



Western and Southern Area Planning Committee

Date: Thursday, 20 February 2020
Time: 10.00 am
Venue: Committee Rooms A&B, South Walks House,
South Walks Road, Dorchester, DT1 1UZ (DT1
1EE for sat nav)

Membership: (Quorum 6)

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

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



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A G E N D A

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1 APOLOGIES

To receive any apologies for absence

2 DECLARATIONS OF INTEREST

To receive any declarations of interest

3 MINUTES

7 - 22

To confirm the minutes of the meeting held on 16 January 2020.

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/19/002723 (OBL) - Land Adjacent Oaklands Park, Warmwell Road, Crossways**

23 - 28

Modification of planning obligations on Section 106 Agreement dated 8th June 2015 on planning approval WD/D/14/002768.

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

29 - 44

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.

- | | | |
|----------|--|----------|
| c | WP/17/00836/FUL - Land NW Side of Wessex Roundabout, Radipole Lane, Weymouth | 45 - 62 |
| | Construction of new vehicular and pedestrian access, surface water management ponds, open space and landscaping associated with the adjacent Wessex Grounds Residential Development. | |
| d | WD/D/17/002597 - Wessex Stadium, Radipole Lane, Chickerell, Weymouth, DT4 9XJ | 63 - 98 |
| | Application for approval of reserved matters for access, appearance, landscaping, layout and scale in relation to outline approval WD/D/14/001938. | |
| e | WD/D/14/001938 - Weymouth Football Club, Wessex Stadium, Radipole Lane, Chickerell, Weymouth, DT4 9XJ | 99 - 104 |
| | Report regarding viability in respect of the S106 agreement dated 27 October 2014 associated with outline planning permission WD/D/14/001938. | |

COMMITTEE BREAKS FOR LUNCH 1.00PM - 2.00PM

- | | | |
|----------|---|-----------|
| f | WP/18/00662/FUL - Land Off of Verne Common Road & Ventnor Road, Portland | 105 - 134 |
| | Develop vacant land by the demolition of garage, formation of vehicular access, erection of 25 dwellings & associated landscaping. | |
| g | WP/19/00699/FUL- 53 Rodwell, Weymouth, DT4 8QX - Demolition of existing dwelling and erect 6no. apartments with associated landscaping works and parking | 135 - 164 |
| | Demolition of existing dwelling and erect 6no. apartments with associated landscaping works and parking. | |
| h | WP/19/00611/FU - Martleaves House, 41 South Road, Weymouth, DT4 9NR | 165 - 178 |
| | Removal of stables and redundant barn/store. Erect 4.no detached houses and two double car ports. | |
| i | WD/D/19/002295 & WD/D/19/002296 - The Barn House, Main Street, Loders, Bridport, DT6 3SA | 179 - 196 |
| | Demolition of an outbuilding and Conversion and extension of an outbuilding to create a dwelling. | |

**j WP/19/00501/FUL - 73-75 Portland Road, Weymouth, DT4
9BE**

197 - 208

Conversion of shop and residential accommodation to 2no. dwellings
and erect 3no. dwellings to the rear fronting Williams Avenue.

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.



DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 16 JANUARY 2020

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

Apologies: Cllrs Pete Barrow

Also present: Cllr David Walsh

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

Ann Collins (Area Lead – Major Applications Western Team), Philip Crowther (Senior Solicitor - Planning), Hamish Laird (Senior Planning Officer), Emma Telford (Senior Planning Officer), Mike Garrity (Head of Planning) and Denise Hunt (Democratic Services Officer)

70. Apologies

An apology for absence was received from Cllr Peter Barrow.

71. Declarations of Interest

Cllr Louie O'Leary declared a non-pecuniary interest in WP/19/00415/OUT - Land East of 61 Bowleaze Coveaway, as he had spoken against the application at a meeting of the Weymouth Town Council Planning Committee. He advised that he would speak for 3 minutes as the ward councillor and thereafter withdraw from the meeting during consideration of this application.

Cllr Simon Christopher declared a non-pecuniary interest in WD/D/19/001020/FUL and WD/D/19/001021/LBC - Sort, Powerstock, due to suggestions made in the public domain that he had predetermined these applications. Although he did not believe that to be the case and had also received legal advice to that effect, due to the particular circumstances he would withdraw from the meeting during consideration of these applications.

72. Minutes

The minutes of the meeting held on 17 December 2019 were confirmed and signed.

73. 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.

74. **Planning Applications**

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

75. **WD/D/19/001020/FUL - Sort, Powerstock, Bridport, DT6 3TQ**

Cllr Simon Christopher left the room during consideration of this application and the Vice-Chairman was in the Chair.

The Senior Planning Officer introduced the application for the restoration and alteration of a farmstead, comprising of 5 small buildings and including the addition of a small bedroom extension.

The Committee was shown a site location and curtilage plan; aerial view of Powerstock showing public bridleways; a site constraints plan and existing site plan of the farmhouse cottage, studios, cart shed / office, stables, kennels / tractor shed; a proposed site plan and floor areas for the existing and proposed site plans and a proposed demolition plan. The farmhouse and barn were grade 2 listed along with a number of curtilage listed outbuildings.

For each element of the application slides were shown of the floor plans and elevations alongside photographs and visual representations of each element of the application including:-

- Sort Farmhouse
- Sort Farm Studios
- Sort Farm Stables (grade 2 listed and previously used as accommodation)
- Cart Shed
- Kennels

The floorplan of Sort Farmhouse included the new build bedroom extension and slides were shown of the various elevations of the dwelling and extension and their relationship.

The Conservation Officer had raised an objection based on the heritage implications, however, the Committee was advised that the harm to the buildings through their alteration needed to be balanced against the material benefits of bringing the buildings back into use. The heritage Implications and public benefits of the scheme were outlined and are listed below:-

Heritage Implications

- Statutory duty to have special regard to the desirability of preserving a listed building and/or its setting
- Reflected by the adopted Local Plan Policy ENV4 and NPPF 2019 Section 16

- Conservation Officer provided advice to Case Officer and Committee as Decision Maker
- The Case Officer and the CO agreed that the proposals represent less than substantial harm to the listed buildings' fabric and character and their setting
- This harm has considerable importance and weight and creates a presumption against planning permission
- That presumption can be outweighed by other material considerations/public benefits if powerful enough

Public Benefits

- In this case the significant public benefits were:
 - Preservation of the buildings from their ruinous state and securing a viable use
 - Re-instatement of the use of historic buildings as residential living accommodation
 - The proposals are modern additions that stand apart from the historic structures assisting in preserving the identity of the listed buildings
 - The proposals will make a positive contribution being transformed from ruin to beneficial use – which can be experienced by walkers/riders using the public bridleway/footpath that run through the site
 - The historic bridges on site will be repaired
- These significant public benefits are considered to outweigh the less than Significant Harm to the listed buildings

In conclusion, the Senior Planning Officer stated that the existing buildings were poorly constructed and had not been maintained for decades. The applicant sought to preserve the buildings and keep them weather tight and had employed an architect who appreciated the site. The modern additions to the existing structures would offer continuity and reflect the evolution of the site and how it went forward in the future. The potential public benefits had been expressed in 10 letters of support from neighbours which were outlined in the report. Although it was necessary to give some weight to the harm to the heritage asset, he considered this to be less than significant, with the public benefits outweighing any harm that would be caused through renovation of the buildings.

Andrew Whittle, a designer and craftsman who lived in Nettlecombe, addressed the Committee and said that he had been sad to witness the deterioration of the site and delighted that it had been bought by a local family who intended to restore the buildings. The proposals maintained the surviving fabric of the buildings with sensitive additions. In the past, these were practical buildings that had been reconfigured according to need. This had led to a mixture of styles and the plans were in keeping with this.

Martin Leay, an environmental planning advisor, spoke on behalf of 2 objectors to the application due to the inappropriate style of the new buildings that did not maintain the character of the site. The proposals represented

significant growth in the residential curtilage due to extension of the listed building and failed to respect the historic building. The report did not set out the reasons why the comments made by the Conservation Officer had been ignored. He concluded that the application was contrary to policy, set a precedent to ignore the advice of the Conservation Officers and did not fulfil policy requirements and that a more sympathetic scheme should be encouraged.

Mr Bob Edwards, Director of a heritage consultancy, was commissioned to prepare a heritage statement in respect of this proposal. He stated that this was an example of a rare farmstead type group of buildings. All of the internal fixtures and fittings of the late 18th century farmhouse had been lost and he did not consider that the bedroom extension impinged on the heritage value of the site. He stated that the Listed Building Consent was about managing change and referred to paragraphs 189 and 190 of the NPPF. He advised that the Conservation Officer's pre-application comments made before the heritage statement had been prepared had not altered. However, the report recommendation was based on a balanced judgement having regard to paragraph 196 of the NPPF, that the public benefit outweighed the harm to the buildings.

Anthony Butler, Vice-Chairman of Powerstock Parish Council, addressed the Committee in support of the application. The proposal represented a modest, low impact approach that preserved the sense of scale of the site, combining old and new elements and using traditional materials to maintain a simple understated scheme. He welcomed the fact that this would become a sustainable family home rather than holiday cottages or a museum.

Cllr Tony Alford, Dorset Council Ward Member for Eggardon, addressed the Committee in support of the application, saying that the farmstead was original and unique in having an organic layout with no formal courtyard or garden area and there would be no question of setting a precedent in this case. It was clear that the buildings had changed style and shape and been repurposed over the years. This application represented further evolution of the site using materials in keeping with the existing buildings. No new dwellings were being created and use as a single dwelling was by way of condition. The method statement in the Listed Building Consent provided the Planning Authority with the control it needed to ensure that the correct materials were used in the restoration.

A statement in support of the application by Sophie Perkins was read aloud by the Vice-Chairman in which she described the area and aspects of the views of the objectors, referring to previous uses of the farm buildings.

Crispin Weston, addressed the Committee on behalf of the applicant, stating that the proposals had been developed in a slow and measured way. A Heritage Consultant specialising in farmsteads and an architect who worked on listed buildings had been commissioned to work on the proposals. The cottage was a late 19th century converted animal shelter as the original house had been destroyed in a fire leaving only the smaller buildings intact. The bedroom extension represented a modest 23% increase and the proposals

would secure Sort's long-term future. The concerns of the Conservation Officer had been mitigated by planning conditions and the only objection had been by a neighbour who lived 1/4 mile away out of view of the buildings. The desire was to turn the buildings into a family home and restore them as soon as possible.

Members asked about the Conservation Officer's comments in relation to the bedroom extension in paragraph 13.1.3 of the report.

The Senior Planning Officer stated that the buildings were poorly constructed and had not been maintained so were difficult to use as modern living accommodation. The bedroom extension therefore enabled the development by providing an adequate level of accommodation for the Sort Cottage that would bring the building back to life, whilst retaining as much of the historic fabric as was reasonable and ensuring that reinstatement of the buildings became a worthwhile investment.

Members highlighted the evolving nature of the farmstead and noted that the existing buildings did not conform to a particular pattern as they had been altered to fit different uses in the past. They asked about the bridges on the site, one of which had collapsed, and were reassured that these would be preserved and rebuilt in a sympathetic manner by way of condition on the Listed Building Consent.

Proposed by Cllr Nick Ireland, seconded by Cllr Louie O'Leary.

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

76. WD/D/19/001021/LBC - Sort, Powerstock, Bridport, DT6 3TQ

Cllr Simon Christopher, left the room during consideration of this application and the Vice-Chairman was in the Chair.

The Senior Planning Officer introduced the application for Listed Building Consent for the restoration and alteration of a farmstead, comprising of 5 small buildings, including the addition of a small bedroom extension.

Proposed by Cllr Louie O'Leary, seconded by Cllr Nick Ireland.

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

77. WP/19/00415/OUT - Land East of 61 Bowleaze Coveaway, Weymouth

Cllr Simon Christopher rejoined the meeting and was in the Chair.

Cllr Louie O'Leary moved to the public seating area. Following public participation he left the room during consideration of this application.

The Senior Planning Officer introduced the outline application for the erection of up to 6 holiday units with associated landscaping.

Members were shown a location plan with the site adjacent to the Defined Development Boundary (DDB); an aerial photo with outline of the site and neighbouring properties at Bowleaze Cove way and Waterside Holiday Park; an indicative site plan showing how 6 holiday units could be accommodated on the site and indicative elevations showing what the units could look like. Retention of an ecological corridor to the east of the site was protected by way of condition.

A number of photos were shown from the field gate into the site, further towards the holiday park, looking back at the site and No 61 Bowleaze Cove way, looking down the road in the other direction with the Riviera Hotel in the background, the other existing field gate and relationship of the site to No 61 Bowleaze.

An update sheet circulated to the Committee at the meeting included proposed amendments to condition 5 (due to a typographical error) to change the date from 31/01/2023 to 31/01/2030 in the interests of ground stability.

A further 3 consultation responses had been received since the writing of the report, however, the issues raised had been covered in the report.

Derek Brown, of the neighbouring property, stated that at the time his home had been built the planning authority wanted to protect the buffer zone between his home and the holiday camp. Most of the windows in his home faced the application site and would lead to a lack of privacy. Further concerns included road safety, the lack of a reception area and parking, late night noise and closure during the winter months. Speed bumps and crossing points had been put in place at the holiday park due to traffic concerns and having units at the application site would detract from these measures.

Cllr Tony Ferrari, Dorset Council Ward Member for Littlemoor and Preston, stated that Weymouth Town Council Planning Committee had objected to this application. He highlighted significant erosion in that area; the creation of water run offs in unpredictable areas due to the development; the need to preserve the existing biodiversity corridor to ensure its effectiveness; and the impact of the development in moving pedestrian traffic further up the hill in between parked cars when there were traffic crossings at the holiday park.

Cllr Louie O'Leary, Dorset Council Ward Member for Littlemoor and Preston read a statement on behalf of neighbouring residents Mr & Mrs Sharp. They were concerned about surface water drainage, the lack of a reception to deal with issues such as late night noise disturbance, the inappropriateness of the development close to a Band G council tax area, the importance of the green space between the residential area and the holiday park and the viability of the 6 huts. Turning to his own comments, Cllr O'Leary advised that he had spoken against the application at the Weymouth Town Council Planning Committee when it was refused on the grounds of landslip and that No 61 Bowleaze Cove way would look down on the huts due to its height. This

proposal did not meet a housing demand and previous applications had been refused due to the unsuitability of that ground that existed as a buffer between the residential and commercial properties. He therefore urged the Committee to refuse the application.

Laura Ashworth, the Agent, stated that the original application had been submitted in May 2019 and that all issues had been addressed. Comments made by Natural England had been taken out of context and there would be no adverse impact on Portland. She explained that this was a sensitive low impact scheme that delivered high quality holiday accommodation close to tourist facilities that made use of this site and that the proposal would not result in significant harm to neighbours in terms of noise and amenity.

Cllr Louie O'Leary withdrew from the meeting at this juncture.

The Area Lead clarified that the site was not in the Area of Outstanding Natural Beauty (AONB), that the indicative drawings would not necessarily represent the end style of the units and that Weymouth Town Council had not objected to the proposal when first consulted on this application.

Members raised concerns in a number of areas, including

- the rationale for a time limited development of 10 years due to land stability;
- stability of the road due to cliff erosion and the impact of this proposal should an alternative route from Bowleaze be required;
- the Biodiversity Mitigation and Enhancement Plan in the context of the declaration of a climate and ecological emergency by the Council and comments made by Natural England;
- the impact of water run off on neighbouring properties;
- narrowing of the ecological corridor between residential houses and the holiday park; and
- parking arrangements in the context of limited parking on the road during the summer period.

Members were informed that the Highway Authority had not objected to the application. Comments had been received from the Technical Services Team in relation to land slippage, resulting in the advice to allow temporary consent. At the end of the 10 year period a further permission could be sought which would be considered on its own merits and not set a precedent for further development. Water run off would be subject to a planning condition.

The main concern of Natural England was to preserve the ecological corridor and they were content that the impact would be acceptable subject to the revised Biodiversity Mitigation and Enhancement Plan. Whilst appreciating that part of the green space would be lost, there remained an extensive area of green space in that location.

It was confirmed that the applicant had agreed to the conditions, including the 10 year timescale.

Members remained concerned about pedestrian safety due to the high level of traffic movements created by the turning point at the holiday park and were mindful that this proposal moved pedestrian traffic to a point further up the hill where traffic speeds were greatest. They were reminded that no objection had been raised by the Highway Officer and that only the most severe highway impacts could be given as a reason for refusal.

Following further debate, the Committee came to the view that the benefits of this application did not necessarily outweigh the concerns. Members considered that mixing residential with holiday lets outside the DBB to be inappropriate and that the holiday lets would not be in keeping with the neighbouring residential properties. Members were concerned about the reduction in the greenspace between no. 61 Bowleaze Coveaway and Waterside Holiday Park and the impact on views of the site and its surroundings.

A 5 minute adjournment was taken in order to formulate appropriate wording of a reason for refusal, following which, that reason was read aloud and supported by the Committee:-

"The proposed development would adversely erode the existing green space between no. 61 Bowleaze Coveaway and Waterside Holiday Park to the detriment of views of the site from Bowleaze Coveaway and Weymouth Bay and would adversely impact the visual amenity of the area contrary to policy ENV1 of the West Dorset, Weymouth & Portland Local Plan (2015)."

Proposed by Cllr David Shortell, seconded by Susan Cocking.

Decision: That the application be refused for the reason outlined in the appendix to these minutes.

78. **Urgent items**

There were no urgent items.

Duration of meeting: 2.00 - 4.15 pm

Chairman

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APPLICATION NUMBER: WD/D/19/001020/FUL and WD/D/19/001021/LBC

APPLICATION SITE: SORT, POWERSTOCK, BRIDPORT, DT6 3TQ

PROPOSAL: Restoration and alteration of a Farmstead, comprising of five small buildings, including the addition of a small bedroom extension

WD/D/19/001020/FUL

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:

Location Plan - Drawing Number 196_P_001

Proposed Site Plan - Drawing Number 196_P_003

Sort Farmhouse - Proposed Ground Floor Plan - Drawing Number 196_P_100

Studios - Proposed Ground Floor Plan - Drawing Number 196_P_101

Cart-shed - Proposed Ground Floor Plan - Drawing Number 196_P_102

Sort Barn - Proposed Ground Floor Plan - Drawing Number 196_P_103

Kennels - Proposed Ground Floor Plan - Drawing Number 196_P_104

New Bedroom - Proposed Ground Floor Plan - Drawing Number 196_P_105

Sort Farmhouse - Proposed South Elevations - Drawing Number 196_P_301

Sort Farmhouse - Proposed East Elevations - Drawing Number 196_P_303

Sort Farmhouse - Proposed North Elevations - Drawing Number 196_P_305

Sort Farmhouse - Proposed West Elevations - Drawing Number 196_P_307

Sort Farmhouse - Proposed Section AA - Drawing Number 196_P_309

Sort Farmhouse - Proposed Section BB - Drawing Number 196_P_311 Studio

- Existing & Proposed South Elevations - Drawing Number 196_P_312

Studio - Existing & Proposed East & West Elevations - Drawing Number 196_P_313

Studio - Existing & Proposed North Elevations - Drawing Number 196_P_314

Studio - Existing & Proposed Section AA - Drawing Number 196_P_315

Studio - Existing & Proposed Section BB - Drawing Number 196_P_316

Cart-shed - Existing & Proposed South & North Elevations - Drawing Number 196_P_317

Cart-shed - Existing & Proposed West Elevations - Drawing Number 196_P_318

Cart-shed - Existing & Proposed East Elevations - Drawing Number 196_P_319

Sort Barn - Proposed South Elevations - Drawing Number 196_P_321

Sort Barn - Existing & Proposed East Elevations - Drawing Number 196_P_322

Sort Barn - Proposed North Elevations - Drawing Number 196_P_324

Sort Barn - Existing & Proposed West Elevations - Drawing Number 196_P_325

Sort Barn - Existing & Proposed Section AA - Drawing Number 196_P_326

Kennels & Tractor Shed - Existing & Proposed West & South Elevations - Drawing Number 196_P_327
Kennels & Tractor Shed - Existing & Proposed North & East Elevations - Drawing Number 196_P_328
New Bedroom - Proposed West Elevations & Section - Drawing Number 196_P_329
New Bedroom - Proposed East Elevations - Drawing Number 196_P_330
New Bedroom - Proposed North Elevations - Drawing Number 196_P_331
New Bedroom - Proposed South Elevations - Drawing Number 196_P_332
Proposed Drainage - Drawing Number 501 Rev P1

all received on 16 April 2019; and,

Roof Plans - Drawing Number 196_P_004
Proposed South Topographical Survey - Drawing Number 196_P_333
Proposed North Topographical Survey - Drawing Number 196_P_334
Proposed East Topographical Survey - Drawing Number 196_P_335
Proposed West Topographical Survey - Drawing Number 196_P_336

all received on 13 June 2019;

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

3. Following completion of the works of repair, refurbishment and extension, hereby permitted, the dwelling and outbuildings comprising Sort Farmstead and as shown on drawing number 196_P_003 'Sort Proposed Site Plan' be occupied as one dwelling unit only.

REASON: The site is located in the open countryside and Dorset AONB where new build residential development is severely restricted. Separate occupation of any of the units of living accommodation in this area would be contrary to the Council's Adopted planning policies and the advice contained in the NPPF 2019.

4. The development shall be carried out in accordance with the findings of the Bat & Protected Species Survey, Great Crested Newt Survey, & Bat Activity Survey by Ecologic dated December, 2017; and, the submitted Biodiversity Mitigation Plan dated 22 November, 2019. Thereafter, the mitigation measures provided shall be permanently maintained.

REASON: To make provision for protected species in accordance with the requirements outlined in the National Planning Policy Framework 2019.

WD/D/19/001021/LBC

Decision:- Listed Building Consent Granted, subject to the following conditions and their reasons:

1. 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 by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

Location Plan - Drawing Number 196_P_001 Proposed

Site Plan - Drawing Number 196_P_003

Sort Farmhouse - Proposed Ground Floor Plan - Drawing Number 196_P_100

Studios - Proposed Ground Floor Plan - Drawing Number 196_P_101

Cart-shed - Proposed Ground Floor Plan - Drawing Number 196_P_102

Sort Barn - Proposed Ground Floor Plan - Drawing Number 196_P_103

Kennels - Proposed Ground Floor Plan - Drawing Number 196_P_104

New Bedroom - Proposed Ground Floor Plan - Drawing Number 196_P_105

Sort Farmhouse - Proposed South Elevations - Drawing Number 196_P_301

Sort Farmhouse - Proposed East Elevations - Drawing Number 196_P_303

Sort Farmhouse - Proposed North Elevations - Drawing Number 196_P_305

Sort Farmhouse - Proposed West Elevations - Drawing Number 196_P_307

Sort Farmhouse - Proposed Section AA - Drawing Number 196_P_309

Sort Farmhouse - Proposed Section BB - Drawing Number 196_P_311 Studio

- Existing & Proposed South Elevations - Drawing Number 196_P_312

Studio - Existing & Proposed East & West Elevations - Drawing Number 196_P_313

Studio - Existing & Proposed North Elevations - Drawing Number 196_P_314 Studio

- Existing & Proposed Section AA - Drawing Number 196_P_315

Studio - Existing & Proposed Section BB - Drawing Number 196_P_316

Cart-shed - Existing & Proposed South & North Elevations - Drawing Number 196_P_317

Cart-shed - Existing & Proposed West Elevations - Drawing Number 196_P_318

Cart-shed - Existing & Proposed East Elevations - Drawing Number 196_P_319

Sort Barn - Proposed South Elevations - Drawing Number 196_P_321

Sort Barn - Existing & Proposed East Elevations - Drawing Number 196_P_322 Sort

Barn - Proposed North Elevations - Drawing Number 196_P_324

Sort Barn - Existing & Proposed West Elevations - Drawing Number 196_P_325

Sort Barn - Existing & Proposed Section AA - Drawing Number 196_P_326 Kennels

& Tractor Shed - Existing & Proposed West & South Elevations - Drawing Number 196_P_327

Kennels & Tractor Shed - Existing & Proposed North & East Elevations - Drawing Number 196_P_328

New Bedroom - Proposed West Elevations & Section - Drawing Number 196_P_329

New Bedroom - Proposed East Elevations - Drawing Number 196_P_330

New Bedroom - Proposed North Elevations - Drawing Number 196_P_331
New Bedroom - Proposed South Elevations - Drawing Number 196_P_332
Proposed Drainage - Drawing Number 501 Rev P1

all received on 16 April 2019; and,

Roof Plans - Drawing Number 196_P_004
Proposed South Topographical Survey - Drawing Number 196_P_333
Proposed North Topographical Survey - Drawing Number 196_P_334
Proposed East Topographical Survey - Drawing Number 196_P_335 Proposed
West Topographical Survey - Drawing Number 196_P_336

all received on 13 June 2019;

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

3. Prior to the commencement of the development hereby permitted, a Method Statement setting out the approach to the restoration, repair, retention and reinstatement of historic features for each of the following buildings:

Sort Farmhouse; The
Studio;
The Stables;
The cart-shed and Workshop; and, The
Kennels and Tractor Store;

shall be submitted to and approved in writing by the local planning authority.
The Method Statement shall include:

Details of re-instatement and repair of the thatched roofs of the farmhouse; and the repair of the thatched roof for the Stables;

A window schedule or plan annotations showing windows to be replaced or secondary glazed;

Locations of fibreboard cladding to walls;

The use of lime mortar in repointing and in the construction of any new walls; the careful uncovering of any historic fabric, such as windows, doors, lintels, roof trusses etc.

All works of restoration, repair, retention and reinstatement of historic features for each of the buildings shall be carried out in accordance with the approved Method Statement.

REASON: To ensure the historic fabric and architectural character and setting of the buildings is properly maintained, in accordance with the requirements of S17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

4. The thatched roofs of Sort Farmhouse and The Stables shall except where it has collapsed in respect of the farmhouse, be retained and all timbers and roof supports re-used where possible. The roofs coverings shall be repaired or replaced using Combed Wheat Reed only.

REASON: To ensure the historic fabric and architectural character and setting of the buildings is properly maintained, in accordance with the requirements of S17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

5. Prior to the commencement of the development hereby permitted, drawn details of all new internal and external doors, and all new windows at a scale of 1:10 in elevation; and, 1:5 in section shall be submitted to and approved in writing by the local planning authority. The development shall be carried in accordance with the approved details.

REASON: To ensure the historic architectural character and setting of the buildings is properly maintained, in accordance with the requirements of S17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

6. Prior to the commencement of the development hereby permitted, drawn details of all pipe-runs and underground services to the site and between the different structures on site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure the historic architectural character and setting of the buildings is properly maintained, in accordance with the requirements of S17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

7. Prior to the commencement of the development hereby permitted, details of all internal and external flues, vents and extracts shall be submitted to and approved in writing by the local planning authority. The development shall be carried in accordance with the approved details.

REASON: To ensure the historic architectural character and setting of the buildings is properly maintained, in accordance with the requirements of S17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

8. The development hereby approved shall be carried out using the submitted schedule of materials and finishes (received 13 June, 2019) and thereafter permanently maintained. For the avoidance of doubt, any new tiles to match shall be

of clay, not concrete. Any new slates to be used shall be natural slate and not imitation slates.

REASON: To ensure the historic architectural character and setting of the buildings is properly maintained, in accordance with the requirements of S17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

9. All rainwater goods, downpipes, and any soil vent pipes to be used in the development, hereby permitted, shall be of cast iron, or cast aluminium construction, and painted black. Subsequently, the rainwater goods in this colour and either of these materials shall be permanently retained.

REASON: To ensure the historic and architectural character and setting of the building is properly maintained, in accordance with the requirements of S17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended); and, Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan (adopted 2015).

10. Prior to the commencement of any works in relation to the bridges on site as outlined in the submitted Bridge Report, a schedule of works and materials and a method statement for repairs and/or reconstruction of the bridges shall be submitted to and approved in writing by the local planning authority. The works to the bridges shall be carried out in accordance with these approved details.

REASON: To ensure the historic architectural fabric, character and setting of the bridges is properly maintained, in accordance with the requirements of S17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

APPLICATION NUMBER: WP/19/00415/OUT

APPLICATION SITE: Land East of, 61 Bowleaze Coveaway, Weymouth

PROPOSAL: Erection of up to 6.no holiday units with associated landscaping

Decision: Refuse for the following reason:

1. The proposed development would adversely erode the existing green space between no. 61 Bowleaze Coveaway and Waterside Holiday Park to the detriment of views of the site from Bowleaze Coveaway and Weymouth Bay and would adversely impact the visual amenity of the area contrary to Policy ENV1 of the West Dorset, Weymouth & Portland Local Plan (2015).

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[WD/D/19/002723](#)

Land Adjacent Oaklands Park, Warmwell Road, Crossways

Modification of planning obligations on Section 106 Agreement dated 8th June 2015 on planning approval WD/D/14/002768

Applicant name – Allenby Homes

Case Officer – Emma Telford

Ward Member(s) – Cllr Ireland

The application is brought to committee at the request of the Service Manager in accordance with section 151 of the Officer Scheme of Delegation.

1.0 Summary of Recommendation:

1.1 Delegate authority to the Head of Planning to modify the S106 agreement dated 8th June 2015 on planning approval WD/D/14/002768 to:

Substitute the current affordable housing tenure mix of 17 units (rent and intermediate shared ownership) for 17 discounted market units.

2.0 Reason for the recommendation:

2.1 It is considered that the proposed modification to the S106 would have an acceptable impact. The modification proposed is that the current tenure mix of rented and intermediate shared ownership affordable housing would be substituted for discounted market units. This change is required as the applicant has not been able to find a registered provider to take on the affordable element of the approved scheme due to the low number of units, location and a number of 1 bed flats. Discounted market sales housing is included in the definition of affordable housing in the National Planning Policy Framework (2019). The modification would not alter any of the proposed built form of the development.

3.0 Key planning issues

Issue	Conclusion
Provision of affordable housing	The proposed modification to the S106 agreement is considered acceptable.

4.0 Description of Site

4.1 The S106 agreement dated 8th June 2015 relates to the site Land adjacent Oaklands Park, Warmwell Road, Crossways. The agreement is associated with the application WD/D/14/002768 for the construction of 49 homes, 8 commercial units (Use class B1), parking, access and landscaping.

4.2 The site is located just outside of the defined development boundary of Crossways.

5.0 Description of Proposal

5.1 This application seeks to modify the S106 agreement by substituting the current tenure mix (rent and intermediate shared ownership) for discounted market units.

6.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
WD/D/14/002768	Construction of 49 homes, 8 commercial units (Use class B1), parking, access and landscaping	Approved	08/07/2015
WD/D/17/002760	Approval of reserved matters application in relation to Access, Appearance, Landscaping, Layout and Scale for outline application WD/D/14/002768 : Construction of 49 homes, 8 commercial units (Use class B1), parking, access and landscaping	Approved	09/08/2018

7.0 Relevant Constraints

Outside of Defined Development Boundary

8.0 Consultations

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

Crossways Parish Council – No comments received at the time of report writing.

9.0 Representations

9.1 No comments received at the time of report writing.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan

HOUS1 – Affordable Housing

National Planning Policy Framework

4. Decision-making
5. Delivering a sufficient supply of homes

11.0 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.

12.0 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.

13.0 Financial benefits

13.1 This application is not considered to alter the financial benefits of the development.

14.0 Climate Implications

14.1 The proposed modification to the S106 is not considered to alter the climate implications of the development.

15.0 Planning Assessment

Provision of Affordable Housing

15.1 The legal agreement (s106) the subject of this application relates to the site Land adjacent Oaklands Park, Warmwell Road, Crossways, which is the subject of outline planning permission WD/D/14/002768. This application seeks to modify the agreement as follows.

15.2 The current s106 requires that 17 of the units being developed on the site are affordable and 12 of those units would be affordable rented units and the remaining units intermediate shared ownership. These affordable units would consist of 10 x 1 bed flats and 7 x 3 bed dwellings as shown on the approved plans of the reserved matters application WD/D/17/002760.

15.3 The applicant is applying to change the affordable housing mix to all discount market units. These homes are sold at a discount against the open market value. In this case the legal agreement would set out that the homes would be sold at 20% discount to market value. When the homes are sold in the future the same discount is applied so the homes are affordable in perpetuity. In order to be eligible for these homes, purchasers must be on the housing register. This change to the s106 is required as the applicant has not been able to find a registered provider to take on the affordable element of the approved scheme. Supporting evidence has been submitted as part of the application setting out the registered providers contacted over the course of 6-7 months with no expressions of interest received. The reasons expressed for not being interested consisted of the development being too small, too many 1 bedroom flats and not looking for anything in this location at this time. The provision of affordable housing through discount market units has been allowed elsewhere, for example at Poundbury.

15.4 The Housing Enabling Team Leader has discussed the proposed modification to the affordable housing mix and is content with this as a way forward as the applicant has not been able to find a registered provider to deliver any rented homes on this site.

15.5 In this case it is considered that the proposed modification is acceptable.

16.0 Conclusion

16.1 It is considered that the proposed modification to the S106 agreement would have an acceptable impact as a registered provider cannot be found and would enable the provision of affordable housing through discounted market homes. Furthermore the modification does not alter the built form of the development.

17.0 Recommendation

17.1 Delegate authority to the Head of Planning to modify the S106 agreement dated 8th June 2015 on planning approval WD/D/14/002768 to:

- Substitute the current affordable housing tenure mix of 17 units (rent and intermediate shared ownership) for 17 discounted market units.

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APPLICATION SITE: LAND TO THE NORTH OF LITTLEMOOR, WEYMOUTH

APPLICATION NUMBERS: WP/16/00253/OUT and WD/D/16/000739

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.

APPLICANT: Neejam 165 Ltd. and Budworth Development Ltd

WARD MEMBERS: Cllrs Tony Ferrari; Louie O'Leary, and Roland Tarr

1. Since the 4th July 2019 planning committee meeting, it has become apparent that there is a discrepancy in the wording of the description of development relating to the employment land which reads: "up to 8 ha of employment land (to include a new hotel, residential care home, car show rooms and other employment land);" and the wording of the S.106 Agreement and the Parameter Plan to be approved.
2. The Parameter Plan refers to an employment land area of 7.92 ha. As this is to be an approved plan, as per the committee resolution from 4th July 2019, this land area should be reflected in the wording of the S.106 Agreement. Currently the committee resolution states that the S106 agreement will secure 8ha of employment land and it is therefore that element of the resolution to which the amendment is sought.
3. The amendment affects the committee resolutions relating to both application WP/16/00253/OUT and application WD/D/16/000739. The applications are duplicates of each other reflecting that the site straddled the boundaries of the former West Dorset District Council and Weymouth and Portland Borough Council areas. However since April 2019 the site falls entirely with the administrative area of Dorset Council.
4. This issue is to be considered because the Planning Committee previously delegated authority to approve at its Meeting on 4th July, 2019, and, apart from the above proposed amendment nothing since then has changed which would suggest the Committee should revisit that approval. Work has been progressing on the drafting of the S106 Agreement in the meantime and it is that which has highlighted the discrepancy between the parameter plan and the committee resolution in respect of the total extent of employment land.

5. Officers are content that the extent of the employment land is 7.92 hectares as per the parameter plan as that accords with the description of the development which refers to “up to 8 hectares”. The Land Use Parameter Plan indicates an employment area that is cohesive and well-related to adjoining existing and proposed land-uses. An area of 7.92 hectares amounts to 99% of 8 ha, and is considered to be acceptable.
6. On a separate issue, Officers consider that the wording of conditions 11, 14 and 20 should be amended to require their implementation. As currently worded, the details sought for approval by the conditions (which remain unchanged) do not go on to require their implementation.

RECOMMENDATION:

1. It is recommended that Members agree a new resolution to amend the amount of land secured by the S106 agreement to 7.92 ha to accord with the 7.92 ha ‘Employment’ legend on the Parameter Plan to be approved titled ‘Land Use Plan’ Drawing No. 0379-0060-011.
2. It is recommended that Members agree the revised wording of conditions 11, 14 and 20 with the ***new wording in bold italics***. Condition 10 is rehearsed below for completeness because its requirements are referenced by the wording of condition 11.

Condition 10

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/densities; (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.

Condition 11

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 ***the above approved***

landscape works **and all works of landscape maintenance** shall be carried out in accordance with **these approved details and 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.

Condition 14

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. **The works for each phase shall subsequently be carried out strictly in accordance with the approved details.**

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

Condition 20

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)). **Such a Report shall be submitted to and agreed in writing by the Local Planning Authority. Subsequently, the rated background noise levels recorded as advised in the Report shall not exceed (29dB(A)) at any time.**

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).

RECOMMENDATION SUMMARY:

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 7.92 of serviced employment land;
- ☐ Allocation of land within the site for provision of a 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
- ☐ 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 up to £478,162; the sum to be off-set against the value of the on-site provision.”*
- ☐ 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/densities; (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 the above approved landscape works and all works of landscape maintenance shall be carried out in accordance with these approved details and the guidance contained in British Standards.

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. The works for each phase shall subsequently be carried out strictly in accordance with the approved details.

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 including 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)). Such a Report shall be submitted to and agreed in writing by the Local Planning Authority. Subsequently, the rated background noise levels recorded as advised in the Report shall not exceed (29dB(A)) at any time.

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 xxxxxxx

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) 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, 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).

1.0 Application Number – [WP/17/00836/FUL](#)

Site address – Land NW side of Wessex Roundabout, Radipole Lane, Weymouth

Description of Development - Construction of new vehicular and pedestrian access, surface water management ponds, open space and landscaping associated with the adjacent Wessex Grounds Residential Development

Applicant name – Weymouth Community Sports LLP

Case Officer – Ann Collins

Ward Member(s) – Cllr J Dunseith, Cllr J Worth

Having regard to the constitution the Head of Service considers that the application should be determined by the Area Planning Committee.

2.0 Summary of Recommendation: Grant subject to conditions

3.0 Reason for the recommendation:

3.1 It is considered that the proposed development would not adversely impact on the continuing use of Wessex Stadium as a recreational facility. Furthermore the development would, subject to planning conditions, have an acceptable impact on visual amenity and landscape character, highway safety, surface water drainage, biodiversity and nearby protected sites and residential amenity and would not result in unacceptable impacts resulting from contamination and pollution.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The development is proposed in association with the existing outline planning permission for the adjacent site. The development is considered acceptable, subject to conditions, to either serve the existing Wessex Stadium or the proposed adjacent residential development.
Highway safety	It is considered that subject to planning conditions the development would have an acceptable impact on highway safety in accordance with Policy COM7 of the local plan.
Visual and landscape impact	There would be limited additional visual and landscape impact compared to the site as existing. Additional tree planting is proposed. Subject to planning conditions it is considered that the development would have an acceptable impact on the visual amenity of the area in accordance with

	Policies ENV1 and ENV10 of the local plan.
Surface water drainage	Two ponds are proposed which are, at least in part, understood to be associated with the proposed development of the adjacent site. The details of those ponds can be conditioned in the interests of health and safety. Furthermore conditions are required regarding infiltration of surface water and to protect the downstream SSSI.
Biodiversity	A biodiversity mitigation plan has been submitted and it is considered that subject to the implementation of the mitigation plan and other planning conditions the development would have an acceptable impact on biodiversity in accordance with Policy ENV2 of the local plan.
Residential amenity	It is considered that the proposed development would have an acceptable impact on the single nearby dwelling and that should the adjacent land be developed for housing it would also have an acceptable impact on the amenity of future residents in accordance with Policy ENV16 of the local plan.
Contaminated Land	It is considered that subject to planning conditions the development would not have unacceptable impacts resulting from pollution and contaminated land in accordance with Policy ENV9 of the local plan.

5.0 Description of Site

- 5.1 The application site is located to the north west of the Wessex Roundabout and to the north of the B3157. The road to the application site is the road which also serves the Wessex Golf Centre, Police Station and custody suite and the Chickerell electricity distribution and sub-station site. Along the road runs a public footpath from which the application site is visible.
- 5.2 The application site is a relatively small area of land which is adjacent to the much larger area of land to the north/west which is the subject of a reserved matters application WD/D/17/002597.
- 5.3 The application site currently has the vehicular and pedestrian access to the Wessex Stadium site and also contains some existing vegetation and grassed areas.

- 5.4 The red line of the application site does not extend all the way up to the road and doesn't include some of the visibility splays. This is because that land is within the control of the highways authority which has been confirmed by the Council's legal officers.
- 5.5 There is what appears to be an existing mobile phone mast immediately to the south east of the site and a number of telephone cabinets. There are also currently a number of signs on the south east boundary of the site relating to the existing use of the adjacent land (football stadium). The existing vehicular access to the site is gated.
- 5.6 The land rises up from the roundabout to the entrance to the application site.

6.0 Description of Development

- 6.1 This is a full application to construct a new vehicular and pedestrian access and ponds and to carry out landscaping to the application site. These works are all proposed in connection with the existing outline planning permission (WD/D/14/001938) for the development of the adjacent site for residential purposes. That site is now the subject of a reserved matters application (WD/D/17/002597) for the approval of access, appearance, scale, layout and landscaping.
- 6.2 The application site has been the subject of a previous planning permission (WP/13/0027/FUL) to construct an access and provide public open space. The proposal also included a pond. That permission was granted in May 2014 and as it was not implemented it expired in May 2017. As per now the proposals were in connection with the proposal to develop the adjacent land for residential purposes.
- 6.3 The current application includes a new vehicular access with adjacent footways which would connect with the access proposed within the adjacent site. The access the subject of this application would provide the only vehicular and pedestrian access from the road to the proposed housing development. On the application site are also proposed two ponds (one of which is partly outside of the application site on the adjacent site the subject of the reserved matters application) and soft landscaping.

7.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/D/12/001763	Redevelopment of existing football stadium, training pitch and car park with 150 – 170 dwellings (including affordable	Withdrawn	27 th October 2014

	housing), public open space, convenience store, access and parking		
WP/13/00027/FUL	Construct access and provide public open space	Approved	19 th May 2014
WD/D/14/001938	Redevelopment of existing football stadium, training pitch and car park with 150 – 170 dwellings (including affordable housing), public open space, access and parking	Approved	27th October 2014
WD/D/17/002597	Application for approval of reserved matters for access, appearance, landscaping, layout and scale in relation to outline approval WD/D/14/001938		

8.0 List of Constraints

Outside defined development boundary
Existing stadium site
Proximity to SSSI
Proximity to public right of way

9.0 Consultations

- 9.1 Environment Agency – No objection subject to conditions and informatives. The conditions are regarding contamination and infiltration of surface water drainage.
- 9.2 Tree Officer – Existing tree screen along the southern boundary around to the entrance of the proposed development should be retained and allowed to grow beyond the 1.2m height for that of the proposed screen planting.
- 9.3 Landscape Officer – No objection.
- 9.4 Highways Officer – No objection subject to a condition regarding the provision of the access, highway layout, parking and turning areas in accordance with the submitted drawing and they are to be maintained, kept free from obstruction and be available for use thereafter.
- 9.5 WPA – The submitted report advises the requirement for a phase 2 invasive site investigation. WPA concurs that this is required. Further submissions are to be expected covering invasive investigation, remediation, a discovery strategy and close out verification report.

- 9.6 Natural England – Remain satisfied with the pollution prevention measures designed to protect the adjacent Radipole Lake SSSI. The measures should be secured by an appropriate condition that ensures the pollution prevention features are appropriately monitored and regularly maintained. Natural England are also satisfied that the proposals are unlikely to have a significant effect on any European Sites. It is noted that a Biodiversity Mitigation and Enhancement Plan has been submitted with the application, which is welcome. The BMEP should be agreed with the Dorset Council Natural Environment Team and its implementation secured by any permission.
- 9.7 All consultee responses and representations can be viewed in full on the website.

10.0 Representations

- 10.1 Two representations have been submitted raising the following concerns:
- Concerned at the amount of extra vehicles generated out onto the Wessex Roundabout, by-pass and Radipole Lane. Traffic already backs up at roundabout and by-pass at peak times of the day.
 - Weymouth Civic Society has commented that they are concerned about the location of the access. Any new access should be further from the roundabout especially in view of daily traffic generated by the development, with a potential further increase on the main roads and roundabout here if the Portland Relief Road is constructed in the future.
- 10.2 The Dorset Police Crime Prevention Design Advisor has commented on the reserved matters application WD/D/17/002597 but some of their comments are relevant to this application for the proposed new vehicular access. They consider that the access point is too close to the Wessex Roundabout and that at key times during the day the road is already very busy (can wait 5 to 6 minutes plus to enter the roundabout) and to add additional vehicles from the development will cause congestion on the roundabout and surrounding roads. They question what consideration has been given for officers attending emergency calls from the police station, saying that have spoken to officers from the station they are concerned not only from attending incidents but to the safety of residents emerging from the development. They question why for such a large development there is now only one access point.

11.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan (2015)

ENV1 Landscape, Seascape and Sites of Geological Interest

ENV2 Wildlife and Habitats
ENV5 Flood Risk
ENV9 Pollution and Contaminated Land
ENV10 The Landscape and Townscape Setting
ENV16 Amenity
SUS2 Distribution of Development
COM7 Creating a Safe and Efficient Transport Network
COM5 The Retention of Open Space and Recreational Facilities

National Planning Policy Framework (2019)

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

8 Promoting Healthy and Safe Communities
9 Promoting Sustainable Transport
14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
15 Conserving and Enhancing the Natural 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.

12.0 Human rights

Article 6 - Right to a fair trial.
Article 8 - Right to respect for private and family life and home.
The first protocol of Article 1 Protection of property

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

13.0 Public Sector Equalities Duty

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people

- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED. There will be a tarmac footpath along the access and into the housing development proposed to the west of the site allowing access by foot and also due to the surface for those using mobility scooters, wheelchairs and pushchairs.

14.0 Financial benefits

- 14.1 There are no identifiable financial benefits arising from the proposed development.

15.0 Climate Implications

- 15.1 Additional soft landscaping and tree planting are proposed and ponds are included to assist with surface water drainage. The former is important for carbon dioxide absorption and the latter helps address one of the likely implications of climate change.

16.0 Planning Assessment

Principle of development:

- 16.1 The application is for full planning permission and is similar to a previous scheme from 2013 (granted in 2014). The application site was within the administrative area of the former Weymouth and Portland Borough Council and the adjacent land the subject of the residential proposals within the area of the former West Dorset District Council and it is this division which appears to have created the scenario of separate planning applications. However since 1st April 2019 both sites fall within the administrative area of Dorset Council.
- 16.2 The existing access within the application site serves Wessex Stadium. This application wouldn't prevent access to Wessex Stadium, but rather change the position of it by moving it further south towards the roundabout. The application is driven by the adjacent residential proposal for which an outline planning permission exists. However, even if the reserved matters application (WD/D/17/002597) was not subsequently approved for that residential development or it was approved but not implemented the proposed access, if implemented, would still enable access to Wessex Stadium once the access was constructed and would not compromise the existing parking provision at the site. However, it would seem unlikely that the new access, ponds and landscaping would be implemented in isolation of the residential proposal.

Highway safety:

- 16.3 The highway authority has no objection to the proposal and has recommended a condition regarding the provision of the highway access, geometric highway layout, parking and turning areas as shown on the drawings and that thereafter these areas must be maintained and kept free from obstruction and be available for the purposes specified. They are seeking provision of the above prior to the occupation of the proposed adjacent residential development. Such a Grampian condition can be attached to the reserved matters approval for the adjacent site should it be approved.

In respect of the site for the access a condition can be imposed that the access shall not be first utilised until the vehicular access, pedestrian pathways, visibility splays and geometric highway layout have been completed and thereafter these must be maintained, kept free from obstruction and available for the purposes specified. It is considered that subject to that condition the development would have an acceptable impact on highway safety and the proposed development accords with Policy COM7 of the adopted local plan and paragraph 108 of the NPPF.

Visual and landscape impact:

- 16.4 The proposed development includes not only a new access but also ponds to either side of the access road and new tree planting. Some existing grassed areas would be lost to form the ponds and 9 new trees would be planted which would be a mix of Silver Birch, White Willow, Downy Birch and Alder. Around the ponds it is proposed to sow a flowering lawn and to the south of the southern pond wildflower meadow grass and the existing scrub is shown as maintained as dense boundary vegetation. The landscape officer has no objections to the proposals.
- 16.5 From outside of the site the proposed development would look little different to the existing appearance of the site given that one access would be replaced with another and there would be new tree planting. The open space to either side of the access would take on a different character, being ponds rather than grass but that is not considered to be an adverse impact. Overall it is considered that the development would have an acceptable landscape and visual impact in accordance with Policies ENV1 and ENV10 of the adopted local plan.

Surface water drainage:

- 16.6 Two proposed ponds are shown in the area the subject of this application. The intention is that they would be ponds addressing surface water drainage from the adjacent residential site, at least in part. However if the adjacent residential

development was never built, either because reserved matter approvals were not granted or were not implemented, having ponds in this location (assuming the permission for them was implemented) would not have an adverse visual impact.

- 16.7 The applicant has not supplied details of the depth or cross-sections of the pond despite being asked to do so. This appears to be because they wish to consider the details of the ponds at a later date when working up the proposals for surface water drainage further. In fact a condition on the outline planning permission for the residential development requires submission of a surface water drainage scheme prior to the commencement of development. The Environment Agency has considered the application and has no objection subject to conditions regarding contaminated land and infiltration of surface water drainage and in discussions with the planning officer has advised that they are content to deal with the surface water drainage strategy for the adjacent residential development as part of a compliance with condition request in respect of the outline planning permission.
- 16.8 Like the access, if reserved matters approval, was forthcoming for the adjacent residential development a condition could be imposed on that approval requiring the provision of the ponds prior to a certain stage of the development.
- 16.9 There could be an issue in respect of health and safety if the depth and design of the ponds (including bank gradients) is not controlled and to that end it is proposed that a condition is imposed limiting the depth of the ponds to not more than 600mm and the sides to have gradients not greater than 1:3. The condition could also require the submission of a fencing scheme as for the pond adjacent to the proposed local area of play (within the adjacent reserved matters application site) it would be important to make sure that children couldn't run or fall into the pond on bikes/scooters by accident. The condition would require regard to and demonstration of the CIRIA Health and Safety Principle for SUDs 2013. The applicant is aware of the issue of health and safety and that by not providing details of the depth and cross-sections of the ponds that officers consider it necessary to condition these matters.
- 16.10 It would also be necessary to condition that the access be provided before the ponds were constructed as the pond to the northern edge of the site in particular would obstruct the existing access into Wessex Stadium and therefore it is necessary to provide the proposed new access before providing the ponds if the development was to be constructed in isolation to the adjacent residential site i.e. in the event of reserved matters approval not being granted or not being subsequently implemented. Subject to the conditions detailed it is considered that the development accords with Policies ENV2, ENV5 and ENV9 of the adopted local plan and section 14 of the NPPF.

Biodiversity:

- 16.11 Natural England has commented on the application and are content that the development would have an acceptable impact on the downstream SSSI provided that a surface water drainage scheme is required to be provided which incorporates appropriate oil and silt interceptors, along with a scheme for maintenance and monitoring, designed to reduce the risk of potential contaminated surface water entering the SSSI. This is something that can be required by a planning condition. They have also advised that the proposals are unlikely to have a significant effect on any European Sites.
- 16.12 The applicant has submitted a joint biodiversity mitigation plan to cover the two adjacent application sites. This has been considered by the Council's Natural Environment Team and has a certificate of approval from them. The BMP is relevant to this application site in respect of lighting, SUDs and planting and the implementation of the BMP in so far as it is relevant to this application site can be conditioned.
- 16.13 Given the above it is considered that the proposed development would have an acceptable impact on nearby protected sites and on biodiversity in accordance with Policy ENV2 of the adopted local plan and paragraph 175 of the NPPF.

Residential Amenity:

- 16.14 There is an existing dwelling to the north west of the application site. It is proposed that as part of the residential development of the adjacent site that it would be demolished. However even if it were not demolished it is considered that given the nature of the proposed development and the intervening land between the application site and the dwelling, some of which is vegetated and not in the applicant's control, the development would have an acceptable impact on the residential amenity of the dwelling. Indeed the existing access serving the stadium site is closer to the dwelling than the proposed access. It is also considered that the proposed development would have an acceptable impact on the adjacent proposed residential development which these proposals are intended to serve. It is considered that the proposed development would have an acceptable impact on residential amenity in accordance with Policy ENV16 of the adopted local plan.

Contaminated Land:

- 16.15 Submitted with this application is a land contamination assessment which both WPA and the Environment Agency have considered. Both consider that given the conclusions of the assessment there is the need for intrusive ground investigations and the submission and implementation of a remediation strategy with verification of the completed measures thereafter. This is something that can

be conditioned and it is considered that subject to that condition the development would have an acceptable impact. It is considered that subject to conditions the proposed development accords with Policy ENV9 of the adopted local plan and paragraph 178 of the NPPF.

17.0 Conclusion

- 17.1 It is considered that subject to a number of planning conditions the proposed development would not adversely impact on vehicular and pedestrian access to Wessex Stadium (should reserved matters approval not be forthcoming or not implemented on the adjacent site). Furthermore it is considered that subject to conditions the development would have an acceptable impact on highway safety, surface water drainage, visual and landscape character, residential amenity, biodiversity and contaminated land. The development is therefore considered to accord with the relevant policies of the adopted local plan and the NPPF as detailed in the report.

18.0 RECOMMENDATION: Grant subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of two 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) and the time limit is considered reasonable given the association between the proposed development and the proposed residential development of the adjacent site which already has outline planning permission (WD/D/14/001938) which requires implementation no later than 2 years from the date of the approval of the last reserved matter.

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

Proposed Relocated Access - Drawing Number MSWEYMOUTH.1/04 Rev B received on 23/10/2017

Location Plan - Drawing Number MSI/1346/PAA/001 received on 23/10/2017

Hardworks Plan Drwg no. 221418/LA_PL1001/D received on 05/12/2019

Softworks Plan Drwg no. 221418/LA_PL1002/B received on 30/08/2019

Ecological Enhancement Layout Drwg no. 221418/PL_1007/F received on 06/12/2019

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

3. Prior to the commencement of any development hereby approved, save for any necessary in order to comply with component 2 and 3 of this condition below, the following information shall be submitted to and agreed in writing by the Local Planning Authority:

1. a 'desk study' report documenting the site history and potential contaminants associated with all previous uses.
2. a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment to all receptors that may be affected, including those off site.
3. an options appraisal and detailed scheme for remedial works (remediation strategy) based on the results of the site investigation and risk assessment referred to in 2 above and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
4. a detailed phasing scheme for the development and remedial works (including a time scale).
5. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3 above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the detailed phasing scheme and time scale approved as a result of component 4 above. Within 4 weeks of the completion of the remediation strategy a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure potential land contamination is addressed and to prevent pollution of the environment.

4. (a) Prior to the commencement of any other development, including any undertaken pursuant to condition no. 3 above, all existing trees, shrubs and other natural features not scheduled for removal shall be safeguarded and fenced in accordance with a scheme to be first approved in writing by the Local Planning Authority. Such fencing and any other safeguarding measures shall be maintained during the course of the works on site.
- (b) No unauthorised access or placement of goods, fuels and chemicals, soil or other materials shall take place inside the fenced area(s). The soil levels within the fenced area(s) shall not be raised or lowered and no

trenching or excavation shall take place unless provided for as part of the submitted and approved scheme.

(c) In the event that protected trees (or their roots) become damaged, are lost or become otherwise defective in any way during the undertaking of the development, 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 throughout the construction period in the interests of amenity.

5. Prior to the commencement of any development a construction environmental management plan detailing how the stream to the south of the site will be protected during the construction period and to include consideration of a construction drainage system and silt fencing shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plan.

REASON: In the interests of nature conservation.

6. Prior to the commencement of any development a detailed surface water sustainable drainage scheme for the site, based on an assessment of the hydrological and hydrogeological context of the development, and including appropriate pollution prevention measures including oil and silt interceptors and a timetable for implementation shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of monitoring of the pollution prevention measures and maintenance and management of the surface water sustainable drainage scheme and pollution prevention measures, shall be designed to include the reduction of the potential risk of contaminated surface water entering the SSSI, and shall include a plan for the lifetime of the development for its maintenance and management, 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. Thereafter the scheme shall be implemented in accordance with the approved details and timetable for implementation. The scheme shall be monitored, managed and maintained thereafter in accordance with the approved details.

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

7. Prior to the commencement of any development details of existing and proposed spot levels across the application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the proposed levels.

REASON: In the interests of visual amenity.

8. Prior to the commencement of any development, details of all tree, shrub, hedge planting, lawns and meadow grass (including positions and density/numbers, species and planting size) in accordance the Softworks Plan drawing 221418/LA_PL1002/B shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the completion of the landscaping scheme any trees that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority.

REASON: In the interests of continued visual public amenity.

9. Prior to the commencement of any development a timetable for the implementation and construction of the vehicular and pedestrian accesses, which shall include details of how access to the Bob Lucas Stadium (Wessex Stadium) will be achieved during the course of construction, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved timetable and details.

REASON: In the interests of highway safety.

10. The vehicular and pedestrian access hereby approved shall not be first used until the access and geometric highway layout has been constructed in accordance with the approved plans including the vehicular access, pedestrian paths and visibility splays as shown on drawing no. MSWEYMOUTH.1/04 Rev B. 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 in the interests of highway safety.

11. The ponds shown on the approved drawings shall not be constructed until such time as the vehicular access has been completed in accordance with condition 10 above.

REASON: To ensure the ponds are not constructed in isolation as they would prevent the use of the existing vehicular access into the site to the potential detriment of the adjacent recreational venue/facilities.

12. No soakaways or other means of surface water infiltration to the ground shall be constructed or installed unless a scheme for such drainage has been first approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

REASON: To ensure that the development does not cause pollution in line with the National Planning Policy Framework (2019).

13. No street lighting shall be first installed until details of the design of the columns and their height, position, direction of lighting, use of accessories such as cowls or hoods and details of the lights have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and biodiversity.

14. No means of boundary treatment shall be installed, except any the subject of condition 15 alongside the stream, any the subject of condition 16 around the ponds and those the subject of condition 4 to protect existing trees, shrubs and other natural features not scheduled for removal, until details of the height, design and materials have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity.

15. Prior to the vehicular and pedestrian access hereby approved being first used details of fencing to protect the riparian corridors along the south boundary of the site, including details of position, materials and height shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the fencing shall be erected in accordance with the agreed details prior to the first use of the vehicular access and the fencing thereafter shall be permanently maintained.

REASON: In the interests of nature conservation and biodiversity.

16. The ponds shown on the approved drawings shall not be first constructed until details of the depth and design of the ponds (including cross-section drawings) and details of fencing to be erected around them, including height, design and materials, a timetable for the provision of fencing and details of how and who will be responsible for the maintenance and management of the fencing for the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The depth of the ponds shall not exceed 600mm, the sloping sides of the pond shall not exceed a 1 in 3 gradient and details of dry level surfaces around the ponds shall be submitted as part of the details. Regard should be had to the CIRIA Health and Safety Principles for SUDs (2013) in designing the ponds and this shall be demonstrated in the details submitted for consideration. Thereafter the development shall be carried out, implemented and maintained and managed in accordance with the approved details and timetable for implementation.

REASON: In the interests of health and safety.

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified as part of the desk study, risk assessment and site investigation undertaken in connection with condition 3 it must be reported in writing immediately to the Local Planning Authority and no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until a further site investigation, risk assessment, options appraisal and detailed scheme for remedial works (remediation strategy) that also includes measures to evidence that the contamination has been addressed and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out only as approved. Within four weeks of the completion of all matters identified in the approved remediation strategy an additional verification report dealing with the same issues as identified in condition 3 above shall be submitted to and approved in writing by the Local Planning Authority and no further works shall be carried out on site prior to the approval of the further verification report without the prior written approval of the Local Planning Authority.

REASON: To ensure that the development does not cause pollution in line with the National Planning Policy Framework (2019).

18. The mitigation measures detailed in the biodiversity mitigation plan dated 27th August 2019 and which apply to the land the subject of this planning permission shall be completed in full prior to first use of the development, unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence or the results of subsequent protected species surveys, have first been submitted to and

approved in writing by the Local Planning Authority. Thereafter the approved mitigation measures shall be permanently maintained and retained in accordance with the biodiversity mitigation plan.

REASON: In the interests of nature conservation.

Informatives:

1. The application site is as per the red line on the location plan drawing number MSI/1346/PAA/001 received on 23/10/2017.
2. There must be no interruption to the existing surface water and/or land drainage arrangements 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.
3. The applicant's attention is drawn to the letter of the 10th January 2018 from the Environment Agency.
4. Prior Land Drainage Consent (LDC) will be required from Dorset Council's Flood Risk Management (FRM) team, as relevant Lead Local Flood Authority (LLFA), for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse, in accordance with s23 of the Land Drainage Act 1991. Therefore, the modification, amendment or realignment of any Ordinary Watercourse or temporary drainage channel, 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 to the FRM team at DCC to clarify the potential requirement for prior LDC. LDC enquiries can be sent to floodriskmanagement@dorsetcouncil.gov.uk
5. NPPF informative.
6. The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development Team. They can be reached by telephone at 01305 225401 or in writing at Development Team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.

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1.0

Application Number – [WD/D/17/002597](#)

Site address – Wessex Stadium, Radipole Lane, Chickereil, Weymouth, DT4 9XJ

Description of Development - Application for approval of reserved matters for access, appearance, landscaping, layout and scale in relation to outline approval WD/D/14/001938

Applicant name – Weymouth Community Sports LLP

Case Officer – Ann Collins

Ward Member(s) – Cllr J Dunseith, Cllr J Worth

Taking account of the comments made by the Town Council, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

2.0

Summary of Recommendation:

Recommendation: Grant subject to conditions.

3.0

Reason for the recommendation:

- The proposal is for reserved matters approval pursuant to the outline planning permission already granted and as such the principle of development has been established.
- The proposal is considered acceptable in its layout, design and general visual impact and including its proposed access arrangements, parking and landscaping.
- There are no neighbouring residential properties to impact upon.
- The proposed development would have an acceptable impact on highway safety, biodiversity and the downstream SSSI.
- There are no material considerations that would warrant the refusal of this application.

4.0

Table of key planning issues

Issue	Conclusion
Principle of development	Established by the granting of the outline planning permission and does not fall to be considered here.
Highway safety	Impact on highway safety is considered acceptable subject to conditions to secure access to the site from the road in accordance with Policies COM7 and COM9 of the adopted local plan.
Visual and landscape	The layout, scale, appearance and landscaping of

impact	the proposed development is considered acceptable subject to conditions in accordance with Policies ENV10, ENV11 and ENV12 of the adopted local plan.
Surface water drainage	Surface water drainage is already the subject of a condition on the outline planning permission. Details regarding the ponds and swales to be conditioned to ensure issues of health and safety are addressed.
Biodiversity	It is considered that subject to conditions the development would have an acceptable impact on biodiversity and the nearby site of special scientific interest (SSSI) in accordance with Policy ENV2 of the adopted local plan.
Residential amenity	The development is considered to have an acceptable impact subject to a condition regarding the obscure glazing of certain windows in accordance with Policy ENV16 of the adopted local plan.
Contaminated Land	This matter is the subject of conditions on the outline planning permission and does not fall to be considered further at the reserved matters stage.

5.0 Description of Site

- 5.1 The application site is located to the north west of the Wessex Roundabout and to the north of the B3157. The road to the application site from the roundabout also serves the Wessex Golf Centre, Police Station and custody suite, plus the Chickerell electricity sub-station and distribution centre.
- 5.2 The application site is to the west of the site of application WP/17/00836/FUL which is for the construction of a new vehicular and pedestrian access, surface water management ponds, open space and landscaping associated with the adjacent Wessex Grounds Residential Development.
- 5.3 On the application site currently is the Bob Lucas Stadium (also known as Wessex Stadium) which is home to the Weymouth Football Club. There is also currently on site a large area of hardstanding used for parking, the stadium comprising of the pitch, buildings and stands and also floodlights associated with the use of the site. To the north of the stadium is an area of land which used to be the speedway track. It appears that a café operates from the site (including

non-match days) and there is a mobile car washing service operating from the car park. There is also an existing single storey dwelling and detached garage within the site adjacent to the north east boundary of the site. The dwelling is boarded up and appears unoccupied.

- 5.4 To the east of the application site on the opposite side of the road is the police station, divisional HQ and custody suite which comprise a range of substantial buildings which are a mix of single, two and three storeys in height. They are primarily brick with sheet roofs, but there are some which are clad in some form of panel material and elements of render to the walls too. Along the road runs a public footpath from which the application site is visible.
- 5.5 To the north of the site is the building associated with the Wessex Golf Centre and beyond that to the north-west and clearly visible are a number of pylons and transformers at the Chickerell electricity sub-station and distribution centre.
- 5.6 The site is bordered to the west by a dense area of scrub and a stream, beyond which is the golf course. To the south of the site there is also scrub, some on the site and some off it and a further stream which goes into a culvert under the Wessex Roundabout before draining into the Radipole Lake SSSI to the east of the site (approximately 95m from the boundary of the application site). There is a substantial highway verge for most of the length of the site with the B3157 which is itself vegetated.
- 5.7 To the south of the site on the opposite side of the B3157 is the Dorset Echo Publishing and Print Centre which is a substantial industrial building with light grey and blue cladding. Further west along the B3157 is the Granby Industrial Estate and then Link Park.
- 5.8 The nearest residential areas to the site are Southill to the east of the site beyond the police buildings. The closest part of which, Radipole Lane, consists of bungalows and houses in brick and render, with some timber cladding and tile roofs. The properties are typical of a 1960's/70's housing estate. To the south of the site the nearest properties are on Radipole Lane on the eastern edge of Chickerell/Westham and are in the main brick terraces, with some render and tiled roofs. The properties are of a similar era to those in Southill.
- 5.9 The application site slopes from the north west boundary down to its lowest point in the south east corner of the site. There is a fall of over 8m across the site from the north west to the south east over a distance of approximately 315m.
- 5.10 It is understood that in terms of ownership of the site The Weymouth Football Club (WFC) own the freehold for the land on which the stadium is sited but the applicants own the surrounding land at the stadium site i.e car parking, access, former speedway site etc. but have an option to acquire the stadium site. It is understood that the same situation regarding ownership existed in 2014 when

the outline planning permission for the development of the site for residential purposes was granted.

6.0 Description of Development

- 6.1 This is an application for reserved matters approval for access, appearance, layout, scale and landscaping following on from the outline planning permission WD/D/14/001938 “Redevelopment of existing football stadium, training pitch and car park with 150 – 170 dwellings (including affordable housing), public open space, access and parking.”
- 6.2 The outline planning permission was granted on 27th October 2014 some 5 months after the grant of a full permission (WP/13/00027/FUL) to “construct access and provide public open space” on adjacent land. At the time of the applications the majority of the Wessex Stadium site was within the administrative area of West Dorset District Council, with the application site for the access and public open space within the administrative area of Weymouth & Portland Borough Council. The same applied when the reserved matters application was submitted and the full application reference WP/17/00836/FUL, however since 1st April 2019 both sites are within the administrative area of Dorset Council.
- 6.3 This reserved matters application proposes the erection of 170 dwellings with a mix of flats and houses. It also proposes ponds, swales, local areas of play and a locally equipped area of play. Areas for allotments and natural amenity space are proposed, which would incorporate many of the proposed biodiversity mitigation measures.
- 6.4 Turning to each of the 5 reserved matters in turn. In respect of access from the road the proposed development is dependent on the separate application for planning permission reference WP/17/00836/FUL. It is that application which provides the access from the road to the residential development as the red line of the application site for the reserved matters application does not extend all the way to the road. The plan accompanying the outline application in 2014 indicated potentially 4 vehicular accesses to the site from the road but it transpires that for all but 1 of them a potential ransom strip runs between the application site and the road such that they are not feasible to achieve and the fourth access was the subject of the full planning permission in 2014 (WP/13/00027/FUL). The access now proposed in application WP/17/00836/FUL is slightly to the south of the existing vehicular access and to that approved in 2014. The development for 170 dwellings would therefore be served by a single vehicular access making it effectively a large cul-de-sac. Advice has been sought from legal officers on the matter of access and whether the reserved matters is acceptable from a legal point of view given that the access to the site differs from that indicated at the outline application stage and in fact does not include an access to the existing road. The conclusion is that the reserved matters application can legitimately be

considered as access can be achieved from the road to the application site via land in the applicant's ownership and therefore if the reserved matters application is considered acceptable the provision of the access can be secured via a planning condition.

6.5 In terms of the layout of the development a mixture of apartment blocks, terrace, semi- detached and detached dwellings are proposed. The layout is based around perimeter blocks in part and parking is provided through a mix of spaces to the front of properties, private driveways and in parking courtyards to the rear of properties. Some houses are proposed to have garages. Most of the houses have rear gardens which are similar in area to the footprint of the house it belongs to. This is something which is advocated in "Building for Life 12". An 8m wider buffer zone runs along the southern and western edges of the development as required in the interests of biodiversity. However within that area to the south swales are proposed. In the centre of the development is an area of amenity space which would include the locally equipped area of play (LEAP). Two local areas of play (LAPs) are proposed, one near the entrance to the site and the other in the south west corner of the site. In the north west corner of the site an area for allotments is shown.

6.6 In respect of the scale of development a total of 170 dwellings is proposed which is the maximum referred to in the outline planning permission. The dwellings would range from 1 bedroom apartments to 4 bedroom houses. The mix of dwellings is as follows:

1 bedroom apartment = 32
2 bedroom apartment = 19
2 bedroom house = 39
3 bedroom house = 69
4 bedroom house = 11

The apartment buildings would all be 2.5 or 3 storeys high. The dwellings are proposed to be a mix of 2 and 2.5 storeys. All the apartments and houses have floor areas that meet or exceed the Government's Nationally Described Space Standards (2015).

6.7 In terms of appearance the houses have some quite modern fenestration, porch and material details. They are not vernacular West Dorset style houses. Typically eave heights are 4.5m and ridge heights are 8 - 9m, with some of the 2.5 storey properties having higher ridge levels. Wall materials are proposed to be brick but each property would either have an area of feature brickwork (different colour/ different coursing) or an area of timber cladding. Roofs are proposed to be red/brown tiles or concrete slates. Garages are proposed to be brick with tile roofs. It is proposed that the houses would have a bin store or bin store/bicycle store in each rear garden and the applicant has indicated that they would be timber.

- 6.8 In respect of the apartment buildings, blocks A – D, which would be parallel with the southern boundary of the site are all proposed to be 3 storeys high. These would be on the lowest part of the site. Blocks E and F would be a mix of 2.5 and 3 storeys and would be to the north west of the site access. The eaves and ridge heights for Blocks A and B would be 7.1m and 10m respectively, Block C 7.1m and 10.5m, Block D 6.9m and 10.9m, Block E eaves ranging from 5.3m – 7.9m and a ridge height ranging from 9.9m – 11.7m and Block F 5m and 9 – 9.7 m. Blocks A and B would have 2 storeys of brick with the third storey clad in timber. Each elevation would also have a feature area of projecting brickwork. There would be 4 balconies at first and second floor level to the front elevation and 2 juliet balconies at ground floor level. The buildings would have half dormer windows and projecting windows (very small projection). Block C would be very similar in design and appearance but with a greater area of timber cladding to the gable ends which wouldn't have any projecting brickwork. Block D is different in form having a small "L shaped" projection to the front of the building. It has balconies to the front of the building but also the side elevation facing towards one of the ponds and site access. It would again be a mix of brick, projecting brick and timber cladding. Block E has a much larger footprint but the scale and mass of the block has been broken up in part by providing accommodation in the roof and using dormer windows. The materials and use of feature brick work and timber cladding to break up the elevations would be as per the other blocks and there would be balconies on the block. Both Blocks E and F have a mix of fenestration with the use of some longer thinner windows. This introduces variation to the elevational treatments. Block F is in the main 2.5 storeys high, utilising dormer windows to provide accommodation in the roof. There would be a mix of window styles and the materials would be the same as the other blocks.
- 6.9 Refuse and cycle stores are proposed for the apartment blocks. They would all be brick with pitched tiled roofs. The refuse store for apartments 1 – 9 (block D) and the cycle store for apartments 1 – 27 (blocks A – D) would be situated between apartment blocks C and D. Between apartment blocks B and C would be the refuse store for those blocks and to the west of block A would be the refuse store for that block. Adjacent to the parking area at the rear of Blocks E and F would be the cycle store for the apartments in those blocks and adjacent to Block E would be the refuse store for the two blocks.
- 6.10 In respect of landscaping details have been submitted as part of the application and are also included within the biodiversity mitigation plan. Tree planting is proposed across the site but particularly around the entrance to the site in the south west corner, along the southern boundary and around the amenity space and LEAP. There would be proposed ornamental shrubs and perennials to the front of the houses and around the apartment blocks. Also proposed are areas of wildflowers, a special damp grassland mix for the ponds and swales and flowering lawns in some areas.

- 6.11 Details of boundary treatments have been provided. Most of the rear garden boundaries would be timber fences, but where gardens abut public areas such as roads, parking courtyards and paths it is proposed that those boundaries would be brick walls. Around the allotment area in the north west corner of the site it is proposed to have a 2m high chain link fence and gate. To the north east of Apartment Block F and to the north east of the LAP and pond near the entrance to the site it is proposed that the boundary would be a 1.2m high post and rail fence. The boundary for the north east of the site is shown as being primarily fencing, with one section of brick wall and several breaks in the boundary treatment where it would be open to the site.
- 6.12 Hard surfacing material details have also been submitted. What is indicated as being the primary road would be surfaced in macadam with kerbing. Some of the roads that are indicated as being the secondary streets would be surfaced with buff macadam to give variation and indicate a more shared nature, although the roads would generally have on at least one side a macadam footpath. The raised tables at junctions would also be in blocks to differentiate them.
- 6.13 In respect of levels it is proposed that the finished floor levels of the proposed dwellings would rise up the site to the north as per the existing rise in ground levels across the site from the lowest finished floor level at Apartment Block D in the south east corner of the site to the highest finished floor level at Plot 162 in the north east corner of the site.
- 6.14 Submitted at the same time as this application was information regarding the viability of the proposed development. The S106 agreement associated with the outline planning permission sets out what the development is required to provide which is 35% affordable housing and contributions to community venues, education, parks and gardens, libraries, pedestrian and cycle, transport, waste management, allotments and green spaces. Like a condition on the outline planning permission the S106 agreement also requires that the development is not commenced until the replacement recreation facility is ready for use. The applicant contends that the development is not viable if the replacement stadium is constructed, contributions are paid and 35% of the housing is affordable. The S106 agreement states that upon submission of the reserved matters application the developer and/or club may submit a viability appraisal to the Council for its written approval in order to assess development viability and that where the viability appraisal identifies there not to be development viability then the Council will agree a reduction in the contributions and/or number of affordable units, save for the pedestrian and cycle contribution. This matter is dealt with in a separate report to the Planning Committee.

7.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/D/12/001763	Redevelopment of existing	Withdrawn	27 th October 2014

	football stadium, training pitch and car park with 150 – 170 dwellings (including affordable housing), public open space, convenience store, access and parking		
WP/13/00027/FUL	Construct access and provide public open space	Approved	19 th May 2014
WD/D/14/001938	Redevelopment of existing football stadium, training pitch and car park with 150 – 170 dwellings (including affordable housing), public open space, access and parking	Approved	27th October 2014
WP/17/00836/FUL	Construction of new vehicular and pedestrian access, surface water management ponds, open space and landscaping associated with the adjacent Wessex Grounds Residential Development		

8.0 List of Constraints

Outside defined development boundary
Existing stadium site
Proximity to SSSI
Adjacent to public right of way

9.0 Consultations

9.1 **Sports England** – The development does not fall within either their statutory remit or non-statutory remit and therefore Sport England has not provided a detailed response but offered advice to aid the assessment of the application.

9.2 **Natural England** – Remain satisfied with the pollution prevention measures designed to protect the adjacent Radipole Lake SSSI. The measures should be secured by an appropriate condition that ensures the pollution prevention features are appropriately monitored and regularly maintained. Natural England are also satisfied that the proposals are unlikely to have a significant effect on any European Sites. It is noted that a Biodiversity Mitigation and Enhancement Plan has been submitted with the application, which is welcome. The BMEP should be agreed with the Dorset Council Natural Environment Team and its implementation secured by any permission.

- 9.3 **Environment Agency** – No objection to the reserved matters application but would require additional information in order to recommend the discharge of planning condition 9 of the outline planning permission (surface water drainage condition).

In respect of contaminated land the Phase 1 report has been reviewed and it is recommended that an intrusive site investigation is required to understand whether there are any contaminated areas at the site. The phase 1 report is insufficient to discharge condition 10 of the outline planning permission as site investigation is required.

In respect of biodiversity the ponds and streams referred to in our previous responses on this site would relate to any adjacent to or within the development area. These should be enhanced and retained as they are part of the Biodiversity Action Plan habitat. Even ponds which are dry for some months of the year can be important habitat for amphibians and invertebrates. The ecological enhancement plan details the provision of a minimum of an 8m buffer zone between the development and the watercourses. We are pleased that this will remain and that it will be largely left undisturbed, unless there is a need to manage it for biodiversity. We are also pleased to see that some areas of the buffer will be inaccessible to ensure wildlife is left undisturbed. The applicant should follow the recommendations for mitigation and enhancements made in the ecological mitigation report. We are pleased to see there is mitigation and enhancements planned including the incorporation of SuDs into the development with native planting. This will help to protect the SSSI which is close by.

- 9.4 **Dorset Police Crime Prevention Design Advisor** – Access point is too close to the Wessex Roundabout. At key times during the day this road is already very busy (can wait 5 to 6 minutes plus to enter the roundabout) and to add additional vehicles from the development will cause congestion on the roundabout and surrounding roads. What consideration has been given for officers attending emergency calls from the police station? Spoken to officers from the station who are concerned not only from attending incidents but to the safety of residents emerging from the development. For such a large development why is there now only one access point? I have reviewed the layout of the site and am pleased to see that the majority of gardens back onto one another. Where there are rear alleys it is recommended that the gates that lead to the rear of the dwellings are key lockable. There are also several rear parking courts that are not overlooked. These have the potential for crime and anti-social behaviour so would strongly recommend that these areas are well lit. Would also recommend that the security of the development meets the standards laid out in the Secured By Design Homes 2016.

- 9.5 **Tree Officer** – Happy with the arboricultural assessment provided with the application and have no objection to the tree retention and protection measures.

Urban Design Officer – Summary of comments on scheme as originally submitted: The relationship between dwellings is generally good, however certain dwellings do not turn the corner particularly well and it has resulted in several areas of left over space. The circulation of vehicular traffic would be aided by another point of access and reconfiguration of some of the streets. Parking dominates some areas, some plots have parking spaces that are not that convenient, could be triple banked parking to the front of some garages and some properties do not have allocated parking. The visual character of the proposed dwellings does not appear to reflect the local vernacular. There is a lack in contrast of materials with an over reliance on red brick. Plots backing onto the north east boundary in the way proposed would not be aesthetically pleasing. There is a large gap in the street scene between dwellings 157 & 163. Use of side gardens should be kept to a minimum. The configuration of the apartments close to the site entrance creates a strong sense of enclosure and adds to the sense of arrival into the scheme. However, the visitor parking at the front of plots 28 – 30 detracts from the sense of place through an awkward cluster of parking which dominates the square. There are instances where rear gardens are unusually shaped and/or encroached upon by parking. There is a lack of amenity space for plots 1 – 27 on the southern boundary and a lack of usable amenity space for plots 88 – 111. Some housetypes would benefit from additional windows to aid bathroom ventilation and thus improve design quality.

Comments on revised plans (Feb 2019) – The revised plans propose several positive changes to the scheme, however the layout still fails to demonstrate that 170 units can be successfully accommodated on the site. The following positive amendments to the layout have been made – visitor and unallocated parking spaces have been removed from the entrance to improve the sense of arrival into the scheme; visitor parking spaces west of plot 47 have been removed to enhance the turning of the corner; the parking courtyard to the rear of 40 – 43 has been removed in favour of more convenient and more land efficient frontage parking; garages and associated tandem parking has moved closer to the streetscene to prevent informal triple banked parking; Unit 60 has been reconfigured to front northwards in order to avoid a blank façade as the corner is turned; street planting at the north of the site has been enhanced in order to alleviate hard surfacing associated with parking; balconies have been added to apartments A, B and E so that some of the apartments in these blocks now benefit from amenity space.

The amended plans do not include all of the bathroom windows sought. In addition trees have been removed from both the primary street and the secondary street which reduces the quality of the scheme. In the case of the secondary street the removal of the trees exacerbates the impact of the frontage parking. This area of the site is too densely developed and would benefit from a reduction in units. The two visitor parking spaces to the south of plot 116 on the primary street would surely pose a threat to road safety. The housetype for plot 60 doesn't provide a grand enough plot for this location where a feature plot is

required. Issues regarding site layout are concentrated on the centre of the site. The removal of five units would significantly enhance the design quality of the layout whilst remaining in the upper quartile of the outline permission in terms of density.

Comments on revised plans (Nov 2019) – The amended plans have addressed concerns regarding the junction head where the secondary (central) street meets the primary street. This is achieved through the rotation of plots 116 – 118 and the removal of visitor parking bays from the junction head. The proposed presence of plots 116 – 118 fronting onto this area would elevate the design quality by creating a focal point within the scheme. The removal of close boarded fencing at the junction head offers another welcome improvement to the streetscene. The vast majority of agreed amendments to elevations have been carried out. An exception to this is the semi detached units 37 and 38 which would include mirroring the floor plans to include a side elevation window for the bathroom.

- 9.7 **Environmental health** – No objection to the reserved matters but would advise that a contaminated land consultant is given the opportunity to comment in relation to any land contamination matters.
- 9.8 **Flood Risk Management Team** – As the original proposal was registered with the LPA prior to the transfer of the surface water role to DCC in April 2015, we are not permitted or obliged to comment as a statutory consultee in this matter.
- 9.9 **Housing Enabling Team** – The development is proposing a mix of one, two, three and four bedroom properties. Having a mix of property sizes, with around 50% of these being one or two beds, complies with Policy HOUS3 and the market homes should appeal to a range demographics.
- 9.10 **Landscape Officer** – Comments as originally submitted – Happy with the proposed structure planting as a scrub understorey. At its narrowest the scrub understorey is just under 3m wide, which is sufficient to provide a buffer. The plant species are all small woody plants that will reach a height of 5 – 6m, which is appropriate for plants adjacent or underneath the existing tree canopy. If the trees outside of the site boundary were removed, then this structure planting would be low in height and not as effective. The only way to mitigate this would be to plant bigger tree species further to the east and beyond the canopy of the existing trees which would mean shifting plots 64 – 67 further east.
- The officer also made a number of detailed comments about the species and planting sizes. The latter were subsequently addressed by the submission of amended details to which the landscape officer had no objection.
- 9.11 **Technical Services** – Suggest that regard is had to the Environment Agency's comments.

- 9.12 **Highways Officer** – Comments on amended plans submitted in Dec 2018 - As the application crosses the Councils' boundaries the highway authority is content that the local planning authority is left to consider how it can ensure that the residential scheme cannot be implemented without the scheme for access being implemented and therefore submits the following:

All other S106 and conditions that applied to the approved outline consent remain in place and a condition is recommended that before the development is occupied or utilised the highway access, the geometric highway layout, the parking and turning areas as shown on the plans must be constructed and thereafter must be maintained, kept free from obstruction and available for the purposes specified.

Comments on amended plans submitted in Aug 2019 – The revised proposals do not present a material harm to the transport network or to highway safety and consequently has no objection provided the original conditions are applied.

- 9.13 **WPA** – The submitted report advises the requirement for a phase 2 invasive site investigation. WPA concurs that this is required. Further submissions are to be expected covering invasive investigation, remediation, a discovery strategy and close out verification report.

- 9.14 **Dorset Waste Partnership** – No issues with the application.

- 9.15 **DCC Planning Obligations Manager** – On the understanding that the application will be determined under the auspices of the agreed S106 agreement and the draft supplementary agreement in relation to the Management Company I have no additional comments with respect to agreed planning obligations.

- 9.16 **Chickerell Town Council** – Scheme as originally submitted - Recommends refusal of this application. WDDC's policy is for 35% affordable housing and the outline planning application was approved on that basis. At the time of the outline planning application the applicant had acquired the land and would be well aware of the costs of the project. The Town Council expects the LPA to maintain the 35% affordable housing requirement and it should be noted that all other developers of housing in Chickerell are meeting their requirements plus providing significant S106 benefits.

The design of the scheme is not appropriate for Chickerell. The layout is sub-standard.

The scheme results in a loss of sports provision for Chickerell. Since the outline planning application was approved Local Plan Policy CHIC2 allocated developments are being progressed. Very recently in connection with these

developments Sports England has expressed major concerns over the lack of sports and community facilities in Chickerell.

Without this scheme Chickerell has had some 1400 homes allocated or approved since 2011 and a further major site has been earmarked for the current Local Plan Review. The development is not needed and moreover instead of improving the Parish's facilities it loses a facility capable of significant enhancement for community and leisure use. It is imperative that new facilities with adequate onsite parking, to replace the spaces available at the Wessex, is provided. At this time the Town Council are not aware that a suitable site with adequate parking to provide a community sports facility for the Chickerell area and to meet Sport England's concerns about a lack of such facilities has been found. The Town Council believe a replacement stadium with adequate parking and additional facilities near the businesses located at Chickerell's Granby Industrial and Link Park Estates could generate an appropriate level of income to help maintain the community facilities.

Comments on amended plans (Jan 2019) – Recommends refusal based on comments raised in previous response.

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

10.0 Representations

10.1 Weymouth Civic Society object to the application for the following reasons: Consider that the site is a suitable location for the stadium and it should be retained in view of the lack of any appropriate alternative location. It is not a good site for houses being isolated by the main road system. Do not think that the design of the blocks of flats A to D is suitable in this important location facing Hampshire Road – one of the main arteries of the town, yet in a semi rural area. The rear elevations which are relatively close to the highway are bland, plain and unimaginative. Concerned about the location of the site access. Any new access should be further away from the roundabout, especially in view of the daily traffic that would be generated by the development, with a potential further increase on the main roads and roundabout if the Portland Relief Road is constructed in the future.

10.2 Two further representations have been received raising the following points:

- Concerned with regard to the added air pollution and health effects from extra vehicles on the already strained Radipole Lane, by-pass and Wessex Roundabout.
- There would an extra strain on local doctors' surgeries, police, fire and rescue, ambulance/paramedics and school for the extra occupants of 380 plus homes.
- Will there be any public consultation before a decision is made?

- The outline planning permission had a condition that a new stadium had to be built and occupied within 3 years. This has not happened and so, rather than approval of reserved matters being sought, a new full planning application should be sought.

Some further representations were submitted but there was a subsequent request to withdraw the representations and therefore they will not be summarised and considered in this report.

11.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan (2015)

ENV1 Landscape, Seascape and Sites of Geological Interest
 ENV2 Wildlife and Habitats
 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
 HOUS3 Open Market Housing Mix
 HOUS4 Development of Flats, Hostels and Houses in Multiple Occupation
 COM4 New or Improved Local Recreational Facilities
 COM5 The Retention of Open Space and Recreational Facilities
 COM7 Creating a Safe and Efficient Transport Network

National Planning Policy Framework (2019)

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

2 Achieving Sustainable Development
 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

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

Bournemouth, Poole & Dorset Residential Car Parking Study (2011)
Design and Sustainable Development Planning Guidelines (2009)
West Dorset Landscape Character Assessment (2009)

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

13.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED. Ground floor apartments are included in the development for anybody who might require level accommodation without staircases. Some of the houses have in plot parking reducing the distance between car and house for those with reduced mobility.

14.0 Financial benefits

14.1

Material benefits of the proposed development:	
Housing Nos.	170 dwellings
LEAP and 2 x LAPs	1340 sq m approximately
Amenity space	Spread around the site
Allotments	430 sq m approximately

Non-material benefits of the proposed development:	
Council tax	Based on 170 dwellings
New Homes Bonus	Based on 170 dwellings

15.0 Climate Implications

- 15.1 The applicant is agreeable to incorporating charging points for ultra low emission vehicles within the development. Some of the houses have in plot parking which would enable the charging of such vehicles at their properties. Allotments, amenity spaces and play areas would be provided on site reducing the need to travel to such facilities off-site.
- 15.2 Additional soft landscaping and tree planting are proposed and ponds are included to assist with surface water drainage. The former is important for carbon dioxide absorption and the latter helps address one of the likely implications of climate change.
- 15.3 Energy would be used as a result of the production of the building materials and during the construction processes. However that is inevitable when building houses and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use. The properties would be built to the latest building regulations standards in respect of construction, insulation etc.

16.0 Planning Assessment

Principle of development:

- 16.1 The principle of the development has already been established by the granting of the outline planning permission in October 2014 for the “Redevelopment of existing football stadium, training pitch and car park with 150 – 170 dwellings (including affordable housing), public open space, access and parking”. As such it has already been accepted that the site will be developed for residential purposes subject to the conditions of the outline planning permission and subject to the approval of the reserved matters. There is also an associated S106 agreement with the outline planning permission which sets out a number of requirements.
- 16.2 There is a planning condition attached to the outline planning permission (no. 16) and it is included within the S106 agreement that no development shall commence until a recreation facility to replace Wessex Stadium has been constructed and made available for use. At this current time no planning application has been submitted for a replacement stadium and therefore no planning permission exists for a replacement stadium let alone construction having started on a replacement facility.

- 16.3 If the reserved matters scheme being considered for the residential development of the site is approved condition no. 4 on the outline planning permission requires the residential development to be begun not later than the expiration of two years from the final approval of the reserved matters. As such in that two year timeframe, before development could commence on the redevelopment of the Wessex Stadium site for residential development, planning permission would need to be obtained for a replacement recreation facility and the facility constructed and ready for first use. This would seem to be a very tight or possibly even an unachievable timescale, however it is what is currently set out in the relevant planning conditions and S106 agreement and could mean that even if the reserved matters application is approved the planning permission for the residential development is never implemented. The planning officer who considered the outline planning permission highlighted in his report to the Planning Committee in 2014 that he was sceptical that a replacement stadium could be secured and made available within the five year life of an outline planning permission and stated at that time that there were no sites that appeared to be available then and in his officer's opinion none that were likely to come forward at any point within the next five years. However Counsel's advice was sought at that time and the conclusion was that if officer's were unable to demonstrate that it would be impossible for any site to come forward at any point within the lifetime of the permission then planning permission should not be withheld on the grounds of the permission not being deliverable. Hence the outline planning permission was granted subject to the relevant planning condition and the S106 agreement regarding the provision of a replacement facility.
- 16.4 What falls to be considered here, by the current application, is the reserved matters of access, layout, scale, appearance and landscaping regardless of the likelihood or otherwise of the permission being implemented. The principle of up to 170 dwellings has been established by the outline planning permission which referred to 150 – 170 dwellings.

Access, parking and highway safety:

- 16.5 As already explained above at section 6 there is a separate full application for planning permission for the vehicular access from the road which would cross an area of land owned by the applicant before connecting to the south east corner of the reserved matters application site. Whilst this is an unusual situation advice has been sought from legal officers and the conclusion is that the application for reserved matters is legitimate provided the authority is satisfied with the access arrangements from a safety point of view and that the access to the site can be secured via a grampian condition, which in this case it can and the land in question is in the applicant's ownership currently. The access would not necessarily have to be that the subject of the separate full application for planning permission (WP/17/00836/FUL) but could be an alternative scheme and the proposed condition to secure the access provision allows for that.

- 16.6 The highway officer has no objection to the application subject to a planning condition and deferred to planning officers to ensure the access arrangements can be secured.
- 16.7 Having only one vehicular access to the site does create a cul-de-sac of 170 dwellings. The layout of the development will be discussed below but in highway safety terms the highway officer has no objection to the site being accessed by only one vehicular access. It is considered that the proposed development accords with Policy COM7 of the adopted local plan and paragraph 108 of the NPPF.
- 16.8 During the course of the application amended plans have been submitted which in part have amended the layout of some of the parking arrangements. The parking arrangements are a mix of in-plot parking, parking courtyards and on-street visitor parking. The highway officer has no objections to the proposals or the level of parking provision. It is considered that the development accords with Policy COM9 of the adopted local plan.

Layout:

- 16.9 The layout of the site is very much based on perimeter blocks. The plan shows a primary street from the access in the south east corner of the site leading to secondary streets. As already discussed above the development is in the form of a cul-de-sac given the one access point into and out of the site, however within the site there is one circular vehicular route with the rest of the road layout creating cul-de-sacs. Housing on the eastern side of the site is served by parking courtyards, with a total of 7 detached houses on the north east edge of the site. To the south and west of the site the houses generally have in-plot parking.
- 16.10 Along the southern edge of the site and in the south east corner are a total of 6 blocks of flat. The houses on the site are a mix of detached, semi-detached and terraced properties. All of the houses have a private amenity space (garden), with most having a space which is roughly equivalent to the ground floor area of the house which accords with the advice in "Building for Life 12" (2015). The flats would not have private amenity space in the same way. A total of 51 flats are proposed of which 30 would have balconies. The balconies would be relatively small at approximately 2.8m by 1.2m (they are slightly different sizes on the different blocks). They would however provide some outside amenity space for a resident to sit or to put a clothes airer. In addition there is some space to the rear of most of the blocks which would be grassed, but more significantly two local areas of play and a locally equipped play area are proposed. Also proposed is an area of allotments in the north west corner of the site, plus natural amenity space along the western edge of the site. Policy HOUS4 of the local plan states that proposals for flats should provide sufficient amenity space within the site for the likely future occupants, normally comprising at least 20% of the site area for all

new build schemes, unless such provision is undesirable in design terms. What is proposed does not strictly accord with Policy HOUS4 in this respect, however over half the flats would have balconies and given the overall outdoor spaces proposed across the whole site it is considered that there is sufficient outdoor space in close proximity to the flats to benefit the future residents.

16.11 The layout of the development at the entrance to the site as you move northwards along the primary street has been amended during the course of the consideration of the application to address a number of points raised by the urban design officer. The resulting layout creates more of an arrival point and the street scene is less dominated by parking. The orientation of some dwellings has also been amended and window positions altered or increased in number to provide more surveillance of the street scene and avoiding blank elevations. In terms of layout it is unfortunate that there are 7 detached properties proposed adjacent to the north east boundary of the site which do not front the existing road/footpath but rather face into the site. However they do all have 1 first floor window in the rear elevation (which would be visible above any boundary treatment) and windows at first floor level in the gable ends in order to provide some visual interest and avoid what would appear as blank elevations otherwise from the road and footpath.

16.12 As already discussed above there are a number of play areas and amenity spaces proposed within the development. In the south east corner of the site adjacent to a proposed pond is a local area of play and a grassed space, totalling an area of approximately 400 sq m. In the south west corner of the site is a second local area of play which is about 90 sq m in area. In the northern half of the site is a locally equipped area of play and a further local area of play/amenity space, adjacent to a pond/swale, which total approximately 1100 sq m in area. To the west of that is an area of amenity space which would include a purpose built brick building as a compensatory bat roost. In the north east corner of the site an area is shown as being for allotments covering an area of approximately 430 sq m. Condition no. 6 of the outline planning permission required that at the reserved matters stage details of young people's play areas and amenity open space to meet the standards of the local planning authority's Planning Obligations Guidelines Supplementary Planning Document (2010) be submitted. This application includes details of such spaces in accordance with the condition. In terms of amenity open space this scale of development would be expected to provide about 448 sq m of such space, which it does and the Council's Implementation Manager has commented that the level of play provision is acceptable given the scale of development at the site. 8 separate pieces of play equipment are proposed within the LEAP, with safety surfacing. There is less provision for teenagers as most of the equipment is aimed at smaller children. However, given the scale of development and that over half of the dwellings are either 1 or 2 bedroom properties there is perhaps less of a need for provision for older children at the site. What we don't have as part of this current application is details of the LAPs and the provision of play features within the LAPs, however

the submission of such details could be a condition of this reserved matters application if approved. Condition no. 6 on the outline planning permission requires that prior to occupation a scheme for the future management of the areas be submitted and approved. The same condition can be applied to the allotment area if this application is approved. The applicant had submitted a draft unilateral undertaking regarding the management of the areas by a management company, but strictly a legal agreement isn't required in order to comply with the existing condition on the outline planning permission.

16.13 A number of swales/ponds are proposed for the site. In the south east corner of the site a pond is split between this site and that of the adjacent application site. To the south of the blocks of flats further ponds/swales are proposed and there is also provision of such a feature adjacent to the LEAP. Details of these elements have not been submitted at this stage in respect of depths, gradients and fencing. Therefore there could potentially be a health and safety issue if the depth, gradient, design and fencing of these elements of the scheme are not controlled. They can however be dealt with by the imposition of a condition requiring details to be submitted and approved prior to the commencement of development.

16.14 The layout of the site is constrained by the fact that only one access is proposed into and out of the site. Good urban design encourages permeability in and through a development. That is difficult to achieve with only one access and the development could be considered to be poorer for this limitation. There is an informal grassy path proposed along the western edge of the site which aids permeability for those on foot from one end of the site to the other, but there are less options in terms of navigating the development by vehicle. Whilst having only one access point is unfortunate in respect of good urban design it is considered that the resulting reduced permeability of the development is not such that it would warrant the refusal of the application and that the proposals accord with Policy ENV11 of the adopted local plan.

Scale:

16.15 The quantum of development proposed is 170 dwellings, which whilst the maximum permitted by the outline planning permission, does accord with it. 51 apartments are proposed and 119 houses. The apartments are split across 6 blocks, 4 of which are 3 storey in height and 2 blocks are 2.5/3 storey in height. The 3 storey blocks are all located along the southern edge of the site. The other two blocks are to the north of the site access but still in the south east corner of the site. Nearly half of the houses are 2.5 storeys in height with accommodation in the roof space, the remainder of the houses are 2 storey.

16.16 The tallest buildings, the 3 storey blocks of flat, are located on the lowest part of the site given that they are adjacent to the southern boundary and the land rises up to the north. The buildings are significant in their height and would be clearly

visible above and beyond the scrub and highways verge to the south of the site from the B3157. However what must be considered is the existing scale and visual impact that the stadium at the site currently has. In addition the main police building to the north east will appear more dominant in some views of the site given its floor level and height relative to that of the apartment blocks. Whilst there is no development immediately opposite the application site to the south of the B3157 in a westerly direction from the site there is the Dorset Echo building, buildings on the Granby and then Link Park. All of these buildings are visible from the B3157 and are of some significant height and utilitarian appearance. To that end the scale of the apartment blocks is not considered to be out of character to the wider area and existing buildings adjacent to the B3157.

- 16.17 The urban design officer has raised no concerns in respect of the scale of the development and commented that the configuration of the apartments close to the site entrance creates a strong sense of enclosure and adds to the sense of arrival into the scheme.
- 16.18 The appearance of the proposed dwellings and apartments will be considered below, but in terms of the scale of the development it is considered that given the context of the site and other development within the vicinity and along the B3157 the scale is not inappropriate and the development accords with Policy ENV12 of the adopted local plan.

Appearance:

- 16.19 As already stated the dwellings are not particularly typical of the character of the local vernacular. However that is not to say that their appearance is unacceptable. Going northwards along Radipole Lane into Southill there is a mix of single storey and two storey properties, some of which are gable end onto the road. There is a mix of materials with buff and red bricks used, along with render and some timber cladding. The roofs are generally tiled. A lot of the properties are a mix of render and brick with the contrast in the materials providing part of their character. The development along this northern part of Radipole Lane is fairly conventional and standard 1960's/70's development. Going southwards along Radipole Lane towards the fire station the properties are generally red brick terraces with tiled roofs. There are some properties which are a mix of brick and render. Again some properties are gable end onto the road and the design of the properties are fairly standard and typical of their era of construction. There is some recent development on the eastern edge of Chickerell that is more traditional in its proportions and detailing and it is noted that Chickerell Town Council considers that the design of the proposed development is not appropriate to Chickerell.
- 16.20 There are elements of the design and appearance of the proposed development which reflect the existing areas of development along Radipole Lane. For instance the properties are proposed to be a mix of red brick, buff brick, painted

brick and timber cladding. The roofs are proposed to be tiled, with some having a red/brown tile and some interlocking concrete slates. Like Radipole Lane, some of the dwellings are designed to be gable end onto the road. There are a mix of detached, semi-detached and terraced properties proposed for the development which accords with the mix in the wider area. The proportions, scale and massing of some of the proposed properties would not be that different to those in Radipole Lane. However, there are also differences. The proposed dwellings do not have chimneys and there are a number of 2.5 storey houses proposed. Whilst properties in the wider area do have dormer windows, as per the proposed 2.5 storey dwellings, in the wider area these are more typically on single or 1.5 storey properties.

- 16.21 The applicant has during the course of the consideration of the application introduced a wider range of brick colours following on from the initial comments of the urban design officer. They have also incorporated windows in what would have been some of the blank elevations to provide greater surveillance and more visual interest. Brick cills have been introduced too.
- 16.22 The applicant has tried to create more modern looking dwellings with the use of feature areas of brickwork and timber cladding to provide articulation to the elevations. The exact appearance of the feature brickwork e.g. coursing and the brick choice and finished colour of the timber cladding can be the subject of a planning condition to ensure they are acceptable. The window design, proportions and colour – being grey – provide a more modern appearance. The properties feature inverted “L” shaped GRP canopy porches and timber services/utility cupboards adjacent to the front door, which is also a distinctive element of the design. Where properties have dormers these are boxy in appearance and in a composite cladding material.
- 16.23 The dwellings, given the above, could be argued to have their own character and whilst not replicating nearby 1970’s development in the residential areas closest to the site that is not necessarily a bad thing.
- 16.24 The proposed blocks of apartments as detailed above are of a greater scale and mass than the proposed houses. Blocks E and F have been designed in such a way that their scale and massing is broken up. The materials are brick, with feature areas of projecting brickwork and areas of timber cladding, further helping to break up their massing. Dormers are included in the roof space to help reduce the mass and scale of the blocks. The windows like the houses are proposed to be grey and some have a small projection to them, also helping to break up the elevations. Blocks A – D are less broken up in terms of their massing. However Blocks A and B utilise the roof space to provide accommodation and as a result include half dormers. There is also a projecting element in the centre of the rear elevation where the roof will slope down to a lower eaves level. This projecting element would also have feature brickwork in the form of projecting bricks. The upper floor of the building would be clad externally with timber cladding on all

four elevations which helps soften the appearance of the blocks. Some of the windows would also take the form of small projecting bays like blocks E and F. The blocks are not that deep which helps reduce the bulk of the side elevations. Block C is very similar to Blocks A and B but without the projecting element to the rear elevation where instead there is simply a feature area of projecting brickwork. Block D is more of an L Shape but shares some of the same characteristics as Blocks A – C with timber cladding to parts of the upper floor, an area of projecting feature brickwork, half dormers and balconies. It is considered that the use of timber cladding, projecting brick areas, small projecting bays and half dormers would give a fairly consistent character to the blocks and the use of the timber cladding and projecting brickwork would help break the elevations up and provide some softening/visual interest.

16.25 Block E and Block F would utilise the roof space to provide accommodation with flat roof dormer windows. Like other blocks they would have balconies and areas of timber cladding and projecting brick work. Both blocks appear to have been designed to break up their scale and massing to an acceptable level.

16.26 None of the blocks of flats particularly reflect the existing development in the area. However some properties in Radipole Lane do have areas of timber cladding. There are however consistencies between the design of the proposed houses on the application site and the flats in terms of materials, feature areas of brickwork, boxy looking dormers with composite cladding and the proportions of the fenestration. It could be considered that the proposed housing and blocks of flat will have their own character and create a new character area on this site which is visually divorced from existing areas of housing in Radipole Lane and is in fact more visually associated with the buildings at the Police site and the industrial buildings along the B3157. Whilst the development is not outstanding in its design it is considered to be acceptable given the standalone nature of the site, that it is visually divorced from existing areas of residential development and the scale, character and design of existing development adjacent to the site and along the B3157. The materials are considered appropriate to the site's location and there is sufficient variation in materials across the site. Overall the proposals are considered to accord with Policies ENV10 and EVN12 of the adopted local plan.

Landscaping:

16.27 A softworks plan has been submitted as part of this application and amended during the course of the consideration of the application in response to the comments of the landscape officer and natural environment team. Also submitted are planting schedules, landscaping specifications and landscape maintenance and management schemes as required by the relevant condition on the outline planning permission. The landscape officer has no objection to the proposals and the softworks plan and plant schedule is included within the Biodiversity

Mitigation and Enhancement Plan as approved by the Natural Environment Team.

- 16.28 The landscaping scheme includes new trees, ornamental planting, native formal hedges, lawns, wildflower meadow grass, amenity grass, damp grassland, flowering lawn and woodland wildflower mix. This range of different landscape areas reflects the residential development, areas of play, the biodiversity issues and the proposals for ponds and swales.
- 16.29 The information which hasn't been submitted to date is the number of plants/planting density for each and every planting area. Numbers have been provided for some planting areas but not all of them as the planting schedule says that detailed planting plans have not been drawn up for all areas. This is something that can be conditioned to ensure that each planting area has sufficient and appropriate numbers of plants. Subject to that condition it is considered that the proposed landscaping scheme is acceptable in terms of visual amenity and biodiversity interests and accords with Policies ENV2 and ENV12 of the adopted local plan.

Surface water drainage:

- 16.30 The outline planning permission has a condition attached to it requiring the submission of a detailed surface water drainage scheme for the site prior to the commencement of development. As such no details have been submitted as part of the reserved matters application, save, for the location of ponds/swales. The Environment Agency has commented on the application and has no objection to the proposals as it highlights that the surface water drainage details will be controlled by the planning condition in due course. As outlined above it is considered necessary to attach a planning condition to control the depth, gradient and design of the ponds and swales in the interests of health and safety. Both the applicant and the Environment Agency are aware of the proposed condition and that it could limit the capacity of the swales and ponds to deal with surface water but do not object to its imposition.

Biodiversity:

- 16.31 During the course of the consideration of the application the applicant has submitted a Natural Environment Team approved biodiversity mitigation and enhancement plan (BMEP) and a drawing has been submitted showing the proposed biodiversity measures.
- 16.32 There are conditions on the outline planning permission regarding the submission of a Biodiversity Mitigation Plan and what it shall cover. There is also a condition regarding an 8 metre buffer zone alongside the watercourse and details the information required to be submitted. The Natural Environment Team are aware of the condition and have certified their approval of the BMEP and the

Environment Agency recommended the condition regarding the buffer zone at the time of the outline application and they have considered the proposals and are pleased to see that the buffer will remain and be largely left undisturbed, unless there is a need to manage it for biodiversity. The Environment Agency were also pleased to see that some areas of the buffer will be inaccessible to ensure wildlife is left undisturbed and to that end a condition is recommended regarding fencing the south and west stream corridors. There are other elements to the condition regarding the buffer zones that the applicant will still need to comply with in due course as part of making an application to discharge the condition on the outline planning permission.

- 16.33 There are elements in the biodiversity mitigation and enhancement plan that have timeframes against them for when they will be carried out but others don't. Despite that the natural environment team have approved it, but to ensure that the mitigation and enhancement measures are carried out it is proposed to condition the submission of a timetable for the implementation of the biodiversity and enhancement mitigation plan.
- 16.34 Natural England have commented on the application and advise that subject to measures being secured via a condition they are satisfied that pollution prevention measures would protect the adjacent Radipole Lake SSSI. A condition on the outline planning permission requires the submission of a surface water drainage scheme which would include oil and silt interceptors. Natural England have also advised that they are satisfied that the proposals are unlikely to have a significant effect on any European sites.
- 16.35 It is considered that subject to the conditions on the outline planning permission, plus the submission of a timetable for the implementation of the BMEP and its subsequent implementation the development would have an acceptable impact on biodiversity and protected sites and accord with Policy ENV2 of the adopted local plan.

Residential Amenity:

- 16.36 There are no immediately neighbouring residential properties to the site. There is the dwelling within the application site but that is proposed to be demolished and the site would form part of the development area.
- 16.37 The residential amenity of the proposed dwellings needs to be considered and given the juxtaposition and orientation of some of the dwellings it is considered that in some cases it would be necessary to condition that some first floor windows are obscure glazed and retained as such in the interests of the privacy of adjacent residential properties. As such a condition is recommended to address this matter. In the case of a few plots it is also considered necessary to remove permitted development rights for new windows and doors in specific elevations where the insertion of such openings would result in an unacceptable

impact on the residential amenity of the neighbouring property. Subject to these conditions the development is considered to accord with Policy ENV16 of the adopted local plan.

Contaminated Land:

- 16.38 Submitted with the reserved matters application was a Phase 1 report regarding contaminated land. The Environment Agency and WPA have reviewed it and concluded that invasive ground investigation is required in accordance with the condition on the outline planning permission. Therefore further work will need to be done in order to comply with the condition and a remediation strategy may be required. However, given the condition on the outline planning permission the matter of contaminated land does not need to be considered further as part of the reserved matters application.

17.0 Conclusion

- 17.1 The principle of the development is established by the granting of the outline planning permission and does not fall to be considered here.
- 17.2 It is considered that the development would have an acceptable impact on highway safety subject to planning conditions to secure the access to the site from the road.
- 17.3 It is considered that the layout, scale and appearance of the development is acceptable and would have an acceptable impact on visual amenity subject to a number of conditions. Furthermore it is considered that the proposed landscaping scheme is acceptable in respect of visual amenity and biodiversity interests subject to conditions.
- 17.4 The scheme includes a number of ponds and swales. The details of the surface water drainage scheme and its management are the subject of conditions on the outline planning permission, which would also protect the water environment and the nearby SSSI. However details regarding the design of the ponds and swales, along with fencing are proposed to be conditioned to ensure any issues in respect of health and safety can be fully and satisfactorily addressed.
- 17.5 It is considered that subject to conditions the development would have an acceptable impact on biodiversity and the nearby site of SSSI.
- 17.6 There are no residential properties abutting the site and in respect of the residential amenity of the future residents of the scheme the development is considered acceptable subject to conditions regarding obscure glazing and the removal of permitted development rights for new openings in a limited number of plots.

- 17.7 The matter of contaminated land is the subject of conditions on the outline planning permission and does not fall to be considered further at the reserved matters stage.
- 18.0 RECOMMENDATION:**
- 18.1 Grant subject to the following conditions:
1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Softworks Plan - Drawing Number 221418/LA_PL002/E received on 30/08/2019
Housing Plan - Drawing Number 221418/PL_101/M received on 30/08/2019
Wall Materials Treatment Plan - Drawing Number 221418/PL_105/L received on 30/08/2019
Housing Roof Plan - Drawing Number 221418/PL_106/D received on 30/08/2019
Parking Strategy Plan - Drawing Number 221418/PL_108/L received on 30/08/2019
Apartment Refuse & Cycle stores Plans & Elevations - Drawing Number 221418/PL_223/A received on 30/08/2019
Apartments Materials Palette - Drawing Number 221418/PL_218/B received on 05/12/2019
Hardworks Plan - Drawing Number 221418/LA_PL001/E received on 05/12/2019
House Type TOR37 Plans & Elevations - Drawing Number 221418/PL205/E received on 05/12/2019
House Type TOR44 Plans & Elevations - Drawing Number 221418/PL207/E received on 05/12/2019
House Type TOR45 Plans & Elevations - Drawing Number 221418/PL209/D received on 05/12/2019
Houses Materials Palette - Drawing Number 22141/PL_217/C received on 05/12/2019
Slab Level Plan - Drawing Number 221418/PL_112/C received on 05/12/2019
House Type TOR23 Plans & Elevations - Drawing Number 221418/PL201/G received on 17/12/2019
House Type TOR33 Plans & Elevations - Drawing Number 221418/PL202/G received on 17/12/2019
House Type TOR34 Plans & Elevations - Drawing Number 221418/PL203/G received on 18/12/2019
Apartments A & B Plans & Elevations - Drawing Number 221418/PL_210/B received on 17/12/2019

Apartment C Plans & Elevations - Drawing Number 221418/PL_211/B received on 17/12/2019

Apartment D Plans & Elevations - Drawing Number 221418/PL_213/B received on 17/12/2019

Apartments E Plans - Drawing Number 221418/PL_214/B received on 17/12/2019

Apartments E Elevations - Drawing Number 221418/PL_219/B received on 17/12/2019

Apartments F Plans & Elevations - Drawing Number 587530/PL_215/B received on 17/12/2019

House Type TOR22 Plans & Elevations - Drawing Number 221418/PL200/E received on 17/12/2019

House Type TOR42.5 Plans & Elevations - Drawing Number 221418/PL208/F received on 17/12/2019

House Type TOR36 Plans & Elevations - Drawing Number 221418/PL204/G received on 17/12/2019

House Type TOR22 Plans & Elevations - Drawing Number 587530/PL220/E received on 18/12/2019

Apartment Refuse Stores Plans & Elevations - Drawing Number 221418/PL_216 received on 23/10/17

Apartments Bins and Cycle Stores Plans and Elevations Drawing Number 221418/PL_222 received on 23/10/17

Ecological Enhancement Layout Drawing Number 221418/PL_107/R received on 06/12/2019

Single & Double Garage Plans & Elevations Drawing Number 221418/PL221 received on 23/10/17

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

2. (a) Prior to the commencement of any other development all existing trees, shrubs and other natural features not scheduled for removal shall have been fully safeguarded and fenced in accordance with a scheme to be first approved in writing by the Local Planning Authority. Such fencing and any other safeguarding measures shall be maintained during the course of the works on site.
- (b) No unauthorised access or placement of goods, fuels and chemicals, soil or other materials shall take place inside the fenced area.
- (c) The soil levels within the fenced area(s) shall not be raised or lowered and no trenching or excavation shall take place.
- (d) In the event that protected trees (or their roots) become damaged, are lost or become otherwise defective in any way during the course of works on site, 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 throughout the construction period in the interests of amenity.

3. No other part of the development shall commence until the following have been provided within the area shown edged blue on the Location Plan Drawing no. MSI/1346/RM/001:

- (a) Vehicular and pedestrian access linking the public road to the east of the site to the internal road shown in the reserved matters Hardworks Plan Drawing no. 221418/LA_PL001/E;

in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of proper planning, highway safety, flood risk and visual amenity and biodiversity.

4. Prior to the commencement of any development details of the compensatory bat building that accords with the requirements detailed on the Ecological Enhancement Layout Drawing number 221418/PL_107/R and the Biodiversity Mitigation Plan dated 27th August 2019, together with elevation drawings drawn to scale and details of the materials for the external walls and roof, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the compensatory bat building shall be constructed on site in accordance with the approved details prior to the commencement of the demolition of any buildings and structures on the application site.

REASON: In the interests of biodiversity and protected species.

5. The demolition of the stadium building and the dwelling known as “East Court Lodge” shall not take place outside of the periods 1st March to 1st May and 1st October to 15th November each year and shall be undertaken in accordance with the European Protected Species Licence.

REASON: In the interests of biodiversity and protected species.

6. Except to the extent it is necessary to comply with the requirements of condition 2 above regarding the safeguarding and fencing of all existing trees, shrubs and other natural features not scheduled for removal and condition 3 above and condition 4 above regarding the provision of a

compensatory bat building, prior to the commencement of any other development the existing stadium building(s) shall be demolished to ground level and the resulting materials removed from the site.

REASON: To ensure the satisfactory development of the site.

7. Prior to the commencement of any development a timetable for the implementation of the Biodiversity Mitigation Plan dated 27th August 2019 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the Biodiversity Mitigation Plan and the approved timetable for implementation unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence or the results of subsequent protected species surveys, have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved biodiversity mitigation measures shall be permanently maintained and retained in accordance with the approved details and Biodiversity Mitigation Plan.

REASON: In the interests of nature conservation.

8. Prior to the commencement of any development detailed planting plans including the number and density of each species to accord with the proposed planting and species shown on the Softworks Plan Drawing Number 221418/LA_PL002/E received on 30/08/2019 and Plant Schedules reference 221418/PL/Doc14 Rev A August 2019 shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed planting plans, Landscape Specification Q30 Seeding reference 221418/PL/DocL10 October 2017, Landscape Specification Q31 External Planting reference 221418/DocL11 October 2017, Landscape Specification Q35 Landscape Maintenance reference 221418/DocL12 October 2017 and Five Year Landscape Management Plan October 2017 and in accordance with the requirements of condition 5 of Outline Planning Permission ref WD/D/14/001938.

REASON: In the interests of visual amenity.

9. Prior to the commencement of any development existing and proposed spot levels for the roads, LAPs, LEAP, allotments and other areas of open space shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the quality of the amenity and play spaces provided.

10. Prior to the commencement of any development details of any proposed retaining walls or other retaining means/structures for the boundaries of the plots and the parking areas, LAPs, LEAP, allotments and other areas of open space shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location, height and materials. Thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of visual and residential amenity.

11. Prior to the construction of any part of the development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

12. Prior to the construction of any part of the development above damp proof course level, details of the proposed brick coursing for each building where a brick feature panel is to be constructed and each building where an area of projecting brickwork is proposed shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the proposed bricks to be used and a sample panel for each different type of coursing to be used in the brick feature panels and a sample panel of the projecting brickwork. Thereafter the development shall proceed in accordance with such details and materials as have been agreed.

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

13. Prior to the construction of any part of the development above damp proof course level details of the proposed bin stores and bin stores/bicycle stores to be sited in the gardens of the houses as shown on Hardworks Plan Drawing Number 221418/LA_PL001 Rev E shall be submitted to and approved in writing by the Local Planning Authority. The details shall include dimensions and materials. Thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity.

14. Prior to the construction of any part of the development above damp proof course level details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, within the development, along with a timetable for their

provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and timetable.

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

15. Prior to the construction of any part of the development above damp proof course level details of the provision and future management of the allotment area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no more than 50 dwellings shall be first occupied until the allotments have been provided in accordance with the approved details and the allotments shall thereafter be managed in accordance with the approved details.

REASON: In the interests of visual and residential amenity.

16. Prior to the construction of any part of the development above damp proof course level details of fencing to protect the riparian corridors to the south and west boundaries of the site, including details of position, materials and height, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the fencing shall be erected as agreed prior to the first occupation of any dwelling and shall thereafter be permanently retained.

REASON: In the interests of nature conservation and biodiversity.

17. Prior to the construction of any part of the development above damp proof course level details of the equipment, surfacing and fencing to be provided for each of the three local area of plays (LAPs) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no more than 50 dwellings shall be first occupied until the local areas of play have been provided in accordance with the approved details.

REASON: In the interests of residential amenity and to ensure the proper planning of the area.

18. The ponds and swales shown on the approved drawings shall not be first constructed until details of:

- (a) the depth and design of the ponds and swales (including cross-section drawings);
- (b) details of fencing to be erected around the ponds and swales, including height, design and materials;

- (c) dry level surfaces around the ponds and swales;
- (d) how the design of the ponds and swales have had regard to the CIRIA Health and Safety Principles for SUDS (2013);
- (e) a timetable for the provision of the fencing and the dry level surfaces; and
- (f) how and who will be responsible for the maintenance and management of the fencing and dry level surfaces for the lifetime of the development

has been submitted to and approved in writing by the Local Planning Authority. The depth of the ponds and swales shall not exceed 600mm and the sloping sides of the ponds and swales shall not exceed a 1 in 3 gradient. Thereafter the development shall be carried out, implemented and maintained and managed in accordance with the approved details and timetable for implementation.

REASON: In the interests of health and safety.

19. Prior to first occupation of the development hereby approved the highway access, the geometric highway layout and the parking and turning areas shown on the Hardworks Plan Drawing number 221418/LA_PL001 Rev E must be constructed, unless otherwise first 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 in the interests of highway safety.

20. No more than 50 dwellings shall be first occupied until the locally equipped area of play (LEAP) has been surfaced and equipped in accordance with the Play Equipment Schedules by Terence O'Rourke Ltd dated October 2017.

REASON: In the interests of residential amenity and to ensure the proper planning of the area.

21. No fencing shall be erected around the locally equipped area of play (LEAP) unless details of its position, height and materials have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity.

22. No street lighting shall be first installed until details of the design of the columns and their height, position, direction of lighting, use of accessories such as cowls or hoods and details of the lights have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and biodiversity.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed in the following elevations and plots hereby approved:

First floor level of the south west elevation (rear) of plot 156
South east elevation (side) of plot 151
South elevation (side) of plot 65
North elevation (side) of plot 68

REASON: In the interests of residential amenity.

24. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), before the plots hereby approved and listed below are first occupied the following window(s) shall be permanently glazed with obscured glass of a minimum obscurity of level (4) and these window(s) shall be retained as such thereafter. For the plots as indicated below the windows shall also be non-opening and shall be retained as such.

First floor side elevation window to plot 43
First floor rear elevation to plot 156
First floor side elevation to plot 69
First floor side elevation to plot 46 and the window shall be non-opening.
First floor side elevation to plot 62
First floor side window to plot 72 and the window shall be non-opening.

REASON: In the interests of residential amenity.

Informatives:

1. There must be no interruption to the existing surface water and/or land drainage arrangements 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.
2. The applicant's attention is drawn to the letter of the 10th January 2018 from the Environment Agency.
3. Prior Land Drainage Consent (LDC) will be required from Dorset Council's Flood Risk Management (FRM) team, as relevant Lead Local Flood Authority (LLFA), for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse, in accordance with s23 of the Land Drainage Act 1991. Therefore, the modification, amendment or realignment of any Ordinary Watercourse or temporary drainage channel, 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 to the FRM team at DCC to clarify the potential requirement for prior LDC. LDC enquiries can be sent to floodriskmanagement@dorsetcouncil.gov.uk
4. NPPF informative.
5. The applicant's attention is drawn to the S106 agreement dated 27th October 2014.
6. The applicant's attention is drawn to the planning conditions attached to the outline planning permission reference WD/D/14/001938 and the need to comply with them.
7. If Japanese Knotweed is found on the application site it is the responsibility of the landowner to deal with it in the correct manner.
8. In this consent the terms "No other part of the development" and "any development" means the development to which this reserved matters approval relates as shown within the red line of Location Plan Drawing Number MSI/1346/RM/001 received on 23/10/17.
9. The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development Team. They can be reached by telephone at 01305 225401 or in writing at Development Team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.

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Report to committee in respect of S106 agreement dated 27th October 2014 in respect of outline planning permission WD/D/14/001938

Site Address: Weymouth Football Club, Wessex Stadium, Radipole Lane,
Chickerell, Weymouth, DT4 9XJ

1. Background to the report:

- 1.1 There is a S106 agreement dated 27th October 2014 associated with the outline planning permission (WD/D/14/001938) for the redevelopment of existing football stadium, training pitch and car park with 150 – 170 dwellings (including affordable housing), public open space, access and parking.
- 1.2 The S106 agreement associated with the outline planning permission secured the provision of 35% affordable housing on the site and financial contributions to community venues, education, parks and gardens, libraries, pedestrian and cycle, transport, waste management, allotments and greenspace. The contributions were based on the Council's Supplementary Planning Document "Planning Obligations". However, the S106 agreement also included clauses allowing for "upon the submission of the reserved matters application the developer and/or the club may submit a viability appraisal to the Council for its written approval in order to assess development viability". The agreement goes on to say that where the viability appraisal as approved by the Council identifies there to not be development viability, the developer and/or the club will agree with the Council a reduction in the contributions (save for the pedestrian and cycle contribution which is £200k index linked) and/or the number of affordable units in order for there to be development viability.

2. Applicant's Submission, Town Council comments and appraisal of the submission by the DVS:

- 2.1 At the time of submitting the reserved matters application (WD/D/17/002597) the applicant submitted viability information. That information is available to view on the Council's website under the application reference WD/D/17/002597. Parts of the information have been redacted by the applicant for public view due to what they consider to be the commercially sensitive nature of the application. However officers and the DVS have been able to view all the submitted information without the redactions.
- 2.2 Chickerell Town Council in commenting on the reserved matters application recommended refusal and commented that WDDC's policy is for 35% affordable housing and the outline planning application was

approved on that basis. At the time of the outline planning application the applicant had acquired the land and would be well aware of the costs of the project. The Town Council expects the local planning authority to maintain the 35% affordable housing requirement and say it should be noted that all other developers of housing in Chickerell are meeting their requirements plus providing significant S106 benefits. All comments can be viewed in full on the Council's website under application reference WD/D/17/002597.

- 2.3 The applicant submitted a viability appraisal prepared by a chartered surveyor who is a registered RICS valuer and during the course of the consideration of the application various amendments and revisions have been made reflecting responses from the District Valuer Services who were instructed by officers to consider the viability of the development and the information submitted by the applicant.
- 2.4 The viability appraisals have been carried out on the basis of the developer having to pay £200k as a pedestrian and cycle contribution and having to provide a replacement recreation facility, both of which are requirements of the S106 agreement. This accords with the S106 agreement which defines development costs and includes "the payment of financial contributions and costs associated with the fulfilment of other obligations pursuant to the deed".
- 2.5 No planning permission exists for a replacement recreational facility, nor has a planning application for such a facility been submitted to date. Therefore it is difficult to be definitive regarding the costs of a replacement recreation facility as an exact specification for a replacement facility does not exist. The S106 agreement defines replacement recreation facility as a new recreation facility to be provided in a suitable location within the District or the administrative area of Weymouth and Portland Borough Council comprising equivalent or better provision to the existing stadium in terms of quality, taking into account the present practical use and current parking facilities enjoyed by The Club on match and other days facilities (including parking) of the existing stadium, as approved by the Council in consultation with the Club and Sport England.
- 2.6 As part of the submission and representations on the outline planning permission the applicant submitted a letter detailing that the option agreement allows the applicant to acquire the football club's interest in the Bob Lucas Stadium having first provided a replacement stadium which meets a series of criteria which were principally a spectator capacity of 5000, compliance with the Guide to Safety at Sports Grounds and which has regard to the Weymouth Football Club Vision Statement from August 2008. A solicitor wrote in on behalf of the football club at the time of the outline application (2014) which stated "the application provides the only

realistic prospect of a new community stadium in Weymouth. WFC is determined that any new stadium will be multi-functional and embrace many other sports.” They said they envisaged the new facility having a state of the art 3G pitch.

2.7 The applicant originally advised that the option agreement limited the amount that the applicant had to pay towards a replacement recreation facility to a specific amount. The DVS asked for information regarding the proposed replacement recreation facility and the applicants employed consultants with experience in the provision of new stadiums elsewhere in the country to do a feasibility estimate of costs based upon a stadium with a 5000 capacity. It was based in part on a particular site that the applicants had in mind for the possible replacement facility and it therefore not only included the cost of the football stadium (5000 capacity, clubhouse building, 3G main pitch and floodlighting, stadium perimeter wall, toilet blocks, turnstiles and exit gates) but also other potentially site specific site clearance/demolition costs, external works and infrastructure and landscaping costs etc. The total figure reached by the feasibility estimate of costs far exceeded the capped amount that the applicant said at the time was in the option agreement.

2.8 A quantity surveyor from the DVS reviewed the cost estimates acknowledging that whilst they have reviewed the costs they need to be considered in the context that they may differ if an alternative site was identified. The conclusion was that the DVS considered that the scheme would cost more than was estimated by the applicant but the difference in costs was only 1%. Both the applicants cost estimate and that of the DVS was greater than the capped figure that the applicant said was in the option agreement and which limited the amount the applicant was to pay towards the replacement facility, although that begs the question of how the WFC would make up the difference.

2.9 The DVS concluded at that time that “DVS are of the view that the applicant probably will not be able to make any additional contributions over and above the re-location of the football club, but currently feel the level of detail is insufficient to give an unqualified recommendation”. The applicant was asked at this stage to provide officers with a copy of the option agreement but were told in response that it was the subject of a non-disclosure agreement with The Club. Officers have pressed this matter with the applicants on a number of occasions since then but the applicant has not been forthcoming in allowing officers to see the agreement or sections of it.

2.10 Following that initial conclusion from the DVS the applicants submitted an updated report which addressed some of the issues raised in the initial conclusion and recommendations of the DVS. At that time the

applicant advised that the re-provision costs for the stadium had increased significantly and advised that the full cost would be payable by the development and that being the case the scheme would be even less viable than in the original assessment. However the DVS used their appraisal tool assuming a 100% open market scheme, capping the cost of the replacement recreational facility at the amount originally advised by the applicant as being within the option agreement (given that officers have not seen a copy of the option agreement which would demonstrate otherwise this seems a reasonable approach), including the £200K for cycle and pedestrian improvements required by the S106 agreement (but no other S106 contributions) and including developer's profit at 20% as stated by the S106 agreement (the applicant had originally included a lesser developer's profit of 17.5% reflecting that they were prepared to take a lesser amount of profit but that is contrary to the S106 agreement). With all of the above the total value of the scheme minus the development costs and the assumed profit of 20% results in a negative figure (significant deficit) demonstrating that based on these figures there is no development viability and that there is a significant negative difference between the site value and the existing use value.

2.11 Clearly assumptions have had to be made regarding the costs of a replacement recreational facility given that there is no proposal either consented or otherwise currently with the local planning authority on which to be able to accurately estimate the costs. Any recreational facility as required by the S106 agreement would have to be of equivalent or better provision to the existing stadium in terms of quantity and quality and reflect the current parking provisions enjoyed by The Club. The applicants have based the costs of the proposed stadium on what both they and The Club set out in writing as being the requirements of the option agreement in 2014 when the outline application was considered and also included site specific costs in respect of a site that the applicant was considering at the time, which is not an unreasonable approach in the view of officers. The S106 agreement says that the development costs can be either forecast or incurred, with justification provided.

2.12 It could be that if and when a planning application is submitted for a replacement facility there may be very site specific costs not currently envisaged or a better facility may be proposed (the standard of any replacement recreation facility would have to be considered by the Council in consultation with The Club and Sport England, as required by the S106 agreement) which would increase costs even further. That may be irrelevant if the cost to the developer is capped within the option agreement, but if it is capped the DVS appraisal already demonstrated that the development is not viable to provide affordable housing and SPD contributions and if the cost to the developer is not capped and the stadium and site specific costs relating to the replacement recreational

facility exceed that amount the development viability would be even more in the negative.

3. Conclusion:

- 3.1 Officers consider that the scheme should be 100% market housing and the only financial contribution payable would be the £200k to pedestrian and cycle enhancements at Wessex Roundabout, given the requirement to provide a replacement recreation facility ready for use prior to the commencement of development. This would mean that there would be no contributions to community venues, education, parks and gardens, libraries, transport, waste management, allotments and greenspace
- 3.2 Given the above Members are being asked to agree to officers confirming to the developer in writing a reduction in affordable housing to nil provision and a reduction in contributions to £200k (plus indexing) for the pedestrian and cycle contribution.
- 3.3 As this is not an application to modify the S106 agreement a refusal cannot be issued. Members could state that they do not agree with the officer conclusion reached and that being the case Section 6.9 Dispute Resolution of the S106 agreement would become relevant and clauses 6.11 – 6.20 would be engaged. This would result in the dispute between parties (developer and Council) being considered by an independent expert to be appointed jointly by the parties. The expert would invite written representations from each of the parties and the findings of the expert shall be final and binding on the parties. The costs of the dispute shall be payable by the parties in such proportion as may be determined by the expert and failing such determination to be borne in equal shares by the parties.

4. Recommendation:

- 4.1 That Members agree to officers confirming to the applicant in writing a reduction in affordable housing to nil provision and a reduction in contributions to £200k (plus indexing) for the pedestrian and cycle contribution.

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[WP/18/00662/FUL](#)

Develop vacant land by the demolition of garage, formation of vehicular access, erection of 25 dwellings & associated landscaping.

Land off of Verne Common Road & Ventnor Road, Portland

Applicant name – Laming and Sons Ltd

Case Officer – Emma Telford

Ward Member(s) – Cllr Hughes, Cllr Kimber & Cllr Cocking

Taking account of the comments made by the Ward Members the Head of Service considers that under provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

1.0 Summary of Recommendation:

1.1 Delegate authority to the Head of Planning to grant, subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure 5 affordable rented units on site, an affordable housing contribution of £59,254, a financial contribution for grassland compensation and management for the Local Nature Reserve of £15,638 and conditions.

2.0 Reason for the recommendation:

- Absence of 5 year land supply
- Para 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 result in any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

3.0 Key planning issues

Issue	Conclusion
Principle of development	The site lies outside of the DDB for Portland. Para 11, d) of the NPPF is relevant as the Council cannot demonstrate a 5 year housing land supply. The principle of development is acceptable if other considerations do not outweigh the lack of a 5 year housing land supply.
Visual Amenity	Design considered appropriate for the site.
Heritage Assets	The proposed development would preserve the

	setting of the Conservation Area. Acceptable impact on the setting of the Scheduled Monument.No need for any further archaeological evaluation or mitigation.
Residential Amenity	Not considered to result in a significant adverse effect on living conditions of either neighbouring properties or future occupiers of the proposed development.
Biodiversity	Biodiversity Mitigation & Enhancement Plan considered acceptable.
Land Instability	Technical Services raised no in principle objection.
Highway Safety	Highways raise no objections subject to conditions.
Drainage	Flood Risk Management Team raise no objection subject to conditions.
Affordable Housing	S106 required for the provision 5 on site units and the remainder (1.25) by financial contribution.
Community Infrastructure Levy	CIL liable.

4.0 Description of Site

4.1 The application site is accessed off Verne Common Road with Ventnor Road to the western boundary. The site is surrounded by residential development to the west, north and east. From Verne Common Road the site levels slope downwards to the western boundary and the rear of the properties of Ventnor Road. A pathway runs through the north part of the site linking the lower part of Verne Common Road to the higher section of the road.

4.2 The site is greenfield and part of the site is used to graze horses. Planning permission was previously granted (WP/16/00286/FUL) for the erection of 8 dwellings on the site.

4.3 The application site is located outside of the defined development boundary (DDB) for Portland although it is positioned adjacent to the DDB. The site lies in close proximity to the Site of Special Scientific Interest (SSSI).

5.0 Description of Proposal

5.1 The proposed development involves the erection of 25 dwellings. The proposed 25 dwellings would include 2, 4 bedroom units, 14, 3 bed units, 4, 2 bed units and 5 affordable 3 bed units. The site would be accessed off Verne Common Road on the eastern boundary and the proposed layout of the scheme would provide three tiers of housing. The sloping topography of the site means the proposed properties are stepped down the slope. The proposed materials include a mix of render, Portland Stone and grey multi brick. The proposed scheme would also include the provision of 59 parking spaces and 22 garage spaces to serve the proposed 25 dwellings.

6.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
WP/16/00286/FUL	Erect 8 dwellings (Resubmission)	Approved	19/10/2016
WP/15/00533/FUL	Erection of 8 dwellings	Withdrawn	-

7.0 Relevant Constraints

Outside defined development boundary

Adjacent to Site of Special Scientific Interest (SSSI)

Adjacent to the Conservation Area

8.0 Consultations

8.1 Natural England – *No objection, subject to conditions.*

Designated sites

The applications site is adjacent to land designated as the Isle of Portland SSSI and the Isle of Portland to Studland Cliffs SAC, part of which is also designated Verne Yeates Local Nature Reserve (LNR). Natural England have no concerns in regards to the impact of the development on the condition of the SSSI and SAC during operational phase, however the increase in residential units in close proximity to the LNR is likely to increase management costs for the reserve.

Without any additional measures to address the issues outlined above the proposals as they stand will not meet the aspiration for achieving sustainable development by, amongst other things, ensuring proposals achieve a biodiversity net gain as set out in NPPF paragraphs 7, 9, within the core planning principles in paragraph 17, paragraph 109 and 152. If your authority is minded to approve the application, we recommend the development support the ongoing management of the LNR, which could be by way of a contribution to the managing organisation, we would be happy to discuss this with the applicant.

Given the proximity of the development to the SSSI & SAC, we advise the below is secured via a condition to ensure no adverse impact on the designated site during the construction phase of the development;

- No disposal of materials, waste or debris is permitted within the SSSI.*
- Temporary construction lighting is angled away from the SSSI to avoid light spill into the sensitive area.*
- Workers are made aware of the SSSI and risks to the site.*

BMEP

Natural England welcomes the inclusion of a Biodiversity Mitigation and Enhancement Plan (BMEP), however this is not accompanied by a certificate of approval from the Dorset County Council Natural Environment Team (DCC NET). Natural England therefore recommends that permission is not granted until the BMEP has been approved by the DCC NET. Provided the BMEP and any agreed financial contributions has been approved by the DCC NET and its implementation in full is made a condition of any permission, then no further consultation with Natural England is required.

8.2 Natural England (Further Comments) - *It is not clear if the applicant has refused to negotiate and acquire an approval certificate with the Natural Environment Team or if they intend to do so and resubmit an approved Biodiversity Mitigation and Enhancement Plan, incorporating our previous advice and the matters within this letter.*

If the former is the case, please notify us and our advice is likely to change to an objection. If the latter is the case then Natural England do not require re-consulting on this matter unless a the application changes significantly.

8.3 Dorset Police Crime Prevention (Original Comments) – *I have reviewed the plans for the above proposed development and wish to make the following comments:*

I have concerns in relation to the layout and design of the play space and the open land behind houses 13 – 20.

- Communal areas such as playgrounds and seating areas have the potential to generate crime, the fear of crime and anti-social behaviour. They should be designed to allow visibility from nearby dwellings, which the current layout does not allow. They should also not immediately abut residential buildings (house 13). Also, by positioning amenity/play spaces to the rear of dwellings (open land behind houses 13 -20) can increase the potential for crime and complaints arising from increased noise and nuisance.*
- I would also strongly recommend that the security of the dwellings meets the standards laid out in the Secured by Design Guidance: Homes 2016 – Section 2. This is a minimum standard for security but would assist with the sustainability of the development.*

8.4 Dorset Police Crime Prevention (Amendments) - *I have reviewed the amended plans for the above proposed development and wish to make the following comments:*

- I am pleased to see that the play area that was next to house 13 has been moved.*
- I still, however, have concerns in relation to the open land behind houses 13 – 20 and will be speaking to the Architect to see what boundary fencing (if any) is proposed on this development.*
- I would also like to see that the security of the dwellings meets the standards laid out in the Secured By Design Guidance: Homes 2019 (supersedes Homes 2016). This is the minimum standard of security but would assist with the sustainability of the development.*

8.5 Wessex Water - Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

Sewerage Infrastructure

Foul sewers from this area flow to the Victoria Square pumping station, from here flows are pumped onwards to the Weymouth Sewage Treatment Works.

The site shall be served by separate systems of drainage:

Foul Drainage

- A connection to the public sewer network can be agreed for proposed foul flows.
- To achieve a gravity connection, a Section 98 off-site sewer requisition may be required across third party land to connect the 225mm public combined sewer in Ventnor Road.

Surface Water Drainage

- The drainage strategy by GAP Ltd (Oct 2018) indicates attenuated discharge in to the public combined sewer. Surface water discharge should be disposed of in accordance with Suds Hierarchy and NPPF Guidelines and disposal to local land drainage systems should be prioritised ahead of a connection to the public sewer. We will require the applicant to prove that other means of disposal are not viable, and this includes disposal of proposed highway runoff to any existing highway drain network.
- We will consider a connection to the public combined system where it is proven that other options higher up the surface water hierarchy cannot be achieved.
- This is a full application and the proposed drainage layout should provide a true representation of the surface water system required to serve this development.
- The steep contours and elevation of this site is noted and we request that more detailed engineering drawings are submitted that provide an accurate representation of how the storm water attenuation features are to be constructed on the hillside, along with the proposed foul and surface water routes and any easement widths (3m either side of the adoptable sewers) where they run outside of public highway. This is required to confirm that it is feasible to accommodate the necessary sewers and surface water storage features within the proposed site layout.
- Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Development sewers can be offered for adoption under a formal S104 agreement, subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the local development team as early as possible to agree proposals for the Section 104 adoption and any off site Section 98 sewer requisition works development.south@wessexwater.co.uk.

Additional development flows will cause capacity issues further downstream at the Victoria Square SPS. Under the new developer charging arrangements, Wessex Water will need to plan design and construct any necessary improvements to accommodate permitted development in compliance with regulatory requirements. Prioritising and programming these works will require consultation with all stakeholders to ensure that capacity improvements can be delivered to match the rate of development.

Water Supply

The site is crossed by a 3" cast iron water main. The position of the water main must be accurately located and marked on site and on deposited plans.

There must be no development within 3m either side of the water main and no tree planting within 6m. Ground levels above the water main must be maintained and the applicant should contact Wessex Water to agree protection works during the construction programme and thereafter.

Subject to application and engineering agreement it may be possible to divert/lower the water main. Diversions of public apparatus are at the developer's cost and the applicant should refer to our guidance note DEV002G and our website

<http://www.wessexwater.co.uk/Developers/Supply/Buildingnear-a-water-mains/> for further guidance and contacts.

A water supply can be made available from the local network with new water mains installed under a Section 41 requisition arrangement. The applicant is advised to contact Wessex Water as early as possible in the construction process to discuss a Section 41 application and to determine if a booster pump will be required.

8.6 Highways – No objection subject to the following conditions:

Estate Road Construction (adopted or private)

Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on the approved plans 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.

Turning and parking construction as submitted

Before the development hereby approved is occupied or utilised the turning and 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.

INFORMATIVE NOTE: Privately managed estate roads

As the new road layout does not meet with the County Highway Authority's road adoption standards, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

INFORMATIVE NOTE: Development team

*The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under **Section 38 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@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, Hall, Dorchester, DT1 1XJ.*

8.7 Environmental Health – No comments received at the time of report preparation.

8.8 Trees Officer – *There is an area of trees within neighbouring land that are adjacent to the western boundary of the site which are within a Conservation Area. It is quite possible that the layout of the proposed development could have implications on the long term retention of these specimens.*

Tree survey / report required for any trees within and adjacent to the site.

8.9 In response to the original comments from the Tree Officer further information was submitted and the following further response was made.

8.10 Trees Officer (Amended) - There are no trees of any significant consequence within the site or on neighbouring land that borders the western boundary of the site and therefore, I do not see the need for a full Tree Report.

8.11 Technical Services – *With regards to this application I have no 'in principle' objection. Given the size of the development, the FRM team in their role as LLFA have provided comments regarding the management and discharging of surface water so I suggest you refer to their comments. The site is located in an area where we would not expect there to be land instability issues however, as with all development, particularly on sloping ground, the applicant will have to be satisfied that the proposals have been suitably designed and will not result in instability and approved construction practices should be followed in a responsible, safe manner. The applicant should seek appropriate technical advice and ensure the necessary geotechnical investigations are undertaken to confirm the construction methodology is sound. There should be continual monitoring of ground conditions during any construction work and particularly during any earthwork operations with particular attention to any ground movement or groundwater conditions – although the site is not expected to have any prevailing issues with groundwater and collected surface water is to be drained off site to a piped system. Building Control will have to be satisfied with the foundation arrangements if/when an application is made for Building Regs approval.*

8.12 Landscape Officer – *The application site is located on steeply sloping ground with Verne Common Road to the east and rough ground leading to the rear gardens of Ventnor Road to the west.*

The site is quite visible in views from more elevated streets to the east and south (for example, Clovens Road and New Road but is less visible from public footpaths and bridleways within the wider landscape, with the exception of views from New Ground, footpath S3/85 and footpath S3/3 immediately to the east of the application site. The site forms part of a wider area of open ground that encompasses Verne Hill but sits within the context of the Verne Common Road settlement.

Visual Amenity

A photomontage has been submitted with the application which illustrates how the development may look within views from the New Ground area. This shows proposed housing that does not appear out of place or out of scale to its location and does not appear to be a detrimental element within the highly valued views towards Wyke Regis. The existing tree planting that is located in the rough ground between the application site and the rear gardens of Ventnor Road will act as a visual screen between the two. It is proposed that this planting will be further supplemented by new planting along the western edge of the proposed development.

Landscape Character

The proposed scheme is not located on a clifftop and does not broach the skyline in any views. Verne Hill has a distinct character that is different to much of the landscape within the Limestone Peninsula character area. Its steep slopes are covered in scrub, pasture or rank grassland with the Verne Citadel sat on top. The introduction of housing on the application site will see the spread of development along the lower parts of this slope, albeit on a small scale. My initial concerns that this application may start a pattern of development along this lower part of the Verne Hill were slightly alleviated when I reviewed the contour plan of the area and could see that the land becomes increasingly steeper the further one travels south and east towards Tillycombe Road.

Conclusion

I have no objection to this application on grounds of impact on landscape character or visual amenity.

8.13 Urban Design Officer – *The proposed site plan incorporates numerous instances of dwellings fronting out facing the rear of neighbouring proposed new dwellings largely as a response to the topography of the site. The high quality architecture and use of side-on gardens for the detached units mitigate against the fact that there are front / rear issues within the site plan. The site sections drawings show how the design and scale of the detached dwellings could function successfully on this site. However, there are urban design issues with the site layout detailed below.*

The sweeping street pattern proposed in the site plan reflects the existing street pattern at Verne Common Road and facilitates a high level of on-plot parking. The application

for 8 dwellings (WP/16/00286) included an access point which is further north than that of the proposal within this application (WP/18/00662). The approach to situate the access point further north would give a greater separation between the site access point and the sharp bend to the south east. The sense of arrival would be somewhat compromised by this access point as visitors would be greeted by the rear of plots 1 and 2 upon arrival to the site. The site layout currently misses the opportunity to create casual surveillance of the footpath. This could be achieved through either reorienting the dwellings close to the footpath or through appropriate fenestration on the relevant side elevations.

I agree with the aspiration to incorporate the northernmost parcel of land within the application area and to include built form on this area. However, under the current proposals to occupy this area with affordable units entirely, a severance is created. The division between the proposed open market and affordable units is most evident in 'drawing 3D view 13' which shows clear separation between the two parcels. The proposed orientation of the affordable units coupled with the topography of the surrounding area is likely to ensure that existing dwellings on Verne Common Road (82, 84, 86 and 88) will be imposing to the affordable units. The West Dorset and Weymouth and Portland Adopted Local Plan states that there is a requirement for 25% affordable housing on sites where open market housing is proposed on Portland. The Housing Enabling Team have highlighted that the five dwellings proposed to be affordable units do not meet the 25% required. The total number of affordable units required on this site, given the total proposed is 25, would be 6.25 units. This will have implications for a revision to the site layout with an additional affordable unit sought at the expense of an open market unit.

I disagree with the assertion made in the Design and Access Statement that 'All of the proposed homes will be provided with large gardens'. In many instances (plots 13-16 & 21-25) the plots proposed do not include gardens that match the ground floor footprint of their assigned dwelling. The remaining plots that do incorporate amenity space that match the GF footprint do not have gardens that could be considered large, with possibly the exception of plot 6. The use of gardens sitting side-on to their respective detached dwelling is generally shown to work well within the site layout with the exception of plot 12. The garden for this dwelling is proposed to sit on the corner of the street and as such, would adversely impact the public realm. In terms of public open space, the positioning of the 'garden' and its proposed proximity to the bin store reduces the amenity value of this space. I echo the comments made by the Crime Prevention Design Advisor with respect to the 'wild landscaped buffer' to the rear of proposed units 13 – 20. This area should ideally be reconsidered within a revised site layout.

The parking arrangement proposed for the 2B terrace is well designed with street planting used to break up the hard surfacing. This approach should also be applied to the parking arrangement for the affordable units. Breaking up the single terrace of five would assist with this. The five parking spaces at the northernmost part of the site could be a potential source of conflict. Parking in this configuration on a gradient lends itself to car doors banging against neighbouring cars.

The play space could be repositioned to sit in the space currently proposed to be occupied by the 'garden'. This would still allow the play space to be easily accessed from the footpath and would present the chance for dwellings to be oriented to allow casual surveillance of the space. This would address concerns raised by the Crime Prevention Design Advisor regarding the potential to generate crime, fear of crime and anti-social behaviour. Furthermore, this could also ensure that residential buildings do not abut the play space, reducing potential for complaints arising from increase noise and nuisance.

The opportunity to provide a bathroom / en-suite window for all detached and end of terrace dwellings could be realised in order to aid ventilation. For the 3 bed detached dwellings, a bathroom window should be incorporated on the north elevation (south elevation for plot 2) which may involve slightly reconfiguring the floor plan. Under the current layout, for the 2B terraced units 13 – 16, an en-suite window should be incorporated in each dwelling on the SW elevation. For the end of terrace 2B units, unit 13 should be afforded a bathroom window on the NW elevation and likewise unit 16 on the SE elevation. In the current configuration for the 3B affordable units (plots 21-25) the floor plan for unit 21 should be mirrored to allow the bathroom to include an outer facing wall and therefore, incorporate a bathroom window. The floor plan for unit 25 would not need to be mirrored in order to afford a bathroom window under the current layout, one should be provided.

There is scope for a revised site layout to address the concerns outlined. Repositioning the play space as previously mentioned would force a re-routing of the road servicing the northern parcel and, in turn, would allow built form in this parcel to front west rather than east. It is imagined that the northern parcel could accommodate between two and three detached dwellings whilst offering some casual surveillance of the footpath and play space to the south. The issue of the side garden for plot 12 could potentially be addressed by positioning a terrace of three affordable units in this space, fronting north. This would allow these units to front onto the repositioned play space. The remaining three affordable units could be accommodated in the lower tier of the site in space vacated by the detached units moved to the northern parcel. Breaking the terrace of five affordable units would enable these dwellings to be better distributed across the site in a tenure blind approach. An added benefit to splitting up the affordable units into groups of two or three adjoining units rather than a group of five is the reduction in mid terraced units which preclude the provision of a bathroom window on the side elevation.

8.14 Planning Obligations Manager – *On the understanding that 20 of these 25 units will remain CIL liable I have no comments on this application from a S106/ CIL perspective.*

8.15 Flood Risk Management Team (Original Comments) – *The site is entirely within Flood Zone 1 (low risk / fluvial flooding), in accordance with indicative flood mapping provided by the Environment Agency's (EA). Equally, it is seen to be largely unaffected by indicative mapping of both surface and ground water flooding, other than the (theoretical) formation of an overland flow path during severe rainfall events (1:1000yr).*

The site is understood to fall generally east - west / north-west, whilst prevailing ground conditions are understood from BGS mapping to comprise of Sedimentary Mudstone bedrock, of Kimmeridge Clay. Therefore, infiltration rates are anticipated to be low and unlikely to support the use of soakaways for the management of surface water.

Whilst we (DCC/FRM) do not hold specific flood records relevant to the site, it is appropriate that surface water management is adequately considered, and that the requirements of the National Planning Policy Framework (NPPF - Revised July 2018) are fully complied with to prevent both flood risk to the site / proposed development or any off site / downstream worsening.

The limited supporting information that has been supplied, namely Section 5 (Flood Risk Assessment) of the supporting Design & Access Statement does not provide sufficient clarification of the necessary management of surface water, although we note that the requirement for a conceptual strategy is acknowledged. Within Section 11 of the relevant Application Form, the proposed use of SuDS, an existing watercourse and soakaways are all identified, but have not been substantiated by supporting information. Indeed, it is not clear that the site has access to a receiving watercourse or that infiltration rates will support the use of soakaways, as suggested by the relevant Application Form.

Whilst we appreciate that this proposal relates to the (re)development of a largely Greenfield site, the applicant should supply a viable & deliverable scheme of surface water management, based upon adequate consideration of prevailing ground conditions, relevant constraints & the SuDS hierarchy.

On this basis, we (DCC FRM) recommend that a precautionary approach be adopted and request that a (Holding) Objection be applied to this proposal pending the supply and acceptance of a conceptual strategy for the management of surface water derived from the proposed development.

8.16 Flood Risk Management Team (Amendments) – The more recent submission of the following revised document;

- GAP Ltd compiled Drainage Strategy (DS) report ref: 18195 Rev 3 dated May 2019.
- GAP Ltd drawn Surface Water Drainage Strategy (SWDS) plan ref: 18195-900 P3 (Appendix E of DS report) dated May 2019.

On the basis of these revised documents and additional clarification provided we (DC/FRM) withdraw our previous (Holding) Objection in this matter.

We have No In-Principle Objection to the proposed development subject to attachment of the following (2) conditions to any planning approval granted and compliance with the (conceptual) drainage strategy that has been outlined.

CONDITION (1)

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, and with due consideration of the construction phase, has been submitted to, and approved in writing by the local planning authority. The necessary detail design shall include all required clarification and substantiation of the proposed surface water management scheme and be implemented in accordance with the submitted details before the development is completed.

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

CONDITION (2)

No development shall take place until details of responsibility; maintenance and management of the surface water sustainable drainage scheme and associated infrastructure 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 operation and maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

8.17 Countryside Access Team - The proposed works are in the vicinity of the above public right of way, as recorded on the County Definitive Map and Statement of rights of way (please see the attached plan). However, I am unaware of any unrecorded paths that may be affected.

I have no objection to the proposed development, as shown in the plans accompanying the application. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.

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

8.18 Housing Enabling Team - The Local Plan states that 25% of affordable housing is to be delivered on open market housing sites. Whilst it is welcomed that this proposal offers five 3 bedroom homes all for affordable rent, it should be noted that 25% of the total build is in fact 6.25 homes therefore Housing Enabling team would seek an additional affordable home and a financial contribution for the fraction.

Currently the affordable houses are considerably smaller than the market homes and are situated together in a terrace separated from the open market homes. Ideally, to ensure a balanced community, it would be preferable to offer affordable homes that are 'tenure blind' and 'pepper-potted' around the site.

There is a high level housing need in the Borough of Weymouth and Portland which these homes would assist in meeting. Ideally the affordable housing on this site would be a mix of two and three bedroom properties.

8.19 Portland Town Council – PTC declined to make a comment on the original planning application as the Builder was, at the time, the Prime Contractor for the PCV. Given that no comments were made on the initial application PTC do not feel that it is appropriate to make comment on the amendment.

8.20 Senior Archaeologist – An archaeological evaluation took place on the site in 2016, and found very little. Although I cannot immediately see the evaluation report among the application documentation, I think the reference is: Bellamy, P, 2016, Land at Verne Common Road, Fortuneswell, Portland, Dorset. Archaeological Field Evaluation. Based on the results of this report, I see no need for any further archaeological evaluation or mitigation.

9.0 Representations

9.1 Thirty seven third party responses have been received in response to the application. The application was re-consulted on and therefore further responses have been received from the same people. One response was received in support of the application for the following reasons summarised below:

- Positive impact on the surrounding area
- Separated from neighbouring properties
- Sufficient parking provided
- The development will create local employment whilst generating much needed income to the local economy

9.2 Thirty six third party responses were received objecting to the application for the reasons summarised below:

Principle of Development:

- Application site is outside of the defined development boundary
- Is there a need for the additional housing proposed
- Brownfield sites should be considered first

Highway Safety:

- Exacerbate existing highway safety issues
- Already poor parking facilities
- Increased volume of traffic and create issues with vehicles being able to turn
- Access close to the corner of the existing road
- Road is the main route to the Verne Prison with traffic constantly using it
- No parking for visitors
- Entry/Exit to the site is a very tight turning giving onto a hairpin bend
- Constant risks in the access of emergency vehicles to this section of Portland

Neighbouring Amenity:

- Overlooking of neighbouring properties removing the privacy of properties in Ventnor Road
- Noise Impact – disturbance to back gardens of existing properties
- Proposed dwellings with little or no gardens
- Ongoing maintenance of proposed park could lead to anti-social behaviour
- Loss of rear access to existing properties
- Planning permission granted (WP/18/00662/FUL) for a single dwelling which would be located adjacent to the proposed site
- Concerns regarding the height of trees proposed including safety concerns and loss of light
- Proposed play area has been removed from the plans
- Loss of green space/community, social space
- Affordable units are in separate enclave which not be conducive to inclusivity and community spirit
- Sheer drop on the other side of the fence line concerns as to what would hold the properties up
- Approved scheme (WP/16/00286/FUL) was positioned further away from the boundaries to protect privacy and amenity of existing homes and gardens

Visual Amenity:

- Overdevelopment/ Overcrowded of the site
- High visibility impact on the wider landscape from popular viewpoints
- Does not offer any intrinsic architectural value to locality
- Not in keeping with the characterful surrounding properties
- Styles of the properties will not blend into the site
- Proposed design seems very similar to the Officers Field and Osprey developments, suitable for those sites being nearer the sea, they would look out of place in this more rural setting
- The layout is unacceptably rigid and regimented
- Modern approach to the design of these dwellings will be out of keeping with the existing area
- Loss of open and green space in wider views
- Higher density development than the housing to the north

- The original proposal for the site (WP/15/00533/FUL) was withdrawn because I believe the case officer at the time stated that detached properties were not in keeping with the area
- Revised and subsequently approved application was also limited to 8 houses with no detached houses
- Disproportionate number of proposed houses and their height together with the new roads will create a highly visible mass

Heritage Assets:

- Impact on archaeological potential
- Impact on the Conservation Area
- Original ancient field boundary wall on the eastern side of the site has been removed and replaced with gabion wall

Environmental/Biodiversity:

- Road could cause significant damage to the SSI
- Detrimental impact on biodiversity including a vast number of species (bats, badgers, birds, hedgehogs, reptiles) – no amount of mitigation will prevent the harm to the wildlife in this area
- Loss of trees
- Significant negative impact on air quality
- Reduce the amenity and environmental value of Portland
- Ongoing maintenance of the trees
- Adjacent to the SSI and Local Nature Reserve
- Proposed Nature Reserve Reptile habitat area is not enough to compensate for the loss of the whole site
- Loss of wildlife corridor
- Significant source of light pollution
- No buffer between the planned development and the nature reserve

Other issues:

- Site used as play area as the landlocked site makes it safe for children will move children to play in roads
- Illegal to obstruct a public footpath
- Provide access to the affordable units over an existing public footpath
- Further stretch services for example healthcare to the limit
- Infrastructure within Fortuneswell is already stretched and this development will only add additional pressure
- Danger of subsidence
- Contribute to the dangers of run-off from heavy rains
- Loss of natural soakaway
- Large properties for a price range that will be far out of reach for the local area or become second homes/holiday lets
- Substantial loss of grazing land
- Many existing properties standing unoccupied for many years

9.3 Comments were also received setting out that the application would result in the properties surrounding the site being devalued, that it would impact on the ability to resell and that the proposal and associated planting would impact on the views of the surrounding neighbouring properties. These issues raised are not material planning reasons and there will not be considered as part of the application.

9.4 A comment was also made that the proposal would involve the introduction of buildings and associated formal gardens in an area of outstanding natural beauty. To clarify this site is not within the Dorset AONB.

9.5 As part of the third party responses questions were asked regarding the retention of access to the rear of the existing neighbouring properties which is currently gained over the application site. This is a civil issue between the owners of these properties and the land owner. However the agent for the application was asked to respond and set out that particular attention will be paid to the boundary arrangements at the lower (western) parts of the site in consultation with their Ecologists to ensure that legal rights are maintained and that landscaping and planting works enhance the existing vegetation and features to be retained.

9.6 Comments were received regarding the plans and the need for site sections to show the relationship of the proposed development with the neighbouring properties. Through the course of the application amended plans and further site sections were submitted and it is considered that sufficient information has been provided to complete a full assessment of the scheme. It was also raised that there was no certificate of approval from the Natural Environment Team for the BMEP, this was the case at the beginning of the application but a BMEP has been submitted alongside a NET certificate of approval.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan

INT 1 – Presumption in favour of Sustainable Development
ENV 1 – Landscape, Seascape and Sites of Geological Interest
ENV 2 – Wildlife and Habitats
ENV 3 – Green Infrastructure Network
ENV 4 – Heritage Assets
ENV 5 – Flood Risk
ENV 7 – Coastal Erosion and Land Instability
ENV 10 – The Landscape and Townscape Setting
ENV 11 – The Pattern of Streets and Spaces
ENV 12 – The Design and Positioning of Buildings
ENV 15 – Efficient and Appropriate Use of Land
ENV 16 – Amenity
SUS 1 – The Level of Economic and Housing Growth
SUS 2 – Distribution of Development

HOUS 1 – Affordable Housing
HOUS 3 – Open Market Housing Mix
COM 7 – Creating a Safe and Efficient Transport Network
COM 9 – Parking Standards in New Development
COM 10 – The Provision of Utilities Service Infrastructure

National Planning Policy Framework

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

Other material considerations

Urban Design SPG
DCC Parking Standards Guidance
Weymouth and Portland Landscape Character Assessment

11.0 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.

12.0 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 the context of the above PSED, the proposal would provide parking adjacent to the proposed dwellings. The proposed development would be located on the hill side and is therefore sloping in nature.

13.0 Financial benefits

Material Considerations	
Provision of affordable housing	5 units on site and financial contribution £59,254
Employment created during construction phase	Not known
Spending in local economy by residents of 25 dwellings	Not known

Non Material Considerations	
Contributions to Council Tax Revenue	Not known
New Homes Bonus	Not known
Community Infrastructure Levy (CIL)	Estimated charge - £270,880 index linked

14.0 Climate Implications

14.1 The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would be used as a result of the production of the building materials and during the construction process. When occupied the development would generate vehicular movements releasing carbon monoxide. Heat escape from dwellings would contribute to greenhouse gases. However it should be noted that modern building regulations would help minimise such heat release. A balance has to be struck between providing housing to meet needs (both open market and affordable) versus conserving natural resources and minimising energy use.

15.0 Planning Assessment

Principle of Development

15.1 Portland is a settlement with a defined development boundary (DDB) in the adopted Local Plan. The spatial strategy in the Local Plan is set out in Policy SUS 2. This has a three-tiered approach, with the main towns of Weymouth and Dorchester as the highest priority locations for new development and elsewhere in the market and coastal towns of Beaminster, Bridport, Lyme Regis, Sherborne, the village of Crossways and Portland at the second tier of the hierarchy.

15.2 Policy SUS2 also advises that development outside of Defined Development Boundaries will be “strictly controlled” and limited to the exceptions listed in bullet point iii) of the policy. This includes affordable housing, but not open market housing. Therefore the provision of open market housing on the site is contrary to SUS2 as it lies outside of the DDB for Portland.

15.3 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications. The Council’s policies in the adopted Local Plan follows the approach of the presumption in favour of sustainable development. In a recent appeal decision APP/D1265/W/18/3206269 at Land South of Westleaze, Charminster the Inspector concluded that the council cannot demonstrate a 5 year housing land supply for the West Dorset, Weymouth & Portland plan area and therefore the presumption still applies. The Inspector concluded that the position is greater than 4.12 years but less than 4.88 years. Therefore the relevant policies for the supply of housing should not be considered up-to-date. This invokes NPPF paragraph 11, d) which states, *where there no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

15.4 The site is located outside of the defined development boundary (DDB) for Portland although it does adjoin the DDB as set out in the Local Plan. Local Plan Policy SUS 2, i) bullet point 2 sets out that Portland will be a focus for future development and therefore the Local Plan regards Portland as sustainable location for further development. Furthermore the site would be encompassed on three sides by residential development and a previous application WP/16/00286/FUL was approved on the site for the erection of 8 dwellings.

15.5. In the circumstances, it is considered that the site should be regarded as a sustainable location for further development. The assessment of the merits of the scheme against the remaining policies of the Local Plan is set out in the following sections of the report. Footnote 6 of the NPPF states that:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the

Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

15.6 The application site is located within the setting of a Scheduled Monument and therefore para 11 d) i) of the NPPF is applicable in this instance. The impact of the proposal on the Scheduled Monument will be considered in a following section of this report.

Visual Amenity

15.7 The application involves the erection of 25 dwellings. A previous application (WP/16/00286/FUL) was approved on the site for the erection of 8 dwellings. The topography of the site means the proposed dwellings are built into the slope with the three tiers providing a steepening in the roof forms of the dwellings. The application site does currently provide an open gap between the properties of Ventnor Road and Verne Common Road. The Landscape Officer was consulted on the application and considered that the site is quite visible in views from more elevated streets to the east and south (for example, Clovens Road and New Road but is less visible from public footpaths and bridleways within the wider landscape, with the exception of views from New Ground, footpath S3/85 and footpath S3/3 immediately to the east of the application site. The site forms part of a wider area of open ground that encompasses Verne Hill but sits within the context of the Verne Common Road settlement. It is considered that the proposed dwellings would not appear out of place or out of scale to its location and does not appear to be a detrimental element within the highly valued views towards Wyke Regis. The existing tree planting will act as a visual screen between the two and will be further supplemented by the proposed additional planting. A condition would be placed on any approval granted for the submission of a landscaping plan including its management. The Landscape Officer raised no objection to the application and considered the proposed scheme is not located on a clifftop and does not broach the skyline in any views. Verne Hill has a distinct character that is different too much of the landscape within the Limestone Peninsula character area. Its steep slopes are covered in scrub, pasture or rank grassland with the Verne Citadel sat on top.

15.8 The proposed development would include 16 detached dwellings, two pairs for semi-detached properties and a terrace of five dwellings. The terrace and semi-detached properties are located closer to the existing built development. The proposed properties comprise of traditional forms and materials with contemporary detailing for example large windows. The proposed materials include white render, grey brickwork and Portland Stone. The proposed properties are not considered to reflect the design of the adjoining neighbouring properties however they are similar in design to those approved as part of the Officers Field, Portland.

Heritage Assets

15.9 The application site is located just outside of the Underhill Conservation Area the boundary of which runs along the rear of the properties of Ventnor Road to the west of the site. The proposed development would therefore impact on the setting of the Conservation Area. A previous application was approved on the site under the reference (WP/16/00286/FUL) for the erection of 8 dwellings. The current application is for 25 dwellings, the style of the proposed dwellings would reflect its hillside location and would be constructed of white render, Portland Stone and grey brick are reflective of the materials in the conservation area. Given the above the proposal is considered to preserve the setting 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.

15.10 The proposed development is also within the setting of the Scheduled Monument, The Verne Citadel. A previous application WP/16/00286/FUL was approved on the site for the erection of 8 dwellings. Historic England considered as part of the previous scheme that the proposals would not result in an adverse impact on the significance of designated heritage assets via a change in setting. The current proposal is for the erection of 25 dwellings and therefore a larger part of the site would be developed. However the topography of the local area means the proposed development would be set down from Verne Common Road which leads up to the scheduled monument and would be a continuation of the existing residential development.

15.11 The application site is located within an area of archaeological potential and concerns have been raised by third parties that the application site has archaeological potential. The Senior Archaeologist was consulted on the application and indicated that an archaeological evaluation took place on the site in 2016 and found very little. Based on the results of this report the Senior Archaeologist considered there was no need for any further archaeological evaluation or mitigation.

Residential Amenity

15.12 The proposed development includes the erection of 25 dwellings. The sloping topography of the site means the proposed layout for the scheme is set out with three tiers of dwellings going down the slope. The upper tier would be positioned to the east of the site closest to the proposed access off of Verne Common Road. The proposed upper tier properties would be set down from the existing properties of Verne Common Road. The proposed upper tier would also be located approximately 32m from the existing properties opposite and would be separated by Verne Common Road. Planning permission has been granted under the reference WP/18/00441/FUL for the erection of one dwelling adjacent to no. 92 Verne Common Road but the scheme has not yet implemented. There is no guarantee that the scheme will be implemented but it is the garage and parking bay of the approved dwelling that would be located to the rear of the proposed House 01 of the upper tier. The living space of the approved dwelling would

overlook the shared space of the proposed development and therefore is not considered to result in a significant adverse impact.

15.13 The proposed middle tier due to its location within the middle of the application site would be positioned some distance from any existing neighbouring properties. There would be some degree of overlooking between the proposed dwellings due to the tiered approach however this is reflective of the character of hillside development due to the rise in levels. This is further mitigated against with the use of side-on gardens for the detached units. It should also be noted that anyone buying a property as part of this scheme would be aware of this when purchasing a home.

15.14 The proposed lower tier (not including the proposed terrace) would back onto the properties of Ventnor Road to the west of the application site. However the distance between the proposed dwellings and the rear of the dwellings of Ventnor is considered to be sufficient to not result in overlooking. The proposed terrace properties positioned to the north of the site are two storey in height and would be separated by the existing properties to the east by the garden of the existing property and the access road and parking of the proposed site. The existing properties located to the west of the proposed terrace would also be separated by both the gardens of the proposed dwellings and those of the existing.

15.15 Local Plan Policy ENV 12 sets out that *new housing should meet and where possible exceed appropriate minimum space standards*. The proposed dwellings are considered to meet the space standards and each dwelling is considered to have sufficient outside amenity space with garden and roof terrace space.

Biodiversity

15.16 The south-east boundary of the application site borders the Portland Site of Special Scientific Interest (SSSI), the Isle of Portland to Studland Cliffs Special Areas of Conservation (SACs), part of which is also designated Verne Yeates Local Nature Reserve (LNR). The proposed access road into the site would be positioned adjacent to this boundary. Concerns have been raised by third parties regarding the impact of the development on the adjacent SSSI but also the impact on the biodiversity of the application site. Natural England were consulted on the application and had no concerns in regards to the impact of the development on the condition of the SSI and SAC during the operational phase, however the increase in residential units in close proximity to the LNR is likely to increase management costs for the reserve. Natural England recommended the development support the ongoing management of the LNR, a financial contribution of £15,638 has been agreed through the BMEP and would be included as part of a Section 106 agreement. Natural England has also requested conditions for the protection of the SSI and SAC during the construction phase and these have been included as part of a condition for a Construction Management Plan. Natural England also comments that the submitted BMEP needs to be agreed with the Natural Environment Team and a certificate of approval issued. The BMEP has been

agreed by the Natural Environment Team and a condition would be placed on any approval for the development to be carried out in accordance with the agreed BMEP.

Land Instability

15.17 The application site has a sloping topography, concerns have been raised by third parties regarding land instability. In response to the concerns Technical Services were consulted on the application and raised no in principle objection. They set out that the site is located in an area where land instability issues are not expected. As with all development particularly on sloping ground, the applicant will have to be satisfied that the proposals have been suitably designed and will not result in instability and approved construction practices should be followed in a responsible, safe manner. An informative would be placed on any approval to set out the advice given by Technical Services.

Highway Safety

15.18 The proposed development is for the erection of 25 dwellings with 59 parking space and 22 garage spaces and the application site would be accessed off Verne Common Road. In response to initial concerns raised by Highways the proposed access to the site was moved further up Verne Common Road. Highways were then re-consulted on the application. Third party concerns have been raised regarding the proposed access and the impact of increased road users on Verne Common Road on highway safety. Highways have raised no objection subject to conditions for the estate road construction and for the turning and parking construction as submitted. A condition would also be placed on any approval granted for the submission of a Construction Management Plan.

15.19 Highways also made a note that the *footway gradient exceeds the maximum of 1:23 specified by Inclusive Mobility and also gives cause for concern with regard to the Equalities Act 2010. We note the maximum gradient appears to be 1:10. This is the former adoptable standard, and whilst this would be acceptable for the carriageway it wouldn't be accepted for adoptable footways and as such the whole development still cannot be adopted. However, on the basis the road isn't being offered for adoption (as per the application form) and that the site is vertically remote being half way up the scarp face of the highest part of Portland on a long zig-zag road; the Highway Authority considers it not unreasonable provided it remains private.* The comments of Highways have been noted but the application site is situated on the hillside and it therefore both the site and the route to access the site has a sloping topography. If the application were to be approved then any buyers would be aware of the nature of the site before purchasing a property there.

15.20 Concerns were raised by third parties that the proposed road within the site to provide access to the proposed units 21-25 would go over the existing right of way which would raise safety concerns. The footpath which links the lower part of Verne Common Road to the higher part. This footpath although well established in the local area is not a public right of way. The proposed plans retain the footpath through the site,

users of the footpath would have to cross the access road which would serve five residential properties.

Drainage

15.21 The application site is located within flood zone 1 and is seen to be largely unaffected by indicative mapping of both surface and ground water flooding other than the (theoretical) formation of an overland flow path during severe rainfall events. The Flood Risk Management Team were consulted and recommended a holding objection be applied to the proposal pending the supply and acceptance of a conceptual strategy for the management of surface water derived from the proposed development. In response to the comments received a Drainage Strategy and plans were submitted which were considered acceptable and the Flood Risk Management Team withdrew their holding objection and raised no in principle objection to the proposed development subject to planning conditions. Therefore conditions for a detailed and finalised surface water management scheme and details of responsibility, maintenance and management of the surface water sustainable drainage scheme would be placed on any approval granted.

Affordable Housing

15.22 Para 63 of the NPPF states that *Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 unit or fewer).* Major development for housing is defined in the NPPF as *development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.* The proposed development exceeds this threshold and therefore local plan policy HOUS 1, as the application site is in Portland it requires 25% of the development to be for affordable housing.

15.23 The provision of 5 affordable rented homes on site and a financial contribution equivalent to 1.25 units of £59,254 has been offered by the applicant. The on-site provision together with the financial contribution equate to a policy compliant affordable housing provision of 25%. The policy states that in most cases affordable housing should be provided on-site however in this case the Senior Housing Enabling Officer considers that the provision of 5 on-site and the remainder by financial contribution would be acceptable.

15.24 If the application were to be approved this financial contribution would be secured by a S106 agreement.

Community Infrastructure Levy

15.25 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.

15.26 The development proposal is CIL liable. The rate at which CIL is charged is £80 per sqm. The CIL charge is approximately £270,880 (relief can be claimed on the affordable element of the proposal). Confirmation of the final CIL charge will be included 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.

16.0 Conclusion

16.1 The design and layout of the proposed dwellings and access to the site are acceptable. A policy compliant affordable housing scheme has been offered. On site issues of biodiversity, access and parking have been resolved to the satisfaction of consultees and the design is considered acceptable with no adverse impact on heritage assets. Nor would the proposal have a significant adverse effect on the living conditions of future or existing occupiers. The location is considered to be sustainable given the close proximity of the site to existing development and its location close to the DDB for Portland and the previously approved application for 8 dwellings on the site. The Council does not have a 5 year housing land supply, therefore the provisions of paragraph 11 d of the NPPF are relevant. In this case, the balance of consideration leans towards approval as the benefits to the short fall in housing would outweigh any adverse impacts and there are insufficient material consideration which warrant a recommendation of refusal of this application.

17.0 Recommendation

A) DELEGATE AUTHORITY TO THE HEAD OF PLANNING TO GRANT, SUBJECT TO COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

The provision of five affordable rented units on site and a financial affordable housing contribution of £59,254 index-linked and a financial contribution for grassland compensation and management for the Local Nature Reserve of £15,638 together with 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:

Location Plan - Drawing Number P01 received on 20/08/2018

Lower Tier - 3 Bed Terrace - Ground Floor Plan - Drawing Number P19 Rev A received on 25/11/2019

Lower Tier - 3 Bed Terrace - First Floor Plan - Drawing Number P20 received on 25/11/2019

Lower Tier - 3 Bed Terrace – Front Elevation - Drawing Number P21 Rev A received on 25/11/2019

Lower Tier - 3 Bed Terrace - Rear Elevation - Drawing Number P22 Rev A received on 25/11/2019

Lower Tier - 3 Bed – Rear & Side Elevations - Drawing Number P18 Rev A received on 25/11/2019

Lower Tier - 3 Bed – Front & Side Elevations - Drawing Number P17 Rev A received on 25/11/2019

Upper Tier - 3 Bed - Floor Plans - Drawing Number P08 Rev A received on 25/11/2019

Upper Tier - 3 Bed – Front & Side Elevations - Drawing Number P09 Rev A received on 25/11/2019

Upper Tier - 3 Bed – Rear & Side Elevations - Drawing Number P10 Rev A received on 25/11/2019

Upper Tier - 4 Bed - Floor Plans - Drawing Number P11 Rev A received on 25/11/2019

Upper Tier - 4 Bed – Front & Side Elevations - Drawing Number P12 Rev A received on 25/11/2019

Upper Tier - 4 bed – Rear & Side Elevations - Drawing Number P13 Rev A received on 25/11/2019

Middle Tier - 3 bed – Rear & Side Elevations - Drawing Number P14 Rev A received on 25/11/2019

Middle Tier - 3 bed – Front and Side Elevations - Drawing Number P15 Rev A received on 25/11/2019

Parking layout - Drawing Number P07 Rev C received on 01/03/2019

Proposed Street Elevation 04 - Lower Tier [east elevation] - Drawing Number P31 Rev B received on 25/11/2019

Proposed Street Elevation 02 - Middle Tier [west elevation] - Drawing Number P30 Rev B received on 25/11/2019

Lower Tier – 2 Bed Semi - Front & Side Elevations - Drawing Number P25 Rev B received on 25/11/2019

Lower Tier – 2 Bed Semi - Rear & Side Elevations - Drawing Number P26 Rev B received on 25/11/2019

Lower Tier – 2 Bed Semi - Ground Floor Plan - Drawing Number P23 Rev B received on 25/11/2019

Lower Tier – 2 Bed Semi - First Floor Plan - Drawing Number P24 Rev A received on 25/11/2019

Proposed Street Elevation 01 -Top Tier [west elevation] - Drawing Number P29 Rev C received on 25/11/2019

Lower Tier & Middle Tier - 3 Bed - Floor Plans - Drawing Number P16 Rev A received on 25/11/2019

Bin Store Floor Plans and Elevations - Drawing Number P57 received on 25/11/2019
 Site Levels - Drawing Number P59 received on 25/11/2019
 Proposed Site Plan - Drawing Number P04 Rev G received on 25/11/2019
 Proposed Boundary Treatment - Drawing Number P55 Rev A received on 25/11/2019
 Proposed Section dd - Drawing Number P58 received on 25/11/2019
 Proposed Street Elevation 05 – Lower Tier [west elevation] – Drawing Number P50 received on 25/11/2019
 Proposed Street Elevation 03 – Middle Tier [east elevation] – Drawing Number P49 received on 25/11/2019
 Proposed Verne Common Street Elevation – Drawing Number P46 Rev A received 25/11/2019
 Proposed Section cc – Drawing Number P53 received 25/11/2019
 Proposed Site Section aa – Drawing Number P47 Rev A received 25/11/2019
 Proposed Section bb – Drawing Number P28 Rev B received 25/11/2019
 Proposed Section aa – Drawing Number P27 Rev B received 25/11/2019
 Housing Mix – Drawing Number P06 Rev D received 25/11/2019
 Massing Context Plan – Drawing Number P05 Rev D received 25/11/2019
 Lower Tier – 3 Bed Terrace – Elevation 04 – Drawing Number P52 received on 25/11/2019
 Lower Tier – 3 Bed Terrace – Elevation 03 – Drawing Number P51 received on 25/11/2019

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

3) No development above Damp Proof Course (DPC) level shall be commenced until details and samples of all external facing materials for the wall(s) and roof(s) shall have been 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 materials as have been agreed.

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

4) No development above Damp Proof Course (DPC) level shall be commenced until a timetable for the implementation of the measures of the Biodiversity Mitigation Plan has been submitted and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the agreed timetable and the approved Biodiversity Mitigation Plan signed by dated 23/05/2019 and agreed by Natural Environment Team on 23/05/2019, unless a subsequent variation is agreed in writing with the Council.

REASON: In the interests of biodiversity mitigation and enhancement.

5) No development shall take place until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be adhered to throughout the construction period. The management plan shall provide for:

- Location for loading/unloading and storage of plant, waste or debris and construction materials;
- Details of construction lighting;
- Hours of operation;
- Parking of vehicle of site operative and visitors (including measures taken to ensure satisfactory access and movement of existing occupiers of neighbouring properties during construction);
- Routes of construction traffic;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

REASON: In the interests of road safety, neighbouring amenity and the protection of the SSSI.

6) No development above Damp Proof Course (DPC) level shall be commenced until a landscaping and tree planting scheme shall have been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented during the first planting season November – March inclusive, immediately following commencement of the development. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

REASON: In the interests of visual amenity.

7) 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, and with due consideration of the construction phase and including a timetable for the implementation of the scheme, has been submitted to, and approved in writing by the local planning authority. The necessary detailed design shall include all required clarification and substantiation of the proposed surface water management scheme and it shall thereafter be implemented in accordance with the submitted details and timetable.

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

8) No development shall take place until details of responsibility; maintenance and management of the surface water sustainable drainage scheme and associated infrastructure 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 operation and maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

9) Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on the approved plans 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.

10) Before the development hereby approved is occupied or utilised the turning and 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.

Informatives –

Highways

The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under **Section 38 of the Highways Act 1980**, the applicant should contact the Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, Hall, Dorchester, DT1 1XJ.

Rights of Way

The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

Land Instability

The applicant should be satisfied that the proposals have been suitably designed and will not result in instability and approved construction practices should be followed in a responsible, safe manner. The applicant should seek appropriate technical advice and ensure the necessary geotechnical investigations are undertaken to confirm the construction methodology is sound. There should be continual monitoring of ground conditions during any construction work and particularly during any earthwork operations with particular attention to any ground movement or groundwater conditions.

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

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

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of the affordable housing on site and any necessary financial contribution for off-site provision. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015.

2. In the absence of a satisfactory completed Section 106 agreement the scheme fails to provide adequate compensatory biodiversity/nature conservation measures through the provision of a financial contribution for grassland compensation and management of the Local Nature Reserve. Hence the scheme is contrary to policy ENV 2 of the West Dorset, Weymouth and Portland Local Plan and Section 15 of the National Planning Policy Framework.

1.0 [WP/19/00699/FUL](#)

Site Address - 53 RODWELL ROAD, WEYMOUTH, DT4 8QX

Proposal - Demolition of existing dwelling and erect 6no. apartments with associated landscaping works and parking

Applicant name – Mr Wearing

Case Officer – Darren Rogers

Ward Member(s) Cllrs Heatley/Sutton/Wheller

Taking account of representations made during the Scheme of Delegation consultation with Members, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

1.1 Summary of Recommendation: Approval subject to conditions

2.0 Reason for the recommendation:

- Absence of 5 year land supply
- Para 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 and as regards impact on Heritage Assets
- There is not considered to be any significant harm to neighbouring residential amenity.
- A key issue is that the application has been the subject of 2 appeal decisions which have been dismissed but the 2nd and most recent one of those only related only to the impact on the amenity of neighbours and not the design and external appearance of the proposal (considered acceptable) and as such this application is now considered to overcome the neighbour amenity impact issue. As such it is considered that there are no material considerations which would warrant refusal of this application.
- No adverse impact on Heritage Assets

3.0 Key planning issues

Issue	Conclusion
Principle of Development	Presumption in favour of sustainable development as the site is within the defined development boundary for Weymouth.
Design	Design and external appearance is considered appropriate for the site in

	the light of previous appeal decisions
Amenity	Not considered to result in a significant adverse effect on living conditions of neighbouring properties or future occupiers of the proposed development following the last appeal dismissed solely on this ground.
Heritage Assets	No adverse impact on Heritage Assets given previously dismissed appeal
Highway Safety	Highways raise no objections.
Community Infrastructure Levy (CIL)	CIL liable.

4.0 Description of Site

4.1 The site is to the south of the Town Centre Conservation Area which ends at St Leonards Road 150m to the north. Rodwell Road although being outside of the Conservation area does nonetheless contain impressive larger scale buildings and some Listed Buildings commensurate in character to many of the buildings in the Conservation Area and close to the junction of Rodwell Avenue namely No. 34 Rodwell Road 'Rodwell House'; 36 Rodwell Road, 48 Rodwell Road and Rodwell Cottage, 50 Rodwell Road.

4.2 The site is approximately 500m from the town centre, sits within the development boundary and is considered to be a sustainable location, on a main bus route between Weymouth and Portland. The street contains examples of flats and many properties without allocated parking.

4.3 The application site is a rendered detached 2 storey dwelling in a poor dilapidated state but still in occupation. Its main front door is on the side elevation facing no.31 Rodwell Avenue also 2 storey and detached in nature. The existing dwelling has a rear garden that is set well below Rodwell Road.

5.0 Description of Proposal

5.1 The proposal is to demolish the dwelling and replace it with 6 flats. These would be accessed from an internal parking area off Rodwell Avenue with a door at ground floor level facing Rodwell Road leading to a communal entrance hall. There would be 6 car parking spaces at ground floor level with a cycle store and bins storage area. The flats would be served by a private garden for apartment No. 1 (ground floor rear). Apartments 2, 3, 4 on the first floor would be served by large square terraces, apartments 5 and 6 on the second floor would be served by linear terraces all of which are on the east side to afford distant views of the coast.

5.2 The proposed materials would comprise a mixture of:

- Brick work
- Zinc cladding
- Aluminum framed windows

- Timber cladding on fibre cement board
- Aluminium Louvre system in front of aluminium framed windows
- fibre cement board
- concrete columns

5.3 The application follows 2 previously refused applications at the site and 2 dismissed appeals since 2016. The planning history at the site has crystallised the key planning considerations relevant to developing the site. The only outstanding issue in this respect remains the relationship between the proposed apartments and the neighbour to the east, No.31 Rodwell Avenue (No.31) having regard to the potential for overlooking and consequent loss of privacy.

5.4 The changes which have been made to the scheme, following the last dismissed appeal include, the raising of the height of the walls enclosing the first floor terraces to 1600mm and the second floor terraces to 1400mm. The design of the proposal is otherwise unaltered from the previous scheme which was in all other respects found to be acceptable by the most recent Planning Inspector.

6.0 Relevant Planning History

6.1 WP/16/00638/FUL Demolition of existing dwelling & erection of 6no. apartments with associated landscaping & parking - Appeal against non determination - Withdrawn

WP/17/00636/FUL Demolish dwelling and erection 6 apartments – Appeal against non determination - Appeal dismissed 13.6.18. The LPA sought to defend the appeal indicating that had it have been in position to have determined it, it would have refused permission on design and neighbour amenity grounds only.

WP/18/00503/FUL Demolition of existing dwelling and erection of a replacement residential building of 6 apartments with associated landscaping works and parking. Refused 25/9/2018 on design and neighbour amenity grounds again. Appeal dismissed but only on neighbouring amenity grounds. Partial Award of Costs against the Council for pursuing its objection of design grounds despite the previous appeal Inspector's unequivocal findings regarding the effect of the proposal on the character and appearance of the area as being acceptable.

7.0 Relevant Constraints

Within the defined development boundary for Weymouth

8.0 Consultations

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

8.1 Weymouth Town Council - *The Council objects on the grounds of ENV12 design and positioning of buildings. The Council welcomes the ground floor parking but there are concerns that the building takes up the whole of the plot, and there will be a considerable loss of green space.*

8.2 Highways – Dorset Council as the Local Highway Authority has NO OBJECTION subject to the following condition(s):

Before the development hereby approved is occupied or utilised the turning and 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.

Before the development hereby approved is occupied or utilised provision must be made to ensure that no surface water drains directly from the site onto the adjacent public highway.

Reason: To ensure that the site is properly drained and that surface water does not flow onto the highway.

INFORMATIVE NOTE: Dorset Highways

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@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

8.3 Conservation Officer – *The proposed development is a significant change to the mass at this location more than doubling the mass of the existing and abutting the highway along Rodwell Road and at an angle to the consistent building line established along the Avenue.*

Although the use of modern design and material is considered a positive move; the size, location and mass of the proposed is considered an incongruous feature and harmful to the setting of the listed buildings opposite this site.

However it is noted that the previous inspectors have established that this proposal does not affect the setting of the listed buildings "by degree of separation offered by Rodwell Road" - a remarkable comment as they are directly opposite the proposed site and bearing in mind the proposed development now sits up to the pavement potentially closer to the development than parts of 31 Rodwell Avenue and the subject of "amenity" concerns.

9.0 Representations

9.1 There have been 14 representations objecting to the application on the following grounds,

- no significant deviation from what has been proposed in previous applications, which have been refused or withdrawn.
- The proposed built area is well over double the present building footprint, representing a gross over development of this site.
- The size, type and style of the proposed building is grossly out of character with the immediate area. Most buildings are long established, traditional buildings, many of significant traditional design and character, especially on Rodwell Road, this is borne out with various listed buildings in the vicinity. The proposed materials are greatly out of character with the area, as is the "utilitarian" style of the building.
- The footprint of the proposed building does not appear to respect current building lines, particularly in Rodwell Avenue.
- It appears some trees and landscaping will be lost, particularly on the Rodwell Avenue side, as implied by the proposed plan. It is appreciated the Trees Officer has stated there are no TPO's in place, but (quote) "The proposal would involve the loss of these as well as other specimens that contribute to the visual setting of the area generally". We would agree with this, and suggest that significant visual amenity, enjoyed by many on this important "corridor" into Weymouth, provided by the present landscaping would be lost. Also the Trees and Landscaping Officer suggests that that the applicant has not included a plan indicating which trees are to be removed from the site and this should be provided. Again, we would endorse the Tree Officer's comments, due to the landscaping issues previously mentioned.
- Parking - there appears to be only 1 space per dwelling on site parking allocated, with nothing for visitors, and not taking into account multi car ownership, tradespeople etc. The only way this minimal parking can be provided on site appears to be from the basement parking facility, contributing to the vast bulk of this building. Parking issues are particularly acute in this area, one of the main issues being parking restrictions at a busy junction. We reject the statement that "In a sustainable location on a main bus route, the use of the car is not encouraged". People will be owning cars, and using them, in all probability, as per national trends, there will be more than one car per household.
- Access issues at a very busy traffic light junction. Traffic is often queueing past this site, particularly on the Rodwell Road side, on the busy "Boot Hill Corridor", and to a lesser extent, on the Rodwell Avenue side. As the Western Relief Road currently appears to be "not on the table" the present situation of traffic congestion can only remain the same, or more likely, get worse. Traffic waiting to turn into the development will exacerbate current problems, there is also minimal opportunity for a turning reservation in either road, due to road width, the bus lane or proximity to traffic lights.
- Overlooking / loss of privacy - Due to the proposed height of the property, we suggest that there will be issues of overlooking existing properties and lack of privacy. We suggest these issues would be on a much more reasonable scale, with a property more in keeping with the existing built environment.

- Views - We appreciate views are not a material consideration, but it has been apparently stated by the applicant that "The proposed flats have been designed to make the most of views to the sea". We are wondering, in turn, will this be to the detriment of long established views to the sea from other properties? ie Getting a view to the detriment of someone else's
- Shading / loss of daylight. We appreciate loss of daylight is more of a material consideration, but we are not convinced that appropriate calculations have been made to ensure reasonable percentage of sunlight, particularly mornings and evenings, at any time of year, have been performed, particularly in relation to the large "bulk" of this site having potential to block out a proportion of sunlight. Have even basic calculations, such as the 45° rule or 50:50 rule been performed?
- We would like to echo the planning officer's comments to Planning appeal Ref APP/P1235/W/17/3190036, to the previous Planning Application Ref WP/17/00636/FUL and WP/18/00503/FUL for this property, in that we believe they are still applicable to this new application, particularly scale, layout and massing on the site, design and materials incompatible with local environment, and detriment to visual amenity and distinctiveness of the area.
- We believe the proposal is still contrary to policies ENV10 (Landscape and town Setting) and ENV12 (The design and positioning of buildings) in the local plan, and design guidance in the National Planning Policy Framework, and also policy ENV16 of the local plan: "Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- As such, we believe this application is totally untenable on this site, particularly in relation to density and bulk, and suggest the applicant should probably consider traditional residential building with a bulk, density and style more in keeping with this area.
- As there is considerable pressure on local councils, particularly in areas such as Dorset, where we believe councils are desperately falling behind recommended house building "quotas", we would hope this would not put undue pressure for approval of this application, and that all important planning issues will be considered fairly. Indeed, the Planning Officer appears to state: "These adverse impacts outweigh the issue in favour of the scheme (its contribution to Housing Land Supply)". (Especially in view of the fact that balance seems to be always tilted in favour of contribution to housing land supply).
- The design of the proposed dwelling is totally out of character with this historical area of Weymouth! It still looks better placed on the Granby Industrial Estate.
- There will not be adequate parking as the majority of 2-bedroom dwellings have two cars. This will put added strain on an area where on road parking is already at a premium, especially during the summer holidays! You also have to take into consideration the visitors parking which will make matters worse to roads like Rodwell Avenue, Portway Close Etc. The entrance to the property is right on the one of the busiest junctions in Weymouth which at

peak travelling times and the majority of the summer is often gridlocked. The white stop line at the traffic lights as you turn left & right into Rodwell Road from Rodwell Avenue is adjacent to the entrance, so more often than not there is a vehicle blocking access to the property. So, with more vehicles & delivery drivers trying to gain access to the site could mean a queue of traffic backing up on to Rodwell Road causing a bottle neck at the junction. This could have implications to emergency vehicles that often use carriageway

- Firstly the aesthetic appearance of the development is far from matching, throughout Rodwell there are no aluminum windows or louvre panels. The majority of the buildings are constructed traditionally with red bricks in a standard bond design.
- The proposed elevations is not only aesthetically the opposite of what Weymouth is, but also dissipates the surrounding built environment
- We fear the increased traffic, noise, light and air pollution produced from this will affect health.
- Regarding vehicles, this will create a blind spot for moving vehicles and will create a dangerous environment.
- Concerns for sun-glare produced from the aluminium frames and metallic elements specified in the plans.
- No supporting documentation regarding traffic surveys and documents presenting measures what the developer is making to ensure the residents who would have to live with this obscene structure in our sea views a safe traffic management system for both long and short term.
- It has not in any way materially dealt with previous objections or the reasons given for previous refusals by the local authority. It seems that the applicant is determined to wage a war of attrition against local residents by submitting essentially the same plan, year after year (this being the fourth year that a version of this development has been submitted with no meaningful change).
- The notion that the changes from last year with regards to the increased wall height on the terraces etc. somehow negates previous objections is laughable, and in fact runs contrary to the applicant's previous claim that the mass, height and layout of the build was necessary to make the most of sea views, as these views will presumably now be impeded and the whole building will look even more like a prison/warehouse than it did previously. The idea that those unfortunate enough to live in a flat with a 1.5m wall on their terraces will not be adversely affected in terms of light and views is also surely a joke.
- Objections remain essentially the same as last year, and the year before -
 - The new building would be right on the boundary line, in extremely close proximity to our preexisting home, effectively boxing us in. This will block the light from three neighbouring
 - The elevated terraces on the application would provide residents of multiple properties with overlooking views directly into our garden/the rear of our home (including two foster children's bedrooms) from a position of height along the length of our eastern boundary. The notion that a slightly higher wall negates this is absurd.

- We are foster carers looking after vulnerable children and specifically sought out a more secluded garden/living space, so the above points regarding being overlooked as well as late night sound/light pollution from six properties suddenly appearing down the length of our house/garden are a serious concern.
- The significant height and length of the proposed structure would also block afternoon sunlight from our garden/property for a significant portion of the afternoon.
- We believe that the large quantities of sheet metal proposed for the upper floors look industrial, and do not fit the predominantly brickwork aesthetic of the surrounding residential area.
- The carpark seems too small for six properties, and we believe that having the entrance so close to the traffic light controlled junction will be a safety hazard for residents and commuters, and the size of the building and the fact it is built on the edges of the plot will obscure views on approach to said junction.
- The proposed structure seems entirely too large for the plot, and not in keeping with the design or character of the area, which includes several traditional brick and historic/listed properties.
- We note that none of the points raised in previous refusals/local authority statements have been addressed, and these are conveniently absent in the latest application, which seeks to misleadingly convey that the height of the walls on the terraces was the sole reason the application has been refused so many times before. By way of brief reminder, some previous comments on these documents (which are all, of course, publicly available online) are annexed below. If anybody can truthfully highlight how any of these issues have been addressed in the new submission, we would be amazed.
- To reiterate, we strongly object to the proposal as submitted. We do not argue with the fact that the building needs serious work or to be demolished and renovated; however, the current plan is clearly an ongoing attempt to maximise greed and developer profit over any form of actual concern about sustainable development or the local residents.

Weymouth Civic Society object that the proposal

- is overdevelopment of this limited site.
- The design is totally inappropriate for this location, being quite out of keeping with other buildings in the area. It would go against the grain of the local built environment and result in visual disruption of the general character of this area.
- Is in close proximity of the frontage of the building to Rodwell Road directly adjacent to the edge of the footway, and very close to the corner of the site at this important road junction.
- Consider that the access to the car park would be difficult, and that the number of parking spaces is inadequate, especially bearing in mind the very limited and already heavily used on-street parking.

10.0 Relevant Policies

National Planning Policy Framework

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

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.

Part 2 - Achieving sustainable development

Part 5 - Delivering a sufficient supply of homes

Part 12 - Achieving well- designed places

Part 16 Conserving the Historic Environment

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

Int1 - Presumption in favour of sustainable development

ENV1 - Landscape, Seascape and sites of Geological Interest

ENV10 - The landscape and townscape setting

ENV11 - The pattern of Streets and spaces

ENV12 - The design and positioning of buildings

ENV16 - Amenity

SUS1 - Distribution of development

COM7 - Creating safe and efficient transport network

COM9 - Parking standards in new development

COM10 - The provision of utilities service infrastructure

Other material considerations

Urban Design (2002)

DCC Parking Standards Guidance

Weymouth And Portland Borough Council: Supplementary Planning Guidance 2.

Listed Buildings And Conservation Areas.

11.0 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.

12.0 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 the context of the above PSED duties the scheme includes some parking spaces in close proximity to the units to provide easier access, the proposal involves units on the ground floor all at one level and the provision of a lift and mobility scooter storage.

13.0 Financial benefits

Material benefits of the proposed development	
Affordable Housing	N/A
CIL Contributions	Will be CIL Liable

Non-material benefits of the proposed development	
Council Tax	Not known
New Homes Bonus	Not known

14.0 Climate Implications

14.1 The development is considered to be in a sustainable location, being within the defined development boundary for Weymouth with the wider services and facilities and public transport links of the town close by.

14.2 Energy would be used as a result of the production of the building materials and during the construction process. However that is inevitable when building houses and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

14.3 The development would also be built to current building regulation standards at the time of construction.

15.0 Planning Assessment - The following issues are considered relevant to this proposal.

- Planning Principle
- Design and impact on character and appearance of the area
- Impact on neighbours amenity
- Heritage Assets
- Highways
- Ecology
- Developers contributions
- Affordable Housing

Principle of development

15.1 In terms of the principle of the development, the site lies within the defined development boundary for Weymouth. Policy SUS2 of the adopted local plan seeks to direct development to the main settlements and to strictly control development outside DDBs having particular regard to the need to protect the countryside and environmental constraints. Given the location of the site inside the DDB with good access to amenities, the principle of the application is acceptable. The development would also further assist in the lack of five year housing supply subject to compliance with other policies in the local plan.

15.2 The Council cannot current demonstrate a five year supply of deliverable housing sites. Following an appeal in Charminster in 2019 the Inspector there concluded that the Council cannot demonstrate a 5YHLS for the West Dorset, Weymouth & Portland plan area. The inspector concluded that the position is greater than 4.12 but less than 4.88 yrs eg less than 5 years. This means that para 11 footnote 7 of the NPPF is 'engaged' and relevant supply of housing, including Policy SUS2 may no longer be considered to be up to date. Where a 'relevant policy' such as SUS2 is considered to be out of date, para 11 of the NPPF is also engaged indicating that in such cases planning permission should be granted unless:

i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing development proposed, or

ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

15.3 The lack of a 5 year supply, even if the supply is only marginally below 5 years, means that less weight has to be given to policies such as Policy SUS2 in decision making. This application is located within the defined development boundary (DDB) of Weymouth in the adopted local plan and would be seen in the wider context of the surrounding buildings and is a brownfield site in that it accommodates an existing dwelling. Based on the requirement to assist in the lack of five year housing supply the proposal in principle is considered acceptable in principle.

15.4 Design and impact on character and appearance of the area

Previous Inspectors have dealt with this issue. In the first dismissed appeal the Inspector stated that :

“Character and appearance

5. The site lies at the junction of Rodwell Road, a primary route through Weymouth, and Rodwell Avenue. Rodwell Road is varied in style, scale, design and materials, the architecture being typical of the time in which each building was built. Dwellings on Rodwell Avenue are varied, but the street has a strong character, as many dwellings are built in a similar style from a small palette of materials. The character weakens as the road climbs to its junction with Rodwell Road due to the presence of buildings, including the current 53 Rodwell Road, that do not follow the prevailing style.

6. Dwellings on Rodwell Avenue are of a domestic scale being a mix of 2-storey and 2.5-storey with rooms provided in steep roofs. Nos. 94 and 96 directly opposite the appeal site, are some of the taller examples and strongly define the junction. The proposed building would increase from a modest 2 storey height adjacent to No. 31 to 3 storeys on the corner with Rodwell Road. However, the road rises steeply past the site such that the building would not be so high relative to the road, instead being similar in height to Nos. 94 and 96. Against the backdrop of taller buildings that occupy higher ground on the opposite side of Rodwell Road, the building would be an appropriate scale for the corner plot. Rodwell Road rises steeply in both directions from its junction with Rodwell Avenue. Therefore, it is not a prominent location in the wider street scene. The scale of the building would sit comfortably with those around it and would not appear prominent in Rodwell Road.

7. Whilst the appeal scheme’s Rodwell Road elevation would be long and bulky, and fairly utilitarian in style, it would be broken up by some openings and projecting sections. Many of those nearby on the site side of the road present high walls or side elevations with few openings. The proposal would not be dissimilar and so it would not appear out of place. The higher part of the building closer to the junction would provide a focus such that the car park entrance would not dominate the Rodwell Avenue elevation. Directly opposite the site, Nos. 36-44 Rodwell Road are terraced so the buildings fill the entire width of the site when viewed from the road. Like No. 40, there would still be space around the proposed building to the rear such it would not entirely fill the site.

8. The choice of brick would draw reference from other buildings in the area. The zinc cladding, whilst not prevalent in the area would extend the roofline down the building in a similar way to nearby buildings with ‘mansard’ roofs. The materials would therefore be appropriate.

9. To conclude on this issue, the proposal would not harm the character and appearance of the area. In this regard it would, therefore, accord with the design policies of the National Planning Policy Framework (the Framework) and those parts of policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2011-2031 (LP) that seek to ensure the maintenance and enhancement of local identity and distinctiveness, and that buildings are designed to respond positively to adjoining buildings and the overall character of the area.

15.5 While many of those making representations including the Town Council and Civic Society who consider that the proposals are unacceptable as regards the design and external appearance of the proposals, that has not been the conclusions of the Inspector in dismissing the first application determined at appeal under application number WP/17/00636/FUL. Despite the Inspectors conclusion on design matters as being acceptable, the Council on the 2nd application (also the subject of an appeal decision) maintained its design objection under application number WP/18/00503/FUL. This Appeal was also dismissed but only on neighbouring amenity grounds. A Partial Award of Costs against the Council was allowed for pursuing its objection of design grounds with the Inspector here stating :

Character and appearance

12. The proposed development is similar to the scheme assessed as part of the previous appeal, except for the alterations to some of the terraces to the East elevation. The Inspector noted the presence of buildings which do not follow the prevailing style in the area, and found that the scale of the proposal would sit comfortably with those around it and would not appear prominent in Rodwell Road. The footprint, materials and overall design appearance of the proposed building were also considered acceptable. There is no reason for me to disagree. I therefore consider that the proposal would not cause unacceptable harm to the character and appearance of the area and find no conflict with the design aims of Policies ENV10 and ENV12 of the WDWP Local Plan, and the Framework.

15.6 Given the above information it would now be wholly unreasonable to refuse permission on design grounds and the Council could be faced with another award of costs against it if it were to do so. These Inspectors decisions are material planning considerations and given that 2 Inspectors have come to the same conclusion that the design and external appearance of the proposal is acceptable, it would be unreasonable for the Council to maintain its design objection.

15.7 As such the impact of the proposal on the character and appearance of the area is an acceptable one.

15.8 Impact on neighbours amenity

In the light of the conclusions of the preceding paragraph, the last appeal Inspectors decision focused mainly on neighbour amenity impacts and it was dismissed solely on that ground. The Inspector stated that:

Living conditions

5. No 31 is a two-storey detached property which lies within close proximity to the boundary shared with the appeal site. The Council is concerned that the outlook from this neighbouring property and outdoor area would be seriously affected by the bulk of the proposal. Having regard to the previous appeal decision, I note that the Inspector considered that the development would not have a harmful overbearing effect on the outlook from the rear windows or garden of that property. As the proposal would be sited further away from this neighbouring property, it was found likely that more light would be available to the side windows of no 31. There is no reason for me to take a different view.

6. With regard to privacy, the appellant sought to address the concerns raised within the 2018 appeal decision by reducing the size and altering the layout of some of the proposed terraces. However, the changes would not fundamentally overcome the loss of privacy previously identified. Whilst the depth of terrace to apartment 2 has been reduced, its orientation towards the rear garden of no 31 would allow any future occupiers to overlook directly, and from a modest distance, this neighbouring outdoor area. Equally, the proposed terrace to apartment 3 would enable views into the garden area of this neighbouring property.

7. The harm would be compounded by the second floor terraces to apartments 5 and 6 which, although sited further away from the boundary shared with no 31, would add to the unneighbourly relationship resulting from the proposed development. It would increase the perception of overlooking and loss of privacy for the occupiers of the neighbouring property, and have a detrimental effect on the enjoyment of their outdoor amenity space.

8. Despite the changes introduced as part of this revised scheme, the terrace to apartment 4 would still be located within close proximity to a small window situated to the side elevation of no 31. As noted previously by the Inspector, whilst this window may not serve a habitable room, it is not appropriate to introduce a relationship where one could look directly into the window at such close distance.

9. The height of the proposed balustrade and planter would not satisfactorily overcome the harm which I have identified. The appellant has suggested that a condition requiring the submission of a landscaping scheme could be submitted. However, any landscaping would likely take a considerable length of time to mature before being effective, and there is no guarantee that it would be retained or maintained in the long term. A 2.4 metre high boundary fence would not address the overlooking issues rising from the terraces at first

and second floor levels. Therefore, these elements do not persuade me to alter my views with regard to loss of privacy.

10. The Council also raised concerns in respect of the access which future occupiers of apartment 2 could gain onto the flat roof area above apartment 1. However, had I been minded to allow the appeal, this issue could have been resolved by the imposition of a condition requiring the window to remain fixed shut or restricting access to this area.

15.9 In answer to these concerns the applicant has responded to deal with the relationship between the proposed development and the neighbour to the east at Rodwell Avenue (No.31) having regard to the potential for overlooking and consequent loss of privacy. Their statement explains that:

The changes which have been made to the scheme, following the last dismissed appeal include, the raising of the height of the walls enclosing the first floor terraces to 1600mm and the second floor terraces to 1400mm. The design of the proposal is otherwise unaltered from the dismissed scheme which was in all other respects found to be acceptable by the most recent Planning Inspector.

It is clear from the Inspector's reasoning that the sole area of concern related to the potential for occupiers of the apartments to look across and down from first and second floor level into the rear garden of No.31. The Inspector considered the worst case scenario of the planting not being effective in front of the proposed terrace walls and concluded that at 1.5m high at first floor level and a 900mm high wall at second floor level would not be adequate.

The Inspector's concerns have been addressed in this resubmission by raising the heights of the terrace walls on each of the terraces to a height of 1.6m at first floor level and 1.4m at second floor level. The average eye level for a UK man is 1.63m whilst for a woman it is 1.50m. The submitted cross section drawings clearly illustrate that by increasing the wall heights this will negate the possibility for overlooking of No.31's garden. Views will be available towards the coast but not in a downward direction that could overlook the neighbouring property.

For the most part, it would be impossible for the occupiers of No.31 to know whether anyone was on the terraces. This is because views towards the terraces (from No.31's garden) would, by necessity, be at an upward angle and this coupled with the setback position of users of the terraces as a result of the planters would mean that a user of the terrace would be unlikely to be seen from No.31's rear garden even when standing.

The revisions to the design also therefore avoid there being a perception of overlooking because the occupiers of No.31 will be aware that it would not be

possible for future occupants of the proposed apartments to overlook their garden. In this respect the perception that overlooking could take place would not occur following these changes to the design of the proposal as views up to the apartments' terraces would be limited to the walls and planting behind.

The raised terrace wall at apartment 4 would remove the potential for views into the side window in the western elevation of No.31. The Inspector's objection that screening between properties would be inadequate has been overcome. Indeed, the redevelopment has the potential to offer betterment because an existing first floor east side window in No.53 facing directly towards the side window in No.31 would be removed following the demolition of No.53.

The applicant can confirm that they are willing to accept a planning condition requiring either the first-floor window facing onto the flat roof (above apartment 1) to be fixed shut or a requirement that the roof shall not be accessed or used as roof terrace. The Inspector recommended that a condition could be used to secure either of these measures. This should alleviate the concern that this flat roof might be used as a roof terrace which is not the intention within the scheme.

15.10 Policy ENV16 of the Local Plan and paragraph 127 of the Framework seek to ensure that new development provides a high standard of amenity for existing and future users. As such it is considered that the proposal would be in accordance with Policy ENV16 of the Local Plan and the NPPF, the latter stating that proposals for development should be designed to minimize their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it.

15.11 The provision and retention of the balcony screens and use of the flat roof above apartment 1 can all be made a condition of any approval.

15.12 Heritage Assets

As with the last appeal decision the Inspector stated that :

"The appeal site lies within proximity to a number of Grade II Listed Buildings situated on the opposite side of Rodwell Road. No concerns were raised by the Council or the Inspector who dealt with the previous appeal regarding the effect of the proposal on the setting of these designated heritage assets. By reason of the degree of separation provided by Rodwell Road, I am satisfied that the proposed development would not cause harm to the setting of these Grade II Listed Buildings."

15.13 Despite your Conservation Officer raising concerns about the impact of the development on the nearby listed buildings, commenting about it being an "incongruous feature and harmful to the setting of the listed buildings opposite" that

was not the view taken by the previous Inspector. He concluded that *“by reason of the degree of separation provided by Rodwell Road, I am satisfied that the proposed development would not cause harm to the setting of these Grade II Listed Buildings”*

15.14 In the light of the above assessment, and to repeat again that Inspectors decisions are material planning considerations, it would be unreasonable for the Council to refuse permission for adverse impact on Heritage Assets noting that an appeal decision concludes that no such harm to their setting would arise. As such it is considered that the proposed development would comply with Policy ENV4 of the Local Plan and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as regards the special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses is considered to be met

15.15 Highway Safety

With regards to the previously refused applications none were refused on highway grounds and none were the main considerations of the Inspectors in dismissing the appeals. There are no highway objections to this current proposal despite those objecting to it, given the sites access in proximity to the traffic light junction and which utilises that existing access for basement parking. Given that there are no highway objections and that the previous appeal decisions (being material planning considerations) did not see highway matters as a main consideration, it would be unreasonable for the Council to refuse permission on grounds of unacceptable impact on highways. As such it is considered that the proposal meets the requirements of Policy COM7 & COM9 in the Adopted West Dorset and Weymouth & Portland Local Plan (2015), and the advice contained in the NPPF para 109 which states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. That is not considered to be the case.

15.16 Ecology/Biodiversity

The application is below the site area for there to be a requirement for any bio diversity mitigation or ecology issues being less than 0.1 ha or where there are no known protected species or important habitats/habitat features. Given the above the proposal is not considered to have an adverse impact on biodiversity/ecology interests and this issue formed no part in the consideration or determination of the previous appeals by previous Inspectors.

15.17 Community Infrastructure Levy (CIL)

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. The development proposal is CIL liable. The rate at which CIL is charged is £93 per sqm. Confirmation of the final CIL charge will be included 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.

15.18 Affordable Housing Contributions

Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing. National planning policy and national guidance establish thresholds below which affordable housing contributions should not be sought. As this site falls below these thresholds (10 dwellings in this urban area) an affordable housing contribution is not required.

16.0 Conclusion

16.1 The NPPF encourages residential development in locations where it would support housing supply; where an efficient use of land can be achieved; and where jobs, shops and services are reasonably accessible by modes of transport other than the private car. The proposed development as concluded by the previous appeal decisions would be located close to the town centre, and deliver some benefits to the local economy through short term construction and use of local shops. It would also contribute towards housing supply and choice.

16.2 The scheme remains largely the same in terms of its overall design and external appearance and no matter what criticism there arte of others to that 2 appeal Inspectors have determined that it is acceptable in that regard. Those decisions are material planning considerations to this assessment.

16.3 The scheme now proposes to mitigate the impact of the development on the amenity of neighbours at no.31 Rodwell Avenue by providing screens to external balconies of the apartments and coupled with their height and distance to the boundary with no.31 that is considered to be a satisfactory solution that overcomes the adverse amenity impact concluded by the previous appeal Inspector.

16.4 It is therefore considered that there are no material harmful effects that would significantly and demonstrably result in a recommendation to refuse planning permission as is detailed in the main body of the report.

16.5 The proposed development is acceptable and therefore recommended for approval.

17.0 Recommendation - Approval subject to the following conditions :

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

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

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

Location Plan - Drawing Number 366.P.001 P4 received on 25/09/2019 - Approved

Proposed Ground Floor Plan - Drawing Number 366.P.100 P6 received on 22/08/2019 - Approved

Proposed First Floor Plan - Drawing Number 366.P.101 P7 received on 22/08/2019 - Approved

Proposed Second Floor Plan - Drawing Number 366.P.102 P6 received on 22/08/2019 - Approved

Proposed Roof Plan - Drawing Number 366.P.103 P5 received on 22/08/2019 - Approved

Proposed Section AA - Drawing Number 366.P.200 P3 received on 22/08/2019 - Approved

Proposed Section BB - Drawing Number 366.P.201 P2 received on 22/08/2019 - Approved

Proposed Section AA - Drawing Number 366.P.202 P2 received on 22/08/2019 - Approved

Proposed Section BB - Drawing Number 366.P.203 P2 received on 22/08/2019 - Approved

Proposed West Elevation - Drawing Number 366.P.300 P5 received on 22/08/2019 - Approved

Proposed South Elevation - Drawing Number 366.P.301 P5 received on 22/08/2019 - Approved

Proposed East Elevation - Drawing Number 366.P.302 P6 received on 22/08/2019 - Approved

Proposed North Elevation - Drawing Number 366.P.305 P5 received on 22/08/2019 - Approved

View facing South as Proposed - Drawing Number 366.P.500 P3 received on 22/08/2019 - Submitted

View facing South as Proposed - Drawing Number 366.P.501 P3 received on 22/08/2019 - Submitted

View facing West as Proposed - Drawing Number 366.P.502 P3 received on 22/08/2019 - Submitted

View facing North as Proposed - Drawing Number 366.P.503 P3 received on 22/08/2019 - Submitted

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

3 Before any development is carried out above damp proof course level details and samples of all facing and roofing materials shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall be completed in accordance with these details.

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality.

4. Before any development is carried out above damp proof course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

5 Before the development hereby approved is occupied or utilised the turning and 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 Before the development hereby approved is occupied or utilised provision must be made to ensure that no surface water drains directly from the site onto the adjacent public highway.

Reason: To ensure that the site is properly drained and that surface water does not flow onto the highway.

7 Prior to any construction taking place a Construction Environmental Management Plan detailing hours of construction and parking for site operatives shall have been 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 the plan as have been agreed.

Reason. To safeguard the amenity of neighbours from undue noise and disturbance

8 There shall be no use of the flat roof area above apartment 1 as an external amenity area and there shall be no direct access to that area from apartment 2. Prior to the occupation of apartment 2 the window proposed to be installed immediately next to the external balcony of apartment 2 as shown on the submitted plans on the east elevation shall be permanently fixed shut.

Reason. To safeguard the amenity of neighbours

9 No apartment hereby approved shall be brought into occupation unless and until the privacy/balcony screens as shown on the east elevation for proposed apartments 2-5 have been provided in accordance with the approved plans. When provided they shall be permanently retained as such.

Reason. To safeguard the amenity of neighbours

INFORMATIVE NOTE: Dorset Highways

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@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

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Appeal Decision

Site visit made on 7 May 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2019

Appeal Ref: APP/P1235/W/18/3215730

53 Rodwell Road, Weymouth DT4 8QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Wearing against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/18/00503/FUL, dated 26 June 2019, was refused by notice dated 25 September 2018.
 - The development proposed is demolition of existing dwelling and erection of a replacement residential building of 6 apartments with associated landscaping works and parking.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Chris Wearing against Weymouth and Portland Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - The living conditions of the occupiers of no 31 Rodwell Avenue, having particular regard to outlook, light and privacy; and
 - The character and appearance of the area.

Reasons

4. The appeal site comprises a two-storey detached property set within a large corner plot at the junction between Rodwell Road and Rodwell Avenue. The proposal is a revised scheme, following a previous appeal¹ which was dismissed by reason of the effect of the development on the living conditions of the occupiers of no 31 Rodwell Avenue (no 31).

Living conditions

5. No 31 is a two-storey detached property which lies within close proximity to the boundary shared with the appeal site. The Council is concerned that the outlook from this neighbouring property and outdoor area would be seriously affected by the bulk of the proposal. Having regard to the previous appeal decision, I note that the Inspector considered that the development would not

¹ APP/P1235/W/17/3190036.

- have a harmful overbearing effect on the outlook from the rear windows or garden of that property. As the proposal would be sited further away from this neighbouring property, it was found likely that more light would be available to the side windows of no 31. There is no reason for me to take a different view.
6. With regard to privacy, the appellant sought to address the concerns raised within the 2018 appeal decision by reducing the size and altering the layout of some of the proposed terraces. However, the changes would not fundamentally overcome the loss of privacy previously identified. Whilst the depth of terrace to apartment 2 has been reduced, its orientation towards the rear garden of no 31 would allow any future occupiers to overlook directly, and from a modest distance, this neighbouring outdoor area. Equally, the proposed terrace to apartment 3 would enable views into the garden area of this neighbouring property.
 7. The harm would be compounded by the second floor terraces to apartments 5 and 6 which, although sited further away from the boundary shared with no 31, would add to the unneighbourly relationship resulting from the proposed development. It would increase the perception of overlooking and loss of privacy for the occupiers of the neighbouring property, and have a detrimental effect on the enjoyment of their outdoor amenity space.
 8. Despite the changes introduced as part of this revised scheme, the terrace to apartment 4 would still be located within close proximity to a small window situated to the side elevation of no 31. As noted previously by the Inspector, whilst this window may not serve a habitable room, *it is not appropriate to introduce a relationship where one could look directly into the window at such close distance.*
 9. The height of the proposed balustrade and planter would not satisfactorily overcome the harm which I have identified. The appellant has suggested that a condition requiring the submission of a landscaping scheme could be submitted. However, any landscaping would likely take a considerable length of time to mature before being effective, and there is no guarantee that it would be retained or maintained in the long term. A 2.4 metre high boundary fence would not address the overlooking issues rising from the terraces at first and second floor levels. Therefore, these elements do not persuade me to alter my views with regard to loss of privacy.
 10. The Council also raised concerns in respect of the access which future occupiers of apartment 2 could gain onto the flat roof area above apartment 1. However, had I been minded to allow the appeal, this issue could have been resolved by the imposition of a condition requiring the window to remain fixed shut or restricting access to this area.
 11. For the reasons detailed above, I conclude that the proposal would cause unacceptable harm to the living conditions of the occupiers of no 31, with particular regard to privacy. It would therefore not accord with Policy ENV16 of the West Dorset, Weymouth and Portland Local Plan – 2015 (WDWP), which notably requires development proposals not to have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy. There would also be conflict with paragraph 127 of the National Planning Policy Framework (the Framework), which requires a high standard of amenity for existing and future users.

Character and appearance

12. The proposed development is similar to the scheme assessed as part of the previous appeal, except for the alterations to some of the terraces to the East elevation. The Inspector noted the presence of buildings which do not follow the prevailing style in the area, and found that the scale of the proposal would sit comfortably with those around it and would not appear prominent in Rodwell Road. The footprint, materials and overall design appearance of the proposed building were also considered acceptable. There is no reason for me to disagree. I therefore consider that the proposal would not cause unacceptable harm to the character and appearance of the area and find no conflict with the design aims of Policies ENV10 and ENV12 of the WDWP Local Plan, and the Framework.

Other Matters

13. The appeal site lies within proximity to a number of Grade II Listed Buildings situated on the opposite side of Rodwell Road. No concerns were raised by the Council or the Inspector who dealt with the previous appeal regarding the effect of the proposal on the setting of these designated heritage assets. By reason of the degree of separation provided by Rodwell Road, I am satisfied that the proposed development would not cause harm to the setting of these Grade II Listed Buildings.
14. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 7, policies which are most important for determining the application are considered out-of-date, and subsequently planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. The Framework encourages residential development in locations where it would support housing supply, where an efficient use of land can be achieved, and where jobs, shops and services are reasonably accessible by modes of transport other than the private car. The appeal scheme would be located close to the town centre, and deliver some benefits to the local economy through short term construction and use of local shops. It would also contribute towards housing supply and choice.
16. However, the benefits resulting from the proposal would remain relatively limited. In addition, it would adversely affect the living conditions of neighbouring residents. This weighs against the proposal. I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the relatively limited benefits resulting from the proposal when assessed against the Framework as a whole. There are no other material considerations which indicate that the proposal should be determined other than in accordance with the development plan, which I have already found conflict with.

Conclusion

17. Whilst I have found that the proposal would not harm the character and appearance of the area, it would adversely affect the living conditions of the

occupiers of no 31 Rodwell Avenue. I conclude that the appeal should not succeed.

S Edwards
INSPECTOR

Appeal Decision

Site visit made on 9 May 2018

by M Bale BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2018

Appeal Ref: APP/P1235/W/17/3190036
53 Rodwell Road, Weymouth DT4 8QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr C Wearing against Weymouth & Portland Borough Council.
 - The application Ref WP/17/00636/FUL, is dated 10 August 2017.
 - The development proposed is the demolition of the existing dwelling and erection of a replacement residential building of 6 apartments with associated landscaping works and parking.
-

Decision

1. The appeal is dismissed and planning permission for the demolition of the existing dwelling and erection of a replacement residential building of 6 apartments with associated landscaping works and parking is refused.

Application for costs

2. An application for costs was made by Mr C Wearing against Weymouth & Portland Borough Council. This application is the subject of a separate Decision.

Procedural matters

3. The Council failed to give notice of a decision on the application within the prescribed period. However, the Council's appeal statement sets out the reasons that planning permission would have been refused. These relate to concerns about the design of the building, in particular that it would result in an unduly prominent and imposing building within the street scene; and that it would harm the living conditions of neighbouring properties by virtue of a loss of privacy from overlooking and disturbance from the roof terraces, together with concerns in respect of outlook arising from the massing of the building.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of nearby residents, in particular those of 31 Rodwell Avenue with regard to privacy, noise and outlook.

Reasons

Character and appearance

5. The site lies at the junction of Rodwell Road, a primary route through Weymouth, and Rodwell Avenue. Rodwell Road is varied in style, scale, design and materials, the architecture being typical of the time in which each building was built. Dwellings on Rodwell Avenue are varied, but the street has a strong character, as many dwellings are built in a similar style from a small palette of materials. The character weakens as the road climbs to its junction with Rodwell Road due to the presence of buildings, including the current 53 Rodwell Road, that do not follow the prevailing style.
6. Dwellings on Rodwell Avenue are of a domestic scale being a mix of 2-storey and 2.5-storey with rooms provided in steep roofs. Nos. 94 and 96 directly opposite the appeal site, are some of the taller examples and strongly define the junction. The proposed building would increase from a modest 2 storey height adjacent to No. 31 to 3 storeys on the corner with Rodwell Road. However, the road rises steeply past the site such that the building would not be so high relative to the road, instead being similar in height to Nos. 94 and 96. Against the backdrop of taller buildings that occupy higher ground on the opposite side of Rodwell Road, the building would be an appropriate scale for the corner plot. Rodwell Road rises steeply in both directions from its junction with Rodwell Avenue. Therefore, it is not a prominent location in the wider street scene. The scale of the building would sit comfortably with those around it and would not appear prominent in Rodwell Road.
7. Whilst the appeal scheme's Rodwell Road elevation would be long and bulky, and fairly utilitarian in style, it would be broken up by some openings and projecting sections. Many of those nearby on the site side of the road present high walls or side elevations with few openings. The proposal would not be dissimilar and so it would not appear out of place. The higher part of the building closer to the junction would provide a focus such that the car park entrance would not dominate the Rodwell Avenue elevation. Directly opposite the site, Nos. 36-44 Rodwell Road are terraced so the buildings fill the entire width of the site when viewed from the road. Like No. 40, there would still be space around the proposed building to the rear such it would not entirely fill the site.
8. The choice of brick would draw reference from other buildings in the area. The zinc cladding, whilst not prevalent in the area would extend the roofline down the building in a similar way to nearby buildings with 'mansard' roofs. The materials would therefore be appropriate.
9. To conclude on this issue, the proposal would not harm the character and appearance of the area. In this regard it would, therefore, accord with the design policies of the National Planning Policy Framework (the Framework) and those parts of policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2011-2031 (LP) that seek to ensure the maintenance and enhancement of local identity and distinctiveness, and that buildings are designed to respond positively to adjoining buildings and the overall character of the area.

Living conditions

10. Whilst it would be closer to 31 Rodwell Avenue, the shape of the proposed building would mean that the amount of building directly alongside No. 31 would be reduced from the existing situation. As such, it is likely that more light would be available to the side windows of No. 31. The stepped design would mean that as the height increased, the building would lie further away from No 31, such that it would not have a harmful overbearing effect on the outlook from the rear windows or garden of that property.
11. The proposed terraces would include deep recessed planters that would prevent users from looking directly down. However, I am not satisfied that the whole of no. 31's rear garden would be free of overlooking without reliance on additional tree planting either at ground level or on the terraces. It is not clear to me whether the existing tree planting can be retained, but I note that the appellant refers to proposed tree planting along the boundary, which suggests it would not. New planting on the boundary and the terraces would take time to reach a height that would prevent overlooking. Furthermore, even if the existing trees were to remain, there is no evidence before me to indicate if or how they or any new planting would be maintained so as to prevent overlooking in perpetuity.
12. Furthermore, the plans do not show any mechanism for preventing views from the side of the apartment 2 terrace towards the rear windows of No. 31, nor how direct overlooking into the side window of No. 31 would be prevented from the apartment 4 terrace. Whilst the side window may not serve a habitable room and outlook from it may be restricted by the existing dwelling, it is not appropriate to introduce a relationship where one could look directly into the window at such close distance. I have considered whether this matter could be addressed by imposing a planning condition to secure the introduction of privacy screens or other similar measures. However, such additions could potentially lead to further adverse effects on outlook that have not been considered in the context of this appeal. The imposition of such a condition would not therefore be appropriate.
13. The Council has not raised any particular concern about the effect on other nearby properties. I see no reason to disagree as the distances and levels involved are sufficient not to cause harm to the outlook or privacy of their occupiers. I have no substantive evidence that there would be significant disturbance from users of the terraces compared to those using external space at ground level. I also note that the DRP have expressed support for the scheme. However, my analysis of this main issue leads me to conclude that there would be harm to the living conditions of the occupiers of No. 31 through a loss of privacy. This brings the proposal into conflict with policy ENV16 of the LP which seeks to prevent harm to the living conditions of existing residents by various means including through a loss of privacy.

Conclusion on the main issues

14. Whilst I have found that the proposal would not harm the character and appearance of the area, it would harm the living conditions of the occupiers of 31 Rodwell Road. This brings the proposal into conflict with the development plan when considered as a whole.

Other matters

15. The Council cannot currently demonstrate a 5 year supply of housing. As such relevant policies for the supply of housing are out-of-date by virtue of paragraph 49 of the Framework and the fourth bullet point of paragraph 14 of the Framework applies. However, whilst the proposal would make a small contribution to housing supply within the area, a core planning principle of the Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupiers. The harm that I have identified in respect of the second main issue brings the proposal into conflict with this principle. In my view, it is sufficient to significantly and demonstrably outweigh the scheme's benefits including the benefit of providing a limited amount of additional housing when the Framework is considered as a whole. It follows that the presumption in favour of sustainable development does not apply.
16. The Council raises no concerns about the effect of the proposal on the Town Centre Conservation Area or the setting of the listed buildings on the opposite side of Rodwell Road. Bearing in mind the degree of separation, I have no reason to take a different view.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

M Bale

INSPECTOR

1.0 Application Number – [WP/19/00611/FUL](#)

Site address – MARTLEAVES HOUSE, 41 SOUTH ROAD, WEYMOUTH DT4 9NR

Proposal – Removal of stables and redundant barn/store. Erect 4.no detached houses and two double car ports.

Applicant name – Mr Smith

Case Officer – Jo Riley

Ward Member(s) – Cllr Heatley, Cllr Sutton, Cllr Wheller.

2.0 Summary of Recommendation: Approve

3.0 Reason for the recommendation:

- Absence of 5 year land supply and 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 proposed development of 4 dwellings proposes to boost the housing land supply in a sustainable location despite the site being outside the defined development boundary (DDB) of Weymouth and is deemed acceptable.
- The principle is established following an outline approval and the design, layout and parking proposed is not considered to be harmful to local amenity or cause harm to the wider landscape.
- The proposal is acceptable in its design and general visual impacts and there is not considered to be any significant harm to neighbouring residential amenity

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The application site lies outside of any Defined Development Boundary (DDB) but adjacent to it. The Council cannot currently demonstrate 5 year housing supply. Policy SUS2 aims to focus residential, employment and other needs within the DDB. There is an established planning history for a similar proposal, approved in outline form.
Scale, design, impact on character and appearance	It lies within a designated Area of Local Landscape Importance (ALLI). However the proposed housing sits within a group of existing buildings, and replaces some existing buildings

	and would not encroach into the wider countryside/landscape. The design is acceptable and similar to those previously indicated at outline stage with minor changes.
Impact on amenity	The proposals are considered to be adequately separated from neighbouring residential properties and therefore there is considered to be no resulting adverse neighbouring amenity impact. There is sufficient amenity for potential occupiers.
Highway safety and parking	The dwellings have sufficient parking to meet needs of housing and guest house. The proposal uses the same entrance as existing onto South Road. There is not considered to be any harm to highway safety.
Economic benefit	There will be short term benefits for buildings during construction. The proposal would benefit the long term running of the guesthouse.

5.0 Description of Site

5.1 The site is part of the former Martleaves Farm, now Swallows Rest Guesthouse (B&B). The site comprises of a main house and self catering cottages, a U shaped stable block, a barn, menage, surrounding fields with horses and informal campsite and associated buildings.

5.2 The site is outside the defined development boundary (DDB) which lies to the east around properties in nearby South Road. The site is within an important open gap and within view of the Heritage Coast. Public footpath 73 runs alongside the site to the north.

6.0 Description of Development

6.1 Full permission is sought to demolish the stables and a former barn and erect four detached houses and car port on the site. The houses would be to the north of the main house and the public footpath to the north. The proposed houses would be two storey, four bedrooomed and detached. The proposal includes a detached car port containing 4 spaces. 14 car parking spaces are retained/provided in total. 8 of these would be provided for the new dwellings (2 per dwelling). The other car parking spaces would be for the guest house and cottages. Access to the houses is

via an existing access off south Road. The houses are proposed to be arranged around a courtyard/parking and turning space. Each house has a modest garden.

6.2 The application is accompanied by an Ecology report and mitigation plan which provides for bat boxes and swallow cups.

7.0 Relevant Planning History

Application No.	Description	Decision	Date
WP/18/00701/OUT	Removal of former stables and redundant buildings and erect 2 pairs of semi detached houses - outline	Approved	9.11.2018

8.0 List of Constraints

- Outside of the DDB
- Heritage Coast
- Landscape, seascape and sites of geological interest – South Dorset Ridge & Vale.
- Footpath No. 73

9.0 Consultations

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

9.1 Dorset Council Highways – No objection subject to condition regarding turning and parking

9.2 Dorset Council Rights of Way Officer - No objection but footpath must remain open to the public and not used by vehicular traffic.

9.3 Natural England - No objection subject to securing the Biodiversity Mitigation and Enhancement Plan (BMEP)

9.4 Weymouth Town Council - object as the site is outside the development boundary.

10.0 Representations

10.1 7 representations of objection have been received. These raise the following issues:

- Four homes is too many and not in keeping

- Adverse impact on wildlife
- It will be destruction of an area of natural beauty
- There will be construction traffic and amenity issues
- There is a lack of on-street parking
- There will be a harmful impact on the character of the area
- There is too much traffic to the camping site
- This will cause more traffic congestion on the roads
- This is overdevelopment of the site of historic beauty
- It will set a precedent for more housing
- The housing isn't necessary
- It will not benefit the community
- It will cause light pollution.

11.0 Relevant Policies

Adopted West Dorset and Weymouth and Portland Local Plan 2015

As far as this application is concerned the following policies are considered to be relevant:

- INT1- Presumption in Favour of Sustainable Development
- ENV1 - Landscape, Seascape And Sites Of Geological Interest
- ENV2 - Wildlife and habitats
- ENV3 - Green infrastructure network
- ENV 10 – The Landscape and Townscape Setting
- ENV12 – The design and positioning of buildings
- ENV15 – Efficient and appropriate use of land
- ENV16 – Amenity
- SUS1 – The level of economic and housing growth
- SUS2 – Distribution of development
- HOUS1 – Affordable Housing
- 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 (NPPF) 2019

As far as this application is concerned the following sections of the NPPF are considered to be relevant:

Section 2 – Achieving sustainable development
 Section 4 – Decision-making
 Section 5 - Delivering a sufficient supply of homes
 Section 6 - Building a strong, competitive economy
 Section 9 – Promoting sustainable transport
 Section 11 - Making effective use of land
 Section 12 - Achieving well designed places
 Section 15 - Conserving and enhancing the natural environment

Decision taking:

Paragraph 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

Weymouth and Portland Landscape Character Assessment 2013.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

13.0 Public Sector Equalities Duty

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics

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

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

14.0 Financial benefits

The proposal may result in short term financial benefits for the region by way of employment of local tradesmen or use of local materials during the construction phase.

15.0 Climate Change Implications

15.1 The development is considered to be in a sustainable location, despite it being located outside the defined development boundary for Weymouth with good access its services and facilities and is located with good public transport links nearby.

15.2 Energy would be used as a result of the production of the building materials and during the construction process. However that is inevitable when building houses and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use. The proposal would also be built to current building regulation standards at the time of construction.

16.0 Planning Assessment

16.1 Principle of Development

16.2 The site is outside of the development boundary but is immediately adjacent to it and is considered to be in a sustainable location development close to public services provided at Wyke Regis/Weymouth

16.2 Policy SUS2 of the Local Plan aims to focus residential, employment and other development to meet the needs of the local area within defined development boundaries (DDBs) and taking place at appropriate scales to the size of each settlement. The policy also indicates that outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints. Open market houses can be acceptable under this policy but only when this involves the re-use of existing rural buildings. Policy HOUS6 of the Local Plan is not applicable in this case as the scheme has not been put forward as new housing for rural workers.

16.3 Following a recent appeal in Charminster in 2019 the Inspector there concluded that the Council cannot demonstrate a 5YHLS for the West Dorset,

Weymouth & Portland plan area. The inspector concluded that the position is greater than 4.12 but less than 4.88 yrs eg less than 5 years. This means that para 11 footnote 7 of the NPPF is 'engaged' and relevant supply of housing, including Policy SUS2 may no longer be considered to be up to date. Where a 'relevant policy' such as SUS2 is considered to be out of date, para 11 of the NPPF is also engaged indicating that in such cases planning permission should be granted unless:

i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing development proposed, or

ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole

16.4 In this regard the main policy issues are:

- conflict with the spatial strategy of the Local Plan; and
- the impacts of the proposed development given its location outside a DDB.

16.5 The proposed development would ordinarily be contrary to criterion i) of Policy SUS2, which sets out the spatial strategy for the Local Plan area. Criterion i) of Policy SUS2 directs development to settlements with DDBs, and the 'main towns' of Dorchester and Weymouth and the 'market and coastal towns'.

16.6 As part of the determination, it is also important to have regard to: the extent of the current housing land supply shortfall; and the measures the councils are putting in place to address it.

16.7 The Council has taken action to address the housing land supply shortfall not only by making progress on the Local Plan Review, but also through the granting of consents on sites that are outside, but adjoin settlements with DDBs. That is the case here as the site adjoins the DDB of Weymouth.

16.8 Given the fact that the Council cannot currently demonstrate a five year housing land supply the contribution of four additional dwellings would make is a modest but positive contribution to that supply. This scheme also replaces existing buildings within the vicinity of residential buildings and also has the benefit of outline permission (WP/18/0701/OUT). Therefore the principle of providing open market housing on this site is already established and is therefore acceptable but we also need to consider as per para 11 of the NPPF which is engaged as regards "planning permission should be granted unless":

i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing development proposed, or

ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole .

16.9 These detailed considerations are as set out below

16.10 Impact on the character of the area/designated ALLI landscape

16.11 Policy ENV1 of the adopted Local Plan (Landscape, Seascape And Sites Of Geological Interest) states that :

i) The plan area's exceptional landscapes and seascapes and geological interest will be protected, taking into account the objectives of the Dorset AONB Management Plan and World Heritage Site Management Plan. Development which would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Beauty or Heritage Coast, including their characteristic landscape quality and diversity, uninterrupted panoramic views, individual landmarks, and sense of tranquillity and remoteness, will not be permitted.

ii) Development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character. Proposals that conserve, enhance and restore locally distinctive landscape features will be encouraged. Where proposals relate to sites where existing development is of visually poor quality, opportunities should be taken to secure visual enhancements. Development that significantly adversely affects the character or visual quality of the local landscape or seascape will not be permitted.

16.12 Policy ENV3 Green Infrastructure Network states:

i) The councils will work together with local communities and other relevant partners to develop a green infrastructure strategy for the plan area

ii) Development that would cause harm to the green infrastructure network or undermine the reasons for an area's inclusion within the network will not be permitted unless clearly outweighed by other considerations.

iii) Development proposals that promote geodiversity and biodiversity within this network of spaces and provide improved access and recreational use (where appropriate) should be supported.

16.13 ENV 10. The Landscape And Townscape Setting states:

i) All development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Development should be informed by the character of the site and its surroundings.

ii) Development will provide for the future retention and protection of trees and other features that contribute to an area's distinctive character. Such features may not always be designated or otherwise formally recognised.

iii) Development should only be permitted where it provides sufficient hard and soft landscaping to successfully integrate with the character of the site and its surrounding area.

iv) Opportunities to incorporate features that would enhance local character, including public art or that relate to the historical, ecological or geological interest of a site, should be taken where appropriate.

16.14 The site is located within a designated Area of Local Landscape Importance (ALLI) which recognises the networks of open spaces that separate the settlements of Weymouth with the more open undeveloped area between the DDB and the coast including the Fleet. The ALLI provides an important buffer to urban and industrial development. The ALLI designation, carried forward by Policy ENV3 seeks to conserve this open character.

16.15 However the proposal would replace existing buildings on this site and would be seen very much in the context of the wider urban area of Weymouth. It would extend the built form of development adjacent to existing houses. A courtyard approach is proposed covering a similar area to where existing buildings lie. Policy ENV1 (ii) states that development should be located and designed so as not to detract from, and where reasonable, enhance the local landscape character. ENV10 (i) contains a similar objective in relation to local character and distinctiveness. As noted above, this element of the policies is considered to be met.

16.16 Policy ENV3 (ii) seeks to protect the reasons for an area's inclusion in the Green Infrastructure Network. This relates to the retention of the open character of the area. It is considered that the proposals would not adversely affect the ALLI particularly when this is balanced against the housing land supply issue as outlined above. The proposals would be seen very much in the context of the neighbouring housing. As such it is considered that the development would therefore be acceptable and although designated as ALLI, the redevelopment proposals would not significantly harm the wider landscape.

16.17 For the above reasons the impact of the development on character of the area/landscape impact grounds is considered acceptable in that the development would not have a significant adverse impact on the open undeveloped character of the locality significant to justify refusing the application.

16.18 Design/Amenity Considerations. The design and appearance of the four houses and parking in a courtyard arrangement in traditional materials is considered acceptable. The proposed houses are two storey of a commensurate ridge level of Martleaves House and properties in South Road. The house entrances would be off the courtyard with parking spaces at the front of them and the guest house. There would be a series of paths from parking spaces to front doors. There may be some ambiguity between allocated parking for the proposed houses and customers for the guest house but this can be resolved with signage and marking out of allocated spaces. All the properties have modest gardens and meet technical space standards. There is a mix of plot sizes in Wyke and the proposed houses would stand alone and not form a continuation of South Road in any event. Each one of the gardens would have a close boarded fence and some space for planting/landscaping. There would be an element of mutual overlooking from neighbouring semi detached windows to gardens but no direct loss of privacy to windows. Users of the footpath to the north of the site would remain separated from

the gardens by a 1.8m hit and miss fence. There is also bin storage and recycling facilities near to the site entrance proposed.

16.19 Given the above it is considered that Policies EN1; ENV3; ENV10; ENV12 and ENV16 of the adopted Local Plan which deal with design and amenity considerations is met along with the para 127 of the NPPF which amongst other things aims seeks to ensure that development minimises the impact on the living conditions of existing residents close to it.

16.20 Highway safety and parking

16.21 No objections have been received from highways other than the recommended use of a condition requiring that the turning and parking areas must be constructed prior to the occupation of the dwellings. Subject to this condition, it is considered that these areas would be sufficient to allow vehicles to safely manoeuvre in and out of the site without conflict with the guest house customers. There is only one access onto South Road. Comments have been received from those objecting that the four houses would add to congestion. However South Road does not have parking restrictions, the access onto South Road would not alter and it is not considered that the traffic movements of four houses would be significantly harmful. The entrance to the guest house and the proposed houses is on a corner of South Road/Westhill Road where cars would naturally slow down. In addition to the highways condition it would also be prudent to have a condition for existing and new parking spaces to be clearly marked out.

16.22 The submitted drawings also show the dwellings would have 4 bedrooms; Policy COM9 states car parking should be assessed against the Bournemouth, Poole & Dorset Residential Car Parking Study and in the case of a 4 bedroom dwelling, 2 allocated spaces would usually be expected. In addition the site is within walking distance of public transport, local shops, schools and other public facilities. It is therefore deemed that subject to condition, the proposal would comply with Highway standards and policies COM7 and COM9 of the Local Plan. There would be no severe highway impact arising as is set out in para 109 of the NPPF.

16.23 Affordable Housing

16.24 Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing. National planning policy and national guidance establish thresholds below which affordable housing contributions should not be sought.

16.25 In the light of national policy and guidance, affordable housing contributions are no longer 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 or 5 units or fewer inside designated rural areas such as the AONB. As this proposal falls below these thresholds an affordable housing contribution is not required.

16.26 Community Infrastructure Levy

16.27 The adopted charging schedule applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set at £0 per sq. m. CIL rate. The development proposal is CIL liable. The development is CIL liable and is estimated to be £8240. This is payable on completion.

16.28 Biodiversity/Ecology

16.29 The application is accompanied by an Ecology report and Mitigation plan which has been prepared by a recognised ecologist which makes mitigation recommendations such as bat boxes and swallow cups. Natural England has not objected as long as the measures in the Biodiversity Mitigation Plan are provided on site. Provided that a condition is attached to any permission requiring this to be carried out, then policy ENV2 of the Local Plan is satisfied.

17.0 Conclusion

17.1 Overall, officers are satisfied that there are no material harmful effects that would significantly and demonstrably outweigh the social, economic and environmental benefits of the development, as detailed in the main body of the report. The proposed development is not within but is adjacent to a main town with a DDB and in close proximity to and connectivity to the facilities and services on offer in the Weymouth area. In the light of the current housing land supply position the proposal would make a small but positive contribution to the supply of housing where there are no other obvious and adverse planning impacts to justify a refusal of planning permission. The Planning Balance in the light of the continued Housing Land Supply issue leads to a favourable recommendation being made.

17.2 The proposed development is acceptable and therefore recommended for approval.

18.0 RECOMMENDATION

18.1 Approval is Recommended subject to the following conditions.

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

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

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

Location & Site Plan - Drawing Number 2018 07 13 received on 25/07/2019 - Submitted
Proposed Elevations - Drawing Number 2018 07 14 received on 25/07/2019 - Submitted
Proposed Floor & Site Plan - Drawing Number 2018 07 12 received on 25/07/2019 - Submitted
Topographical Survey - Drawing Number 2018 07 07 A received on 25/07/2019 – Submitted

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

3. Before the development hereby approved is occupied or utilised the turning and 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.

4. The development shall be carried out in accordance with the report and recommendations of the submitted Biodiversity Mitigation & Enhancement Plan of Lowens Ecology Survey and Assessment dated 6.9.19 and further details as set out in the Dorset Natural Environment Team Biodiversity Mitigation and Enhancement Plan.

Reasons: In the interests of nature conservation

5. Prior to development above damp proof course level details and samples of all facing and roofing materials shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall be completed in accordance with these details.

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality.

6. Before the commencement of development, unless otherwise agreed by the Local Planning Authority, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

Informatives:

NPPF

CIL

Right of way Footpath No. 73 to remain open at all time.

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Application Number: WD/D/19/002295/FUL and WD/D/19/002296/LBC

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

Proposals:

WD/D/19/002295/FUL - Demolition of an outbuilding and Conversion and extension of an outbuilding to create a dwelling

WD/D/19/001021/LBC – Internal and external alterations to facilitate demolition of an outbuilding and conversion and extension of an outbuilding to create a dwelling

Applicant name: Mr and Mrs A Chant

Case Officer: Jennie Roberts

Ward Member(s): Cllr A Alford

Taking account of representations made during the Scheme of Delegation consultation with Members, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee

https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_139537

https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_139538

1.0 Summary of Recommendation: GRANT planning and listed building consent for the reasons outlined below:

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 Table of key planning issues

Issue	Conclusion
Principle of development	The application is for the conversion and extension of a rural building to a modest, single-storey, one-bedroom dwelling. It is adjacent to Loders DDB and meets the requirements of Policy SUS3 of the Local Plan.
Scale, design, impact on character and appearance	The scale and design of the proposed development has an acceptable impact on the visual 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, and accords with Policy ENV4 of the Local Plan and the advice given in the NPPF 2019.
Economic benefits	The development phase will provide employment and post development there will be financial benefit in the local community through the use of services and payment of Council Tax.
Access and Parking	Existing access to be used – there is sufficient on-site parking and manoeuvring space for vehicles.
EIA (if relevant)	N/A
Other issues as relevant	BMEP and structural survey provided

4.0 Description of Site and Surroundings

4.1 The Barn House is a grade II listed dwellinghouse, which lies south of Main Street, Loders, and fronts on to the road. Two outbuildings, with a courtyard between them, are located to the rear of the dwellinghouse. The outbuildings (which are curtilage listed) are currently used for storage, ancillary to the dwellinghouse. The main dwelling is within the DDB, whilst the outbuildings lie just outside it. The site is within the Dorset AONB and Loders Conservation Area.

5.0 Description of development

5.1 The proposal involves the conversion and modest extension of the northernmost outbuilding to a single-storey, one-bedroom dwelling. The outbuilding currently has a corrugated metal, monopitch roof, and this application sees its replacement with a pitched, slate roof. 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.

5.2 The site currently has consent to convert the two existing outbuildings to a unit of holiday accommodation (application no. WD/D/18/000262 & 000263). Last year, planning and listed building consent was refused for the conversion of the outbuilding to a two-storey dwelling with substantial 'L-shaped' extension. This most recent application initially came in showing significant reductions to the scale and bulk of the proposed dwelling, making it single-storey, with a smaller 'L-shaped' extension. However, following comments from the council's conservation officer, the size of the proposed dwelling has been reduced still further. The final amended plans, the subject of this current application, now show a modest, linear extension, in line with the existing building, separated by a small glazed link, to demonstrate where new joins old. The introduction of a pitched roof will see the building height being raised compared to existing, although the roof of the extension will be somewhat lower, showing subservience to the existing building.

5.3 The application is supported by a Design & Access Statement and Heritage Statement; Structural Survey; Flood Risk Assessment and Biodiversity report.

6.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
WD/D/18/000262	Conversion of outbuildings into a dwelling	Approved	24 May 2018
WD/D/18/000263	External and internal alterations to outbuildings to accommodate conversion to residential	Approved	24 May 2018
WD/D/18/002737	Demolition of an outbuilding and the conversion and extension to an outbuilding to form a dwelling together with associated works	Refused	21 August 2019
WD/D/18/002738	Demolition of an outbuilding and alterations and extension to an outbuilding to facilitate the conversion to a	Refused	21 August 2019

	dwelling		
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7.0 List of Constraints

- Outside of, but adjacent to, Loders 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.

8.1 Natural England - *No comment - standing advice applies*

8.2 Loders Parish Council – Object, for the following reasons:

- ☐ *Site outside DDB, therefore contrary to LNP policy E5, which says new development should be located in DDB*
- ☐ *Does not comply with local plan policy SUS3, which states that a building to be converted should not be substantially rebuilt or extended – the proposal sees substantial rebuilding and extension*
- ☐ *Contrary to LNP policy E2 – site lies outside historic linear development of dwellings*
- ☐ *Contrary to LNP policy E4 – the application does not explicitly propose measures to mitigate the impact of climate change*

8.3 DCC Highway Authority – *No highway objection*

8.4 DCP Environmental Health – *No comment*

8.5 DCP Technical Services – *No objection*

8.6 DCP Conservation Officer – *No objections in principle: suggests various amendments including removal of hipped roof of extension; changes to glazed link between existing barn and extension; internal layout of barn; retention of historic*

*stone walls of southernmost building to enclose the curtilage of the new dwelling;
retention of open courtyard. If consent granted, various conditions*

suggested.

9. Representations received

9.1 Seven members of the public support the applications. Comments are summarised below:

- 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 buildings which will bring significant visual enhancements to the surrounding area
- Plenty of on-site parking, so will not lead to an increase in on-road parking
- There is currently a housing shortage, and the proposed development will create a dwelling, utilising an existing historic building which could otherwise become derelict
- Will improve the outlook from a neighbouring property
- Is not, despite what objectors say, contrary to the Loders Neighbourhood Plan policy E5 which restricts new development to being within the DDB – this is not ‘new’ development, but the conversion of an existing building.
- The submitted flood risk assessment addresses any concerns relating to potential flooding of the site

9.2 Loders Primary School neither support, nor object, to the application, but have requested that:

- A condition is attached to ensure that the existing hedging along the common boundary is retained or replaced at the same height for the security/privacy of the pupils.

9.3 Nine members of the public object to the applications. Concerns are summarised below:

- 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
- The latest scheme has not been significantly reduced in size compared with the refused scheme
- The structural report says the walls will support the development, but that extensive support will be required for the new slate roof
- The permission for a holiday let stated that permanent residential accommodation was not appropriate in this location
- Contrary to local plan policies SUS2 and SUS3
- Roof space might be used to provide more bedrooms under permitted development rights

Full details of all representations are available to view on the Council's website.

10.0 Relevant Policies

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

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Dorset is The West Dorset, Weymouth & Portland Local Plan (adopted October 2015). In the adopted Local Plan, the following policies are considered relevant:

- 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 DDBs
- ECON6. Built Tourist Accommodation
- COM7. Creating a Safe and Efficient transport Network
- COM9. Parking Standards in New Development

10.2 National Planning Policy Framework 2019

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

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.

10.3 Other material considerations

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

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

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)

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.

13.0 Financial benefits

13.1 Material considerations

- Contribution to housing stock in Loders and to this Council’s 5 year Housing Land Supply.
- Short term construction jobs
- Retention of and provision of a new use for an historic building

13.2 Non material considerations

- Council Tax receipts for one dwelling

14.0 Planning Assessment

14.1 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.

14.1.1 Loders Neighbourhood Plan

The application site is located outside of (but adjacent to) 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.

14.1.2 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 meets the requirements of part i) of this policy, in that the existing curtilage-listed building is considered to be of permanent construction (as concluded in the submitted structural survey) and is of a traditional stone-built design. Furthermore, it will not need to be ‘substantially re-built or extended’. Whilst its height would be increased to accommodate a pitched roof (to replace the existing monopitch roof), and a modest side extension is proposed, this would be more than 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 of part ii) of policy SUS 3.

14.1.3 Furthermore, the development would help to address the lack of five year housing land supply (subject to compliance with other policies in the local plan). Following an appeal in Charminster in 2019, the Inspector determined that the Council cannot demonstrate a 5YHLS for the West Dorset, Weymouth & Portland plan area. She concluded that the position is greater than 4.12 but less than 4.88 yrs eg less than 5 years. This means that para 11 footnote 7 of the NPPF is 'engaged' and relevant supply of housing, including Policy SUS3 may no longer be considered to be up to date. Where a 'relevant policy' such as SUS3 is considered to be out of date, para 11 of the NPPF is also engaged indicating that in such cases planning permission should be granted unless:

- i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing development proposed, or
- ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

14.1.4 The lack of a 5 year supply, even if the supply is only marginally below 5 years, means that less weight has to be given to policies such as Policy SUS3 in decision making. Having regard to Paragraph 11 of the NPPF (2019), in principle,

there are no adverse impacts of granting planning consent for the proposed development that would outweigh the benefits (a positive contribution to housing land supply in a location considered to be sustainable), and as such, the principle of the development is considered satisfactory.

14.2 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.

14.3 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.

14.4 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.

14.5 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. It is considered 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.

14.6 Listed Building

14.6.1 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 outbuildings are curtilage listed due to their association with the former Waddon Farm. The farm yard outbuildings are evident from the first OS map of 1888. Originally three buildings, the third, which was west of the modern pigsty, is no longer evident in the second OS map of 1903. The layout remains the same from 1931 maps onwards. Whilst the north positioned barn is part of the original construction, the south open end pigsty building is located within the existing footprint of an historic building. It is considered the building in place is a later addition and has little historic value. The north outbuilding barn was originally a large two storey stone barn. Little historic fabric remains, except the envelope single storey walls. The farm yard correlates well to the former farm.

14.6.2 The conservation officer, whilst not objecting to the proposed development, suggested a number of amendments to the scheme. These have largely been implemented via amended plans; however, the stone-clad cross walls of the northern-most barn, referred to in her report of 22 November 2019 as being historic, are in fact modern cavity walls, as stated within the submitted structural report. As such, their retention is considered unnecessary, as they do not form part of the historic planform of the building. A number of conditions have been suggested, should consent be granted (see end of report).

14.6.3 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.

14.7 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.

14.8 No objection has been received from Natural England in relation to this application. However, in line with Natural England's Standing Advice, because the proposal relates to demolition of and works to existing buildings, and the site is greater than 0.1ha in size, a Biodiversity Mitigation and Enhancement Plan was

requested. This was duly submitted by the applicant, and a condition is recommended to secure its implementation.

14.9 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 not, and is located within flood zone 1. 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 for works 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 nor further comment to make in response to the application.

14.10 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.

14.11 Climate Change Implications

The proposal is considered to be in accordance with the Policies of the adopted Local Plan given that the proposal site is an existing outbuilding adjacent to the DDB, and as such comprises what is regarded as Sustainable Development. The proposal would also have to meet modern Building Regulations standards as regards construction, unless an exemption from them is granted owing to the listed status.

14.12 Other

The Parish Council and several objectors have referred to the fact that in the previous application for the conversion 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.

Loders Primary School has requested that a condition is attached to ensure the boundary hedgerow between the school and the application site remains/is replaced. A condition is attached accordingly, that seeks prior approval to any such works being carried out, but it must be pointed out that in any event no such works to the boundary hedge are currently proposed.

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.
- The proposal accords with the provisions of the policies contained in the West Dorset, Weymouth and Portland Local Plan (adopted 2015), the Lodres Neighbourhood Plan and the advice contained within the NPPF (2019).
- The proposals accord with the primary legislation relating to proposals for and works affecting Listed Buildings as contained in the Planning (Listed Buildings and Conservation Areas) Act 1990.

16.0 RECOMMENDATION:

WD/D/19/002295/FUL **GRANT PLANNING CONSENT** subject to the following conditions:

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

Location Plan - Drawing Number 39/115/1 received on 11/09/2019

Proposed Block Plan - Drawing Number 39/115/6 received on 11/09/2019

PLAN / ACCESS DETAILS - Drawing Number 39/115/12 received on 11/09/2019

Floor Plan - Drawing Number 39/115/8A (Amended) received on 20/12/2019

Proposed South & West Elevations - Drawing Number 39/115/10 Rev A (Amended) received on 20/12/2019

Proposed north & east Elevations - Drawing Number 39/115/9 Rev A (Amended) received on 20/12/2019

SECTION A A / WEST ELEVATION - Drawing Number 39/115/11 Rev A (Amended) received on 20/12/2019

Site Plan - Drawing Number 39/115/7 Rev A (Amended) received on 20/12/2019

Block Plan - Drawing Number 39/115/2 Rev A (Amended) received on 29/01/2020

Block Plan - Drawing Number Block Plan - Drawing Number 39/115/6 Rev C (Amended) received on 29/01/2020

Site Plan - Drawing Number 39/115/7 Rev A (Amended) received on 29/01/2020

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 September 2019 and shall be maintained as such thereafter.

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

4 The biodiversity mitigation measures set out in the approved Biodiversity Mitigation and Enhancement Plan dated December 2019 shall be implemented in full in accordance with the timetable set out, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.

REASON: In the interests of protected species and site biodiversity.

5 Prior to first occupation of the dwelling hereby approved, the barn to the south of the site shall be permanently removed, in accordance with the submitted plans.

REASON: In the interests of visual amenity.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

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

7 The boundary hedgerow between the application site and Lodders Primary School shall not be removed unless the written consent of the Local Planning Authority has first been received.

Reason: In the interests of privacy and amenity.

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.

WD/D/19/002296/LBC **GRANT LISTED BUILDING CONSENT** subject to the following conditions:

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

Location Plan - Drawing Number 39/115/1 received on 11/09/2019

Proposed Block Plan - Drawing Number 39/115/6 received on 11/09/2019

PLAN / ACCESS DETAILS - Drawing Number 39/115/12 received on 11/09/2019

Floor Plan - Drawing Number 39/115/8A (Amended) received on 20/12/2019

Proposed South & West Elevations - Drawing Number 39/115/10 Rev A (Amended) received on 20/12/2019

Proposed north & east Elevations - Drawing Number 39/115/9 Rev A (Amended) received on 20/12/2019

SECTION A A / WEST ELEVATION - Drawing Number 39/115/11 Rev A (Amended) received on 20/12/2019

Site Plan - Drawing Number 39/115/7 Rev A (Amended) received on 20/12/2019

Block Plan - Drawing Number 39/115/2 Rev A (Amended) received on 29/01/2020

Block Plan - Drawing Number Block Plan - Drawing Number 39/115/6 Rev C (Amended) received on 29/01/2020

Site Plan - Drawing Number 39/115/7 Rev A (Amended) received on 29/01/2020

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 commencement of the construction works, a sample of the natural slate shall be submitted to, and approved in writing by, the Local Planning Authority. The slates shall be nailed, not hooked, into place. Thereafter, the works shall be carried out in strict accordance with the approved details.

Reason: To preserve or enhance the character and appearance of the heritage asset.

4 All new guttering shall be black-painted cast metal.

]

Reason: To preserve or enhance the character and appearance of the heritage asset.

5 All external flues shall be painted black.

Reason: To preserve or enhance the character and appearance of the heritage asset.

6 All rooflights shall be flush fitting, metal conservation rooflights, with central, integral glazing bars.

Reason: To preserve or enhance the character and appearance of the heritage asset.

7 Prior to commencement of the construction works, details and plans of all new vent/extract/flue/boiler locations, together with their material and finish, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details.

Reason: To preserve or enhance the character and appearance of the heritage asset.

8 Prior to commencement of the construction works, a sample wall panel measuring at least 1sqm, showing the proposed stone, coursing, mortar mix (which shall be lime based) and method of pointing for the new extension, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details.

Reason: To preserve or enhance the character and appearance of the heritage asset.

9 Prior to the commencement of construction works, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include where relevant: (i) proposed finished levels or contours; (ii) means of enclosure; (iii) car parking layouts; (iv) other vehicle and pedestrian access and circulation areas; (v) hard surfacing materials; (vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting, etc); (vii) proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines, etc indicating lines, manholes, supports, etc); (viii) retained historic landscape features and proposals for restoration. If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: To preserve or enhance the character and appearance of the heritage asset.

10 Prior to commencement of construction works, detailed elevations (scale 1:10) and sections (scale 1:5) of all new windows and external doors, including details of their material and finish, shall be submitted to and approved in writing by the Local Planning Authority. Any double glazing shall be slimline with black spacers. The development shall proceed in strict accordance with the agreed details.

Reason: To preserve or enhance the character and appearance of the heritage asset.

1.0

Application number: [WP/19/00501/FUL](#)

Site address: 73-75 PORTLAND ROAD, WEYMOUTH, DT4 9BE

Proposal: Conversion of shop and residential accommodation to 2no. dwellings and erect 3no. dwellings to the rear fronting Williams Avenue

Applicant name: ACME Property Ltd

Case Officer: Steven Banks

Ward Members: Cllr Brian Heatley, Cllr Clare Sutton and Cllr Kate Wheller

2.0

Summary of Recommendation: GRANT subject to conditions

3.0

Reason for the recommendation:

- The principle of carrying out the proposed development in the proposed location, by reason of the proposed location being identified as sustainable for the proposed type of development, is accepted.
- The proposed development, by reason of its design, size, positioning and materials, would successfully integrate into the surrounding environment.
- The proposed development, by reason of its size, positioning and the positioning of openings, would result in satisfactory living conditions.
- Given the size of the site and the number of residential units proposed, it is considered that the proposal would optimise the development potential of the site and make efficient use of the land.

4.0

Table of key planning issues

Issue	Conclusion
Principle of development	The principle of the proposed development taking place is accepted because the proposed location for the development, which is within a defined development boundary, is considered to be sustainable for the type of development proposed, which is residential.
Local community facilities	The submitted justification identifies the unit as being unviable, due to competition from the Tesco and COOP stores which are located in close proximity to the proposal site and there being no demand for an appropriate alternative use because a sufficient supply of alternative community uses exist in the nearby area.
Character and appearance	The proposal would reinforce the distinctive character of the area, its

	identity and sense of place by reason of its design, positioning, form and materials which take reference from the local area and would consequently relate very well to the buildings in the sites environs.
Amenity	The proposed development would create and protect a good standard of amenity for the occupants of the existing and proposed buildings and their surrounding areas because the separation distance between the existing and proposed buildings and the positioning of windows in the buildings would ensure a reasonable level of privacy to the properties, a satisfactory outlook from within buildings, no overbearing on existing and proposed living space; a sufficient area of private garden space to meet the reasonable needs of users and that a satisfactory level of light would reach the interior of the buildings.
Highway safety and efficiency	The nature of the proposal would not result in vehicle movements which would harm highway safety or efficiency.
Utilities	The proposed dwellings would have access to necessary utilities because the proposed dwellings fall within the settlement of Weymouth where such utilities service infrastructure exists.
Community Infrastructure Levy	The proposed development would result in an increase in floor area and attract a charge of an estimated £11,392.
Economic benefits	The development phase will provide employment and post development there will be financial benefit in the local community through the use of local services and payment of Council

	Tax.
Housing Land Supply	The proposed development would make a small but useful contribution towards the supply of housing noting that we cannot currently demonstrate a 5 year supply

5.0 Description of Site

5.1 The site falls within the Weymouth Defined Development Boundary and forms part of an area which is characterised by residential and commercial development. The application site, which forms a corner plot where Williams' Avenue meets Portland Road in Weymouth, accommodates a garage, garden area and a building comprising of a vacant convenience store and Post Office and two dwellings.

6.0 Description of Development

6.1 In this application it is proposed to remove part of and convert an existing building, which comprises of two residential units and a convenience store which accommodates a Post Office, into two dwellings and to construct three dwellings.

7.0 Relevant Planning History

7.1 There is no planning history which is relevant to this planning application.

8.0 List of Constraints

- Weymouth Defined Development Boundary

9.0 Consultations

9.1 Parish Council /Town Council

9.2 No objection.

9.3 DC Highway Authority

9.4 *The Highway Authority is disappointed that there is no allocated parking proposed and notes that there is only room for approximately 3 cars along the sites frontage on Williams Avenue. However, it also recognises the use as a shop and considers the location would be regarded as "sustainable" it being on a frequent bus route, close to shops, schools, health facilities and more. There are parking restrictions implemented at various locations in the vicinity of the site and these could be legally amended, if required (using legislation outside of the Planning process). The Authority is of the opinion that the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraphs 109 of the National Planning Policy Framework (NPPF 2019) and therefore, has NO OBJECTION.*

9.5 All full consultee responses and representations can be viewed on www.dorsetforyou.com

- 10.0 Representations**
- 10.1 17 statements of objection to the planning application have been received.
- 10.2 The objections relate to:
- Parking
 - House sizes
 - Building works preventing access to the bus stop
- 10.3 Weymouth and Portland Access Group:
- 10.4 *The Post Office / Shop premises have a stepped access. This, in addition to the additional shopping competition now faced has resulted in this proposal. Wyke Regis, as a large community, should have a Post Office, in accessible premises. Without this the area will be significantly inconvenienced and those impacts will be particularly problematic for elderly and disabled people and to all who do not own a car. It is important that a suitable Post Office is provided in Wyke Regis without delay.*
- 11.0 Relevant Policies**
- 11.1 Adopted West Dorset and Weymouth & Portland Local Plan (2015)
- INT1. Presumption In Favour Of Sustainable Development
 - ENV1. Landscape, Seascape And Sites Of Geological Interest
 - ENV2. Wildlife and Habitats
 - ENV10. The Landscape And Townscape Setting
 - ENV11. The Pattern of Streets and Spaces
 - ENV12. The Design And Positioning Of Buildings
 - ENV15. Efficient and Appropriate Use of Land
 - ENV16. Amenity
 - SUS1. The Level Of Economic And Housing Growth
 - SUS2. Distribution Of Development
 - COM3. The Retention of Local Community Buildings and Structures
 - COM7. Creating a Safe and Efficient Transport Network
 - COM9. Parking standards in New Development
 - COM10. Utilities
- 11.2 National Planning Policy Framework (NPPF) 2019
- 2. Achieving Sustainable Development
 - 5. Delivering a sufficient supply of homes
 - 6. Building a strong competitive economy
 - 11. Making Efficient Use of Land
 - 12. Achieving well designed places
- 11.3 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.

11.4 Other material considerations

11.5 Supplementary Planning Documents

11.6 Weymouth and Portland Landscape Character Assessment 2013

11.7 The Bournemouth, Poole & Dorset Residential Car Parking Study 2011

12.0 Human rights (standard text)

12.1 Article 6 - Right to a fair trial.

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

12.3 The first protocol of Article 1 Protection of property

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

13.0 Public Sector Equalities Duty (standard text)

13.1 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.

13.2 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.

14.0 Financial benefits

14.1 Material considerations

14.2 In terms of the economic benefits of the proposal, the development phase will provide employment and post development there will be financial benefit in the local community through the use of services.

14.3 Non-material considerations

14.4 Payment of Council Tax.

15.0 Climate Change Implications

- 15.1 The proposal is considered to be in accordance with the Policies of the adopted Local Plan as regards residential accommodation given that the proposal is within the Weymouth Defined Development Boundary and as such comprises what is regarded as Sustainable Development. The proposal would also have to meet modern Building Regulations standards as regards construction.

16.0 Planning Assessment

16.1 Principle of development

- 16.2 This application site is located within the Defined Development Boundary (DDB) of Weymouth in the adopted local plan. Policy SUS2 of the adopted local plan seeks to direct development to the main settlements and to “strictly control” development outside DDBs, “having particular regard to the need for the protection of the countryside and environmental constraints”. Given the location of the site inside the DDB with good access to amenities the principle of the application is acceptable. The development will also further assist in the lack of five year housing supply, subject to compliance with other policies in the local plan.

- 16.3 The Council cannot currently demonstrate a five-year supply of deliverable housing sites. This means that para 11 of the NPPF is 'engaged' and relevant policies for the supply of housing, including Policy SUS 2, may no longer be considered to be up-to-date. Where a 'relevant policy' such as SUS 2 is considered to be 'out-of-date', Para 11 of the NPPF is also engaged, indicating that in such cases planning permission should be granted unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

where specific policies in the Framework indicate development should be restricted.

- 16.4 However, the lack of a 5 year supply, even if the supply is only marginally below 5 years, means that less weight has to be given to policies such as Policy SUS 2 in decision-making. This application site is located within the defined development boundary (DDB) of Weymouth in the adopted local plan and is clearly seen in the wider context of neighbouring buildings in this urban area. Based on the requirement to assist in the lack of five year housing supply, and subject to compliance with other policies in the local plan, the proposal in principle is considered acceptable.

16.5 Local community facilities

- 16.6 The loss of local facilities should be resisted unless there is a reasonable justification for the loss. This is as set out in Policy COM3. The conversion of the shop which is currently closed and was occupied by a former Post Office to form part of two dwellings would result in the loss of what the Local Plan identifies as community infrastructure. An acceptable justification for the proposed loss is

necessary. It is considered that a reasonable justification has been submitted as part of this application and that proposal accords with policy COM3 which permits the loss of local community facilities where it can be demonstrated that there is no local need for the facility or that such a facility is no longer likely to be viable; and that an appropriate alternative community use to meet local needs is not needed or likely to be viable. In this case the justification identifies the unit as being unviable, due to competition from the Tesco and COOP stores which are located in close proximity to the proposal site and there being no demand for an appropriate alternative use because a sufficient supply of alternative community uses exist in the nearby area.

16.7 Character and appearance

- 16.8 The inter-relationship between buildings and their surroundings create the built environment and contribute to its identity, character and sense of place. It is identified in paragraph 124 of the NPPF that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This is also reflected in Policies ENV10 and ENV12 of the adopted Local Plan. The effect that a proposed development would have on the character of an area is determined by its appearance.
- 16.9 The identity of Williams' Avenue, of which the proposed three dwellings would form part of, is defined by a broadly consistent material palette of red bricks, buff bricks and white render and cream render under red concrete tiles and slate tiles. The building typology of the terrace makes a very strong contribution to the sense of place. Residential uses prevail in Williams' Avenue. The identity of Portland Road is characterised by a similar material palette to that of Williams' Avenue and also includes white and cream painted brick and pebble dash rendering. Commercial uses can be found amongst the residential uses on Portland Road as well as detached, semidetached and terraced development types.
- 16.10 It is proposed to replace the existing shop front facing Portland Road with a bay window and entrance door to each of the two proposed properties. The windows of the proposed bays would be of similar proportions to those existing above and would be in keeping with the bay window design feature of many dwellings in the surrounding area.
- 16.11 The proposed terrace buildings in Williams Avenue which is proposed to use materials of red bricks and red tiles for the proposed three dwellings takes reference from the local area and would relate very well to the buildings in the sites environs. The distinctive character of the area, its identity and sense of place would be reinforced by the building typology and materials of the proposal. The three dwellings are of a simple, pleasant design, which would not detract from the character and appearance of the area.

16.12 In light of the above it is concluded that the proposal would reinforce the distinctive character of the area, its identity and sense of place by reason of its design, positioning, form and materials which take reference from the local area and would consequently relate very well to the buildings in the sites' environs. The proposal therefore is considered to accord with policy ENV1, ENV10, ENV11 and ENV12 and paragraphs 127 and 124 of the NPPF and makes best and efficient use of land in accordance with Policy ENV15.

16.13 Amenity

16.14 Policy ENV16 deals with amenity impacts on neighbours. The dwellings, by reason of their form and their separation distance from nearby buildings would not result in an unsatisfactory outlook from within existing buildings; and would not establish a harmful overbearing effect on existing neighbouring living spaces of neighbouring dwellings. The proposed dwellings, by reason of the positioning of their openings, the distance between the openings and nearby neighbouring buildings and the position of the openings in the existing buildings, would not create a situation where the occupancy of the proposed dwellings would result in a reduction of the privacy to neighbouring private living space to an unacceptable level. The proposal would protect the existing good standard of amenity for the occupants of nearby buildings and their surrounding areas.

16.15 Although the Council has no prescribed external amenity space standards it is considered that a sufficient area of garden space to meet the reasonable needs of any occupiers is proposed for each dwelling. There would be a reasonable degree of privacy to the proposed private living space due to the positioning of openings in the existing buildings, the distance between the openings in the existing buildings and the proposed private living space and the positioning of the proposed openings. The proposal would create a good standard of amenity for the occupants of the proposed dwellings and its surrounding area.

16.16 In light of the above the proposal complies with paragraph 126 of the NPPF which identifies that developments should provide a high standard of amenity for existing and future users and policy ENV16 which permits development provided that it would not have a significant adverse effect on the living conditions of occupiers of residential properties.

16.17 Highway safety

16.18 The Highway Authority recognised the shop use on the site and considered the location to be sustainable by reason of good public transport connections and its close proximity to shops, schools and health facilities. The Highway Authority identified the existence of parking restrictions, which could be legally amended using legislation outside of the planning process, in the vicinity of the site. A number of terraced properties which are not served by off street parking exist in the area where on street parking is controlled. Of key importance is the Highway Authority's opinion that the residual cumulative impact of the development would not be severe. For the reasons given it is concluded that the proposal would

accord with policy COM9 which, among other things requires parking to be provided in association with new residential development taking into account, among other things, the size, type, tenure and location of the dwellings, levels of local accessibility and the appropriate mix of parking types such as on street parking. It is also concluded that the proposal would accord with policy COM7 and paragraph 109 of the NPPF which, among other things, express that development should only be prevented or refused on highways grounds if there would be an unacceptable severe detrimental impact on highway safety, or the residual cumulative impacts on the road network would be severe. Hence highways raising no objections.

16.19 Utilities

16.20 COM 10 of the adopted Local Plan deals with utilities. In this case energy, water, telecommunications, drainage and sewage infrastructure is necessary for residential development to function as expected. The proposed dwellings would have access to necessary utilities and the proposal complies with policy COM10.

16.21 Community Infrastructure Levy

16.22 The adopted charging schedules only apply a CIL rate on new floor space of proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are set at £0 per square metre CIL rate.

16.23 Where the floor space of a replacement dwelling is greater than the existing dwelling a CIL charge can be charged on the floor space over and above that of the existing dwelling. The Council's CIL Officer, informally, confirmed that the proposed development would result in an increase in floor area and attract a charge of an estimated £11,392.

16.24 Affordable Housing

16.25 Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing. However, the current NPPF guidance establishes thresholds below which affordable housing contributions should not be sought. As this site falls below these thresholds (in this case 10 dwellings) an affordable housing contribution is not required.

17.0 Conclusion

17.1 The principle of carrying out the proposed development at this site, as being identified as being within the defined development boundary is accepted. The proposed development, by reason of its design, size, positioning and materials, would successfully integrate into the surrounding environment and, by reason of its size, positioning and the positioning of openings, would result in satisfactory living conditions of future occupiers and there would be no harmful impact on neighbours amenity.

17.2 In addition the proposed development would make a small but useful contribution towards housing land supply and having assessed the proposal against all of the

material planning considerations which are relevant to the proposed development it is recommended that the application should be approved subject to the imposition of the suggested conditions below.

18.0 RECOMMENDATION

18.1 GRANT, SUBJECT TO THE FOLLOWING CONDITIONS:

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

Proposed First and Second Floor Plans - Drawing Number 2904:142/005 A received on 26/06/2019

Location Plan and Block Plan - Drawing Number 2904:142/006 A received on 26/06/2019

Proposed ground floor plans - Drawing Number 2904:142/004 B received on 30/08/2019

Proposed elevations - Drawing Number 2904:142/003 B received on 30/08/2019

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 development above damp proof course level, of the three dwellings hereby approved, 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: In the interests of the character and appearance of the area.

4. Prior to development above damp proof course level, of the three dwellings hereby approved, the rear parts of 73 and 75 Portland Road of which it is proposed to remove shall have been demolished and all arising materials shall have been removed from the site.

REASON: In the interests of the character and appearance of the area.

5. Number 75 Portland Road shall not be occupied until the opening in the south east elevation at first floor level has been fitted with a side hung obscure glazed window. Details of the type of obscure glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed

and once installed the obscure glazed and side hung window shall be retained thereafter. No openings other than those approved shall be formed in the south east elevation of number 75 Portland Road.

REASON: In the interest of residential amenity.

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