



# Western and Southern Area Planning Committee

**Date:** Thursday, 8 August 2019  
**Time:** 2.00 pm  
**Venue:** Committee Rooms A&B,, South Walks House,  
South Walks Road, Dorchester, DT1 1UZ (DT1  
1EE for sat nav)

## **Membership: (Quorum 3)**

Simon Christopher (Chairman), David Gray (Vice-Chairman), Pete Barrow, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, David Shortell, Kate Wheller and Sarah Williams

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**Chief Executive:** Matt Prosser, South Walks House, South Walks Road,  
Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

**For more information about this agenda please contact Denise Hunt 01305 224878 - [denise.hunt@dorsetcouncil.gov.uk](mailto:denise.hunt@dorsetcouncil.gov.uk)**

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Members of the public are welcome to attend this meeting with the exception of any items listed in the exempt part of this agenda. **Please note** that if you attend a committee meeting and are invited to make oral representations your name, together with a summary of your comments will be recorded in the minutes of the meeting. Please refer to the guide to public participation at committee meetings for more information about speaking at meetings.

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# AGENDA

Page No.

## 1 APOLOGIES

To receive any apologies for absence

## 2 DECLARATIONS OF INTEREST

To receive any declarations of interest

## 3 MINUTES

5 - 38

To confirm the minutes of the meeting held on 4 July 2019.

## 4 PUBLIC PARTICIPATION

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the [Guide to Public Speaking at Planning Committee](#).

## 5 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

### a **WD/D/16/000378 - Land South of Warmwell Road, Crossways**

39 - 66

Full planning permission for the erection of 99 open market dwellings & affordable dwellings, a new doctors surgery, a replacement village hall, a car park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road. An outline application for the erection of 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed Site of Alternative Natural Greenspace (SANG) and 2 pumping stations; and a full application for the change of use of 22.4ha of land to Site of Alternative Natural Greenspace (SANG).

### b **WD/D/18/002737 - The Barn House, Main Street, Loders, Bridport, DT6 3SA**

67 - 80

Demolition of an outbuilding and the conversion and extension to an outbuilding to form a dwelling together with associated works.

- c** **WD/D/18/00278 - The Barn House, Main Street, Loders, Bridport, DT6 3SA** 81 - 86

Demolition of an outbuilding and the conversion and extension to an outbuilding to form a dwelling together with associated works.

- d** **WP/19/00228/FUL - The Joinery, Chiswell, Portland, DT5 1AW** 87 - 94

Erect first floor balcony.

- e** **WD/D/19/000707 - St Osmunds Church, Church Lane, Osmington, DT3 6EJ** 95 - 102

Provision of handrail & access ramp to replace the existing steps at the lychgate.

## **6 URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

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## DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY 4 JULY 2019

**Present:** Cllrs Simon Christopher (Chairman), David Gray (Vice-Chairman), Pete Barrow, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, David Shortell, Kate Wheller and Sarah Williams

**Apologies:** Cllrs

**Also present:**

**Officers present (for all or part of the meeting):**

Jan Farnan (Senior Planning Officer), Robert Firth (Solicitor (Deputy Monitoring Officer)), Andrew Galpin (Implementation Team Leader), Hamish Laird (Senior Planning Officer), Debbie Redding (Development Manager), Jo Riley (Senior Planning Officer), Jerry Smith (Development Management Team Manager), Emma Telford (Senior Planning Officer) and Denise Hunt (Democratic Services Officer)

**8. Apologies**

No apologies for absence were received at the meeting.

**9. Minutes**

The minutes of the meeting held on 30 May 2019 were confirmed and signed.

**10. Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

Cllr Sarah Williams declared a non-disclosable pecuniary interest in Minute Numbers 14 and 16 due to her previous role as Chairman of Bridport Town Council Planning Committee when the applications had been considered. She stated that she did not have a predetermination and would therefore remain present during the debate and vote on these items.

**11. Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

**12. Planning Applications**

Members considered written reports submitted on planning applications as set out below.

**13. WP/16/00253/OUT and WD/D/16/000739 - Land to the North of Littlemoor, Weymouth**

The outline application for a mixed use development for up to 500 dwellings, up to 8ha employment land, land for a new primary school, a new local centre, public open spaces, new accesses and road and associated infrastructure was presented by the Senior Planning Officer. The two duplicate applications were necessary due to the cross boundary location of the application site on the former Weymouth & Portland Borough Council and West Dorset District Council areas.

The application had been the subject of a site visit on the morning of the meeting.

The Development Manager outlined the revised recommendation and conditions provided in the update sheet circulated to members and included in the presentation. She explained that these were largely related to clarifications and typographical alterations and that full details would be submitted as reserved matters.

The Chairman read aloud a letter by Dr Guy Dickenson, from the West Dorset Campaign to Protect Rural England (CPRE), who was unable to attend the meeting. The letter referred to development in the AONB, the National Planning Policy Framework, viability, the need for the various commercial uses, lack of correlation between the number of homes and people on the housing register and environmentally friendly buildings.

Oral representation was received from Cllr Graham Brant, on behalf of Bincombe Parish Council, who highlighted concerns in relation to the sufficiency of landscaping around the site boundaries, the impact of increased numbers of vehicles on the A354 and the use of Bincombe Lane and the hamlet as a rat run.

Oral representation was received from Cllr Roland Tarr, Dorset Councillor - Winterborne and Broadmayne Ward, who drew attention to the world famous archaeology and tumuli on the site which was an important element of tourism, contravention of the NPPF and infringement of the development on the coastal path.

Mr Richard Boother, the Agent, addressed the Committee in support of the application.

In response to speaker comments, the Senior Planning Officer advised that landscaping along a small element of the application was less than the desired depth, however, there had been no objection by the AONB team and there were no buildings situated in the more elevated part of the site. Advanced planting had been included in the conditions and reflected the importance of phasing of the development.

The Development Manager highlighted paragraph 172 of the NPPF, which although strong in offering protection and limiting development, did not mean that there could be no development on the AONB. The impacts on the environment and landscape, local economy and the need for housing had been carefully considered through the Local Plan process, and the AONB carefully considered in bringing this application forward. An outline planning application was part of the normal planning process and it was not expected to have the full detail at this stage, as this would be considered under reserved matters and fully publicised and consulted upon.

Members asked how the impact of additional traffic from 500 homes would be mitigated, in particular with regard to:-

- the use of Bincombe Road to circumvent traffic along the A354
- a reduction in speed limit along Littlemoor Road
- a 20mph speed limit within the estate.
- the impact of this proposal on congestion at the existing shopping centre junction

Members were advised that traffic calming measures could be introduced in order to reduce the tendency for people to use Bincombe Road. Any proposal to reduce the speed limit along Littlemoor Road would require a separate consultation and have the additional proven benefit of increasing capacity. This could be instigated by Dorset Council in conjunction with the developer. The details of the junctions were reserved matters and subject to further investigation.

Members asked about the viability of the different elements of the scheme, and the impact of the development on tourism.

The Development Manager advised that, apart from the car show room which was a specific use (*sui generis*), the other employment uses were within broad use classes and could be changed without the need for a further application. The hotel had already been subject to a viability study to serve the development and the wider area and it was not considered that the development would result in a significant impact on tourism income elsewhere in the area.

Further comments were made about the need for homes and numbers of people on the housing register. The Housing Enabling Officer advised that there would be 175 units of affordable housing through shared ownership or rented accommodation. There were 734 people on the Weymouth & Portland housing register with 154 having a connection with the Littlemoor area. He accepted comments made on behalf of the CPRE of the need for smaller homes and that this was a sustainable development with an expectation of 1, 2 and 3 bed homes.

Cllr Louie O'Leary, speaking as the Ward Member for Littlemoor and Preston, asked why a greater portion of the Section 106 Agreement contribution had

not been allocated to be spent in Littlemoor where residents were directly affected by the development.

The Committee was advised that the planning obligations package had evolved over the past 2-3 years and were deemed to be appropriate projects that related to the development. Contributions directly affecting Littlemoor included the improvement of the existing medical facilities, a new school, library facilities, a children's play area, as well as an allocation for the Lorton Nature Reserve adjoining the area. Any residual money would be used to improve sports provision next to the Littlemoor community hall, which had been identified through previous discussions with ward members. Contributions to Weymouth Swimming Pool and Redlands Sport Centre would also benefit Littlemoor residents.

Members asked whether the land had been assessed for flooding due to the topography of the site and were advised that this detail would come forward at reserve matters stage, although it had also been considered as part of the outline application.

Cllr Nick Ireland suggested some additional conditions in relation to a bridleway, priority to cyclists and pedestrians, electric vehicle charging points, a bus service and a 20mph speed limit within the estate.

The Development Manager advised that the suggested conditions were largely details to be negotiated as part of reserved matters and that the detail and wording of any new conditions must be carefully considered. However, there was no current policy in the Local Plan to support the inclusion of a condition relating to electric charging points for vehicles.

Members were mindful that an updated Local Plan would not be finalised until 2023 and considered paragraph 110 of the NPPF in relation to charging of low emission vehicles. The Committee adjourned for a short period to consider the wording of the condition.

#### **WP/16/00253/OUT**

Proposed by Cllr Simon Christopher, seconded by Cllr David Gray.

#### **Decision:**

**A. That delegated authority be given to the Head of Planning to grant outline planning 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 Head of Planning to secure the following (index linked if financial contributions):**

- **Phasing and triggers for contributions;**
- **35% Affordable Housing;**
- **Highway Matters including footpath links and pedestrian links across Littlemoor Road (A353);**
- **Structural landscaping and Landscape Environmental Management Plan (LEMP)**



- **Comprehensive drainage strategy for all phases**
- **Financial Contributions towards healthcare provision of £40,000**
- **Provision of an on-site Local Centre;**
- **Provision of 8ha of serviced employment land;**
- **Allocation of land within the site for provision of an Hotel, Care Home and Car showrooms to ensure employment provision;**
- **Provision of on-site school site and Education Contribution of £6169 per eligible unit;**
- **Contributions towards existing and proposed community facilities including community hall of £309,950**
- **Contribution to Redland Sports Centre towards re-surfacing Hockey Pitch of £112,069**
- **Contribution to Weymouth Swimming Pool of £127,095**
- **Contribution to Library facilities of £64,860**
- **On site provision of Children’s Play and Open Space Facilities and financial contribution of £478,162**
- **Lorton Nature Reserve contribution of £95,760**

**And subject to the conditions set out in the appendix to these minutes, including amended conditions included in the Update Sheet and an additional condition relating to charging points for electric vehicles.**

**AND**

**B. REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE SECTION 106 AGREEMENT IS NOT COMPLETED WITHIN 6 MONTHS OF THE DATE OF THE COMMITTEE RESOLUTION OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING**

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of 35% of the units as affordable housing. In the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the Local Plan.

2. Policy COM1 of the of the adopted West Dorset, Weymouth and Portland Local Plan 2015 sets out that where new development will generate the need for new or improved community infrastructure and this need is not being met through the Community Infrastructure Levy, suitable provision should be

made on site. Policy LITT1 of the Local Plan sets out the expected infrastructure provision commensurate with this proposal for an urban extension to Littlemoor. This is amplified in the Council's Adopted Supplementary Planning Document 'Planning Obligations Guidelines – 2010'. In the absence of a planning obligation to secure the required community benefits the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development generated by the proposal; namely:

Highway improvements;  
Drainage provision;  
Structural Planting and Green Infrastructure;  
Healthcare;  
Education;  
Community facilities  
Sports and recreation provision; and,  
Children's' play and open space.

In the absence of a planning obligation, the proposals therefore, fails to meet the provisions of policies INT1, ENV3, ENV5, SUS1, ECON1, COM1, COM2, COM4, COM6 and LITT1 in the West Dorset, Weymouth and Portland Local Plan – (Adopted October, 2015); and, the advice contained in the National Planning Policy Framework – July, 2018 (as amended).

**WD/D/16/000739**

Proposed by Cllr Simon Christopher, seconded by Cllr David Gray.

**Decision:**

**A. That delegated authority be given to the Head of Planning to grant outline planning 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 Head of Planning to secure the following (index linked if financial contributions):**

- **Phasing and triggers for contributions;**
- **35% Affordable Housing;**
- **Highway Matters including footpath links and pedestrian links across Littlemoor Road (A353);**
- **Structural landscaping and Landscape Environmental Management Plan (LEMP)**
- **Comprehensive drainage strategy for all phases**
- **Financial Contributions towards healthcare provision of £40,000**
- **Provision of an on-site Local Centre;**
- **Provision of 8ha of serviced employment land;**

- **Allocation of land within the site for provision of an Hotel, Care Home and Car showrooms to ensure employment provision;**
- **Provision of on-site school site and Education Contribution of £6169 per eligible unit;**
- **Contributions towards existing and proposed community facilities including community hall of £309,950**
- **Contribution to Redland Sports Centre towards re-surfacing Hockey Pitch of £112,069**
- **Contribution to Weymouth Swimming Pool of £127,095**
- **Contribution to Library facilities of £64,860**
- **On site provision of Children’s Play and Open Space Facilities and financial contribution of £478,162**
- **Lorton Nature Reserve contribution of £95,760**

**And subject to the conditions set out in the appendix to these minutes, including amended conditions included in the Update Sheet and an additional condition relating to charging points for electric vehicles.**

**AND**

**B. REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE SECTION 106 AGREEMENT IS NOT COMPLETED WITHIN 6 MONTHS OF THE DATE OF THE COMMITTEE RESOLUTION OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING**

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of 35% of the units as affordable housing. In the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the Local Plan.

2. Policy COM1 of the of the adopted West Dorset, Weymouth and Portland Local Plan2015 sets out that where new development will generate the need for new or improved community infrastructure and this need is not being met through the Community Infrastructure Levy, suitable provision should be made on site. Policy LITT1 of the Local Plan sets out the expected infrastructure provision commensurate with this proposal for an urban extension to Littlemoor. This is amplified in the Council’s Adopted Supplementary Planning Document ‘Planning Obligations Guidelines – 2010’. In the absence of a planning obligation to secure the required community benefits the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development generated by the proposal; namely:

Highway improvements;  
Drainage provision;  
Structural Planting and Green Infrastructure;  
Healthcare;  
Education;  
Community facilities  
Sports and recreation provision; and,  
Children's' play and open space.

In the absence of a planning obligation, the proposals therefore, fails to meet the provisions of policies INT1, ENV3, ENV5, SUS1, ECON1, COM1, COM2, COM4, COM6 and LITT1 in the West Dorset, Weymouth and Portland Local Plan – (Adopted October, 2015); and, the advice contained in the National Planning Policy Framework – July, 2018 (as amended).

14. **WD/D/17/000534 - Land adjacent to Bridport Community Hospital, Mead Lane, Bridport**

The Senior Planning Officer presented the application to erect 19 houses and flats to form an enlarged cohousing neighbourhood. The scheme design was a continuation of Phase 1 of this development, outside of the development boundary in the AONB. A previous application in November 2018 had been delegated, but issues of land ownership had arisen in the process of drawing up the Section 106 Agreement.

Key Planning Matters were highlighted including the principle of development, impact on the AONB, affordable housing, highways, flood risk and draining. The whole site would be comprised of affordable housing due to the nature of the community. 35% affordable housing had been secured via a Section 106 Agreement, which had been necessary due to the slightly different definitions of affordable housing contained in the Local Plan and in the lettings policy of Bridport Co-Housing.

Oral representation was received from Monica King, a member of Bridport Co-Housing, in support of the scheme. She also clarified that charging points for vehicles were included in the development.

The Committee welcomed this scheme.

Proposed by Cllr Kate Wheller, seconded by Cllr Susan Cocking.

**Decision: That the application be granted, subject to a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 20 June 2019 to secure 35% affordable housing, and the conditions outlined in the appendix to these minutes.**

15. **WD/D/19/000233 - Rashwood Lodge, Clappentail Lane, Lyme Regis, DT7 3LZ**

The Senior Planning Officer presented the application for a two storey extension and new detached double garage. During the course of the application an East facing window on the first floor was removed as it allowed the most direct views towards the roof lights and garden at the neighbouring property, West Side.

Oral objection was received from Dr C Wright and Mrs M Wright, the owners of West Side, raising concerns in relation to the topographical impact, design, size and proximity of the proposal which would lead to a loss of amenity and privacy.

Mr G Pickett, the Applicant and Mr E Holloway, the Agent both addressed the committee in support of the application.

The Senior Planning Officer explained that possible views from the first floor windows of the proposed extension towards the roof lights on the neighbouring property did not represent a significant change from the existing arrangement of buildings and would not be seriously detrimental to warrant refusal. Following discussion, this view was accepted by the Committee.

Proposed by Cllr K Wheller, seconded by Cllr D Shortell.

**Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.**

*Cllr Louie O'Leary left the meeting at this juncture.*

16. **WP/17/00967/FUL - Archard House, Waverley Road, Weymouth**

The Senior Planning Officer presented the application, advising of a change to the description of the application to "Demolition of the existing building and erection of 9 flats and 1 maisonette with parking".

A previous permission for 10 affordable flats in 2009 had been granted but not implemented. A viability assessment for this scheme had been considered by the District Valuer and was not considered viable for affordable housing. It was recognised that the allocation of 6 parking spaces was below the parking standard guidelines, however, this had been mitigated by the close proximity to public transport links and range of nearby facilities.

Members highlighted the potential impact of the parking allocation on congestion in the nearby streets and cul-de-sac.

The Highways Officer explained that this should be viewed in the context of highway safety and the sustainability of the location meaning that residents did not have to own a car to live there. Double yellow lines were implemented to prevent unsafe parking practices and, whilst this could be considered under highway legislation, an objection to this application could not be recommended on highways grounds.

Proposed by Cllr Susan Cocking, seconded by Cllr Nick Ireland.

**Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.**

**17. Duration of Meeting - Time Limit**

A vote to continue the meeting was taken in accordance with Part 2, Paragraph 8.1 of the Council's Constitution as the meeting had been ongoing for a period of 3 hours.

**Decision:**

That the meeting be extended for a further period to allow the business of the meeting to be concluded.

**18. WD/D/19/000999 - Dorset Council Highways Depot, South Mill Lane, Bridport DT6 3PL**

The Development Management Team Manager presented an application to erect 2 linked single storey buildings to form office and welfare facilities for use ancillary to operations of an existing highways depot. The site was overlooked by 2 residential properties, 38a and 38b South Mill Lane, which were 8m and 5m respectively from the proposed building on the other side of a hedge. An amended condition 8 in relation to flooding had been included in the Update Sheet.

Objections had been received from 38a and 38b South Mill Lane relating to proximity to the WCs and shower rooms, loss of light, increased noise and dust and intensification of use of the yard.

Officers considered that the existing hedge served to mitigate the visual impact and there were also conditions requiring all windows facing the residential properties to be non-opening and obscured glaze.

Members noted that the hedge appeared sparse in the photographs, particularly as it was to be used as a screen between the homes and the new building and they asked whether it could be improved.

Officers considered that this could be achieved under existing conditions in relation to hedgerow protection.

Proposed by Cllr D Gray, seconded by Cllr Nick Ireland.

**Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.**

**Appendix**

**Duration of meeting:** 2.00 - 5.35 pm

**Chairman**

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**APPLICATION NUMBER: WP/16/00253/OUT and WD/D/16/000739**

**APPLICATION SITE: Land to the North of Littlemoor, Weymouth**

**PROPOSAL: Outline application for a mixed use development comprising: up to 500 dwellings, including affordable housing; up to 8 ha of employment land (to include a new hotel, residential care home, car show rooms and other employment land); land for a new primary school; a new local centre; public open spaces, new accesses and roads, and associated infrastructure**

**Decision:**

**A) AUTHORITY DELEGATED TO THE HEAD OF PLANNING TO GRANT OUTLINE PLANNING 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 HEAD OF PLANNING TO SECURE THE FOLLOWING (index linked if financial contributions):**

- **Phasing and triggers for contributions;**
- **35% Affordable Housing;**
- **Highway Matters including footpath links and pedestrian links across Littlemoor Road (A353);**
- **Structural landscaping and Landscape Environmental Management Plan (LEMP)**
- **Comprehensive drainage strategy for all phases**
- **Financial Contributions towards healthcare provision of £40,000**
- **Provision of an on-site Local Centre;**
- **Provision of 8ha of serviced employment land;**
- **Allocation of land within the site for provision of an Hotel, Care Home and Car showrooms to ensure employment provision;**
- **Provision of on-site school site and Education Contribution of £6169 per eligible unit;**
- **Contributions towards existing and proposed community facilities including community hall of £309,950**
- **Contribution to Redland Sports Centre towards re-surfacing Hockey Pitch of £112,069**
- **Contribution to Weymouth Swimming Pool of £127,095**
- **Contribution to Library facilities of £64,860**

- **On site provision of Children’s Play and Open Space Facilities and financial contribution of £478,162**
- **Lorton Nature Reserve contribution of £95,760**

**And the following conditions and their reasons:-**

**Plans**

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

0379-0085-03 - SITE LOCATION PLAN (REVISED) - received 28 November, 2017;

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

**Phasing**

2. No application for Reserved Matters shall be approved until a phasing plan for the development has been submitted to, and approved in writing by, the local planning authority. The development of the site shall be carried out in accordance with the phasing plan as approved.

REASON: To allow the development to proceed on a phased basis.

**Reserved Matters**

3. For any individual phase of development identified in the details approved in accordance with condition 2 above, no development within that phase shall commence until details of: (i) all accesses to the site; (ii) the layout of the site (iii) the scale; (iv) appearance of the building(s) within that phase; and (v) the landscaping of that phase shall have been submitted to, and approved in writing by, the Local Planning Authority. The approved Landscaping for each phase of the development shall be implemented and maintained in accordance with the agreed details. Any application for the approval of Reserved Matters on any phase of the development, hereby approved, shall be informed by the following Masterplan and Parameter Plans submitted as part of the outline planning application:

0379-0037-19 ES – FIGURE R(I) 2.8 ILLUSTRATIVE MASTERPLAN (REVISED) - received 3 May, 2018;

0379-0063-05 - DENSITY PARAMETER PLAN (REVISED) - received 28 November, 2017;

0379-0065-08 - ACCESS & MOVEMENT PARAMETER PLAN (REVISED) - received 28 November, 2017;

0379-0064-07 - BUILDING HEIGHT PARAMETER PLAN (REVISED) - received 28 November, 2017;

0379-0066-06 - ECOLOGY & LANDSCAPING PARAMETER PLAN (REVISED) - received 28 November, 2017;

379-0060-11 - LAND USE PLAN (REVISED) - received 28 November, 2017;

REASON: To ensure the satisfactory development of the site; to reflect the sites position within the Dorset AONB; and, to assist in preserving the character and openness of the AONB adjoining the site.

### **Timescales**

4. Application for approval of any Reserved Matter must be made not later than the expiration of ten years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of any Reserved Matter.

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

### **Design Framework**

6. No application for Reserved Matters for any buildings shall be approved until a Design Framework including a design code, for the development has been submitted to, and approved in writing by, the local planning authority. The Design Framework will develop the principles established in the approved parameter plans. All subsequent Reserved Matters applications shall follow the agreed Design Framework and design code unless justification is provided and an alternative is agreed in writing by the local planning authority.

REASON: To ensure the provision of a high quality mixed use development given the lack of detail for a major development on an allocated in the AONB.

### **Materials**

7. No development shall be commenced until details and samples of all external facing materials for the wall(s) and roof(s) of the built structures on any part of the site shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with such materials as have been agreed.

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

### **LEMP – (Landscape Environment Management Plan)**

8. No application for any Reserved Matters shall be approved until a Landscape Environment Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall include the following:

- A detailed agreed strategic planting plan for both red line area, along with a time table for implementation. In line with Local Plan policy LITT1 strategic landscape planting is required to be completed in advance of first occupation and preferably as a prerequisite to initiating the first phase of the development. So as to prevent its future removal the strategic landscape planting should also be legally safeguarded.

- Detailed onsite biodiversity mitigation and enhancement measures to include:

- I. The mitigation and enhancement measures outlined in the biodiversity chapter of the submitted Environmental Statement.
- II. Extensive native tree and hedgerow planting within the areas of public open space.
- III. Use of native tree planting within the developed area designed to further ameliorate landscape impacts on the surrounding countryside as recommended by the local plan inspector's report.
- IV. Creation and long term management of areas species rich grassland.
- V. Creation of habitat features such as wildlife ponds, habitat piles etc.
- VI. Provision of new bat roosting and bird nesting opportunities within new builds on the edge of the development, including the provision of nesting opportunities for swift.
- VII. Provision of a range of bird boxes, including provision for barn owl and kestrel.
- VIII. Appropriate compensation of any residual biodiversity impacts as set out by the Dorset Biodiversity Compensation Framework, or similar mechanism. Natural England notes that given the area of green infrastructure to be provided it is likely that there will be sufficient scope to deliver the necessary level of biodiversity compensation directly on site.

Except where addressed in other documents the LEMP shall also include management proposals for each of these features for the lifetime of the development. Unless approved otherwise in writing by the local planning authority, development of the site shall proceed in accordance with the approved LEMP.

REASON: To ensure that the development conserves and enhances biodiversity in accordance with the objectives of the National Planning Policy Framework and policy ENV2 (Wildlife and Habitats) in the West Dorset, Weymouth & Portland Local Plan (adopted October, 2015).

### **Landscaping**

9. No development within any Phase shall take place until all existing trees, shrubs and other natural features not scheduled for removal have been fully safeguarded and fenced for that Phase in accordance with a scheme to be first approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels and chemicals, soil or other materials shall take place inside this fenced area. The soil levels within the fenced area shall not be raised or lowered and no trenching or excavation shall take place. In the event that protected trees (or their roots) become damaged, are lost or become otherwise defective in any way during such period, the local planning authority shall be notified immediately and a programme of remedial action as directed by the Local Planning Authority shall be carried out within a timescale to be specified by the Local Planning Authority.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability.

10. No development shall commence until a landscaping plan has been submitted for each particular phase of the development. The Landscaping shall include (i) planting plans; (ii) written specifications and schedules of proposed plants noting species, planting sizes and proposed numbers; (iii) full details of the positions, materials and proposed construction methods for all paths and other hard surfaces;

(iv) an implementation timetable; and (v) a schedule of landscape maintenance proposals for a period of not less than five years.

REASON: To ensure that the development provides sufficient hard and soft landscaping to successfully integrate with the character of the site and its surrounding area within the Dorset AONB.

11. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

REASON: To ensure proper implementation of the agreed landscape details in the interests of the amenity value of the development and to successfully integrate with the character of the site and its surrounding area within the Dorset AONB.

### **Housing**

12. The number of dwellings permitted by this planning permission shall not exceed 500. The site shall be developed in phases as outlined in the requirements to be agreed by condition 2 of this permission. The design and housing mix of all dwellings shall be informed by the Design Framework as required to be agreed and approved by condition 6 of this permission.

REASON: To ensure provision of a high quality mixed housing development across the site.

### **Highways**

13. As part of any reserved matters application relating to design, details shall be provided to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development. The development shall be carried out in accordance with such details as are approved by the local planning authority.

REASON: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

14. No development shall commence, on any phase, until details of the access, geometric highway layout, turning and parking areas for that phase have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure the proper and appropriate development of the site.

15. Before the development hereby approved, on any phase or part thereof, is first occupied or utilised, the submitted Interim Residential Travel Plan Ref: NA/SG/sjs/JNY8075-04a received 19 April, 2016, as outlined must be implemented and made operational.

REASON: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding area.

16. Before the development hereby approved is commenced a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

REASON: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

### **Local facilities**

17. The Reserved Matters submissions shall include serviced employment land of no less than 8 hectares for the provision of Use Classes B1, B2 and B8 industrial uses including a residential Care Home (Use Class C2), a Hotel (Use Class C1) and car showrooms (sui generis); a mixed use local centre of Use Classes A1, A2, A3, A4, A5, B1, C3 and D1); a serviced site of 2.4 ha to provide a new primary school with associated grounds, playing fields and parking, with the school site sized to accommodate a 2-form entry school (Use Class D1). These elements of the development of the site shall be undertaken in phases as outlined in the requirements to be agreed by of condition 2 of this permission.

REASON: To ensure provision of the mixed use development (other than residential development) in accordance with the provisions of policies ECON1, SUS1, HOUS1, HOUS3, HOUS5, COM1, COM2, COM4, COM6 and LITT1 in the West Dorset, Weymouth and Portland Local plan (adopted October, 2015); and, the advice contained in the National Planning Policy Framework, July 2018 (as amended).

### **Care Home**

18. The care home hereby permitted shall be used solely as a residential care home or nursing home, and for no other purpose than any other purpose in Use Class C2 of the Town and Country (Use Classes) Order 1987 (as amended).

REASON: To ensure that adequate residential care home provision is provided and retained as such on site in accordance with the provisions of policy LITT1 in the West Dorset, Weymouth and Portland Local Plan (adopted October, 2015).

### **Employment**

19. Detailed Reserved Matters for the Employment Land, as identified on Parameters Plan - Drawing Number 0379-0060-11 - LAND USE PLAN (REVISED), shall include a disposition of buildings and approved uses (B1, B2 and B8) to ensure that the B2 and B8 uses are buffered from nearby residential development, and other development sensitive to disturbance by other buildings and uses.

REASON: To ensure that the amenity of residential development and development sensitive to disturbance is not significantly adversely affected in accordance with policy ENV16 (Amenity) in the West Dorset, Weymouth & Portland Local Plan (adopted October, 2015).

20. Prior to the first occupation of any of the industrial development units hereby permitted, details of plant to be installed at premises on the industrial area when construction of premises is nearly completed shall be detailed in a cumulative type BS1442 report for each establishment to ensure that the rated background noise levels recorded do not exceed (29dB(A)).

REASON: To protect the amenities of occupants of existing residential properties, as well as those to be built near to the industrial allocation in respect of additional noise levels that are likely to occur. Such a requirement accords with the provisions of Policy ENV16 (Amenity) in the West Dorset, Weymouth and Portland Local Plan (adopted October, 2015).

### **Broadband**

21. No development shall commence until a scheme for facilitating infrastructure to support superfast broadband technology to serve the development has been submitted to, and approved in writing by, the local planning authority. The scheme shall include a timetable for implementation, including triggers for a phased implementation if appropriate. Thereafter, the development shall proceed in accordance with the agreed scheme.

REASON: To ensure that the utilities service infrastructure is sufficient to meet the extra demands imposed by this development, in accordance with West Dorset, Weymouth & Portland Local Plan policy COM10. (The Provision of Utilities Service Infrastructure); and, the advice contained in the National Planning Policy Framework,, July 2018 (as amended).

### **Cycle Parking Facilities**

22. The development hereby permitted must not be occupied in any phase until a scheme showing precise details of the proposed cycle parking facilities for that phase has been submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development of that phase is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

REASON: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

### **NEAP**

23 No more than 300 dwellings shall be first occupied until a Neighbourhood Equipped Area for Play (NEAP) has been constructed and made available for use in accordance with a specification that shall first have been submitted to, and agreed in writing by, the local planning authority. The specification shall include details for the management and maintenance of the NEAP for the lifetime of the development. Thereafter, the NEAP shall be maintained and managed in accordance with the approved specification.

REASON: To meet the requirement of West Dorset, Weymouth and Portland Local Plan policy LITT1 (LITTLEMOOR URBAN EXTENSION) for the development to provide local community facilities commensurate with its scale and nature.

### **Land contamination**

24. Before the commencement of development, the developer shall submit for the written approval of the Local Planning Authority: (a) a 'desk study' report documenting the site history; (b) a site investigation report documenting the ground conditions of the site, and incorporating a 'conceptual model' of all potential pollutant linkages, detailing the identified sources, pathways and receptors and basis of risk assessment; (c) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed; (d) a detailed phasing scheme for the development and remedial works. The remediation scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development is occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

REASON: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework July 2018 (as amended).

25. Before the commencement of development, the approved remediation scheme shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March July 2018 (as amended).



26. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework, July 2018 (as amended).

### **Finished floor levels – Flood Risk**

27. Finished floor levels shall be set a minimum of 600mm above the design flood level as set out in paragraph 9.9 of the Flood Risk Assessment (RPS, April 2016, ref: RCEF31131-005 R).

REASON: To reduce the risk of flooding to the proposed development and future occupants.

### **Surface Water Management**

28. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological & hydrogeological context of the development, with appropriate consideration of existing drainage infrastructure and providing clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

REASON - To prevent the increased risk of flooding and to protect water quality.

29. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body / statutory undertaker, shared ownership, any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON - To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

### **Sewage**

30. No development shall commence on each relevant phase (as referred to in Condition 2) until details of a foul drainage disposal scheme to serve the development within that phase has been submitted to and approved in writing by the Local Planning Authority. Such details will need to demonstrate that the system is adequately sized to

accommodate and accept the flows that will be generated by this proposal. The drainage scheme shall be completed in accordance with the approved details and to a timetable for each phase agreed in writing by the local planning authority.

REASON: To ensure that the development is undertaken in an acceptable manner.

### **Foul Water**

31. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker

- a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing
- the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed in writing by the local planning authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

32. As part of the reserved matters, the internal road layout shall make provision for means of vehicular access within the application site to the residual parts of the allocated site to the north (Land adjacent to Bincombe Lane) and to the west (Land adjacent to Goulds Garden Centre). The construction of these access roads to the site boundary shall be completed prior to the occupation of the buildings within that phase of the development.

REASON: In the interests of permeability and connectivity and appropriate movement through the allocated site to ensure comprehensive development of the site and the LITT1 land allocation.

## **INFORMATIVES**

### **National Planning Policy Framework Statement**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

### **S106**

This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated xxxxxxxx

### **DRAINAGE - INFORMATIVE (1)**

All associated works that offer an obstruction to flow to a channel with the status of Ordinary Watercourse are likely to require prior Land Drainage Consent from Dorset Councils Flood Risk Management function, as relevant Lead Local Flood Authority, in accordance with s23 of the Land Drainage Act 1991. Such consent relates both to permanent (i.e. diversion, reprofiling or culverting) and temporary (i.e. coffer damming, over pumping or diversionary) works and is independent of planning permission.

### **DRAINAGE - INFORMATIVE (2)**

The necessary detailed design is to make adequate provision for the future operation and maintenance of existing drainage infrastructure. As such Dorset Highways will require full clarification of all access routes, relevant landscaping /planting, and necessary upgrading / improvement works.

**Notes to the LPA and applicant;** Whilst we accept that the applicant has provided preliminary calculations, with which to support the conceptual drainage strategy that has been presented, we emphasise that a substantiated & detailed design is to be subsequently supplied to satisfy and discharge the requested planning conditions. As such we highlight that the calculations provided thus far are regarded as preliminary estimations only, and that the discussion of storage volumes and discharge rate/s provided within supporting documents is to be treated as indicative, prior to the submission and approval of a detailed design. Equally, the discussion and illustration of exceedance routing provided thus far is regarded as preliminary, and will require substantiation within the detailed design.

#### **INFORMATIVE:**

Ordinary watercourses cross the site. If the applicant intends to obstruct the flow in the watercourse (permanently or temporarily, including culverting) you will require prior Land Drainage Consent from Dorset Council as the Lead Local Flood Authority. You are advised to contact the Flood Risk Management team at Dorset Council ([floodriskmanagement@dorsetcouncil.gov.uk](mailto:floodriskmanagement@dorsetcouncil.gov.uk)) to discuss their requirements.'

#### **INFORMATIVE**

The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

#### **INFORMATIVE:**

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

#### **INFORMATIVE NOTE: Developer-Led Infrastructure**

The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under **Section 38 or Section 278 of the Highways Act 1980**, the applicant should contact Dorset Councils Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcouncil.gov.uk](mailto:dli@dorsetcouncil.gov.uk), or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.

**AND**

**B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE SECTION 106 AGREEMENT IS NOT COMPLETED WITHIN 6 MONTHS OF THE DATE OF THE COMMITTEE RESOLUTION OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING**

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of 35% of the units as affordable housing. In the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the Local Plan.

2. Policy COM1 of the of the adopted West Dorset, Weymouth and Portland Local Plan 2015 sets out that where new development will generate the need for new or improved community infrastructure and this need is not being met through the Community Infrastructure Levy, suitable provision should be made on site. Policy LITT1 of the Local Plan sets out the expected infrastructure provision commensurate with this proposal for an urban extension to Littlemoor. This is amplified in the Council's Adopted Supplementary Planning Document 'Planning Obligations Guidelines – 2010'. In the absence of a planning obligation to secure the required community benefits the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development generated by the proposal; namely:

Highway improvements;  
Drainage provision;  
Structural Planting and Green Infrastructure;  
Healthcare;  
Education;  
Community facilities  
Sports and recreation provision; and,  
Children's' play and open space.

In the absence of a planning obligation, the proposals therefore, fails to meet the provisions of policies INT1, ENV3, ENV5, SUS1, ECON1, COM1, COM2, COM4, COM6 and LITT1 in the West Dorset, Weymouth and Portland Local Plan – (Adopted October, 2015); and, the advice contained in the National Planning Policy Framework – July, 2018 (as amended).

**APPLICATION NUMBER: WD/D/17/000534**

**APPLICATION SITE: Land adjacent to Bridport Community Hospital, Mead Lane, Bridport**

**PROPOSAL: Erect 19 custom build houses and flats to form enlarged cohousing neighbourhood.**

**Decision:**

**Permission Granted, subject to Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 20 June 2019 to secure 35% affordable housing, and the following conditions (and their reasons):**

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

Location Plan - Drawing Number P-001 received on 20/02/17  
Key Site Plan – Drawing Number P004 Rev B – received on 19/06/19  
General Arrangement PV panels drawing no A200 received 9.5.19  
Proposed site roof plan P-005 Rev B received 18/06/19  
Proposed Materials - Drawing Number T-141 received on 26/10/2018  
Proposed Landscape plan 1701 drawing no P-006 Rev B received 19/06/19  
Proposed Landscape plan 1701 drawing no P-007 Rev D received 19/06/19  
Apartments First Floor Plan - Drawing Number P-041 received on 20/02/17  
Apartments Ground Floor Plan - Drawing Number P-040 received on 20/02/17  
Apartments Short Elevations - Drawing Number P-044 received on 20/02/17  
Apartment PV panels Plans & Elevations received 9.5.19  
NW Terrace Ground Floor Plan - Drawing Number P-010 Rev B received on 23/07/18  
NW Terrace Short Elevations - Drawing Number P-014 Rev B received on 23/07/18  
North West Terrace PV panels Plans and Elevations received 9/5/19  
P-011 Rev C NW Terrace First Floor Plan received 18/06/19  
NE terrace short elevations - Drawing Number P-024 Rev B received on 23/07/18  
North East Terrace PV panels Plans and Elevations received 9.5.19  
NE Terrace Ground Floor Plan - Drawing Number P-020 Rev A received on 23/07/18  
NE Terrace First Floor Plan P-021 received 19/06/19  
S Terrace Ground Floor Plan - Drawing Number P-030 Rev B received on 23/07/18  
South Terrace PV panels Plans and Elevations received 9.5.19  
S Terrace Short Elevations - Drawing Number P-034 Rev B received on 23/07/18  
S Terrace First Floor Plan P-031 received 19/06/19  
Car Port PV panels Plans and Elevations received 18/06/19  
Car Port PV panels short Elevations received 18/06/19  
Section ELE B-B - Drawing Number P-101 Rev B received on 23/07/18  
Section C-C - Drawing Number P-102 Rev A received on 23/07/18  
Reason: For the avoidance of doubt and in the interests of proper planning.

2. 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).

3. Prior to any development hereby approved, a detailed and finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

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

4. Prior to any development hereby approved, details of maintenance and management of the surface water sustainable drainage scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding.

5. Prior to the occupation of any dwellings hereby approved, the access, geometric highway layout, turning and parking areas shown on Drawing Number 17165.13C must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

6. Prior to the occupation of the development hereby approved, the submitted Travel Plan must be implemented and operational.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

7. Prior to occupation the approved certificated Biodiversity Management Plan by Abbas Ecology dated 31st May 2019 accompanying this application shall be fully implemented and maintained thereafter, in accordance with the details contained therein.

Reason: To mitigate identified impact on wildlife and habitats.

8. Prior to the occupation of any dwelling hereby approved, precise details of the soft and hard landscape schemes shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the approved hard and soft landscaping shall be implemented in accordance with a timescale to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance to the development

9. Prior to the occupation of any dwelling hereby approved, a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned domestic gardens,) shall be submitted to and approved in writing by the Local Planning Authority. A timetable for implementation or phasing of the Management Plan should be produced and agreed in writing with the Local Planning Authority prior to any works commencing on site.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation or historical significance.

**APPLICATION NUMBER: WD/D/19/000233**

**APPLICATION SITE: Rashwood Lodge, Clappentail Lane, Lyme Regis, DT7 3LZ**

**PROPOSAL: Two storey extension and new detached double garage.**

**Decision:**

**Permission Granted subject to the following conditions (and their reasons):**

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:

Garage Floor plans and Elevations - Drawing Number ED246-10 received on 19/01/2019

Proposed First Floor and Second Floor Plan - Drawing Number ED246-06b (Amended) received on 18/04/2019

Proposed Ground Floor Plan - Drawing Number ED246-05c (Amended) received on 18/04/2019

Proposed North West and South West Elevations - Drawing Number ED246-08b (Amended) received on 18/04/2019

Proposed South East and North East Elevations - Drawing Number ED246-07c (Amended) received on 18/04/2019

Basement and Roof Plans - Drawing Number ED246-09b (Amended) received on 18/04/2019

Location Plan - Drawing Number ED246-10ca (Amended) received on 18/04/2019

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

3. All additional surface water generated as a result of the development hereby approved shall be discharged to a piped drainage system and not to soakaway.

REASON: In the interest of protecting the site from surface water flooding.

4. As indicated on the Application Form signed 17/01/2019, the external materials for the proposed extension shall match (in texture and appearance) those of the existing dwelling.

REASON: In the interest of ensuring a satisfactory visual appearance of the development.

5. As indicated on the Application Form signed 17/01/2019, the external materials for the proposed garage comprise rendered wall over brick plinth for the walls and natural slates for the roof.

REASON: In the interest of ensuring a satisfactory visual appearance of the development.

## **Informatives**

### **1. National Planning Policy Framework Statement**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

### **2. Bats:**

All species of bat in the UK are protected by both domestic and European legislation, making it illegal to harm, injure, kill or disturb them, or to destroy, obstruct or otherwise damage places where they roost or seek shelter. As such, should any bat species or evidence of bat species be found prior to or during the development, all works must stop immediately and an ecological consultant or John Stobart at Natural England (Tel: 07825844475) must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

3. It is advised that the geotechnical aspects of the site and development are reviewed/considered by a competent person and ground conditions, excavations, temporary supports etc. are carefully monitored during any construction work in case of localised land slippage particularly given the sloping nature of some areas of the site.



**APPLICATION NUMBER: WP/17/00967/FUL**

**APPLICATION SITE: Archard House, Waverley Road, Weymouth**

**PROPOSAL: Erection of 9 Flats and 1 Maisonette together with parking.**

**Decision:**

**Permission Grant subject to the following conditions(and their reasons):**

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:

Proposed Site Plan - Drawing Number DC/WR/R/AO-4 received on 29/08/2019  
Proposed North & East Elevations - Drawing Number DC/WR/R/AO-2 received on 29/08/2018

Proposed Floor Plans - Drawing Number DC/WR/R/AO-1 received on 29/08/2018  
Location Plan - Drawing Number DC/WR/R/AO-5 received on 29/08/2018  
Proposed South & West Elevations - Drawing Number DC/WR/R/AO-3 received on 29/08/2018

Site Plan with Drainage Details - Drawing Number DC/WR/R/AO-4A received on 12/11/2018

Proposed Floor Plans with Drainage Details - Drawing Number DC/WR/R/AO-1A received on 12/11/2018

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

3. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding.

4. No development shall take place until details of maintenance & management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system and to prevent the increased risk of flooding

5. Before the development hereby approved is occupied or utilised the parking shown on the submitted plans 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.

6. No development above the Damp Proof Course (DPC) level of the development shall take place until details and samples 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 strict accordance with such materials as have been agreed.

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

7. The lower sections of the ground floor and first floor windows on the south elevation shall be obscure glazed to level 3 as shown on the approved plan DC/WR/R/AO-3. The windows shall be provided and retained as such thereafter.

Reason: In the interest of residential amenity.

8. Prior to the commencement of the development, a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities), and details of working hours. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety and neighbouring amenity.

### **Informatives**

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at [dorsetdirect@dorsetcc.gov.uk](mailto:dorsetdirect@dorsetcc.gov.uk), or in writing at Dorset Highways, Dorset County Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

### **Community Infrastructure Levy**

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.

**APPLICATION NUMBER: WD/D/19/000999**

**APPLICATION SITE: Dorset Council Highways Depot, South Mill Lane, Bridport DT6 3PL**

**PROPOSAL: Erect two linked single storey buildings to form office and welfare facilities for use ancillary to operation of existing highways depot.**

**Decision:**

**Permission Granted, subject to the following conditions (and their reasons):**

**Time Limit – Commencement of Development**

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: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

**Submitted Plans and Details**

2. Unless otherwise agreed in writing with the local planning authority the development shall be carried out in strict accordance with the approved plans:

- Drawing A100 Revision P1: Proposed Site and Location Plan
- Drawing A110 Revision P1: Proposed Site Plan
- Drawing A115 Revision P1: Proposed Plan and Elevations

Reason: In the interests of the character and appearance of the area and local amenity having regard to Policies ENV1, ENV10 and ENV16 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

**Materials**

3. Prior to the commencement of development, colours and materials for all external surfaces of the building hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

Reason: To ensure that the external appearance of the completed development is satisfactory and sympathetic to its locality in accordance with Policy ENV1 and ENV4 of the adopted West Dorset, Weymouth and Portland Local Plan.

**Retention of Hedgerow**

4. The hedgerow bordering South Mill Lane and the western site boundary is to be retained and maintained so as to form an effective visual screen. There shall be a minimum distance of one metre between the hedgerow and the proposed building.

Reason: To ensure the continuity of amenity afforded by the existing hedgerow and its contribution to the landscape character of the area in accordance with Policy

ENV10 of the West Dorset, Weymouth & Portland Local Plan 2015.

### **Tree and Hedgerow Protection**

5. Prior to works commencing a detailed tree/hedgerow protection plan for the land edged blue on drawing A110 Revision P1: Proposed Site Plan shall be submitted to, and agreed in writing by, the local planning authority. The development shall be carried out in accordance with the approved protection plan and existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations (see BS 5837: 2012). A tree protection area shall be fenced and no unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To ensure the continuity of amenity afforded by existing trees and their contribution to the landscape character of the area in accordance with Policy ENV10 of the West Dorset, Weymouth & Portland Local Plan 2015.

### **Hours of Construction**

6. No construction works shall take place outside of the hours 0700-1800 Monday to Friday and 0900-1700 on Saturdays. No operations shall take place on Sundays or public holidays without the prior written approval of the local planning authority.

Reason: In the interests of the residential amenities of the area and in accordance with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015.

### **Cessation of Use**

7. Upon permanent cessation of the use of the building hereby permitted, the building shall be removed from the site.

Reason: In the interest of amenity and having regard to Policy ENV16 of the West Dorset, Weymouth and Portland Local Plan 2015.

### **Finished Floor Levels**

8. The finished floor levels of the building hereby approved shall be no less than 300mm above the existing levels of the adjacent land. Details of the proposed finished floor levels and the ground levels of the adjacent land shall be submitted to and approved in writing by the local planning authority prior to works commencing and the development hereby approved shall be undertaken in strict accordance with those approved details.

Reason: In the interests of flood risk management and having regard to Policy ENV5 of the West Dorset, Weymouth and Portland Local Plan 2015.

### **Windows on the Western Elevation**

9. All windows on the western elevation of the building hereby approved shall be maintained as obscured glazed, as detailed on drawing A115 Revision P1: Proposed Plan and Elevations. Windows to the WCs and shower room shall be non-opening.

Reason: In the interests of the residential amenity and in accordance with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015.

## **INFORMATIVES**

Environment Agency  
Flood Risk  
Flood Risk Standing Advice

Please note that this site is in defended Flood Zone 2 (medium risk), therefore the development should accord with National Flood Risk Standing Advice. In this advice it states that the ground floor levels should be a minimum of whichever is higher of:

- 300 millimetres (mm) above the general ground level of the site
- 600mm above the estimated river or sea flood level

### Flood Resistance

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Additional guidance can be found at:

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf> as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

### Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

### Waste Management

The applicant should consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction, in accordance with the waste hierarchy.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant requires more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

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**1.0 APPLICATION NUMBER:** WD/D/16/000378

**APPLICATION SITE:** Land south of Warmwell Road, Warmwell Road, Crossways

**PROPOSAL:** Full planning permission for the erection of 99 open market dwellings & affordable dwellings, a new doctors surgery, a replacement village hall, a car park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road. An outline application for the erection of 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed Site of Alternative Natural Greenspace (SANG) and 2 pumping stations; and a full application for the change of use of 22.4ha of land to Site of Alternative Natural Greenspace (SANG).

**APPLICANT:** C & G Properties Ltd

**CASE OFFICER:** Ann Collins

**WARD MEMBER(S):** Cllr N Ireland

## **2.0 Summary of Recommendation:**

**2.1 Recommendation A:** Delegate authority to the Head of Planning to grant subject to planning conditions and 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 Head of Planning to secure the following:

- 35% of the units as affordable housing with 50/50 tenure split between rented and shared ownership/low-cost affordable housing
- A clause to revisit the viability of the scheme and the affordable housing provision at 100, 200, 300 & 400 units
- Education contribution of £2,722,212
- Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution of £960,000 and supporting funding provisions (SAMM)
- Financial contribution of £149,089 towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour
- Provision of a scheme for the extraction of mineral interest from the site and the restoration of the land concerned prior to its development
- Highway improvements at Max Gate payable not later than the occupation of 100 units
- Highway contributions of £560,000 towards off-site highway works to include works to Warmwell Road and a Cycle Route Scheme
- Provision of a minimum of three no. Locally Equipped Area for Play and financial contributions towards maintenance of the proposed LEAPs.

**Recommendation B:** Refuse permission for the reasons set out below if the S106 agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning.

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of 35% of the units as affordable housing. In the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the adopted Local Plan.
2. Policy COM1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 sets out that where new development will generate the need for new or improved community infrastructure and this need is not being met through the Community Infrastructure Levy, suitable provision should be made on site. Policy CRS1 of the Local Plan sets out the expected infrastructure for this site and its development. In the absence of a planning obligation to secure the required community infrastructure the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development and to avoid and mitigate for the adverse effects upon internationally designated heathlands and additional nutrient loading upon the Poole Harbour internationally designated sites. It would namely fail to provide for:

Education;

Recreation spaces in the form of Sites of Alternative Natural Greenspace and the supporting maintenance and funding mechanisms required for the future;

Mitigation of the impacts upon the Poole Harbour internationally designated sites;

Provision of a scheme for the extraction of mineral interest from the site and the restoration of the land;

Highway improvements;

Children's play provision.

In the absence of a planning obligation the proposals therefore fail to meet the provisions of Policies COM1, CRS1, INT1, ENV2 and COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019).

2.2 This is very similar to the recommendation made to the planning committee on 16<sup>th</sup> November 2017 and the committee resolved to delegate authority to the Head of Planning in accordance with the officer's recommendation to them. The



difference to the recommendation now is in respect of the proposed conditions and part B of the recommendation in respect of the S106 agreement not being completed within 6 months of the date of the committee resolution.

2.3 It is proposed that the wording of condition no. 6 be amended to read as follows:

Prior to the commencement of the development a Phasing Plan for the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for:

- a) Extraction of the mineral interest
- b) Delivery of Village Green as part of Phase 1. No further dwellings in later phases to be constructed until it is complete.
- c) Delivery of serviced employment land as part of the development of the adjacent residential phase.
- d) Provision of allotments as part of the development of the adjacent residential phase.
- e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase.
- f) The proposed village hall and adjacent parking spaces being constructed and ready for first use prior to the demolition of the existing village hall or the commencement of construction of the final phase of the development, whichever is soonest, and the submission of a scheme for the landscaping of the proposed village hall site until such time as the village hall is constructed. The landscaping scheme for the village hall site, until the construction of the hall begins, is to include details of the planting and its maintenance and shall be implemented and completed in full as part of Phase 1 and shall be maintained and retained thereafter until such time as the village hall is constructed on the site.

Any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority.

REASON: In the interests of achieving the objectives of the Local Plan and in accordance with Policy CRS1 of the adopted West Dorset, Weymouth and Portland Local Plan (2015).

2.4 It is also proposed to reflect the National Planning Policy Framework (2019) to include a condition regarding the design of the development to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Paragraph 110 of the NPPF requires applications for development to make such provisions in respect of design.

2.5 It is therefore recommended that an additional condition is included as follows:

No development above damp proof course of any dwelling in the phase 1 full application area shall be carried out until a scheme showing how the charging of plug-in and other ultra-low emission vehicles is to be provided in safe, accessible and convenient locations has been submitted to and approved in writing by the Local Planning Authority. Furthermore as part of any reserved matters application relating to design, details shall be provided to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority.

REASON: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

2.6 It is proposed to amend the condition regarding the submission and implementation of biodiversity mitigation plans. This is to ensure that as the development is proposed to be phased a mitigation plan is submitted for each phase prior to the commencement of development on that particular phase and is based on up-to-date ecological survey work so that the impacts, mitigation and enhancement of biodiversity is fully addressed.

2.7 Some very minor amendments are also proposed to the conditions in respect of typographical errors and reference to an outdated local plan.

2.8 The final amendment is in respect of the inclusion of recommendation B and that the application be refused if the S106 agreement is not completed within 6 months of the date of the committee resolution or such other extended time period as agreed by the Head of Planning.

2.9 A copy of the officer's committee report from 2017 is appended for information.

### **3.0 Reason for Recommendation:**

3.1 To allow the village hall to be constructed outside of phase 1 of the development but to ensure it is constructed and ready for first use prior to the demolition of the existing village hall. The amendment to the wording of the condition in the committee resolution would also ensure that the proposed village hall site is landscaped and has a suitable visual appearance until such time as it is developed. As such it is considered that the amendment to the phasing should aid the viability of the scheme in its initial stages but would ensure that the provision of the village hall in a later phase is not jeopardised and the site remains visually acceptable in the meantime given its location adjacent to the road.

3.2 The additional condition regarding the design of the development to allow for the plugging in of vehicles in safe, accessible and convenient locations accords with the NPPF as updated in 2019.

3.3 Amending the condition regarding the submission of biodiversity mitigation plans will ensure they are based on up-to-date ecological survey work and as such fully address the impacts, mitigation and enhancement of biodiversity.

3.4 The additional recommendation B is to ensure the completion of the S106 agreement in a timely manner in order that a permission exists for the development of this allocated site.

#### 4.0 Table of Key Planning Issues

<b>Issue</b>	<b>Conclusion</b>
Impact on the provision of community facilities	There would be no reduction in the provision of community facilities as the existing hall will not be demolished until the proposed village hall is constructed and ready for first use.
Impact on visual amenity	The requirement for the site of the proposed village hall to be landscaped until such time as the hall is constructed will ensure that the visual amenity of the area is not adversely affected.
Sustainable development and transport	Designing the development to enable charging of plug-in and other ultra-low emission vehicles would aid sustainable development and transport options for residents of the development in accordance with the NPPF (2019).
Impact on setting of heritage assets and SSSIs	Regard has been had to the changes to the NPPF since 2017, however being largely an outline application and with the planning conditions and S106 mitigation as indicated, it is considered that the NPPF assessment of importance for the setting of heritage assets/Sites of Special Scientific Interest has been undertaken and proper regard to their importance acknowledged and appropriately mitigated.
Impact on biodiversity	It is considered that the amendments to the condition wording for the submission of biodiversity mitigation plans would ensure that the impacts, mitigation and enhancements are based on up-to-date ecological survey work.

## **5.0 Description of Site:**

5.1 The site is located to the south of Warmwell Road and incorporates a large area of currently undeveloped land as well as Summer Farm and the existing village hall. It wraps around 3 sides of Hybris Business Park and is adjacent to Heathfield Park and a number of other residential properties. To the south west of the site is Warmwell Country Touring Park.

5.2 The land is allocated in the adopted Local Plan for a mixed-use development under Policy CRS1 and the defined development boundary for Crossways was extended to accommodate this allocation as part of the Local Plan. The application follows the boundaries of the allocated site in the local plan.

5.3 The site lies in a Minerals Safeguarding Area identified in the adopted Bournemouth, Dorset and Poole Minerals Strategy (2014).

5.4. Within the western side of the wider outline application is sited a Scheduled Ancient Monument (SAM) described as a “prehistoric earthwork in Bowley’s Plantation”. There is no Conservation Area for Crossways. The nearest listed buildings to the site are the Frampton Arms pub and its outbuildings at the level crossing at Moreton station. There is a further SAM approximately 350m south-east of the corner of the proposed SANG. This is Tinkers Barrow, a Bronze Age bowl barrow set within a woodland.

5.5 The site lies within the Crossways Gravel Plateau Landscape Character Area in the Council’s adopted Landscape Character Assessment SPD. The site is outside of the AONB. The application site is within 5km of both the Warmwell and Winfrith heathland SSSIs.

## **6.0 Description of Development:**

6.1 The application is a hybrid proposal for full planning permission, change of use and outline planning permission for this strategic site allocation in the adopted local plan. The site area covers the entire allocation set out in Local Plan Policy CRS1 which includes an allocation for mixed-use development and an indicative area for suitable alternative natural greenspace (SANG) as mitigation for the impacts of this residential development on the protected heathlands which are within 5km of the site. The overall site area is 44.21 hectares.

6.2 The outline application seeks permission for 401 dwellings in addition to the detailed consent element for 99 dwellings. The 401 dwellings would be on land to the east of the Hybris Business Park and south of Summer Farm, extending down from the B3390. The residential elements also extend around to the current village hall site to the west of the Hybris and the residential areas extend south wrapping around the lower part of Scotton Way to link back into the application area to the east of the business park.

6.3 Within the residential elements of the scheme are indicated areas of open space with three LEAPS (play areas) shown. There are also areas of open space including around the site of the Bowley's Plantation Scheduled Ancient Monument. There are also open areas around retained tree copses within the land. A series of allotments is indicated immediately adjoining the southern boundary of the recycling centre. A separate car park west of the public bridleway along the western boundary is located to serve the proposed SANG in this area.

6.4 At the eastern corner of the site at the junction of Warmwell Road and Moreton Road, an area of 2.5 hectares of employment land is indicated. This will be served by a separate access from the B road opposite 16 Warmwell Road. This road is then shown linking into the remainder of the development to the south. Overall there are three vehicular accesses indicated with a main central access forming part of the full permission element below. The third access is at the far western end of the site on the position of the current village hall access road.

6.5 The application includes a full permission element for an initial 99 dwellings to form the first phase of the development. 35% of these units are to be provided as affordable housing with a tenure split of 50/50 between rented and shared ownership/low-cost provision. In addition to the residential proposals, the full permission element also provides for the erection of a new village hall and doctors surgery at the entrance to the site from Warmwell Road with a new car park to serve these facilities. The detailed scheme element in addition proposes a new village green behind the village hall. New vehicular and pedestrian accesses and works to Warmwell Road also form part of the detailed proposals.

6.6 Village Hall – The village hall is a single-storey but double height building located to the east of the main access onto Warmwell Road. It is intended to be a key focal point for the development whilst also serving as a hub for the wider village. The building includes a main hall sufficient to accommodate a badminton court, stage area/ancillary committee room, small hall, store rooms, playgroup facilities including an outdoor play space, foyer/entrance area, kitchen, office, toilets and changing facilities. The village hall fronts west onto the new access road into the site but also includes large glazed areas on the east elevation. This will face out onto the proposed village green running alongside the main road. 9 parking spaces are shown immediately adjacent to the new hall with the majority of the parking demand to be met by the car park behind the new surgery (see below).

6.6 Doctors Surgery – The new doctor's surgery is proposed to the west of the new junction to the B3390. This has a smaller footprint than the new village hall but instead is 2 storey. It includes three GP rooms, a nurse's treatment room, three multi-function rooms, a private consultation room, two offices, a reception

and waiting area, toilets and a staff room. A pharmacist is shown as incorporated into the surgery on the ground floor with external public access and an internal connection to the surgery's waiting room. A total of 53 car parking spaces is shown along with motorcycle spaces, designed to be shared between the community facilities. Cycle parking for both the village hall and new surgery are shown to the front.

6.7 Change of use to SANG – 22.4ha of land within the site – a little over half – is proposed to be provided as suitable alternative natural greenspace. The application seeks permission for a change of use of this land from a nil/agricultural use to be used as open space as mitigation for the impacts of the increased residential development on the site on the nearby heathland Sites of Special Scientific Interest (SSSI) at Warmwell Heath and Winfrith Heath.

6.8 The proposed SANG includes areas of grassland, woodland and heath. The SANG is shown divided into four “units” with the open grassland areas immediately surrounding the proposed residential areas. On the eastern side these adjoin the woodland at Moigne Coombe Wood. The proposals for the SANG involve limited physical intervention to these areas. The main changes are to provide new links to these areas to bring these into the public domain, creating interest for informal walking routes to be used for dog walking and informal recreation. It is also proposed to link into existing rights of way via the SANG.

## 7.0 Relevant Planning History:

Application. No	Application Description	Decision	Date of Decision
WD/D/16/000652	Gravel extraction of up to 131,000 tonnes of sand and gravel; new vehicular access onto B3390 Warmwell Road	Not yet determined	

## 8.0 List of Constraints:

- In defined development boundary
- Allocated site in Local Plan – CRS1
- Landscape character area - Crossways Gravel Plateau
- Within 5km of both the Warmwell and Winfrith heathland SSSIs
- In a minerals safeguarding area
- Scheduled ancient monuments

## 9.0 Consultations:

9.1 Full consultations took place on the application prior to its consideration by Committee in November 2017. All comments and representations can be viewed on the Council's website.

9.2 As this is a change to the wording of conditions within the committee resolution and conditions recommended by officers on undetermined applications are not themselves the subject of public consultation there has been no consultation on the proposed amended wording to the conditions.

## **10. Relevant Policies:**

### **Adopted West Dorset and Weymouth & Portland Local Plan (2015)**

CRS1 – Land at Crossways  
CRS2 – Land around Crossways  
INT1 – Presumption in favour of sustainable development  
SUS1 – The level of economic and housing growth  
SUS2 – Distribution of Development  
ENV1 – Landscape, seascape and sites of geological interest  
ENV2 – Wildlife & Habitats  
ENV4 – Heritage Assets  
ENV5 – Flood Risk  
ENV9 – Pollution & Contaminated Land  
ENV10 – The landscape and townscape setting  
ENV11 – The patterns of streets and spaces  
ENV12 – The design and positioning of buildings  
ENV15 – Efficient & appropriate use of land  
ENV16 – Amenity  
ECON1 – Provision of employment  
ECON2 – Protection of key employment sites  
HOUS1 – Affordable housing  
HOUS3 – Open market housing mix  
HOUS6 – Other residential development outside defined development boundaries  
COM1 – Making sure new development makes suitable provision for community infrastructure  
COM7 – Creating a safe and efficient transport network  
COM9 – Parking standards in new development  
COM10 – The provision of utilities service infrastructure

### **National Planning Policy Framework**

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy

- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment
- 17. Facilitating the sustainable use of minerals

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, including brownfield registers and permission in principle, 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.

### **11. 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.

### **12. Public Sector Equalities Duty:**

12.1 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.

12.2 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 PSED.



12.3 It is noted that the scheme will provide a new doctors' surgery. This will expand provision and improve access to healthcare for residents, also meeting increased demand created by the development. A modern purpose-built facility is also likely to provide improved provision and a pharmacy will also benefit residents providing access to this type of healthcare advice and provision locally. All new buildings in the development will be required to comply with building regulations which have their own requirements in respect of access.

12.4 In addition the development would provide additional open space and access to the countryside through the provision of SANGs, allotments and LEAPs. The provision of open space provides greater opportunities for recreation, exercise and spending time outside, all of which have health benefits.

### 13. Financial Benefits:

<b>Material benefits of the proposed development</b>	
Housing Nos.	Up to 500 dwellings
Affordable housing Nos	35% of 500 = 175 dwellings
Employment land	2.5ha
Site of Alternative Natural Greenspace	22.4 ha
Replacement Village hall	
Doctors Surgery	
Village Green	
Allotments	
3 x LEAPs (play areas)	
<b>Financial contributions to be secured via S.106 agreement</b>	
Education contribution	£2,722,212
SANG maintenance contribution	£960,000
Strategic Access Management and Monitoring (SAMM) provisions	£241 x 500 dwellings = £120,500
Contribution towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour	£149,089
Highway contributions towards off-site highway works including works to Warmwell Road and a cycle route scheme	£560,000
Highway improvements at Max Gate	Financial amount not known at this time – will be based on the physical works required by Highways England to be carried out.
<b>Non-material benefits of the proposed development</b>	
Business Rates	Unknown – outline application only
Council Tax	Unknown – part of the site is outline only

New Homes Bonus	Unknown – part of the site is outline only
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#### 14. Planning Assessment:

14.1 As explained above the application was considered by the now decommissioned West Dorset District Council Planning Committee in November 2017. The committee resolved to approve the application subject to a number of conditions and the completion of a S106 agreement.

14.2 During 2019 there has been correspondence and meetings with the agent and officers of the Council with regards to the application and the lack of progress made in respect of the S106 agreement. The applicant has now agreed that they will proceed with the drafting of the S106 agreement. In the meantime the applicant is seeking an amendment to the committee resolution and specifically condition no. 6.

14.3 Condition no. 6 of the committee resolution currently reads:

Prior to the commencement of the development a Phasing Plan for the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for:

- a) Extraction of the mineral interest
- b) Delivery of Village Hall and Village Green as part of Phase 1. No further dwellings in later phases to be constructed in later residential phases until these are complete.
- c) Delivery of serviced employment land as part of the development of the adjacent residential phase.
- d) Provision of allotments as part of the development of the adjacent residential phase.
- e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase.

Any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority.

REASON: In the interests of achieving the objectives of the Local Plan and in accordance with Policy CRS1 of the

14.4 The applicant has asked that the change in the village hall delivery date be reconsidered (as detailed in condition 6 b) as they consider that the village hall and related car parking does not need to be delivered in phase 1 but rather it would need to be delivered either prior to the demolition of the existing village hall or before the commencement of phase 4 whichever is the sooner.

14.5 Although the applicant refers to the village hall potentially being constructed in phase 4, the phasing of the development has not yet been agreed as that is the first part of the requirements of condition no. 6. As such officers are therefore recommending that for the avoidance of doubt the new village hall be constructed and ready for first use prior to the demolition of the existing village, as until the existing is demolished there is essentially not the need for a new hall, although it is recognised that the new hall not only replaces the existing but provides upgraded facilities. However, it could be built into the condition that the hall be constructed and be ready for first use prior to the construction of the final phase of development being commenced. This would ensure that the new hall is provided prior to the construction of the final phase of development to ensure the developer provides the facility.

14.6 Not providing the village hall until the existing hall is programmed for demolition or prior to the final phase of development commencing, whichever is the sooner, is considered not to jeopardise the provision of community facilities within the village, as at all times one or other of the halls would exist.

14.7 Policy CRS1 of the adopted Local Plan requires a comprehensive mixed-use development to include new homes, local community facilities and employment land. The proposed village hall is a new community facility, along with the doctor's surgery, although the policy is not specific about what those community facilities should be or when during the development they should be provided. As such it is considered that the proposed new phasing of the village hall provision would not conflict with Policy CRS1.

14.8 There is the issue of what would happen in respect of the site of the proposed hall until such time as it is constructed as it is within the area of the site the subject of the full application for planning permission. However to address that it is proposed to require a soft landscaping scheme as part of the condition for the site of the proposed village hall which would be required to be implemented in full and maintained until such time as construction on the site for the new village hall commenced. The condition would require the planting to be carried out in phase 1 of the development. This would protect the visual amenity of the area having regard to the site being at the gateway to the development. The area adjacent to the site of the proposed hall is to be a village green and landscaping of the hall site would mean that it would visually assimilate with the green until such time as the hall was constructed.

14.9 This is the only amendment to the scheme being sought by the applicant currently and their intention is to proceed to complete the S106 agreement in due course.

14.10 Since the consideration of the application in 2017 by the committee a new version of the NPPF has been published the latest version being February 2019 (updated June 2019). At paragraph 110 of the NPPF it states that applications for

development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This is a material consideration and as such it is considered that the provision of such plug-in points should be conditioned. The design of phase 1 is already detailed in the full application but a scheme could still be required prior to development above damp proof course. The majority of the dwellings (401) are subject to the outline application only and therefore the matter can be addressed and designed into the scheme at reserved matters stage.

14.11 The new NPPF also increased the importance of heritage assets and landscape assets and the impact of development upon them. Due regard has been had to the amendments in the NPPF and being largely an outline application and with the planning conditions and S106 mitigation as indicated, it is considered that the NPPF assessment of importance for the setting of heritage assets/Sites of Special Scientific Interest has been undertaken and proper regard to their importance acknowledged and appropriately mitigated.

14.12 Amending the wording of the condition regarding the submission of Biodiversity Mitigation Plans (BMP) would ensure that each BMP was based on up-to-date ecological survey work and that should there be substantial delays between the implementation of each phase of the development such that the ecological context could have changed this would be addressed by the BMP through a review mechanism. Doing so would ensure that the development would have an acceptable impact on biodiversity.

14.13 It is now proposed that for applications which require a S106 agreement to be completed that the agreement should be completed within 6 months of the committee resolution or such other time period as agreed with the Head of Planning. This should ensure that agreements are completed in a timely manner enabling the planning permission to be issued and providing greater certainty in respect of the potential development of sites for housing.

14.14 Other than the amendment to condition no. 6, the additional condition regarding the designing in of points for plug-in and other ultra-low emission vehicles, the amendments to the biodiversity mitigation condition, some correction of typographical and reference errors and the inclusion of recommendation B the Officer recommendation is to approve the application subject to the completion of the S106 agreement and the conditions which were subject to the committee resolution in November 2017 and are as set out below in section 16.

## **15. Conclusion:**

15.1 It is considered that the provision of the new village hall prior to the demolition of the existing hall or the commencement of the construction of the final phase of the development, whichever is sooner, would not adversely impact

on the provision of community facilities within Crossways as a village hall would always be provided on site.

15.2 The provision of a new hall, albeit not within phase 1 of the development would accord with Policy CRS1 of the adopted Local Plan.

15.3 The requirement for the approval and implementation of a soft landscaping scheme for the site of the proposed village hall and its retention and maintenance until such time as works commences on the construction of the village hall would ensure that visual amenities were protected and that this gateway site to the development was not left in an unacceptable condition.

15.4 It is considered reasonable having regard to the NPPF (2019), which is a change in material considerations since the committee resolution in 2017, to attach a condition regarding the design of the development enabling the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

15.5 It is considered that given the planning conditions and S106 agreement mitigation the development would have an acceptable impact on the setting of heritage assets, Sites of Special Scientific Interest and biodiversity.

## **16. Recommendation:**

16.1 **Recommendation A:** Delegate authority to the Head of Planning to grant subject to planning conditions and 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 Head of Planning to secure the following:

- 35% of the units as affordable housing with 50/50 tenure split between rented and shared ownership/low-cost affordable housing
- A clause to revisit the viability of the scheme and the affordable housing provision at 100, 200, 300 & 400 units
- Education contribution of £2,722,212
- Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution of £960,000 and supporting funding provisions (SAMM)
- Financial contribution of £149,089 towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour
- Provision of a scheme for the extraction of mineral interest from the site and the restoration of the land concerned prior to its development
- Highway improvements at Max Gate payable not later than the occupation of 100 units
- Highway contributions of £560,000 towards off-site highway works to include works to Warmwell Road and a Cycle Route Scheme

- Provision of a minimum of three no. Locally Equipped Area for Play and financial contributions towards maintenance of the proposed LEAPs.

**Planning Conditions:**

1. Plans List
2. Approval of the details of the access, layout, scale and appearance of the development and the landscaping of the site (hereinafter called the Reserved Matters) for the remainder of the site outside of the full permission granted for Phase1 of this hybrid permission shall be obtained from the Local Planning Authority in writing before any development is commenced on these other phases of the development.

REASON: To ensure the satisfactory development of the site.

3. Application for approval of any “reserved matter” under Condition 2 must be made not later than the expiration of ten years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

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

5. Not more than 401 dwellings in total shall be constructed under this outline permission.

REASON: The assessment of the impacts of the scheme are based on a maximum of 500 dwellings across the whole site and additional dwellings would require further assessments of impacts to heathland SSSIs in accordance with Policy CRS1 and ENV2 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

**Phasing:**

6. Prior to the commencement of the development a Phasing Plan for the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for:

- a) Extraction of the mineral interest
- b) Delivery of the Village Green as part of Phase 1. No further dwellings in later phases to be constructed until it is complete.
- c) Delivery of serviced employment land as part of the development of the adjacent residential phase.
- d) Provision of allotments as part of the development of the adjacent residential phase.
- e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase.
- f) The proposed village hall and adjacent parking spaces being constructed and ready for first use prior to the demolition of the existing village hall or the commencement of construction of the final phase of the development, whichever is soonest, and the submission of a scheme for the landscaping of the proposed village hall site until such time as the village hall is constructed. The landscaping scheme for the village hall site is to include details of the planting and its maintenance and shall be implemented and completed in full as part of Phase 1 and shall be maintained and retained thereafter until such time as the village hall is constructed on the site.

Any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority.

REASON: In the interests of achieving the objectives of the Local Plan and in accordance with Policy CRS1 of the adopted West Dorset, Weymouth and Portland Local Plan (2015).

### **Masterplan**

- 7. The development of the later phases of the Outline permission shall substantially accord with the layout and details of the Illustrative Masterplan Drwg No. 1677/P04 Rev C.

REASON: In the interests of achieving the objectives of the Local Plan and in accordance with Policy CRS1 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

### **Highways**

- 8. The highway improvements to the Warmwell Road on the site frontage shall be constructed substantially in accordance with the submitted details shown on the application drawings before the development is first occupied.

REASON: In the interests of road safety.

9. The Phase 1 full application hereby permitted shall not be occupied or utilised until the access, geometric highway layout, parking and turning areas shown on the application drawings have been constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

REASON: In the interests of road safety.

10. No more than 100 residential units (to include 35% affordable housing) shall be occupied until the A35 Max Gate junction arrangement, as shown in the WYG Transport drawing "SK09" dated 21 October 2015 is completed and open to traffic, unless any variation in the design of the proposals is otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the safe and efficient operation of the Strategic Road Network (A35).

11. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Practice and a scheme to encourage the use of public transport amongst contractors. The plan shall include contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The plan shall also include a scheme of signing of the heavy vehicle route to the site agreed with advice/warning signs at appropriate points. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

The CTMP shall thereafter be implemented in accordance with the approved details upon the commencement of the construction phase of the development and adhered to for the complete duration of the construction programme, unless a variation to the CTMP is otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the safety of traffic on the Strategic Road Network.

## **Travel Plans**



12. Before the development hereby approved is first occupied or utilised the Travel Plan and Strategy included in the submissions shall be implemented and operational.

REASON: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

13. Prior to the submission of any reserved matters under Condition 2 above for the approved employment allocation, a Travel Plan suitable to deal with the travel impacts of the whole 2.5ha employment allocation shall be submitted to and approved in writing by the Local Planning Authority. The employment Travel Plan shall be implemented in accordance with its agreed details prior to the first occupation of any approved employment building on the site.

REASON: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

## **Drainage**

14. No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

REASON: To prevent increased risk of flooding and to improve and protect water quality.

15. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON: To ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding.

## **Foul Water**

16. The development shall not be commenced until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. A drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

## **Contaminated Land**

### **17. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

- (a) A survey of the extent, scale and nature of contamination;
- (b) An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pies, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (c) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

### **18. Submission of Remediation Scheme**

Before commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

#### 19. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: In the interest of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth and Portland Local Plan (2015).

#### 20. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

## **Employment Allocation**

21. The development shall provide a minimum of 2.5 hectares of employment land. No dwelling adjoining the eastern boundary of the residential development, adjacent to the proposed employment access road within the Character Areas 4, 5 & 6 as set out on page 48 of the submitted Design & Access Statement, shall be occupied before the employment allocation has been provided as serviced employment land in accordance with the phasing scheme submitted under condition 6 above.

REASON: In the interests of securing the economic benefits of this Key Employment Site allocation in the Local Plan.

22. Buildings constructed within the employment allocation hereby approved shall not exceed a total floorspace of 13,000 square metres (measured externally).

REASON: In the interests of the impacts of the traffic generated by that level of employment development on the strategic highway network in accordance with Policy COM7 of the adopted West Dorset, Weymouth and Portland Local Plan (2015).

## **Biodiversity**

23. Prior to the commencement of the development of each phase agreed by condition no. 6, a Biodiversity Mitigation Plan (BMP) for that phase based on up-to-date ecological survey work which is not more than 2 years old at the time of the submission of the BMP shall be submitted to and approved in writing by the Local Planning Authority. Each Biodiversity Mitigation Plan will include details of the review process to be implemented should at the time of commencement of development the survey work on which the BMP is based is more than 2 years old. The development shall thereafter be carried out in accordance with the approved details unless any subsequent variation is agreed in writing by the Local Planning Authority.

REASON: In order to protect the landscape qualities of the area and to safeguard and enhance the ecological value of the site in accordance with Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan (2015).

## **Scheduled Ancient Monument**

24. The submission of details of reserved matters under Condition 2 shall make provision for a minimum 5m buffer around the identified remains of the Bowley's Plantation enclosure as set out on page 10 of the submitted Settings Assessment by Context One received on 16<sup>th</sup> October 2017.

REASON: In the interests of the setting of the Scheduled Ancient Monument in accordance with Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan (2015).

### **Broadband**

25. No development above damp proof course of any building hereby approved shall take place until a scheme for facilitating infrastructure to support superfast broadband technology to serve the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a timetable for implementation, including triggers for a phased implementation if appropriate. Thereafter, the development shall proceed in accordance with the agreed scheme.

REASON: To ensure that the utilities service infrastructure is sufficient to meet the extra demands imposed by this development, in accordance with Policy COM10 of the West Dorset, Weymouth and Portland Local Plan (2015).

### **Phase 1 Detailed Consent**

26. The village hall hereby approved shall be laid out with a full-size badminton court in the main hall as shown on Drwg No. 1677 P VH 01 prior to the Village Hall first being brought into use.

REASON: In the interests of sports provision as part of the development in accordance with Policy COM1 of the West Dorset, Weymouth and Portland Local Plan (2015).

27. The Phase 1 full permission shall be carried out in accordance with the materials details in the approved Drwg No's 1677 P10-1 Rev A, 1677 P10-2 Rev A & 1677 P11. No development above damp proof course level of any dwelling approved under the Phase 1 full permission shall take place before samples of the materials to be used on that building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area in accordance with Policy ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015).

28. The development shall be carried out in accordance with the boundary treatments set out in the approved plans Drwg. No's 1677 P 03-1 to 5 Rev A. The boundary treatments to each individual building shall be completed

in their entirety prior to the first occupation of the building concerned. The boundary treatments shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area in accordance with Policy ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015).

29. The development of the Phase 1 full permission shall be carried out in accordance with the landscaping details set out in the approved plans Drwg. No's TD742\_04B & TD742\_05 – 08. The landscaping shall be carried out in accordance with the soft landscape works specification set out on the approved plan Drwg. No. TD472\_08. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of the works on the landscaping plan concerned unless the Local Planning Authority gives written consent to any variation. Any trees or plants which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall thereafter be retained.

REASON: In the interests of the character and appearance of the location in accordance with Policy ENV10 of the West Dorset, Weymouth and Portland Local Plan (2015).

30. The development shall be carried out wholly in accordance with the Arboricultural Assessment & Method Statement by Barrell Tree Consultancy dated January 2016. The agreed tree protection measures shall be retained during the course of the development and there shall be no variation to the agreed protection measures without the prior written agreement of the Local Planning Authority.

REASON: To protect preserved trees within and adjoining the site during construction in the interests of preserving the character of the area in accordance with Policy ENV10 of the West Dorset, Weymouth and Portland Local Plan.

### **Sustainable Transport Options**

31. No development above damp proof course of any dwelling in the phase 1 full application area shall be carried out until a scheme showing how the charging of plug-in and other ultra-low emission vehicles is to be provided in safe, accessible and convenient locations has been submitted to and approved in writing by the Local Planning Authority. Furthermore as part of

any reserved matters application relating to design, details shall be provided to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority.

REASON: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

### **Informative Notes**

Informative Note: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 and those works under Section 278 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorset.gov.uk](mailto:dli@dorset.gov.uk), or in writing at Development Team, Dorset Highways, County Hall, Dorchester, DT1 1XJ.

Informative Note: If the applicant wishes to offer for adoption any highways drainage to Dorset Council, they should contact the Highway's Development team at [dli@dorset.gov.uk](mailto:dli@dorset.gov.uk) as soon as possible to ensure that any highways drainage proposal meets the Council's design requirements.

Informative Note: Prior Land Drainage Consent (LDC) may be required from Dorset Council's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with S23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team.

Informative Note: The applicant intends to rely heavily on infiltration. They will therefore need to demonstrate, through further post extraction ground investigation, that soakaways remain feasible. Given the proposed use of soakaways across the site, it is important that soakaway tests and ground water readings are representative of all the areas expected to support infiltration. The Council's FRM team as relevant LLFA will be unable to discharge the relevant condition above without detailed information concerning ground conditions that substantiate the use of drainage through infiltration. Should the site, after mineral extraction, be found not to support infiltration, then the applicant will need to propose alternate and detailed designs for capturing and attenuating surface water.

Informative Note: The highway proposals for the A35(T) associated with this consent involve works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact the Asset Manager, Steve Hellier (Tel: 0300 470 4383) at an early stage to discuss the details of the highways agreement. The applicant should be aware that an early approach to Highways England is advisable to agree the detailed arrangements for financing the design and construction of the scheme. Commencement of works will also need to be timed to fit in with other road works on the strategic road network or local road network to ensure there are no unacceptable impacts on congestion and road safety. Please be advised that Highways England will charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period.

Informative Note: At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided for Environmental Health in order for contact to be made should complaints be received. The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site. Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc. made in as part of the determination of this application. Letter drops to adjacent residents in close proximity should be considered as part of the construction phase to give a minimum of 48 hours notice of any exceptional activities proposed. Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Health must be informed if this occurs.

Informative Note: The applicant's attention is drawn to the response of the Council's Rights of Way officer and the need to secure diversions for the existing rights of way.

**16.2 Recommendation B:** Refuse permission for the reasons set out below if the S106 agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning.

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of 35% of the units as affordable housing. In the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet



need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the adopted Local Plan.

2. Policy COM1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 sets out that where new development will generate the need for new or improved community infrastructure and this need is not being met through the Community Infrastructure Levy, suitable provision should be made on site. Policy CRS1 of the Local Plan sets out the expected infrastructure for this site and its development. In the absence of a planning obligation to secure the required community infrastructure the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development and to avoid and mitigate for the adverse effects upon internationally designated heathlands and additional nutrient loading upon the Poole Harbour internationally designated sites. It would namely fail to provide for:

Education;

Recreation spaces in the form of Sites of Alternative Natural Greenspace and the supporting maintenance and funding mechanisms required for the future;

Mitigation of the impacts upon the Poole Harbour internationally designated sites;

Provision of a scheme for the extraction of mineral interest from the site and the restoration of the land;

Highway improvements;

Children's play provision.

In the absence of a planning obligation the proposals therefore fail to meet the provisions of Policies COM1, CRS1, INT1, ENV2 and COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019).

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**Application Number:** WD/D/18/002737

**Site address:** THE BARN HOUSE, MAIN STREET, LODERS, BRIDPORT, DT6 3SA

**Proposal:** Demolition of an outbuilding and the conversion and extension to an outbuilding to form a dwelling together with associated works

**Applicant name:** Mr and Mrs Chant

**Case Officer:** Jennie Roberts

**Ward Member(s):** Cllr A Alford

**1.0 Summary of Recommendation:** Grant, subject to conditions

**2.0 Reason for the recommendation:**

- Para 14 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 location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposed development is considered to have an acceptable impact on the setting of listed buildings, and the listed building itself.
- The proposed development is considered to have an acceptable impact on the natural beauty of the AONB.
- There are no material considerations which would warrant refusal of this application.

**3.0 Key planning issues**

Issue	Conclusion
Principle of development	The application is for the conversion and extension of a rural building outside of, but adjacent to, the DDB, and largely meets the requirements of Policy SUS 3 of the Local Plan.
Scale, design, impact on character and appearance	The proposed development has an acceptable amenity of the surrounding area.
Impact on amenity	The proposed development has an acceptable impact on the residential amenity of neighbouring properties.
Impact on landscape or heritage assets	The proposed development has an acceptable impact on the natural beauty of the AONB and the setting of

	nearby listed buildings and the listed building itself.
Access and Parking	The proposed development is acceptable in terms of access and parking.

#### 4.0 Description of Site

The Barn House is a grade II listed dwellinghouse, which lies south of Main Street and fronts on to the road. Two outbuildings, with a courtyard between them, are located to the rear of the dwellinghouse. The outbuildings are currently used as storage ancillary to the dwellinghouse.

#### 5.0 Description of Proposal

The proposal involves the conversion and extension of an existing outbuilding to residential. The remaining outbuilding will be demolished. The proposed dwelling would be accessed off Main Street via the existing initially gravel (adjacent to the road) then grass constructed drive. Previously, permission was granted to convert the two existing outbuildings to a unit of holiday accommodation (planning consent no. WD/D/18/000262).

#### 6.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
WD/D/18/000262	Conversion of outbuildings into a dwelling	A	24 May 2018
WD/D/18/000263	External and internal alterations to outbuildings to accommodate conversion to residential	A	24 May 2018
WD/D/18/002738	Demolition of an outbuilding and alterations and extension to an outbuilding to facilitate the conversion to a dwelling	DEL	
WD/D/17/001351	Form roof to open area between two outbuildings	Approved	07/08/2017

#### 7.0 Relevant Constraints

- Outside of, but adjacent to, DDB

- Grade II curtilage listed building (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Within the Loders Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Area of Outstanding Natural Beauty : (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

## 8.0 Consultations

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

- **Historic England** – *No objection*
- **Natural England** - *No comment - standing advice applies*
- **Loders Parish Council** – *Objects: The application is contrary to the adopted Loders Neighbourhood Plan (LNP) Policies E1, E2, E3, and E5., all of which aim to protect and enhance the special character of the area and village, the amenity of neighbours and ensure that new development is not intrusive in local views and reflects local distinctiveness, including design and materials. It also is contrary to the Local Plan Policy SUS3.*
- **DCC Highway Authority** – *No highway objection*
- **DCP Environmental Health** – *No comment*
- **DCP Technical Services** – *No objection*
- **DCP Conservation Officer** - *Support - the scheme and inclusion of a formal track will not have an adverse affect upon the setting of The Main Barn House, harm the existing outbuilding or adversely affect the character of the conservation area.*

## 9.0 Representations

6 representations to support the proposal:

- It will enhance the economy with direct and indirect expenditure in both Loders and the surrounding area – supporting existing businesses such as the pub
- Building design is sympathetic to the surrounding properties and historic nature of the village
- In keeping with the local environment
- Immediately adjacent to the Defined Development Boundary, therefore a sustainable location
- Will remove and renovate unsightly derelict buildings which will enhance the area
- Plenty of on-site parking, so will not lead to an increase in on-road parking

12 representations to oppose the proposal:

- Contrary to policies of the Loders Neighbourhood Plan
- Light pollution with external lightening impacting on both neighbouring properties and local wildlife
- Noise pollution of the residential use including cars
- New homes should be built along village street and not behind existing properties in fields
- Backland development, which is at odds with the ancient linear development of the village
- May set precedent for future development along this secondary line
- Outside of Defined Development Boundary
- Fundamental change to the character of the village
- Access would be via shared access drive with limited sight lines to busy main road will create safety hazard
- Will not enhance the AONB, Conservation Area or the listed buildings in the area
- Will affect an important rural view
- Site is on a flood plain

## 10.0 Relevant Policies

West Dorset & Weymouth Local Plan (2015):

- INT1. Presumption in Favour of Sustainable Development
- ENV1. Landscape, Seascape and Sites of Geological Interest
- ENV4. Heritage Assets
- ENV5. Flood Risk
- ENV9. Pollution and Contaminated Land
- ENV10. The Landscape and Townscape Setting
- ENV11. The Pattern of Streets and Spaces
- ENV12. The Design and Positioning of Buildings
- ENV16. Amenity

- SUS2. Distribution of Development
- SUS3. Adaptation and Re-use of Buildings outside Defined Development Boundaries
- ECON6. Built Tourist Accommodation
- COM7. Creating a Safe and Efficient transport Network
- COM9. Parking Standards in New Development

Loders Neighbourhood Plan:

- LNP Policy E1: Protection of Important Open Gaps, Rural Views and Local Green Spaces
- LNP Policy E2: Protection of Special Landscape and Historic Features
- LNP Policy E3: Protection of Wildlife Habitats
- LNP Policy E4: To Protect and Enhance the Character and Appearance of the Area
- LNP Policy E6: Use of Redundant Rural Buildings

NPPF:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

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, including brownfield registers and permission in principle, 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.

Decision taking:

Para 186 - Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Para 187 - Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should

work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Other material considerations

Design and Sustainable Development Planning Guidelines (adopted 2009)

Dorset AONB Management Plan: 2019 - 2024

West Dorset Landscape Character Assessment 2009

DCC Parking standards guidance

Loders & Uploders, Powerstock & Nettlecombe Conservation Area Appraisal

**11.0 Human rights (standard text)**

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.

**12.0 Public Sector Equalities Duty (standard text)**

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 PSED.

**13.0 Financial benefits**

Community Infrastructure Levy

The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate. This development proposal is CIL liable. The rate at which CIL is charged is £100 per sqm plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning



permission is granted. The new index rate will be applied on CIL liable planning applications approved from Monday 19th November 2018.

### **Affordable housing**

Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing. However, in May 2016 National Planning Practice Guidance was updated to reflect the re-instatement of a Written Ministerial Statement from 28 November 2014. National planning policy and national guidance establish thresholds below which affordable housing contributions should not be sought.

In the light of changes to national policy and guidance, affordable housing contributions will not normally be sought on sites of 10 units or fewer (or with a maximum gross combined floor space of 10,000 square metres or less), outside designated rural areas. As this site falls below these thresholds an affordable housing contribution is not required.

## **14.0 Planning Assessment**

### **Principle of Development**

The principle of the proposed development will be explored below, assessed against the policies of the Loders Neighbourhood Plan and the adopted Local Plan.

#### Loders Neighbourhood Plan

The application site is located outside of the defined development boundary (DDB), as defined within the Loders Neighbourhood Plan. Loders Parish Council has stated that the proposal is contrary to Neighbourhood Plan Policy, E5, which sets out that “*any new buildings (other than for farming and other land-based rural businesses, or associated rural workers’ housing) and associated land (such as gardens or parking areas) should be located within this development boundary*”. However, this application relates to the change of use and extension of an *existing* building, not the erection of a *new* building. The application is therefore not contrary to this policy.

The neighbourhood plan policy E6: Use of Redundant Rural Building states that:

*‘where a redundant rural building makes a positive contribution to the local character. And is not in an isolated location where substantial new infrastructure would be required, its re-use for housing, community or business use, where appropriate, will be supported’.*

This policy relates to the use of ‘redundant buildings’, however in this case the building is not considered to be redundant and is used as storage in association with the dwellinghouse. Therefore if permission were not to be granted then the outbuilding would continue to be used in association with the dwelling. The building is considered to be make a positive contribution and is curtilage listed.

The application site is not considered to be in an isolated location as it is within the garden of the existing dwelling and adjacent to the DDB.

#### Local Plan

The proposal is located outside of the DDB as defined in the Local Plan. As it involves the conversion of an existing building to a dwelling, it will be considered against policy SUS3 of the Local Plan. The proposed development largely meets the requirements of part i) of this policy, in that the existing curtilage-listed building is considered to be of permanent construction and is of a traditional stone-built design. Whilst it will be extended to incorporate a first floor and a southern wing, this would be off-set by the removal of the second existing outbuilding on the site. In terms of part ii) of the policy, whilst the proposal is located outside of the DDB, it is considered to be on land that adjoins the DDB. The DDB includes the associated dwellinghouse The Barn House and the proposal is located within the rear garden to the dwelling with no intervening land in between. Therefore, the proposal is considered to comply with part ii) of policy SUS 3.

Having regard to the above, it is considered that the principle of the proposal is acceptable.

#### Visual Amenity

The proposed development would not have a significant adverse impact on the visual amenities of the site or locality. Whilst the conversion and extension of the existing building would see its height increased, and various external alterations made, its location means it would not be highly visible from the public realm. Concerns have been raised that the proposal would result in development on a secondary line behind the properties on Main Street; however, given that the application involves the conversion of an existing outbuilding, it is clear that there is already built form to the rear of main street.

#### Residential Amenity

It is considered that the proposed development would not have a significant adverse impact on the living conditions of occupiers of neighbouring residential properties. The proposed dwelling is considered to be located a sufficient distance away from neighbouring properties. The Barn House is set within a large plot and the proposed dwelling would be located a minimum of 40m away from the rear garden of the neighbouring property, No 41 and to the east of the site is Loders CE VC Primary School. Concerns have been raised in particular in relation to noise and light pollution. The proposal is located within the garden of the Barn House where residential activities can already take place and the outbuildings to be converted include a car port so vehicles can already drive down the grass access track to the buildings. Furthermore the separation of the proposal from the neighbouring properties means that the proposal is not considered to result in a significant adverse impact.

### Area of Outstanding Natural Beauty

The proposed development within the garden of the Barn House will be seen in the context of the main dwelling and the neighbouring properties of Main Street when viewed from the south. Concerns were raised stating that the development of the driveway and parking area will adversely affect the rural character of the area and would impact on the key view B1 as set out in the neighbourhood plan policy LNP E1. However no alterations are proposed to the existing arrangement with gravel adjacent to the road and grass access track down to the proposal. Whilst the conversion and extension of the existing building will see its height raised, it is considered that this will not negatively impact upon the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty.

### Conservation Area

The proposal involves the conversion and extension of an existing outbuilding which is located in the rear garden of The Barn House; this location means the proposal would not be highly visible from the public realm of Main Street or the right of way approximately 90m to the south, and separated by planting along the river. The conservation officer considers that the proposal preserves the character and appearance of the conservation area; this conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

### Listed Building

The Barn House is a grade II listed property, and the outbuildings (the subject of this application) are located approximately 60m to the rear of the main house. The conservation officer supports the scheme, subject to conditions. She originally recommended that eaves line glazing replaced the proposed rooflights, so in line with these comments, the agent submitted amended drawings for consideration. However, the replacement of the rooflights with eaves line windows resulted in the building being higher than originally proposed, and the character of the building was adversely affected. As such, the conservation officer agreed that the scheme as submitted was preferable and acceptable. She considers that the demolition of the south facing outbuilding is of no significance and the removal will not harm the setting of the Listed Building and outbuilding.

The application site is also located close to a number of listed buildings, however it is considered that the proposal will not adversely affect their setting. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy.

### Contaminated Land

The application site is located within a contaminated land buffer, the proposal involves the conversion of the existing building and Environmental Health were consulted and had no comment to make in response to the application.

#### Biodiversity

No objection has been received from Natural England in relation to this application. However, as the proposal relates to demolition of and works to existing buildings, and the site is greater than 0.1ha in size, a condition is recommended to secure a biodiversity mitigation plan and its implementation.

#### Flooding

Whilst the rear of the garden of The Barn House is located within flood zones 2 and 3, the existing outbuilding proposed for conversion and extension is located outside of flood zones 2 and 3. Having regard to the submitted Flood Risk Assessment (FRA) it is considered that the proposal will not increase the risk of flooding, and any approval would be conditioned to be carried out in accordance with the mitigation measures included within the submitted FRA. Furthermore, Technical Services were consulted on the application and had no objection or further comment to make in response to the application.

#### Access and Parking

The proposed dwelling would be accessed off Main Street via the existing shared access. The drive down to the proposal would remain as existing, with turning space provided within the existing courtyard. Concerns have been raised regarding the access being a safety hazard due to limited sight lines, however, the Highway Authority was consulted and had no highway objections to the proposal.

#### Other

The Parish Council has referred to the fact that in the previous application for the conversions of the outbuildings to a holiday let, the planning officer did not consider the proposal to be suitable for use as a permanent dwelling. However, this was because the holiday let was split between the two existing buildings. The layout of the approved scheme resulted in an unusual arrangement with the accommodation separated between the two buildings. A one bedroom unit was to be provided within building one with an additional bedroom and bathroom in building two. This current proposal, which sees the extension and conversion of one building and the removal of the other, is considered suitable for use as a permanent dwelling, in that the accommodation is contained within a single building.

- 15.0 Conclusion**
- Para 14 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 location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposed development is considered to have an acceptable impact on the setting of listed buildings, and the listed building itself.
- The proposed development is considered to have an acceptable impact on the natural beauty of the AONB.
- There are no material considerations which would warrant refusal of this application.

## 16.0 Recommendation

Grant, subject to conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location Plan - Drawing Number 38/119/1 received on 26/11/2018
  - Access Details - Drawing Number 38/119/13 received on 26/11/2018
  - Proposed Block Plan - Drawing Number 38/119/6 received on 26/11/2018
  - Site Plan - Drawing Number 38/119/7 received on 26/11/2018
  - Section AA/West - Drawing Number 38/119/12 received on 26/11/2018
  - Ground Floor Plan - Drawing Number 38/119/8 received on 26/11/2018
  - First Floor Plan - Drawing Number 38/119/9 received on 26/11/2018
  - Proposed South and West Elevations - Drawing Number 38/119/11 received on 26/11/2018
  - Proposed North and East Elevations - Drawing Number 38/119/10 received on 26/11/2018

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

- 2 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).

- 3 The development hereby approved shall be carried out in accordance with the flood risk management measures as detailed in the Flood Risk Assessment dated November 2018 and shall be maintained as such thereafter.

REASON: In order to safeguard the accommodation from unnecessary flood risk.

- 4 Prior to its installation, details of the gate hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in strict accordance with such details as have been agreed.

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

- 5 Full details of soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall identify areas for new planting, including details of locations, species (all species shall be native to the locality), sizes, and densities of plants. In addition, the scheme shall include provision for the maintenance and replacement as necessary of the planting on the site for a period of not less than 5 years. Such scheme shall be implemented during the planting season November - March inclusive, immediately following commencement of the development or as may be agreed otherwise in writing by the Local Planning Authority.

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

- 6 No works shall commence on site unless the site has been checked for evidence of protected species by a suitably licensed person and the results of that check and any necessary mitigation measures shall be submitted to and approved in writing by the

Local Planning Authority. Thereafter the development shall proceed in strict accordance with the approved mitigation measures, unless modifications to meet any requirements of a European Protected Species Licence or as a result of subsequent bat surveys, have first been submitted to and approved in writing by the Local Planning Authority. The agreed mitigation measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protected species.

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**Application Number:** WD/D/18/002738

**Site address:** THE BARN HOUSE, MAIN STREET, LODERS, BRIDPORT, DT6 3SA

**Proposal:** Demolition of an outbuilding and alterations and extension to an outbuilding to facilitate the conversion to a dwelling

**Applicant name:** Mr and Mrs Chant

**Case Officer:** Jennie Roberts

**Ward Member(s):** Cllr A Alford

**1.0 Summary of Recommendation:** Grant, subject to conditions

**2.0 Reason for the recommendation:**

- Para 14 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 location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The proposed development is considered to have an acceptable impact on the setting of listed buildings, and the listed building itself.
- There are no material considerations which would warrant refusal of this application.

**3.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Impact on landscape or heritage assets	The proposed development has an acceptable impact on the setting of nearby listed buildings and the listed building itself.

**4.0 Description of Site**

The Barn House is a grade II listed dwellinghouse, which lies south of Main Street and fronts on to the road. Two outbuildings, with a courtyard between them, are located to the rear of the dwellinghouse. The outbuildings are currently used as storage ancillary to the dwellinghouse.

**5.0 Description of Proposal**

The proposal seeks listed building consent for the conversion and extension of an existing outbuilding to residential. The remaining outbuilding would be demolished. The proposed dwelling would be accessed off Main Street via the existing initially gravel (adjacent to the road) then grass constructed drive.

Previously, permission was granted to convert the two existing outbuildings to a unit of holiday accommodation (planning consent no. WD/D/18/000262).

## 6.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
WD/D/18/000262	Conversion of outbuildings into a dwelling	A	24 May 2018
WD/D/18/000263	External and internal alterations to outbuildings to accommodate conversion to residential	A	24 May 2018
WD/D/18/002738	Demolition of an outbuilding and alterations and extension to an outbuilding to facilitate the conversion to a dwelling	DEL	
WD/D/17/001351	Form roof to open area between two outbuildings	Approved	07/08/2017

## 7.0 Relevant Constraints

- Outside of, but adjacent to, DDB
- Grade II curtilage listed building (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Within the Loders Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Area of Outstanding Natural Beauty : (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

## 8.0 Consultations

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

- **Historic England** – *No objection*

- **Loders Parish Council** – Objects: *The application is contrary to the adopted Loders Neighbourhood Plan (LNP) Policies E1, E2, E3, and E5., all of which aim to protect and enhance the special character of the area and village, the amenity of neighbours and ensure that new development is not intrusive in local views and reflects local distinctiveness, including design and materials. It also is contrary to the Local Plan Policy SUS3.*
- **DCP Conservation Officer** - Support - *the scheme and inclusion of a formal track will not have an adverse affect upon the setting of The Main Barn House, harm the existing outbuilding or adversely affect the character of the conservation area.*

## 9.0 Representations

6 representations to support the proposal:

- Building design is sympathetic to the surrounding properties and historic nature of the village

12 representations to oppose the proposal:

- Contrary to policies of the Loders Neighbourhood Plan
- Will not enhance the listed buildings in the area

## 10.0 Relevant Policies

West Dorset & Weymouth Local Plan (2015):

- ENV4. Heritage Assets

Loders Neighbourhood Plan:

- LNP Policy E2: Protection of Special Landscape and Historic Features

NPPF:

Chapter 16 – Conserving and enhancing the historic environment

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, including brownfield registers and permission in principle, 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.

Decision taking:

Para 186 - Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Para 187 - Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

## **11.0 Human rights (standard text)**

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.

## **12.0 Public Sector Equalities Duty (standard text)**

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 PSED.

## **13.0 Planning Assessment**

### Listed Building

The Barn House is a grade II listed property, and the outbuildings (the subject of this application) are located approximately 60m to the rear of the main house. The conservation officer supports the scheme, subject to conditions. She originally recommended that eaves line glazing replaced the proposed rooflights, so in line with these comments, the agent submitted amended drawings for consideration. However, the replacement of the rooflights with eaves line windows resulted in the building being higher than originally proposed, and the

character of the building was adversely affected. As such, the conservation officer agreed that the scheme as submitted was preferable and acceptable. She considers that the demolition of the south facing outbuilding is of no significance and the removal will not harm the setting of the Listed Building and outbuilding.

The application site is also located close to a number of listed buildings, however it is considered that the proposal will not adversely affect their setting. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy.

#### **14.0 Conclusion**

The proposed development has an acceptable impact on the setting of nearby listed buildings and the listed building itself.

#### **15.0 Recommendation**

Grant, subject to conditions:

- 1                    The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
                         Location Plan - Drawing Number 38/119/1 received on 26/11/2018  
                         Access Details - Drawing Number 38/119/13 received on 26/11/2018  
                         Proposed Block Plan - Drawing Number 38/119/6 received on 26/11/2018  
                         Site Plan - Drawing Number 38/119/7 received on 26/11/2018  
                         Section AA/West - Drawing Number 38/119/12 received on 26/11/2018  
                         Ground Floor Plan - Drawing Number 38/119/8 received on 26/11/2018  
                         First Floor Plan - Drawing Number 38/119/9 received on 26/11/2018  
                         Proposed South and West Elevations - Drawing Number 38/119/11 received on 26/11/2018  
                         Proposed North and East Elevations - Drawing Number 38/119/10 received on 26/11/2018  
  
                         REASON: For the avoidance of doubt and in the interests of proper planning.
- 2                    The work to which it relates must be begun no later than the expiration of three years beginning with the date on which the consent is granted.  
  
                         REASON: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 3                    Prior to the wall construction of the additional storey, a 1m<sup>2</sup> panel shall be erected on site , indicating the stone face and pointing style to be used and approved in writing by the Local Planning Authority. The development shall be carried out strictly in

accordance with the approved details.

Reason: To safeguard the character and appearance of the Listed Building.

- 4                      Prior to the installation of new roofing material, samples shall be made available on site and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To safeguard the character and appearance of the Listed Building.

- 5              NS              Prior to the installation of all new windows (including rooflights) and external doors, section details indicating glazing depth and joinery details at a scale of 1:10 and 1:5 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To safeguard the character and appearance of the Listed Building.

**1.0**      **Application Number:** WP/19/00228/FUL  
**Application Site:** THE JOINERY, CHISWELL, PORTLAND, DT5 1AW  
**Proposal:** Erect first floor balcony  
**Applicant:** Mr & Mrs Wilson  
**Case Officer:** Christopher Lee  
**Ward Member(S):** Cllr R Hughes, Cllr P Kimber, Cllr S Cocking  
**Recommendation Summary:** Approve with conditions

**2.0**      **Summary of Recommendation:** GRANT subject to conditions

- 3.0**      **Reason for the recommendation:**
- The proposal is acceptable in its design and general visual impact.
  - The proposal is considered to be acceptable in terms of its impact on the character of the Conservation Area and setting of nearby listed buildings.
  - There is not considered to be any significant harm to neighbouring residential amenity.
  - There are no material considerations which would warrant refusal of this application

**4.0**      **Table of key planning issues**

Issue	Conclusion
Principle of development	The site is within the DDB and therefore the principle for a balcony to a residential property is considered acceptable.
Scale, design, impact on character and appearance	The proposed balcony would be modest in size and reflective of the materials used on the host building. The area sees various instances of balconies of a similar scale and design and as such the character of the area is preserved.
Impact on amenity	The proposed balcony (with privacy screen) is considered not to represent a significant impact on the amenity of occupiers of neighbouring properties in relation to overlooking or loss of privacy.
Impact on heritage assets	The proposed balcony would be a modest addition that reflects the character of the Conservation Area and as such there is considered to be no resulting adverse impact on heritage assets.
Economic benefits	There could be short term minor

	economic benefits as a result of the proposals in terms of employment of local builders and contractors.
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## 5.0 Report Body Text

### Description of Site

The Joinery is a building comprising a joinery workshop on the ground floor and a 2 bedroom flat on the first floor. The historic character of the area is of a light industrial nature, and there have been considerable residential developments and conversions of industrial buildings along the private lane Pebble Lane to which the application site belongs.

Pebble lane is adjacent to the Chesil Beach to the West and therefore views of the balcony would be possible from parts of the beach and the public walkway.

The area sees three listed buildings nearby to The Joinery whose setting would be affected. These being:

- the Grade II listed Ranters Lodge and historic outbuilding The Dead House (along with its boundary wall); formerly a Methodist Chapel dating from the late 18th or early 19th Century (sited some 6-9 metres to the South East of The Joinery)
- the Cove House Inn which is a Grade II listed public house dating from the early 19th century (sited some 40 metres to the South).

The application site lies within the Underhill Conservation Area of Portland.

## 6.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
12/00799/FUL	First floor extension to provide habitable accommodation	Approved	19/02/2013
WP/13/00777/VOC	First floor extension to provide habitable accommodation without compliance with conditions 2 (remove drawings DH/DC/RW-01A and 02/A and replace with drawings DH/DC/RW-01B and 02/B), 6 and 11 (add wording, 'details to be provided before occupation') of previous planning permission 12/00799/FUL	Approved	28/02/2014



## 7.0 List of Constraints

- Within defined development boundary for Portland
- Within the Underhill Conservation Area
- Nearby listed buildings

## 8.0 Consultations

**Highways Authority – No objection**

### **Portland Town Council**

Offered support for the proposals (subject to the comments of the Conservation Officer) on the grounds that it does not impede on the privacy or the light of neighbouring properties.

### **Conservation Officer**

Objection to the proposals as they represent further domestication of the site's industrial character and appearance. Insufficient justification provided.

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

### Representations received

4 letters of objection have been received relating to:

- Impact on the setting of listed buildings
- Impact on the character of the conservation area
- Impact on privacy of occupiers of nearby properties
- Un-characterful design and materials
- Increased risk of falling debris

One letter from Cllr Kimber requesting that the application be brought before Planning Committee due to the need for the area to be protected.

## 9.0 Relevant Policies

### Adopted West Dorset and Weymouth & Portland Local Plan (2015)

- INT1- Presumption in favour of Sustainable Development
- ENV4 – Heritage Assets
- ENV10 - The landscape and townscape setting
- ENV12 – The design and positioning of buildings

- ENV16 – Amenity
- SUS2 – Distribution of development

### National Planning Policy Framework

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

- 2. Achieving sustainable development
- 4. Decision-making
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

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, including brownfield registers and permission in principle, 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.

### Other material considerations

- Supplementary Planning Guidance 2: Listed Building and Conservation Areas (SPG2)
- Portland Conservation Area Appraisal of Grove, Easton, Reforne, Straits, Wakeham, Underhill and Weston (2014)

## **10.0 Human rights (standard text)**

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.

## **11.0 Public Sector Equalities Duty (standard text)**

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 PSED.

## 12.0 Financial benefits

There could be short term minor economic benefits as a result of the proposals in terms of employment of local builders and contractors.

## 13.0 Planning Assessment

### Principle of Development

The site is within the Defined Development Boundary for Portland and therefore the principle for a balcony to a residential property is considered acceptable.

### Design/Visual Amenity & Impact on the Character of the Conservation Area

Whilst historically industrial in nature, the area around Pebble Lane has been altered considerably over the years with residential developments and conversions having taken place. Therefore, whilst the area maintains suggestions of its industrial history the visual character of the area is considered to have been altered to a large degree to a more domestic feel. Whilst the Conservation Officer’s comments in this regard are noted, The Joinery building itself has been subject to a change in its character, and the upper floor extension and South facing window (to which the proposal relates) are deemed to be domestic in character whilst the building retains its industrial origins on the ground floor. In this regard the proposed installation of a balcony and access doors to the South facing upper floor window is not considered to represent an un-characterful development in relation to the host building. The area sees multiple instances of such balcony elements of varying designs and scales, and the proposed glass and metal balustrade construction is not considered to represent an adverse impact on the character of the conservation area due to the mixed vernacular of development in the area. It should be noted that the materials would match those found on the Western side of the building, which serve an upper floor terrace area.

Therefore the proposals are deemed to preserve the character of the Conservation Area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

### Neighbouring Amenity

The proposed balcony would occupy an elevated position and therefore would allow some views South East into and around the private amenity space of Ranters Lodge (to the Western side of that property), its side window on the West elevation, and at a greater distance windows on the North elevation of the Dead House. Views could also be possible to the East towards the rear gardens and windows of 55 and 57 Chiswell, albeit at a distance of around 20 metres. To mitigate these concerns the drawings were amended during the application's course to include a privacy screen on the East elevation of the balcony which is considered to alleviate the most direct of these views. As such the proposed balcony is considered not to represent a significantly adverse impact on the privacy of occupiers of neighbouring properties.

#### Impact on the Setting of Listed Buildings

The proposed balcony would be a modest development using materials that are acceptable in terms of their relationship to the visual amenity of the area. Therefore, in relation to the setting of the nearby listed buildings whilst the development would be visible within their setting there is not considered to be any resulting adverse impact. As such the setting of the nearby listed buildings is considered to be preserved. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy.

#### **14.0 Conclusion**

The proposed development is modest and considered to be acceptable in terms of its impact on heritage assets and neighbour amenity. It complies with national and local planning policy and is recommended for approval.

#### **15.0 Recommendation**

Grant subject to the following conditions (and their reasons):

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:

Floor Plans - Drawing Number 19/1/01-2 received on 12/03/2019

Location & Block Plan - Drawing Number 19/1/01-1 received on 12/03/2019

Elevations - Drawing Number 19/1/01-3B (Amended) received on 09/07/2019

Proposed Section AA - Drawing Number 19/1/01-4B received on 09/07/2019

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

3. The balcony hereby approved shall not be brought into use unless and until the obscure glazed privacy screen to the East elevation, as detailed on the approved drawings, has been erected. The screen shall be obscured to a minimum of level three obscurity, and shall be permanently retained at a height of 1.7 above the floor level of the balcony.

Reason: In the interest of protecting neighbouring amenity and the privacy of occupiers of adjoining premises.

4. The new doors (to the balcony) hereby approved shall be of timber construction and shall be finished in a colour to match the existing windows of the property.

Reason: To ensure a satisfactory visual appearance of the development and to preserve the character of the conservation area.

5. The balustrading of the balcony hereby approved shall be constructed of smoked glass and stainless steel posts to match the existing balcony on the Western elevation of the property.

Reason: To ensure a satisfactory visual appearance of the development and to preserve the character of the conservation area.

## **Informatives**

### **1. National Planning Policy Framework Statement**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

**Application Number:** WD/D/19/000707

**Site address:** St Osmunds Church, Church Lane, Osmington, DT3 6EJ.

**Proposal:** Provision of handrail & access ramp to replace the existing steps at the lychgate

**Applicant name:** Mrs Elizabeth Ireland of St Osmund's Parochial Church Council

**Case Officer:** Steven Banks

**Ward Members:** Cllr Nick Ireland

**1.0 Summary of Recommendation:** Grant planning permission subject to conditions.

**2.0 Reason for the recommendation:**

- The location is considered to be sustainable and the proposal is acceptable in its design, materials and general visual impact.
- There is an improvement to accessibility which is of benefit to the community.
- There is not considered to be any harm to neighbouring residential amenity or to heritage assets.
- There are no material considerations which would warrant refusal of this application

**3.0 Table of key planning issues**

Issue	Conclusion
Principle of development	The proposed works, by reason of their nature and function, represent a sustainable form of development. The principle of the proposed works is therefore accepted.
The impact that the proposal would have on the character of the area and the setting of the listed buildings	The proposed access ramp and railings would preserve the character of the listed church and the setting of the nearby listed buildings. Its design, size, positioning and materials would maintain local distinctiveness and be in keeping with the character of the area.
The impact that the proposal would have on living conditions	The proposed works, by reason of their size and positioning, would not have an adverse effect on the living conditions of the occupiers of nearby properties.
The impact that the proposal would have on highway safety	The proposal, through removal of the steps and insertion of a ramp would improve safety and enhance accessibility to all.

Community benefits	Improved access will benefit the whole community and enable the effective and continued functioning of this valuable heritage asset
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#### 4.0 Description of Site

The site can be found on the west side of Church Lane in Osmington. The area is predominantly residential and of a historic character. The Parish Church of St Osmund is a Grade II\* Listed Building which can be found to the west of the proposal. A Grade II Listed Head stone and a Grade II Listed Monument can be found within the grounds of the Church. The remains of Manor House can be found to the west of the site and are Grade II Listed. The Old Vicarage, a Grade II Listed Building, can be found to the south west of the proposal. Stone walls form the north and west boundaries of the site. The steps by the lych-gate have been constructed out of stone and the path leading from the lych-gate to the church door has been constructed out of tarmacadam.

#### 5.0 Description of Proposal

In this application it is proposed to install an access ramp, widen a footway, regrade a path using tarmacadam, and install a dropped kerb.

It is also proposed to remove a stone step by the lych-gate and re-grade the path and place it next to the existing steps, where they will be protected by a membrane underneath the proposed ramp. It is proposed to install black painted steel railing either side of the access ramp, construct the surface of the ramp out of concrete and the side wall of the ramp out of natural stone and recessed lime mortar.

#### 5.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/D/11/001764	Photovoltaic panels on south aisle roof	A	20 December 2011
1/E/01/001673	Partial demolition to remove roof and side walls of porch. Erect extension to porch and make internal and external alterations	W	19 March 2002
1/E/01/001674	Erect extension to existing south porch to provide WC and plant room	W	19 March 2002
1/E/03/001088	Erect extension to form new entrance lobby & 2 w.c.s	A	17 July 2003



## 6.0 List of Constraints

Outside of any Defined Development Boundary

Grade II and II\* listed buildings (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

Within the Osmington Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

Dorset Area of Outstanding Natural Beauty (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

Dorset Heath Designation Buffer

Osmington Ridge and Vale Landscape Character Area

Purbeck Heritage Coast

## 7.0 Consultations

### Historic England

- No comment.

### DC Conservation

- Support subject to there being no cement in the mortar and subject to the pointing being slightly recessed

### DC Highways

- No objection subject to the imposition and attachment of a condition and informative on any permission.

### DC Technical Services

- No objection.

### Osmington Parish Council

- Support

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

## 8.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan (2015)

- INT1. Presumption In Favour Of Sustainable Development

- ENV1. Landscape, Seascape And Sites Of Geological Interest
- ENV4. Heritage Assets
- ENV10. The Landscape And Townscape Setting
- ENV12. The Design And Positioning Of Buildings
- ENV16. Amenity
- SUS2. Distribution Of Development
- COM7. Creating a Safe and Efficient Transport Network

#### National Planning Policy Framework (NPPF) 2019

2. Achieving Sustainable Development
12. Achieving well designed places
16. Conserving and enhancing the historic environment

Decision taking:

Para 38 of the NPPF identifies that 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, including brownfield registers and permission in principle, 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.

#### Other material considerations

Osmington, West Knighton, West Stafford and Owemoigne Conservation Area Appraisal 2007

Dorset Area of Outstanding Natural Beauty Management Plan 2019 - 2024

West Dorset Landscape Character Assessment 2009

### **9.0 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.

### **10.0 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 PSED.

In this instance the needs of the population with mobility disadvantages will be improved so that they can have equal access to the Church Services.

### **11.0 Financial benefits**

There will be no direct financial benefits. However, the improved access and use to the community will enable the long-term maintenance of the building, thereby retaining the value of the heritage asset.

### **12.0 Planning Assessment**

#### The principle of development

There is a presumption in favour of sustainable development. The proposed works would enable a wider spectrum of the population to access independently and with relative ease, an existing church, which forms part of an existing settlement. The proposed works, by reason of their nature and function, represent a sustainable form of development. The principle of the proposed works is therefore accepted.

#### The impact that the proposal would have on the character of the area and the setting of the listed buildings

The proposed works, by reason of their - simple design; subservience to nearby structures; separation distance from listed structures and materials which would be sympathetic to the materials that can be found in the area, would preserve the local distinctiveness of the area and would not harm the setting of listed buildings in the vicinity, including the church itself. The materials and finishes with lime plaster recessed into the stone walls will ensure via planning condition that the impact on heritage meets the requirements of the Conservation Officer and reflects the traditional building methods appropriate within the curtilage of a listed building.

#### The impact that the proposal would have on living conditions

No direct or materially harmful overlooking of private habitable space would be possible from the proposed works. The proposed works, by reason of their small scale, size and positioning in relation to nearby properties, would not result in an overbearing or overshadowing effect. The proposal would not have a significant adverse effect on the living conditions of the occupiers of nearby properties.

The impact that the proposal would have on highway safety

It is considered that the proposal, by reason of its nature, would not harm highway safety and would improve access to the whole community including those using mobility from the highway. The Highway Authority has no objection to the proposal, subject to the imposition of a condition that the new access remains free from obstruction and an informative note providing details should the applicant wish the access to be adopted by Dorset Council.

**13.0 Conclusion**

It is considered that the proposed development would represent a sustainable form of development which would successfully integrate into the surrounding environment. It would result in better accessibility to a valuable heritage asset and be of social benefit to the wider community without causing harm to the environment or heritage.

**14.0 RECOMMENDATION**

**GRANT PLANNING PERMISSION 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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location Plan - Drawing Number HI9064-07-01-Orig received on 04/03/2019  
Site Plan - Drawing Number HI9064-06-01-Orig received on 04/03/2019  
Site Plan - Drawing Number HI9064-05-01-Orig received on 04/03/2019  
General Arrangement - Drawing Number H19064/700/1/Orig A received on 10/05/2019

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

3. Prior to the use of the ramp hereby approved it shall have been constructed in accordance with the details shown on drawing H19064/700/1/Orig A received on 10/05/2019. The ramp shall be maintained, kept free from obstruction and made available for access purposes in perpetuity.

REASON: To ensure the proper and appropriate development of the site.

## **Informatives**

### **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.
- The applicant was provided with pre-application advice.

### **Highways**

The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, Hall, Dorchester, DT1 1XJ.

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