the existing house on the application site, allows an appreciable visual gap between buildings which is part of the character of the area.
- There is a detached two storey house at The Grey House immediately to the north and this is some distance from the dwelling on the application site and the intervening gap has low to medium level vegetation present.

## 6.0 Description of Development

The design proposed shows two pairs of semi-detached dwellings over three floors with gable roofs with flat roof dormer windows. Three of the dwellings will have three bedrooms and unit 4 has four bedrooms. The height of the properties is greatest on the rear (east) facing the bay but steps down to single storey on the boundaries with

the adjoining properties. The design approach is to create four dwellings in two villa style properties.

## **7.0 Relevant Planning History**

### *23 De Moulham Rd*

6/1974/0298 - Decision: Grant - Decision Date: 25/10/1974 O/A - Severance of site for house, semi-bungalow or bungalow.

6/1975/0015 - Decision: GRA - Decision Date: 18/04/1975 New garage, alterations and additions.

6/2021/0103/FUL – Decision: Refuse – Decision Date: 01/02/2022. Appeal dismissed. Demolish existing property and erect 9 apartments with associated parking, access and landscaping.

P/FUL/2022/05196 - Decision Refuse - Decision Date: 21/01/2023. Demolish existing property and erect a development of 5 town houses with associated parking, access and landscaping

P/PAP/2022/00813 – demolish the existing property and erect a development of 5 town houses with associated parking, access and landscaping. Response: 31/03/2022. Summary of Pre-application advice – The proposals do not fully address the planning inspector’s concerns in the appeal decision dated 27/2/2023. The latest proposed development would remain incompatible with the character of the area and would have an adverse impact on the AONB. Significant amendments would be required to make the development acceptable, namely a fresh design approach to show two-storey buildings with hipped roofs facing east and gables facing west, although accommodation may be achieved at second storey with the use of modest dormers.

### *Oceana*

6/2004/1057 – Decision Refuse – Dismissed at appeal. Demolish existing building and erect block of 6 new 2 bedroom apartments

6/2005/0967 – Decision Approved - Demolish existing building and erect block 6 new 2 bedroom flats; form new vehicular access

## **8.0 List of Constraints**

Within Statutory Settlement Boundary; Swanage

Within coastal location where sustainable drainage systems (SuDs) should exclude soakaways

Swanage Local Plan, Description: The site lies adjacent to Beach Gardens South

Within Dorset Heathlands - 5km Heathland Buffer

Within Poole Harbour Recreation Zone

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

Within Site of Special Scientific Interest (SSSI) impact risk zone;

RAD - Radon: Class: Class 1: Less than 1%

## 9.0 Consultations

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

### Consultees

1. **Natural England** – No further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

2. **Dorset National Landscape (AONB) Team**

Raise no objections. Conditions and informatives are recommended.

3. **Dorset Council - Highways**

Raise no objections. Conditions and informatives are recommended

4. **Dorset Council - Building Control Purbeck Team**

Comments in relation to fire safety.

5. **Dorset Council - Trees (East & Purbeck)**

No comment. (On the previous application the tree officer noted: No objection on tree grounds – as no visually significant trees on/adjacent site. TPO, on a holm oak, at Grey House the neighbouring property to the north was given consent for removal 13 Jan 2005 ref 125.04/05)

6. **Swanage Town Council-**

Objection (received 20/07/2023 and 10/11/2023)

The Council's concerns are as follows:-

- Overdevelopment/layout and density of building design/scale. Concerns are raised regarding the height, mass and scale of the proposed houses, which would be overbearing and out of keeping with the surrounding properties/area, of predominantly detached houses with generous plots.

-Intensification of development through infilling or development of existing plots at greater densities could harm the suburban character.

-The site is on the brow of a hill, in a very prominent, sensitive position, and the proposed development would also have a detrimental visual impact on the important panoramic view from Swanage Bay, and the overall 'Swanage scene'.

-Overlooking and loss of privacy

The Council is in support of sustainable building design principles to minimise environmental impact, and would wish to see the inclusion of sustainable building principles in the redevelopment proposals, that this should form part/be a condition of any approved scheme.

## 7. Swanage Ward Councillor- Councillor Tritie

Concerns as follows:

-The site is at the highest point of this raised area and is very conspicuous, particularly from the south-east and from the sea. Any building on the site needs to be of moderate proportions, as are nos. 25 and 27 De Moulham Road. The present proposal, although less unacceptable than the 5-dwelling application and especially the earlier 9- apartment block application, is still much too big and bulky and over-dominant on the site, and will detract significantly from the generally pleasing aspect of this visually sensitive area of the town;

-The Swanage Local Plan anticipates detached, modest-sized houses in this part of Swanage, where spaciousness is a marked and most desirable characteristic upheld by nearby buildings. This proposal conflicts with all the foregoing;

-The design and scale of the buildings are still respectively too incongruous and too over-bearing for the AONB and detracts from it. As the Inspector says, considerable weight should be attached to these things;

-Overlooking of neighbours and their gardens is not as drastic as with the first application, but it is still quite foreseeable and unacceptable, particularly in view of the sharp downward slopes to north and south from the site of no.23.

### Representations received

Total - Objections	Total - No Objections	Total - Comments
45	0	0

Concerns have been raised in relation to the following:

- Size, scale, bulk and density of development
- Overdevelopment of the site
- Out of character to the area and would impact the appearance of Swanage Townscape
- The cumulative effect of multiple new developments in the neighbourhood is negatively impacting the character of the area

- Loss of residential amenity in terms of overshadowing, loss of light and privacy
- Loss of biodiversity
- Traffic and parking

## 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: The following policies are considered to be relevant to this proposal:

Policy SD – Presumption in favour of sustainable development

Policy LD – General location of development

Policy HS- Housing supply

Policy D – Design Policy

Policy LHH – Landscape, Historic Environment and Heritage

Policy CE – Coastal Erosion

Policy IAT - Improving accessibility and transport

Policy DH - Dorset Heaths International Designations Policy

Policy PH - Poole Harbour

Adopted Swanage Local Plan: The following policies are considered to be relevant to this proposal:

Policy STCD: Swanage Townscape Character and Development Policy

Policy SHM: Swanage housing mix

### Other Material Considerations

**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](http://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

E2: Historic Environment

E12: Design

E4: Assessing flood risk

E10: Biodiversity and geodiversity

I2: Improving accessibility and transport

### **Emerging Neighbourhood Plans**

Swanage Neighbourhood Plan- In preparation – limited weight applied to decision making

### **National Planning Policy Framework:**

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

Other relevant NPPF sections include:

- 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 11 'Making effective use of land'
- 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 the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

## **Supplementary Planning Document/Guidance**

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Poole Harbour Recreation 2019-2024 Supplementary Planning Document

Purbeck District Design Guide

## **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.

During the proposed construction works those who are less mobile may be more impacted by the associated noise and disturbance but this would be for a limited duration. The proposed dwellings could be set over three floors so may not be suitable for some disabled people. No other disadvantages have been identified.

### 14.0 Financial benefits

What	Amount / value
Material Considerations	
Planning obligations	None
Non Material Considerations -	
Council Tax	Council Tax Band E £2871.84 or Band F: £3394.00
Community Infrastructure Levy	£211,216.81

### 15.0 Environmental Implications

Carbon emissions will arise during the demolition of the existing property and in the construction stage of the proposed development. An informative has been added to the decision notice to encourage the developer to use sustainable construction methods. Sustainable construction involves using renewable and recyclable materials on building projects to reduce energy consumption and toxic waste. The primary goal of this initiative is to decrease the construction industry’s impact on the environment by utilizing sustainable construction procedures, practicing energy efficiency, and harnessing green technology.

## 16.0 Planning Assessment

### Principle of development

- 16.1 The site is located within the Swanage Settlement Boundary and within the designated town of Swanage. Policy LD: General Location of Development and SE: South East Purbeck provides a hierarchy of settlements where new development is considered to be the most appropriate. The towns within the Plan Area are considered to be the most appropriate places for the development of new residential properties, and so in this respect the principle of new residential development on the site is acceptable, subject to all other relevant considerations which are set out in detail below.

### Impact on the Dorset National Landscape (AONB)

- 16.2 The site, along with the whole town of Swanage is in the Dorset National Landscape, formerly known as the Area of Outstanding Natural Beauty (AONB). Areas of Outstanding Natural Beauty have statutory protection in order to conserve and enhance the natural beauty of their landscapes under National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000.
- 16.3 The National Planning Policy Framework (NPPF) makes the following reference to AONBs in paragraph 176: *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. 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.”*
- 16.4 Appeal Ref: APP/D1265/W/22/3299225 against the refusal by Dorset Council to grant planning permission for the demolition of the existing property and erect 9 apartments with associated parking, access and landscaping on this application site was dismissed. The Inspector noted that whilst the site is within the urban confines of Swanage, because of its commanding position it, and Nos 25/27, are visible in the context of the Purbeck Ridge behind in views from across the sea, including from Peveril Point and the memorial park. The Inspector commented that in some views the site, together with Nos 25/27, Beach Gardens and the undeveloped land below De Moulham Road form a visual break that links to the ridge beyond. The buildings at Nos 23 and 25/27 are visible in this break but, due to their modest size, traditional design and recessive materials, are not unduly intrusive.
- 16.5 The Inspector considered that the scale of the apartment proposal and the particular design would amount to a harmful change in important views within the seascape.

The harm identified, whilst limited, meant that the apartment proposal would not conserve or enhance the landscape and scenic beauty of the AONB. Accordingly there would be conflict with Paragraph 176 of the National Planning Policy Framework (the Framework) and Policy LHH of the Purbeck Local Plan Part 1 2012 (LP Part 1) which requires great weight to be given to such harm. There would also be conflict with Policies C4a, C4c and C4d of the Dorset AONB Management Plan, 2019 – 2024 (the Management Plan) which seeks to avoid new features that would be detrimental to landscape character, tranquillity and the AONBs special character, to protect the pattern of landscape features that underpin local identity.

- 16.6 The Inspector's decision is a material planning consideration. However, this application is for an alternative scheme which has a significantly reduced scale and reduction in glazing compared to the earlier appeal scheme. The proposal is now for 2 pairs of semi-detached two storey dwellings with rooms in the roof and associated landscaping compared with the earlier much larger proposal of an apartment block with 9 units. The applicant sought advice from officers both at the application stage and during the application process to inform amended plans.
- 16.7 The Dorset AONB team were consulted on the proposal and advise that given the location of the development in the urban fabric of Swanage, it is considered that the Council should determine the latest proposal in relation to impacts on local character and street scene, rather than wider impacts concerning the character and appearance of the AONB. This approach is consistent with some other past redevelopment proposals.
- 16.8 Character and appearance is considered further below but in summary, notwithstanding the prominent location of the site, it is judged that the proposal now appropriately responds to its context and would not have a harmful impact on the AONB in respect of its scale and design of is in accordance with policy LHH of the Purbeck Local Plan.

#### Impact on the Character of the Area

- 16.9 The site is located within an area designated as an Area of Distinctive Local Character by Policy STCD (Swanage Townscape Character and Development). This policy states: Policy D: Design, of the Purbeck Local Plan *'requires new developments to positively integrate with their surroundings and reflect the good practice advice within the townscape character assessments.'*
- 16.10 The area is identified in the Swanage Townscape Character Appraisal 2012 (TCA) as being composed of "Early 20th Century Villas" and defined by the rectilinear arrangement of development with distinct spaces existing between buildings. The Appraisal notes how comprehensive redevelopment of the plots immediately to the south of the site as flats (such as St Aldhelms Court) has had a significant effect on the pattern of development. The appraisal identifies that there is scope for

redevelopment of sites so long as it does not detract from their contribution to the wider character of the area and maintains good quality dwellings.

- 16.11 Concerns have been raised by the Town Council and residents that the proposal represents overdevelopment of the site that would be out of character with the area.
- 16.12 The “Early 20th Century Villas” character type is identified as one which contains large buildings, generally Edwardian and individually designed which overlook or are close to the sea. The grain is generally well defined with large, detached houses which front the street on relatively small plots. The spacing and grain of the existing development is considered to be an important aspect of the character of the area. The previous proposal for a large apartment block was judged to negatively impact on these characteristics but the application site is unusual being a relatively large plot which offers the opportunity for redevelopment at a higher density.
- 16.13 The design now proposed shows two pairs of semi-detached dwellings over three floors with gable roofs with flat roof dormer windows. The height of the properties is greatest on the rear (east) facing the bay but steps down to single storey on the boundaries with the adjoining properties. The design approach, creating villa style properties, is considered to be more traditional and relate suitably to the site and surrounding area.
- 16.14 The flat roof of unit 1 adjacent to Oceana would exceed the height of that building by approximately 0.6m. The ridge height of unit 4 would be approximately 2.5m higher than the main ridge of 25 and 27 De Moulham Road, but these features would be separated by a distance of approximately 20m. The buildings are not significantly higher than their immediate neighbours and their visual dominance in the street scene would be limited by their form and design. The scale of the development is not considered to be inappropriate following the reduction in overall eaves and ridge heights from what was originally proposed. The scale of the rear gables facing the bay has been reduced so that they better relate to those of neighbouring 25 De Moulham Road.
- 16.15 It is acknowledged that the proposal reduces the spaciousness of the plot, however, the proposal achieves an improved density of development as sought by national planning policy (para 125), making better use of the potential of the site whilst responding appropriately to local character.
- 16.16 The separation gap between the houses of 3.3m will prevent a negative terracing impact when viewed from the streetscene.
- 16.17 The applicant has appropriately addressed the reasons for refusal given for the previous application and the dismissed appeal by reducing the height and massing

of the upper floors, setting the buildings further back from De Moulham Rd and reducing the hard surfaced area to the west of the buildings.

- 16.18 Whilst the dwellings are bulky with part flat roofs, they can be accommodated on the plot without harm to the grain and spacing and it is considered that the proposal would not have a detrimental impact upon the character and appearance of the area and is in accordance with Policy STCD of the Swanage Local Plan.
- 16.19 Subject to a condition to secure appropriate materials the proposal is also in accordance with Policy D: Design of the Purbeck Local Plan, which expects development to positively integrate with their surroundings reflecting the advice of the Swanage Townscape Character Appraisal.

Impact on the amenity of occupants of adjacent properties

- 16.20 This was a reason for refusal for the previous applications and continues to be raised as a concern by the Town Council and objectors.
- 16.21 The separation distance between the 2/3 storey parts of the northern building and 25 De Moulham Rd measures approximately 16m. There is a boundary wall and mature vegetation separating the buildings. The maximum height of the building is approximately 10m reducing to 6.5m at the eaves. Notwithstanding the lower ground levels of 25 De Moulham Rd which has a finished floor level approx. 0.8m lower than the proposal it is not considered that the proposed building would have a significant harmful impact on the occupiers of this property from dominance due to its set back and the distances involved. Some overshadowing of the neighbouring garden is likely with the potential for some overshadowing of the dwelling, particularly during the winter, but not to an extent that it would justify refusal.
- 16.22 The first floor terraces/balconies shown for the northern building have potential to cause overlooking of 25 & 27 De Moulham Rd and their gardens given the close proximity of the building to the boundary. A privacy screen is proposed to a height of 1.7m which will prevent any perceived loss of privacy from overlooking. A safeguarding condition will be imposed to ensure that this is provided.
- 16.23 There are no upper floor windows proposed in the north elevation to prevent loss of privacy to the occupants of 25 & 27 De Moulham Rd. The south elevation facing Oceana shows a single second floor window which is a secondary window serving living accommodation. This window can be conditioned to be obscure glazed to prevent any perceived overlooking of the occupants of Oceana.
- 16.24 In terms of the relationship with Oceana, the buildings will site appropriately side by side. The front elevations of the semi-detached pair of dwellings are slightly stepped to secure an acceptable relationship with this building in terms of the setback from De Moulham Rd. The slope of the proposed roof of the southern dwellings away

from the boundary would reduce the impact of the greater height in comparison with Oceana so that they would not result in an overbearing effect for the occupants of Oceana. The 6m separation distance is acceptable spacing. There is an existing stone wall and existing mature hedging along the boundary between the buildings. As reported in the refused applications (ref: 6/2021/0103 and P/FUL/2022/05196), there is potential for some loss of light to the north facing (side) windows in Oceana, but given they serve bathrooms, this impact is not considered to be harmful.

- 16.25 For the above reasoning, the proposal is in accordance with Local Plan Policy D and NPPF paragraph 130 which require development to positively integrate with its surroundings and avoid adverse impacts on local amenity.

#### Impact on Biodiversity

- 16.26 A biodiversity survey was undertaken for the property, which found no evidence of bats, but some potential for nesting birds within the non-native boundary hedging. Accordingly, a mitigation plan has been prepared for the proposal. The Council's Natural Environment Team have approved the proposed Biodiversity Mitigation Plan and Officers are therefore satisfied that the impact of the development on any protected species can be adequately dealt with. Subject to a condition (no. 5) requiring the implementation of the mitigation plan, the proposed development is acceptable in this regard.
- 16.27 As the site lies within 5km of internationally protected Dorset Heathland and Poole Harbour, an Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF. This concludes that mitigation set out in adopted Dorset Heathland Planning Framework and Poole Harbour Recreation Supplementary Planning Documents can be secured via the Community Infrastructure Levy, namely Heathland Infrastructure Projects, Poole Harbour Infrastructure Projects and Strategic Access Maintenance and Management projects which will ensure that there is no unmitigated harm generated by the proposals to interests of nature importance.

#### Land Instability

- 16.28 The site is within 400m of coastal cliffs and the issue of cliff stability is required to be assessed. The Council's Coastal Erosion Officer advises that Coastal Erosion bandings are not anticipated to impact the site in the next 100 years and it is not expected to be existing instability issues at this location, which is set back from the coastline.
- 16.29 The Coastal Erosion Officer states that as part of the foundation design, ground conditions would need to be assessed and the Building Regulations would have to be satisfied in terms of foundation arrangements. The Officer also advises that

collected surface water is discharged to a piped drainage system and not to a soakaway in view of the consequential effect groundwater can have on coastal stability. No objection to the proposal is raised on land stability grounds subject to a condition to secure an appropriate surface water drainage scheme (condition 4) in accordance with policy CE.

#### Highway safety

- 16.30 Objections include concerns about the impact on the highway and parking provision. The access lane to the rear of the proposed development is unadopted. The applicant states that 4 off road car parking spaces shall be provided in addition to 4 garages. The area of hardsurfacing in front of each dwelling would provide additional informal parking opportunities for visitors to the properties. The proposal is in a sustainable urban location and provides adequate parking provision to accord with policy IAT.
- 16.31 A condition will be imposed to ensure that the turning/manoeuvring and parking shown on Drawing Number 012 is constructed before the development is occupied to ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon (condition 7). Furthermore, any entrance gates must be hung so that the gates do not open over the adjacent public highway to ensure that any gates do not cause a safety hazard on the highway (condition 8).
- 16.32 A construction method statement has been conditioned to minimise the likely impact of construction traffic on the surrounding highway network (condition 3).

#### Other issues

- 16.33 Swanage Town Council has requested that if permission is granted then a condition be imposed requiring construction to follow sustainable building principles. Although this can be encouraged by an informative note (no. 4) there is no policy basis for a condition to be imposed.

#### Housing land supply

- 16.34 In July 2023 it was reported that for the period 2022 to 2027, the Purbeck Local Plan area does not have sufficient deliverable supply to meet the five-year supply requirement as required by national policy and can demonstrate a supply of deliverable sites equivalent to 3.66 years. Therefore, in accordance with NPPF paragraph 11, it is necessary to consider whether the application of policies in the NPPF that protect assets or areas of particular importance (i.e. Dorset National Landscape/AONB) provides a clear reason for refusing the development or if the proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits.



- 16.35 In this case, the site is located within a designated settlement and comprises land which has the potential for redevelopment. The proposal would relate satisfactorily to the character and appearance of the area, and would conserve the landscape and scenic beauty of the Dorset National Landscape/AONB and would avoid any significant harmful impact on the amenities of the occupants of adjacent properties. No harm has been identified that would demonstrably outweigh the benefit of a net increase of 3 dwellings. Approval is therefore recommended.

## 17.0 Conclusion

For the above reasons, the application is judged to be in accordance with the Development Plan including Purbeck Local Plan Policies D & LHH, Swanage Local Plan Policy STCD, Purbeck Design Guide SPD and the policies of paragraphs 11, 130, 134 & 202 of the National Planning Policy Framework. There are no material considerations which indicate that permission should be refused.

## 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:

221/011 Proposed block and location plan  
012 F AMENDED Proposed site plan  
013 A AMENDED Proposed ground floor plan  
015 B AMENDED Proposed first floor plan  
016 C AMENDED Proposed second floor plan  
017 B AMENDED Proposed roof plan  
221-018 C AMENDED Proposed rear (east) elevation  
221-019 B AMENDED Proposed side (south) elevation  
221-020 B AMENDED Proposed front (west) elevation  
221-021 B AMENDED Proposed side (north) elevation Plots 1 and 2  
221-022 B AMENDED Proposed side (north) elevation Plots 3 and 4  
221-123 D AMENDED Proposed street scene  
221-024 A AMENDED Proposed section  
221-025 B AMENDED Proposed street scene diagram  
221-026 C AMENDED Proposed site density plan  
221-027 A AMENDED Proposed street scene diagram (ridge and eaves heights)

221-028 A AMENDED Proposed street scene diagram (overlooking angles)

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

3. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include details of:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

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

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

5. 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 12th June 2023 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

- i) 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, and
- ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

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

5. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the walls and roofs 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.

6. Prior to any development hereby approved above damp course level, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

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.

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

8. Any entrance gates must be hung so that the gates do not open over the adjacent public highway.

Reason: To ensure that any gates do not cause a safety hazard on the highway.

9. Prior to the first occupation of units 2 and 4, the privacy screens on their first floor balcony/terrace shown on Drawing Number: 015B shall be installed at a height of 1.7m and shall thereafter be retained for the lifetime of the development.

Reason: To protect the amenities of the occupiers of the adjoining properties.

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 enlargement, improvement or other alteration of a dwellinghouse permitted by Class A and/or 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 and the character of the area and impact on the Dorset National Landscape (AONB)

**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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant was provided with pre-application advice.
  - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
2. The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.
3. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.
4. The developer is encouraged to use sustainable construction methods. Sustainable construction involves using renewable and recyclable materials on building projects to reduce energy consumption and toxic waste. The primary goal of this initiative is to decrease the construction industry's impact on the environment by utilizing sustainable construction procedures, practicing energy efficiency, and harnessing green technology.
5. The developer is reminded that due to proximity to the cliffs, soakaways will not be an acceptable as part of any surface water drainage scheme submitted in respect of condition 4.