

Eastern Area Planning Committee
Wednesday 10th January 2024
Decision List

Application Reference: P/FUL/2022/06840

Application Site: Knoll House Hotel, Ferry Road, Studland, Swanage, BH19 3AH

Proposal: Redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartment and villa accommodation and associated leisure and dining facilities.

Recommendation: Refuse for the following reasons:

- Major development in AONB - scale, form and massing
- Heathland impacts
- Inadequate surface water drainage evidence
- Lack of Biodiversity Plan
- Insufficient information concerning trees proposed for retention

Decision: That the Committee be minded to refuse permission for the following reasons;

- 1) The proposal has been assessed as being major development within the Dorset Area of Outstanding Natural Beauty (AONB). As such there is a requirement to assess the impact upon the local economy, any scope for developing outside of the AONB and ensuring that there is no detrimental effect on the environment and landscaping. The proposal by reason of its scale, form and massing fails to ensure that there would be no detrimental effect upon the environment and natural landscape and fails to be compatible to the special character of the Heritage Coast. This impact has been considered against the substantial local economic benefits. The proposal however is contrary to Policies D, TA, CO and LHH of the Purbeck Local Plan Part 1, the aims and objectives of the NPPF, especially paragraph 177 and 178 and Policies C1 a, c and f, C2 d, e, and f and C4 a, c, d, e, f and g of the Dorset AONB Management Plan 2019 - 2024.
- 2) The application site is located within 400m of protected heathlands and C3 use is proposed. Mitigation measures have been identified but do not address all matters and have not currently been secured in perpetuity. In this instance there is no overriding public interest and as such it cannot be certain, on the evidence presented, that the proposal would not adversely affect the integrity of the Dorset Heathlands European sites and international sites. Or, for that matter the Poole Harbour due to increase recreation in the harbour. The proposals are therefore contrary to Policies DH (Dorset Heathlands) and PH

(Poole Harbour) of the Purbeck Local Plan Part 1 and Dorset Heathlands Planning Framework (2020 – 2025) SPD, Nitrogen Reduction in Poole Harbour (SPD 2017) and Poole Harbour Recreation Supplementary Planning Document (SPD) and the aims and objectives of the NPPF especially paragraphs 180 and 182.

- 3) Insufficient information has been provided regarding surface water management from the development. It has not been demonstrated that the proposed surface water drainage scheme can be viably achieved on the site. Contrary to Policy FR of the Purbeck Local Plan, and paragraphs 167 and 169 of the National Planning Policy Framework.
- 4) The proposal is not accompanied by a Biodiversity Plan or adequate details regarding the ecological baseline and proposed mitigation and enhancement measures. It therefore fails to provide adequately certainty a Biodiversity Net Gain can be achieved on site, or that proposed mitigation measures are deliverable. The proposed development is therefore contrary to Policies BIO and GI of the Purbeck Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework.
- 5) Insufficient evidence has been submitted to demonstrate that the proposals will not result in damage/premature decline to trees proposed for retention through direct and indirect effects due to less-than-ideal growing conditions, their age and variable resilience to change, versus the magnitude of the development. In addition, insufficient details have been submitted to demonstrate that landscaping within the site including proposed earthworks will result in visually attractive, appropriate and effective landscaping of the development. The proposed development is therefore contrary to Policies LLH and D of the Purbeck Local Plan and paragraphs 135-136 of the NPPF.

Informative Notes:

1. For clarity, the refusal relates to the following plans :

4561- SI-12000 P01 Site - demolition plan
4561- SI-12001 P01 Hotel & ancillary - demolition elevations
4561- SI-12002 Site – demolition and proposed overlay
4561-SI-20001 P09 Site - Lower Ground - Proposed
4561-SI-20002 P011 Site - Ground Floor - Proposed
4561-SI-20003 P07 Site – Roof/ landscape - Proposed
4561-SI-20004 P03 Site – Proposed block plan

4561-SI-35000 P06 Site - Extended site sections
4561-SI-35001 P07 Site - Extended site sections sheet 2
4561-SI-35002 P03 Site – car park boundary sections
4561-SI-20020 P02 Site – Restaurant pod
4561-T1- 10001 P05 Villas- Lower Ground & Ground floor
4561-T1- 10002 P04 Villas- First & Second floor
4561-T1- 10003 P02 Villas- Roof
4561-T1- 30000 P03 Villas- 3 bed villa elevations
4561-T1- 30001 P03 Villas- 2 bed villa elevations
4561-T1- 35000 P02 Villas- Section AA & BB
4561-T2- 10001 P04 Spa- Lower Ground
4561-T2- 10002 P05 Spa- Ground
4561-T2-10003 P04 Spa - Roof
4561-T2- 30000 P05 Spa- elevations
4561-T2- 35000 P02 Spa - Section AA & BB
4561-T3- 10001 P06 Hotel- Basement
4561-T3- 10002 P06 Hotel- Lower Ground
4561-T3- 10003 P04 Hotel- Ground and Upper Ground
4561-T3- 10004 P07 Hotel- First Floor
4561-T3- 10006 P06 Hotel- Roof
4404-T3- 30001 P07 Hotel- Elevations
4404-T3- 30002 P05 Hotel– Sections
1122-P-11 Proposed Layout and Tree Removals
1122-P-12 Tree Protection Plan for Demolition
KHS-PPC-XX-XX-DR-C-201 P3 Drainage Strategy
KHH001 Landscape Strategy Plan

2. National Planning Policy Framework

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 was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

-The applicant was offered the opportunity to submit amended plans to overcome concerns identified by the case officer but these were not sufficient to overcome the reasons for refusal

Application Reference: P/FUL/2023/04037

Application Site: Smugglers Hyde, 47 Brook Lane, Corfe Mullen, BH21 3RD

Proposal: Erect a new dwelling on the northern side of the land

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:

Drawing SMH/LC/9/3/23: Location Plan

Creation Design Drawing 22-129/P/01: Site location plan

Creation Design Drawing 22-129/P/03: Site plan as proposed

Creation Design Drawing 22-129/P/04: Proposed ground floor plan

Creation Design Drawing 22-129/P/05: Lower ground floor plan

Creation Design Drawing 22-129/P/06: Proposed roof plan

Creation Design Drawing 22-129/P/07: Proposed sections

Creation Design Drawing 22-129/P/08: Proposed elevations

Creation Design Drawing 22-129/P/09: Street elevation as proposed

Creation Design Drawing 22-129/P/10: Site sections as proposed

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, reenacting, or modifying that Order), there shall be no extensions to the

property under Schedule 2, Part 1, Classes A, AA (additional storeys) and B (extensions to the roof).

Reason: In the interests of the character and appearance of the area and to protect neighbouring amenity.

4. The development shall be undertaken in accordance with the finished floor levels shown on the approved plans.

Reason: To protect the character of the area and the amenity of neighbouring residents

5. Prior to first occupation of the dwelling hereby approved the lych gate shall be removed and the front boundary hedge shall be reinforced with Laurel or Burberis Juliana and thereafter retained .

Reason: To protect the character and visual amenities of the area.

6. 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.

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

7. The dwelling hereby approved shall not be occupied unless and until the boundary fencing shown on the southern boundary on Creation Design Drawing 22-129/P/10 has been erected and this fencing shall be retained as approved for the lifetime of the development.

Reason: To prevent harmful overlooking of the southern plot by windows in the south elevation of the approved dwelling.

8. Any hard surfacing on the site shall be permeable.

Reason: To avoid increasing the risk of flooding

9. Prior to occupation of the dwelling hereby approved, biodiversity enhancement measures shall be installed at the site, details of which shall first be submitted to and approved by the Local Planning Authority. Such enhancement measures could include bee bricks, bat tiles, bat boxes, bird boxes and new planting. The approved measures shall be retained for the lifetime of the development.

Reason: To enhance biodiversity at the site.

10. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 22-129/P/03 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.

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 application was acceptable as submitted and no further assistance was required.

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. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
4. 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.

5. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.

6. A group Tree Preservation Order EDDC/CM/104 covers the trees situated to the north of the site on the other side of Brook Lane and the applicant/developer is advised that these trees are duly considered when large vehicles are accessing the site to ensure damage to the lower canopies is limited.

7. The proposed works are in the vicinity of public right of way bridleway E37/18, as recorded on the County Definitive Map and Statement of rights of way.

Throughout the duration of the development the full width of the public bridleway must remain open and available to the public, with no materials or vehicles stored on the route

It should be noted that the use of this bridleway by vehicular traffic without lawful authority is an offence contrary to the Road Traffic Act 1988. Any damage to the surface of the path attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980.

The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above bridleway, then a Temporary Path Closure Order must be obtained. This can be applied for through this office, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application.

Application Reference: P/FUL/2023/04067

Application Site: Smugglers Hyde 47 Brook Lane Corfe Mullen BH21 3RD

Proposal: Sever the plot and erect a replacement dwelling to southern side of land (Plot A). As amended by plans rec'd 29/11/23 to omit personnel door on southern elevation.

Recommendation: GRANT subject to conditions

Decision: Approve subject to the following conditions:

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

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

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

Job No. P565 Drawings:

LP.01 A: Location Plan

PBP.01 C: Proposed Site Block Plan

PH.01.P1 B: Proposed Lower & ground floor plans

PH.01.P2 A: Proposed first floor & roof plans

PH.01.e B: Proposed elevations

PH.01.s A: Proposed sections AA, BB & CC

SS 01 B: Proposed section DD

SS 02 A: Proposed street scene

GAR.01.pe P2: Proposed garage plan & elevations

CS.01.pe A: Proposed cycle store plans & elevations

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

3. 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.

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

4. The dwelling hereby permitted must not be occupied unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works have been carried out as approved. Thereafter, the soft landscaping shall be retained and any plants that are lost, die or become diseased within 5 years of being planted shall be replaced in accordance with a scheme to be agreed in writing by the Local Planning Authority and then planted in accordance with the approved details within 1 month of the agreement.

Reason: In the interests of visual amenity and to ensure the approved landscaping scheme is implemented correctly.

5. The finished floor level(s) for the dwelling hereby approved shall accord with submitted drawings PH.01.s A: Proposed sections AA & BB and SS 01 A: Proposed section DD.

Reason: In the interests of maintaining an acceptable relationship with the adjacent buildings and the amenity of the occupants of the adjacent dwelling to the south at Kestor.

6. Both in the first instance and upon all subsequent occasions, the first floor window in the south (side) elevation shall have a sill level of at least 1700mm above the floor level of the room it serves and the ground floor window shall be glazed with fixed panes of obscure glass up to a height of 1700mm above the floor level of this room with any opening sections above this. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) or any further re-enactment, these windows shall not be altered and no further openings shall be inserted into the south elevation.

Reason: To preserve the amenity and privacy of the occupants of the adjoining property at Kestor.

7. 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 or additional windows in the south elevation, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected, constructed or installed

Reason: To protect the amenity of the occupants of the adjacent dwellings.

8. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number PBP.01 A 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.

9. Prior to occupation of the dwelling hereby approved, biodiversity enhancement measures shall be installed at the site, details of which shall first be submitted to and approved by the Local Planning Authority. Such enhancement measures could include bee bricks, bat tiles, bat boxes, bird boxes and new planting. The approved measures shall be retained for the lifetime of the development.

Reason: To enhance biodiversity at the site.

Informative Notes:

1. 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.
2. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
3. 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/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

4. 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.

5. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.

6. The proposed works are in the vicinity of the public right of way; bridleway E37/18, as recorded on the County Definitive Map and Statement of rights of way.

Throughout the duration of the development the full width of the bridleway must remain open and available to the public, with no materials or vehicles stored on the route.

Any damage to the surface of the path attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980.

The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the bridleway then a Temporary Path Closure Order must be obtained. This can be applied for through this office, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application.

Application Reference: P/FUL/2023/04227

Application Site: Smugglers Hyde 47 Brook Lane Corfe Mullen BH21 3RD

Proposal: Demolish the remaining section of the existing dwelling. Erection of dwelling, double garage and cycle store (Plot A on south part of land). As amended by plans rec'd 29/11/23 to omit personnel door on southern elevation.

Recommendation: GRANT subject to conditions

Decision: Approve subject to the following conditions:

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

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

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

Job No. P568 Drawings:

LP.01 A: Location Plan

PBP.01 C: Proposed Site Block Plan

PH.01.P1 B: Proposed Lower & ground floor plans

PH.01.P2 A: Proposed first floor & roof plans

PH.01.e B: Proposed elevations

PH.01.s P3: Proposed sections AA, BB

SS 01 B: Proposed section DD

SS 02 A: Proposed street scene

GAR.01.pe A: Proposed garage plan & elevations

CS.01.pe A: Proposed cycle store plans & elevations

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

3. 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.

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

4. The dwelling hereby permitted must not be occupied unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works have been carried out

as approved. Thereafter, the soft landscaping shall be retained and any plants that are lost, die or become diseased within 5 years of being planted shall be replaced in accordance with a scheme to be agreed in writing by the Local Planning Authority and then planted in accordance with the approved details within 1 month of the agreement.

Reason: In the interests of visual amenity and to ensure the approved landscaping scheme is implemented correctly.

5. The finished floor level(s) for the dwelling hereby approved shall accord with submitted drawings PH.01.s P3: Proposed sections AA & BB and SS 01 B: Proposed section DD.

Reason: In the interests of maintaining an acceptable relationship with the adjacent buildings and the amenity of the occupants of the adjacent dwelling to the south at Kestor.

6. The windows in the ground and first floor of the south (side) elevation shall have a sill level of at least 1700mm above the floor level of the rooms they serve. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) or any further re-enactment, no alterations to these windows nor any further openings shall be inserted into the south elevation.

Reason: To preserve the amenity and privacy of the occupants of the adjoining property at Kestor.

7. 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 or additional windows in the south elevation, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected, constructed or installed

Reason: To protect the amenity of the occupants of the adjacent dwellings.

8. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number P568 - PBP.01 C 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.

9. Prior to occupation of the dwelling hereby approved, biodiversity enhancement measures shall be installed at the site and retained for the lifetime of the

development, details of which shall first be submitted to and approved by the Local Planning Authority. Such enhancement measures could include bee bricks, bat tiles, bat boxes, bird boxes and new planting. The approved measures shall be retained for the lifetime of the development.

Reason: To enhance biodiversity at the site.

Informative Notes:

1. 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.
2. This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
3. Informative: National Planning Policy Framework Statement
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 - 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/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
4. 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.

5. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.

6. The proposed works are in the vicinity of the public right of way; bridleway E37/18, as recorded on the County Definitive Map and Statement of rights of way.

Throughout the duration of the development the full width of the bridleway must remain open and available to the public, with no materials or vehicles stored on the route.

Any damage to the surface of the path attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980.

The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the bridleway, then a Temporary Path Closure Order must be obtained. This can be applied for through this office, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application.