

Eastern Area Planning Committee
Wednesday 18th December 2024
Decision List

Application Reference: P/MPO/2024/02946

Application Site: Lands East of New Road West Parley Dorset

Proposal: Application to modify legal agreement dated 18 February 2021 (PA 3/17/3609/OUT) variation of S106 to 'swap' the order of SANG delivery, requiring the following changes:

- Swap the references to SANG A and B on Plan 1 - Reverse references to SANG A and B in the definitions (where there is a distinction in the wording between the two types of SANG)
- Reverse the Successors in Title paragraphs 7.3.3 and 7.3.4
- Reverse the definitions in Schedule 6 (including the certificate/practical completion and step-in maintenance contribution references)
- Swap S6 Parts 2 and 3 and reverse the SANG references therein.
- Mechanism inserted to secure the 2ha of temporary grassland is planted across the old SANG A (what will be SANG B)

Recommendation:

A) Grant permission subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to amend planning obligations as follows:

- Swap the references to SANG A and B on Plan 1
- Reverse references to SANG A and B in the definitions (where there is a distinction in the wording between the two types of SANG)
- Reverse the Successors in Title paragraphs 7.3.3 and 7.3.4
- Reverse the definitions in Schedule 6 (including the certificate/practical completion and step-in maintenance contribution references)
- Swap S6 Parts 2 and 3 and reverse the SANG references therein.
- Mechanism inserted to secure the 2ha of temporary grassland is planted across the old SANG A (what will be SANG B).
- Secure delivery of local equipped area for play (LEAP) by July 2025.
- Amend SANG delivery trigger to prior to the occupation of the 49th dwelling.

OR

B) Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

Decision:

A) That permission be granted subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to amend planning obligations as follows:

- Swap the references to SANG A and B on Plan 1
- Reverse references to SANG A and B in the definitions (where there is a distinction in the wording between the two types of SANG)
- Reverse the Successors in Title paragraphs 7.3.3 and 7.3.4
- Reverse the definitions in Schedule 6 (including the certificate/practical completion and step-in maintenance contribution references)
- Swap S6 Parts 2 and 3 and reverse the SANG references therein.
- Mechanism inserted to secure the 2ha of temporary grassland is planted across the old SANG A (what will be SANG B).
- Secure delivery of local equipped area for play (LEAP) by July 2025.
- Amend SANG delivery trigger to prior to the occupation of the 49th dwelling.

OR

B) That permission be refused if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

Application Number: P/FUL/2024/02833

Application Site: The Weld Estate Lulworth Cove Main Road West Lulworth Wareham BH20 5RL

Proposal: Demolition of shed and erection of building for use as a sauna and retaining wall. Erect wood store and access steps/ladder.

Recommendation: Grant planning permission subject to conditions.

Decision: Grant subject to the following conditions.

1. The use hereby approved shall cease and the building hereby permitted together with any associated structures and works (including the retaining wall) shall be removed and the land restored to its former condition on or before 19 December 2027 or 3 years following substantial completion of the building provided that evidence of the substantial completion is submitted in writing to the Local Planning Authority. The land should be restored in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: To reserve to the Local Planning Authority control over the long term use of the land where a permanent development may not be considered acceptable and to enable the ongoing monitoring of the condition/appearance of the building and coastal recession/instability issues and to ensure safety of users of the sauna and visual amenity.

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

Location plan (rev A)

Existing & Proposed Floor Plan

Proposed Elevations (rev K)

BH205RQ-001 P01 Foundation Slab and Details

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

3. Prior to the commencement of any excavations on the site, a method statement and risk assessment should be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the agreed details.

Reason: This needs to be agreed before any excavations begin on the site in order to avoid any risk from excavations.

4. Works to the concrete plinth/retaining wall should be undertaken fully in accordance with the details set out in the Plinth Review (letter dated 18/10/2024), the Foundation Slab and Details drawing reference BH205RQ-001_P01 and the Calculations, dated October 2024 undertaken by Seabrook Groves Engineers. Thereafter, the plinth/wall should be maintained, as such throughout the operational life of the sauna.

Reason: To ensure the safety of users of the site and visual amenity.

5. Prior to use on site, details, samples/photographs of the facing materials and lime mortar mix to be used for the retaining wall to the rear of the sauna building shall be 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 installation on site, details, photographs and drawings of the roof mounted solar panel shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with agreed details.

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

7. No external lighting shall be installed unless details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

It should be noted that the Ecological Impact Assessment relies upon no external lighting. Therefore, any proposals for external lighting should be supported by an ecological assessment.

Reason: To protect visual amenity, impact on the character of the area and biodiversity.

8. Prior to the use of the development hereby approved, the existing tin shed located to the northeast of the proposed sauna building shall be removed entirely.

Reason: To protect character of the area

9. In accordance with the recommendations set out within the Vertical Technology Report on the inspection of the slope behind the tin beach hut,

Lulworth Cover dated 5 July 2023, the site operator must undertake a daily visual inspection of the stability of the slope and maintain a record of the inspections, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

An additional inspection of the cliff and crest should be undertaken by an experienced Geotechnical Engineer annually and within one week of when any significant change has been noted during the daily inspections and after any named storm affecting this part of the Dorset Coast. A record of the inspections should be maintained and must be made available at the request of a duly authorised officer of the Local Planning Authority.

Reason: In the interest of protecting the site from issues relating to slope instability.

10. The detailed biodiversity mitigation and enhancement strategy set out within the approved Ecological Impact Assessment, certified by the Dorset Council Natural Environment Team on 05/06/2024, 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 and enhancement measures detailed in the approved Biodiversity Plan have been completed in full, in accordance with any specified timetable.

ii) evidence of compliance, including photographic evidence, has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved Impact Assessment and thereafter the approved mitigation, and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no boundary enclosures other than those shown on the approved plans. No additional signage, decking, verandas, handrails or other permanent features shall be laid or erected within the application site.

Reason: In the interest of the character of the National Landscape and the setting of the Conservation Area.

12. In the event that the sauna suffers catastrophic damage as a result of major storm events or significant cliff failures, or by any other means, the sauna will be dismantled and removed from the site. The dismantling, removal of the sauna and restoration of the site will be agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and safety of the public.

13. The premises shall not be used for the purposes hereby permitted outside the following periods;

September – March: 06:30-17:00

April – June: 06:30-19:30

July-August: 06:30-11:30 & 17:30- 22:30

Reason: To safeguard the character and amenity of the area.

14. The Sauna building hereby approved shall not be used other than for daytime recreational purposes only, and shall not be used as overnight holiday or permanent residential accommodation.

Reason: The Sauna is suitable for daytime recreational use only.

15. Prior to the installation of the sauna building details of the finish of the wooden cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.

Reason: In the interest of visual amenity

16. All wood used in the log burner shall be dried to a moisture content of 20% or less.

Reason: In the interests of the amenity of the area

Informatives:

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/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. You are reminded that should you wish to continue to operate the sauna building hereby permitted, beyond 3 years of date of this planning permission a further planning application will be required to be approved by the Local Planning Authority prior to that date.

3. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

- The permission which has been granted is for development which is exempt being:
- Development below the de minimis threshold, meaning development which:
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Application Reference: P/FUL/2023/03855

Application Site: Kemps Country House, Wareham Road, East Stoke

Proposal: Sever land and erect a dwelling with associated parking and access

Recommendation: Refuse planning permission.

Decision: That the application be refused for the following reason.

1. The proposal, by reason of its siting outside the settlement of a small village with no boundary and a limited range of facilities and within the countryside, would not promote sustainable and accessible development or provide rural housing in a location where it would enhance or maintain the vitality of rural communities. As such, the proposal is contrary to Policy V1: Spatial strategy for sustainable communities of the Purbeck Local Plan 2024 and paragraphs 82 – 84 of the National Planning Policy Framework.

Informatives:

1. The plans that were considered by the Council in making this decision are:
9034/600 A Location & block plan
9034/601 A Proposed floor plans and Elevations
9034/602 Proposed street scene

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

2. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

3. 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.

Application Reference: P/FUL/2024/05639

Application Site: St Catherines Roman Catholic First School Cutlers Place Colehill BH21 2HN

Proposal: Creation of a Multi-Use Games Area (MUGA), erection of a dining canopy, boundary treatments, hardstanding for bin storage, installation of air source heat pump equipment, hard standing and enclosure for electric substation, water storage for the sprinkler system, ancillary equipment, reconfiguration of parking and circulation space. Hard and soft landscaping.

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:

2001 P01S2 Location Plan

2100 P13 Proposed Block Plan

2702 P01S2 Proposed Dining Canopy

2710 P04S2 Proposed Habitats

2711 P02S2 Ecology Feature Location Plan

2750 P07S2 Proposed Planting Plan

2751 P03S2 Proposed Planting Plan Continued

9003 S4P02 External Services Layout

9601 S4P02 External BWIC Proposed Layout

6301 S4P03 External Lighting Layout

2100 P13S2 Proposed General Arrangement Plan

2110 P07S2 Proposed Fence Line

2113 P08S2 Tree and Hedge Removal Plan

2106 P02S2 Section & Elevation Location Plan - Proposed

2960 P04S2 Proposed Planting Schedule

2962 P02S2 Landscape Ecology Management Plan

2201 P03S2 Site Section & Elevation 1

2202 P03S2 Site Section & Elevation 2 and 3

631 P3 ASHP platform

2691 P1 External Details

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

3. Prior to commencement of works (including site clearance and any other preparatory works) a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant or Site Manager shall take place to confirm the protection specification for the affected trees. The protection of the trees shall be in accordance with the Assured Trees Report dated 16th August 2024 and addendum dated 18th November 2024. The tree protection measures shall be erected in accordance with BS5837:2012 This is to be erected before any equipment, materials or machinery are brought onto the site for the purposes of development (including demolition). The protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered, or excavations made without the written consent of the planning authority.

Reason: In the interests of tree protection

4. Prior to commencement of works (including site clearance and any other preparatory works) a full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation foundations and details of any no-dig specification shall be submitted to and agreed by the Local Planning Authority in writing. The development shall take place in accordance with the approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area

5. Prior to commencement of works samples of the cellular confinement system to be used, including the samples of the cell infill aggregate, which shall not be of a calcareous nature rather a 4-20mm clean angular granite or flint shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area

6. Prior to the use of the installation, details of any externally mounted plant shall be submitted to the Local Planning Authority (LPA) along with a noise assessment such as that conducted in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. The assessment shall be submitted to and approved in writing by the LPA. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use and maintained and operated in that condition thereafter unless agreed in writing by the LPA.

Reason: To protect neighbouring amenity.

7. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in the ecology report titled Land at Former St Catherine's Primary School, by Providence Ecological and dated July 2024, and certified by the Dorset Council Natural Environment Team on 9 December 2024.

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

- i) the recommendations detailed in section 4 and 5 of the approved ecology report have been completed in full, in accordance with any specified timetable, unless otherwise agreed in writing with the Local Planning Authority, and
- ii) evidence of compliance has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

8. The landscaping shown on plan 2750 rev P07 S2 shall be fully implemented before the use of the building as a school re-commences unless an alternative timetable is agreed by the Local Planning Authority in writing. Any plants found to be damaged, dead or dying in the first five years shall be replaced in the next planting season (November- March).

Reason: In the interests of amenity and biodiversity.

9. Before the development is occupied or utilised the areas shown on Drawing Number 2307-NVB-XXXX-DR-L-2100 P12 S2 for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

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

10. The lighting scheme shall be installed, operated and maintained in accordance with the submitted report "Land at Former St Catherines, External Lighting Lux Levels Rev B, dated 19/11/2024, by DIALux".

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

11. No lighting shall be installed on or within the MUGA hereby approved unless details have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter any lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

12. Notwithstanding the details on the approved plans there shall be no hard surfacing within 1m of the centre of oak tree T08.

Reason: To safeguard the tree which contributes to local amenity.

Informatives:

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain at <https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

2. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

3. Informative: 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.