



# Western and Southern Area Planning Committee

**Date:** Thursday, 19 March 2020  
**Time:** 2.00 pm  
**Venue:** Committee Rooms A&B,, South Walks House,  
South Walks Road, Dorchester, DT1 1UZ (DT1  
1EE for sat nav)

**Membership: (Quorum 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

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

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

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

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public, so long as they conform to the Protocol for filming and audio recording of public council meetings.

# AGENDA

Page No.

## 1 APOLOGIES

To receive any apologies for absence

## 2 DECLARATIONS OF INTEREST

To receive any declarations of interest

## 3 MINUTES

5 - 52

To confirm the minutes of the meeting held on 20 February 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](#).

**The deadline to register your request to speak at this committee meeting is 8.30am on Tuesday 17<sup>th</sup> March 2020.**

## 5 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

### a Application Number – WP/19/00516/FUL – Land West of Roman Road and North of Spa Road, Weymouth

53 - 80

Erection of 13 no. houses and 6 no. flats with associated access and parking.

### b Application No: WD/D/19/002865 - Land adjacent, Putton Lane, Chickerell

81 - 98

Erection of 7 No. dwellings

### c Application Number: WD/D/19/001056 - Trafalgar farm, 34 Portesham, Weymouth DT3 4ET

99 - 112

- Erect single storey dwelling.
- d      Application No: WD/D/19/002093 - Old School House, Looke Lane, Puncknowle, Dorchester, DT2 9BD**      113 - 120
- Erect a double storey extension and alterations.
- e      Application Number: WD/D/19/001397 - Sunnyside, Cottage, Highgate Lane, West Knighton, Dorchester, DT2 8PE**      121 - 132
- Erection of double garage with annexe accommodation.
- f      Application Number – WD/D/19/002027 - The Mound, Quayside, West Bay**      133 - 140
- Removal of shipping container and erection of a building used to house and refill diving tanks.
- g      Application Number: WD/D/19/002947 - Land adjacent to Railway Station, off Station Road, Maiden Newton Dorchester**      141 - 152
- Construction of three metre wide multi-use path between Station Road and the former Branch Line to Bridport.
- h      Application No: WD/D/19/003024 - Winsham Bridge, Winsham**      153 - 158
- Repairs to stone work of bridge & replacement of stone rip-rap river bed through arch with stone filled gabion.

## **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.

## **7      EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.



## **DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON THURSDAY 20 FEBRUARY 2020**

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

**Apologies:** Cllr David Gray

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

Lara Altree (Legal Services Manager), Steven Banks (Planning Officer), Ann Collins (Area Lead – Major Applications Western Team), Colin Graham (Engineer (Development Liaison) Highways), Hamish Laird (Senior Planning Officer), Anna Lee (Service Manager for Development Management and Enforcement), Jo Riley (Senior Planning Officer), Jennie Roberts (Senior Planning Officer), Darren Rogers (Area Planning Manager (Western)), Emma Telford (Senior Planning Officer) and Denise Hunt (Democratic Services Officer)

**79. Apologies**

An apology for absence was received from Cllr David Gray.

**80. Declarations of Interest**

Cllr Louie O'Leary declared a non-pecuniary interest in minute 85 as a member of the Big 4 Littlemoor.

Cllr Jean Dunseith declared that she had pre-determined applications in minutes 86, 87 and 88. She would speak as a ward member during public participation and leave the room during the vote.

Cllr Susan Cocking declared a non-pecuniary interest in minute 91 as she was the refurbishment project manager working in conjunction with the applicants on another project as a member of Portland Town Council. She withdrew from the meeting during consideration of this item.

Cllr Simon Christopher declared an interest in minute 94 as he knew the applicants. He withdrew from the meeting during consideration of this item.

**81. Minutes**

The minutes of the meeting held on 16 January 2020 were confirmed and signed.

**82. 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.

**83. Planning Applications**

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

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

The Committee considered a report concerning the modification of the Section 106 Agreement dated 8 June 2015 to substitute the current affordable housing tenure mix of 17 units (rent and intermediate ownership) for 17 discounted market units.

The Senior Planning Officer presented the application including the approved site plan showing the affordable housing units consisting of 12 affordable rent and 5 shared ownership. The proposal was for all 17 to become discounted market homes, which was a form of affordable housing under the National Planning Policy Framework (NPPF) definition. This followed no expressions of interest having been received following approaches made to a range of Registered Social Landlords (RSLs), the reasons for which were outlined in the report.

Members commented that "rent to buy" should also be considered as an additional option in future.

Proposed by Cllr Louie O'Leary, seconded by David Shortell.

**Decision: That delegated authority be given to the Head of Planning to modify the S106 agreement dated 8<sup>th</sup> 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.**

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

The Committee considered a report that addressed a discrepancy in the wording relating to employment land between the Section 106 Agreement and Parameter Plan.

The Senior Planning Officer explained that the area of employment land identified in the Section 106 Agreement of up to 8 ha did not concur with the parameter plan proposal of 7.92 ha. In addition there were variations to

Conditions 11, 14 and 20 to add words in order to secure compliance and enforceability.

Mr Richard Nicholls, of the Campaign to Protect Rural England, addressed the Committee and outlined his concerns around changing of conditions and the weight given by the Local Plan 2015 and the NPPF in conserving the Area of Outstanding Natural Beauty (AONB).

Cllr Roland Tarr, Dorset Council Ward Member - Winterbourne and Broadmayne, highlighted the lack of consultation with Bincombe Parish Council and aspects of the development in the context of a rural area in the AONB.

Cllr Graham Brant, of Bincombe Parish Council, stated that the application did not comply with paragraph 172 of the NPPF in relation to conserving and enhancing the landscape in the AONB where planning should be refused for major development unless there were exceptional circumstances. He referred to problems with the road system in that area including Dorchester and other large developments being built in Weymouth and Chickerell.

In response to matters raised during public participation, the Senior Planning Officer advised that both applications had been agreed by Committee on 4 July 2019 and were in accordance with Policy LITT1. Concerns in relation to the AONB had been considered by the Planning Inspector as part of the Local Plan process and, although paragraph 172 of the NPPF provided protection to the AONB, it did not preclude development. He confirmed that there were no fundamental changes to the applications arising from the report. In response to a question by a member, he confirmed that the applications would be refused if the Section 106 Agreement was not agreed within 6 months and that the applicants were looking to conclude the Agreement by the end of February 2020.

Members drew attention to Dorset Council's Statement of Community Involvement in light of the lack of consultation with Bincombe Parish Council and Weymouth Town Council.

The Senior Planning Officer advised that consultation did not take place in relation to this particular report as it concerned clarification of conditions and wording of the Section 106 Agreement and that the fundamental basis of the applications had not changed.

Cllr Louie O'Leary highlighted his continuing concern regarding the lack of Section 106 contributions in Littlemoor, which was in the immediate vicinity of the proposed development. He stated that money for the estate had been overlooked and that the development would affect Littlemoor schools and health facilities.

Proposed by Cllr Susan Cocking, seconded by Cllr Peter Barrow.

**WP/16/00253/OUT**

**Decision:**

1. That 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 titled 'Land Use Plan' Drawing No. 0379-0060-011 be approved;
2. That the revised wording of conditions 11, 14 and 20 be approved.

Proposed by Cllr Susan Cocking, seconded by Cllr Peter Barrow.

**WD/D/16/000739**

**Decision:**

1. That 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 titled 'Land Use Plan' Drawing No. 0379-0060-011 be approved;
2. That the revised wording of conditions 11, 14 and 20 be approved.

86. **WP/17/00836/FUL - Land NW Side of Wessex Roundabout, Radipole Lane, Weymouth**

*Cllr Jean Dunseith moved to the public seating area of the room and did not take part in the debate. She left the room during the vote on this application.*

The Committee considered an application 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.

The application was introduced by the Area Lead - Major Applications Western Team who advised that an update sheet circulated to members at the meeting included an amendment to the description of the development to omit the words "associated with the adjacent Wessex Grounds Residential Development", amendments to conditions 5, 6, 7, 8 and 9 and a further representation on behalf of the owner of land to either side of the road to the north.

Members were shown a location plan, softworks plan, plans showing the existing and relocated access, aerial photo of Wessex Stadium and photos showing views of the stadium in relation to the surrounding area.

Cllr John Worth - Dorset Council Ward Member - Chickerell, addressed the Committee to say that the access would be an improvement.

Cllr Jean Dunseith, speaking as Dorset Council Ward Member for Chickerell, considered that the position of the new access was too close to the Wessex roundabout and would result in cars queuing to get onto the roundabout from the proposed development at peak times due to a single entrance / exit road.



Emma Barnett, the Agent, spoke in support of the application, stating that it was principally the same as that approved in 2014.

Members asked why the application was being considered when Weymouth Football Club had no plans to have the site developed.

Officers confirmed that a condition requiring a replacement stadium was included when outline planning permission for a residential scheme was granted in 2014 and it also formed part of a Section 106 Agreement. Therefore a developer could not implement the scheme until such time as a replacement stadium was built and ready for use elsewhere. There was a period of 2 years to implement the residential scheme and provide a replacement stadium if the reserved matters application was granted.

Despite the lack of objection on highways grounds, members who knew the area well considered the new access to be too close to the roundabout, given the volume of traffic at peak times, traffic speeds onto the roundabout, school routes and additional parking on match days. Concern was also expressed regarding access for cyclists and pedestrians given the narrow footpath. They considered the application to be precipitous in that it relied on other applications that had not yet been considered.

The Committee was informed that the Highways Authority owned a limited section of the verge and therefore the proposed access would provide improved visibility splays within land owned by the Highways Authority.

Cllr Nick Ireland proposed refusal of the application as it was against paragraph 91(a) of the NPPF. He further stated that a condition to ensure that the cycle path continued into the site should be considered. The proposal was seconded by Cllr David Shortell.

The Highways Officer advised that alterations to the roundabout to reduce the number of lanes onto the roundabout from 3 to 2 lanes had been implemented in 2019 and there would be funding to provide a Toucan crossing off of Wessex roundabout to connect Radipole Lane to the site.

The Chairman proposed that the application be deferred to allow better understanding of the proposed crossing, cycleways and pavements and wider issues of safety. This was seconded by Cllr Peter Barrow. Cllr Nick Ireland and Cllr David Shortell agreed to withdraw the proposal to refuse the application. Cllr O'Leary and Cllr Barrow were concerned about wider safety issues of access and parking and sought for them to be addressed not just cycle paths.

**Decision: That the application be deferred for the reasons outlined in the appendix to these minutes.**

87. **WD/D/17/002597 - Wessex Stadium, Radipole Lane, Chickerell, Weymouth, DT4 9XJ**

*Cllr Jean Dunseith moved to the public seating area of the room and did not take part in the debate. She left the room during the vote on this application.*

The Committee considered an application for approval of reserved matters for access, appearance, landscaping, layout and scale in relation to outline approval WD/D/14/001938.

The Area Lead - Major Applications Western Team advised members that it was a condition of the application that it could not be implemented until an access was provided.

Members were shown the site layout, softworks plan, floor plans, elevations, materials, cross section and street elevation, materials palette, aerial photo and photos of the application site in relation to the surrounding area.

An update sheet circulated to the Committee at the meeting included an additional plan to be added to the condition 1 plans list and a summary of 2 additional representations which were read out at the meeting.

Cllr John Worth, Dorset Council Ward Member - Chickerell stated that a shop should be considered for this isolated site as well as improvements to public transport.

Cllr Jean Dunseith, speaking as Dorset Council Ward Member - Chickerell, stated that Chickerell Town Council and the Civic Society were against the proposal. She had spoken against it in 2014 when outline permission for 150 - 170 homes was granted and this scheme was at the top end of that number. Condition 16 specified that development should not commence until a facility to replace Wessex Stadium was constructed and made available for use and yet no application for a stadium had been forthcoming. She was also concerned that there would be no affordable housing and no Section 106 funding other than £200k for the access road and footpath.

Emma Barnett, the Agent, stated that the principle of development had already been established and either met or exceeded space standards. There had been no objections expressed by the Urban Design or Highways officers and £200k would be made available for cycle and pedestrian improvements.

Members debated the lack of progress in building a new stadium, the lack of affordable housing, the positive prospect of a new bus route incorporating Southill and the confusing nature of 3 different applications in respect of the same site.

Legal advice was given that the planning authority could not compel an applicant to make one application and that the 3 applications were closely linked.

After some discussion the Committee agreed to defer the decision on this application until such time as the report on viability had been considered.

*Note: the debate and decision below was taken after conclusion of the debate and vote on the viability report had concluded.*

Following consideration of the report regarding viability of the Section 106 Agreement associated with outline planning permission WD/D/14/001938, members noted the lack of reference to a cycleway or number of charging points for electric vehicles, poor design and appearance, lack of affordable housing, overdevelopment of the site and concerns regarding the access.

The Committee was adjourned for 5 minutes for officers to discuss the reasons for refusal, following which the Legal Officer asked members to provide specific reasons for refusal.

Members advised that refusal should be on the grounds of design and appearance and access.

A further short adjournment took place for officers to form the reasons for refusal based on the comments made by members. The Committee reconvened at 12:50pm

Proposed by Cllr Kate Wheller, seconded by Cllr Louie O'Leary.

**Decision: That the application be refused for the reasons outlined below and in the appendix to these minutes.**

1. The proposed development by reason of its design and materials is not in keeping with nearby development. It is considered to be poor quality design with an urban character in a rural setting and is bland and lacking in distinctive character. Hence the proposed development is contrary to Policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015) and paragraphs 127 and 130 of the National Planning Policy Framework (2019).
2. The proposed development having only one access point lacks permeability and constitutes poor urban design with a lack of choice of routes into, out of and through the site contrary to Policy ENV11 of the West Dorset, Weymouth and Portland Local Plan (2015) and paragraph 127 of the National Planning Policy Framework (2019).

88. **Report regarding viability in respect of the S106 agreement dated 27 October 2014 associated with outline planning permission WD/D/14/001938 - Weymouth Football Club, Wessex Stadium, Radipole Lane, Chickerell, Weymouth, DT4 9XJ**

*Cllr Jean Dunseith moved to the public seating area of the room and did not take part in the debate. She left the room during the vote on this application.*

The Committee considered a report in respect of the Section 106 Agreement dated 27 October 2014 for outline planning permission WD/D/14/001938.

Following presentation of the report, Cllr Kate Wheller conveyed comments made by Cllr Lucy Hamilton, Chairman of the Weymouth Town Council Planning Committee, stating that residents had strong concerns about large developments that did not include affordable housing and did not allow for additional burden to GP surgeries and schools.

Cllr Jean Dunseith addressed the Committee as Dorset Council Ward Member - Chickerell, stating that the developers knew about the provision of an alternative sports stadium and affordable housing when the scheme was approved in 2014 and the proposal was detrimental to Chickerell and disrespectful.

Cllr John Worth, Dorset Council Ward Member - Chickerell, stated that the proposal represented the loss of 60 affordable dwellings in an town which had areas of deprivation with a need for more social housing, including residents of Chickerell. The developer knew what was required in 2014, including the need for contributions for facilities such as schools and health services in the area and the arguments regarding viability should have been heard at that time.

Emma Barnett, the Agent, stated that the Section 106 Agreement allowed viability to be reviewed. A viability study to assess whether the development could support affordable housing alongside a replacement sports facility was prohibitive, a view that had been supported by the DVS. There remained a £200k pedestrian and cycle contribution. She further explained that the applications had not been joined together due to boundary changes and differing local authorities prior to the formation of Dorset Council.

Some Members were sceptical regarding the provision of a new stadium and the viability arguments. They were mindful that no meaningful discussions had taken place with Weymouth Football Club and concluded that an alternative stadium may never be realised meaning that the scheme may not be implemented. It was questioned whether the scheme would have been approved in 2014 if the Section 106 Agreement accurately reflected the current position.

Cllr Nick Ireland stated that affordable housing should be the primary focus and proposed that re-provision of the stadium be deleted from the Section 106 Agreement in favour of retaining 35% affordable housing.

Legal advice was given that the Section 106 Agreement allowed the applicant to come back to committee to make a representation in respect of viability and the DVS was in agreement with this assessment. It was not possible to change any other aspect of the Section 106 Agreement, including the provision of a stadium.

Cllr Louie O'Leary proposed that the application be refused on the basis that the Committee did not accept that the development was unviable. This was seconded by Cllr Nick Ireland.

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

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

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

Proposed by Cllr Peter Barrow, seconded by Cllr Nick Ireland.

**Decision: That the meeting be extended for a further period commencing at 2.00pm, following a lunch break, to allow the business of the meeting to be concluded.**

90. **Election of Vice-Chairman**

**Decision: That Cllr David Shortell be elected as Vice-Chairman for the remainder of the meeting.**

91. **WP/18/00662/FUL - Land Off of Verne Common Road & Ventnor Road, Portland**

*Cllr Susan Cocking left the room and did not take part in the debate or vote on this application.*

The Committee considered an application to develop vacant land by the demolition of a garage, formation of vehicular access, erection of 25 dwellings and associated landscaping.

The Senior Planning Officer referred to the update sheet circulated to the Committee at the meeting that included a correction to the applicant's name and a response received from Historic England. She advised that the Portland Neighbourhood Plan could not be given full weight in considering this application as it had not yet gone to a referendum.

Members were shown a location plan, aerial photo, elevations and photos taken from Verne Common Road, showing that the site was currently used to graze horses.

Simon Gledhill addressed the Committee in objection to the application as it was outside the DDB and would impact on trees in the northern part of his garden which were subject to Tree Preservation Orders and in a Conservation Area. He stated that plot 18 would be a metre from his fence line and dominate his property. There was an active badger sett opposite plots 19 and 20 that had previously been reported by a consultant in an earlier application

but was absent in this application. He also drew attention to the Biodiversity Plan published in January 2020.

Cllr Paul Kimber, Dorset Council Ward Member - Portland, expressed concern about the increasing density and loss of small green spaces on Portland. He considered the scheme was over development in an area outside the DDB that was precious to the life of the area and used as a play area for children on the estate. It was clear that the nearby badger sett would be disturbed as a result of this development. There were also difficulties in parking during the evening and problems with access experienced by the fire service which were not mentioned in the report.

In response to the comments made during public participation, officers advised that the Biodiversity Plan had been agreed by the Natural Environment Team and was concerned with the relationship with existing neighbouring properties which had long gardens. The site was in private ownership and not designated as a recreation area. The Highways Officer stated that the road system was constantly being checked for accessibility due to the presence of a large prison at the top of Verne Common Road and that obstruction was covered by highways law.

Members' debated overdevelopment in the context of Portland being the 4th highest area of deprivation in the country, the site being outside the DDB, the absence of badger sett exclusion areas in the report, no allocation for electric vehicle charging points and the need to protect green spaces in densely populated areas. Some members considered the development to be acceptable given that the site was adjacent to a densely populated area, despite being outside the DDB.

Cllr Nick Ireland proposed approval of the application subject to a condition requiring charging points for electric vehicles. This was seconded by Cllr Kelvin Clayton.

Advice was given that the applicant had the right to appeal against the additional condition.

**Decision:**

**(A) That authority be delegated to the Head of Planning to grant, subject to the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the elements outlined in the appendix to these minutes.**

**(B) Refuse permission for the reasons outlined in the appendix to these minutes if the agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the Head of Planning.**

92. **WP/19/00699/FUL- 53 Rodwell, Weymouth, DT4 8QX - Demolition of existing dwelling and erect 6no. apartments with associated landscaping works and parking**

The Committee considered an application for the demolition of an existing dwelling and the erection of 6 apartments with associated landscaping works and parking.

The Area Manager (Western) presented the application and the two appeal decisions appended to the report that were pertinent to the application.

Members were shown a location plan, aerial view, site location plan, existing and proposed elevations, proposed floor plans, roof floor plan and cross sections. The proposal included 1 car parking space per dwelling. Enclosed balconies of 1.4m and 1.6m at the rear protected the amenity of neighbouring properties.

A key issue was the 2 appeal decisions that had been dismissed, the most recent of which related only to the impact on the amenity of neighbours and not the design and external appearance of the scheme. The amenity concerns had now been satisfied and were considered to be acceptable.

The Democratic Services Officer read out comments from Cllr Lucy Hamilton, Chairman of the Weymouth Town Council Planning Committee which made reference to ENV12, the impact on nearby historic buildings and comments made by the Conservation Officer in the report.

Members were generally supportive of the scheme and noted that it would be an improvement as the existing building was deteriorating.

Cllr Kate Wheller proposed that the application be approved, subject to a condition in relation to electric charging points for vehicles. This was seconded by Cllr Nick Ireland.

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

93. **WP/19/00611/FU - Martleaves House, 41 South Road, Weymouth, DT4 9NR**

The Committee considered an application for the removal of stables and a redundant barn / store and the erection of 4 detached houses and two double car ports.

The Senior Planning Officer showed a site plan and location plan of the existing buildings. Outline permission had been established for a similar scheme, however, the homes were now divided into 4 detached houses that had previously been semi-detached. The site was outside of but close to the DDB and would add to housing supply. The design was considered acceptable with adequate parking and biodiversity mitigation.

The Democratic Services Officer read comments from Cllr Lucy Hamilton, Chairman of the Weymouth Town Council Planning Committee, who objected on the grounds that the site was outside the development boundary and adjoined the Heritage Coast. The Local Plan monitoring report for 2018-19 confirmed that the area had met the target to build 775 dwellings per annum and that new figures from the Local Government Association showed that the number of permissions in existence outstripped the numbers of homes built. It was a dangerous precedent to build outside the DBB on a sensitive site of national importance.

Malcolm Brown, the Agent, addressed the Committee, stating that the site was in a sustainable location with outline permission for 4 dwellings and was not within the AONB or Heritage Coast. The policy was out of date with regard to housing supply, however, this proposal would contribute to that supply. The car ports would contain swallows nests to replace those lost in the stables.

Cllr Kate Wheller described relevant planning history in that area that had altered the site from a farm to a tourist industry and former objection of tents as being detrimental to views of the Heritage Coast. She was concerned with traffic in that area, in particular serving Swallow's Rest with huge motor homes and caravans seen on a regular basis as well as people who were lost getting to the guest house.

The Area Manager (Western) advised that the principle of development had already been established as a result of the outline application.

Proposed by Cllr Nick Ireland, seconded by Kelvin Clayton.

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

94. **WD/D/19/002295 & WD/D/19/002296 - The Barn House, Main Street, Loders, Bridport, DT6 3SA**

*Cllr Simon Christopher left the room and did not take part in the debate or vote on this application. The Vice-Chairman was in the Chair for this item.*

The Committee considered dual applications for the demolition of an outbuilding and the conversion and extension of an outbuilding to create a dwelling.

The Senior Planning Officer presented the applications and members were shown an aerial view of Loders, the application site being in the garden area of the Barn House; a map of the site in the context of other backland developments alongside the river; the Loders Neighbourhood Plan DDB and various site, block, elevation and floor plans. Photographs were also shown of the Barn House and surrounding area.



The key planning points were outlined including the principle of development, scale and design, impact on character and appearance, impact on amenity, impact on landscape and heritage assets, access and parking.

Diane May, a resident of Loders, addressed the Committee, commenting on the status of the Loders Neighbourhood Plan alongside the Local Plan, Policy SUS3 in relation to the adaptation and reuse of existing buildings and the 5 year housing supply.

KevinButler addressed the Committee in support of the application and drew attention to the potential to reuse the building offered by the Neighbourhood Plan, reduction in scale of the proposal and no concerns arising following the commission of an ecology report.

Mrs Michelle Warrington, Chairman of Loders Parish Council, spoke in objection of the application that was outside the DDB and against Local Plan Policy SUS 3. The proposal involved a substantial rebuild and extension of the existing building and she provided measurements to support this view. She acknowledged that this application had a smaller footprint, however, the proposed roof height was only 6 cm lower and would be a substantial rebuild.

Simon Ludgate, the Agent, addressed the Committee in support of the application, saying that the scheme was in line with policy and that the principle of residential use had been established. The design of the pitch roof would not impact on the amenity of neighbouring properties and the site was not in a flood zone. The scheme was much smaller and would provide an additional dwelling and contribute to the 5 year housing land supply.

The Senior Planning Officer advised that Local Plan Policy SUS 3 did not hold as much weight due to the lack of a 5 year housing land supply and that the Loders Neighbourhood Plan was out of date with regard to housing. The application was for a modest extension very close to the DDB and therefore considered a sustainable location. The benefits of the scheme outweighed the very small amount of harm due to the site being outside the DDB.

Members considered the new scheme to be acceptable.

Proposed by Cllr Louie O'Leary, seconded by Cllr Susan Cocking.

#### **WD/D/19/00295**

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

Proposed by Cllr Louie O'Leary, seconded by Cllr Susan Cocking.

#### **WD/D/19/002296/LBC**

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

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

The Committee considered an application for the conversion of a shop and residential accommodation into 2 dwellings and the construction of 3 dwellings to the rear fronting Williams Avenue.

Members were shown a site plan, aerial view, existing and proposed elevations and floor plans and photos of the site and surrounding area.

Following closure of the shop which included a Post Office, the Planning Officer advised of the nearest post offices in St Thomas Street, Abbotsbury Road and Charlestown in Weymouth.

The Democratic Services Officer read out comments from Cllr Lucy Hamilton, Chairman of the Weymouth Town Council Planning Committee, stating that the committee welcomed the provision of new housing on a brownfield site, however, concerns had been raised regarding the size of the accommodation. Councillors were also unaware of the intention to remove the post box and telephone box which represented a loss of amenity to residents and she was in contact with Royal Mail about the replacement of the post box.

David Nightingale, the applicant, advised that McColls had initiated a break clause in the 10 year lease and vacated the property. The application sought to maintain the existing character of the building. He advised that the post box and telephone box were on the forecourt of the property rather than the pavement.

The Highways Officer explained that there was no objection on highways grounds and that the site was along a sustainable bus route that operated every 10 minutes and was also within walking distance of a doctor's surgery and nearby schools.

Members raised concerns in relation to overdevelopment, lack of amenity space for the new dwellings, parking difficulty, fire safety access and traffic safety in the extended area given the proximity of 3 local schools and the Tesco Express. They noted that highways officers were currently considering reconfiguration of the road system on road safety grounds.

The Committee was informed that the design continued the general terraced theme of Williams Avenue, albeit that these were 3 storey homes. However, members considered that the gardens of other homes in Williams Avenue were a reasonable size and that the living experience in the proposed homes would be significantly different.

Cllr Kate Wheller proposed that the application be refused due to overdevelopment and lack of amenity on the site. The Area Manager (Western) suggested a reason for refusal that was agreed by Cllr Kate Wheller. This was seconded by Cllr Louie O'Leary.

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

96. **Urgent items**

There were no urgent items.

**Appendix**

**Duration of meeting:** 10.00 am - 4.15 pm

**Chairman**

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**APPLICATION NUMBER: WD/D/19/002723 (OBL)**

**APPLICATION SITE: Land Adjacent Oaklands Park, Warmwell Road, Crossways**

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

**Decision:** Authority delegated to the Head of Planning to modify the S106 agreement dated 8<sup>th</sup> 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.

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

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

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

Decision:

A. 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.

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

#### Housing

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

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

#### Highways

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

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

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

#### DRAINAGE - INFORMATIVE (1)

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

#### DRAINAGE - INFORMATIVE (2)

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

Notes to the LPA and applicant; Whilst we accept that the applicant has provided preliminary calculations, with which to support the conceptual drainage strategy that has been presented, we emphasise that a substantiated & detailed design is to be subsequently supplied to satisfy and discharge the requested planning conditions.

As such we highlight that the calculations provided thus far are regarded as preliminary estimations only, and that the discussion of storage volumes and discharge rate/s provided within supporting documents is to be treated as indicative, prior to the submission and approval of a detailed design. Equally, the discussion and illustration of exceedance routing provided thus far is regarded as preliminary, and will require substantiation within the detailed design.

#### INFORMATIVE:

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

#### INFORMATIVE

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

#### INFORMATIVE:

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



**INFORMATIVE NOTE: Developer-Led Infrastructure**

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

AND

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

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

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

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

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

**APPLICATION NUMBER: WP/17/00836/FUL**

**APPLICATION SITE: Land NW Side of Wessex Roundabout, Radipole Lane, Weymouth**

**PROPOSAL: Construction of new vehicular and pedestrian access, surface water management ponds, open space and landscaping associated with the adjacent Wessex Grounds Residential Development.**

**Decision:** Defer the consideration of the application for the applicant to consider the provision, width and location of pavements/cycleways as part of the access and to both sides of it and to give further consideration to the safety of the access and parking.

**APPLICATION NUMBER: WP/17/002597/FUL**

**APPLICATION SITE: Wessex Stadium, Radipole Lane, Chickerell, Weymouth, DT4 9XJ**

**PROPOSAL: Application for approval of reserved matters for access, appearance, landscaping, layout and scale in relation to outline approval WD/D/14/001938.**

**Decision:** Refuse for the following reasons:

1. The proposed development by reason of its design and materials is not in keeping with nearby development. It is considered to be poor quality design with an urban character in a rural setting and is bland and lacking in distinctive character. Hence the proposed development is contrary to Policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015) and paragraphs 127 and 130 of the National Planning Policy Framework (2019).
2. The proposed development having only one access point lacks permeability and constitutes poor urban design with a lack of choice of routes into, out of and through the site contrary to Policy ENV11 of the West Dorset, Weymouth and Portland Local Plan (2015) and paragraph 127 of the National Planning Policy Framework (2019).

**APPLICATION NUMBER: WD/D/14/001938**

**APPLICATION SITE: Weymouth Football Club, Wessex Stadium, Radipole Lane, Chickerell, Weymouth, DT4 9XJ**

**Report regarding viability in respect of the S106 agreement dated 27 October 2014 associated with outline planning permission WD/D/14/001938**

**Decision:** The scheme is viable and should provide affordable housing and contributions in accordance with the requirements of the S106 agreement.

**APPLICATION NUMBER: WP/18/00662/FUL**

**APPLICATION SITE: Land Off of Verne Common Road & Ventnor Road, Portland**

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

**Decision:**

**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.

**Added Condition by Cttee to say:**

**11) No development above damp proof course level shall take place until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted and approved in writing with the local planning authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority, including the timetable for implementation.**



**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.**

## **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](mailto: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.

**APPLICATION NUMBER: WP/19/00699/FUL**

**APPLICATION SITE: 53 Rodwell, Weymouth, DT4 8QX - Demolition of existing dwelling and erect 6no. apartments with associated landscaping works and parking**

**PROPOSAL:** Demolition of existing dwelling and erect 6no. apartments with associated landscaping works and parking.

**Decision:**

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

**10 Added Condition by Cttee to say:**

**No development above damp proof course level shall take place until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted and approved in writing with the local planning authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority including the timetable for implementation.**

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

**INFORMATIVE 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](mailto: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.

**APPLICATION NUMBER: WP/19/00611/FUL**

**APPLICATION SITE: 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.

**Decision:** approved 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.

**APPLICATION NUMBER: WD/D/19/002295 & WD/D/19/002296/LBC**

**APPLICATION SITE: The Barn House, Main Street, Loders, Bridport, DT6 3SA**

**PROPOSAL:** Demolition of an outbuilding and Conversion and extension of an outbuilding to create a dwelling

**Decision:** approved

**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 Loders 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** approved 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.

**APPLICATION NUMBER: WP/19/00501/FUL**

**APPLICATION SITE: 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.

**Decision: Refused for the following reason:**

**The proposed development of a total of 5 dwellings would have an unduly cramped form of development with small external amenity areas for future occupiers and would result in an overdevelopment of the site. As such it would be contrary to Policies ENV10 and ENV12 of the adopted West Dorset, Weymouth and Portland Local Plan, and contrary to good design as is set out in Section 12 of the National Planning Policy Framework and in particular para 127 which encourages a good standard of amenity for existing and future occupiers.**

- 1.0**      **Application Number – [WP/19/00516/FUL](#)**  
**Site address – Land West of Roman Road and North of Spa Road, Weymouth**  
**Proposal – Erection of 13 no. houses and 6 no. flats with associated access and parking**  
**Applicant – Devon & Dorset Properties Ltd**  
**Case Officer – Bob Burden**  
**Ward Member(s) – Councillors P. Barrow and D. Gray**

**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.**

Note for information: This site is owned by Dorset Council. The applicant has an option to purchase the site from the Council for development.

**2.0      Summary of Recommendation:**

Delegate authority to Head of Planning to grant permission subject to a planning obligation to address:

- 35% affordable housing on-site (with a financial contribution of £29,810 for the shortfall on 35%);
- an off-site ecological financial contribution ( £10,673)
- gravelled footpath- scheme to be submitted including safety barriers at junction with Spa Road, route to be permanently open to the public to pass and re-pass in perpetuity, and on-going maintenance of the route

and planning conditions.

**3.0      Reason for the recommendation:**

- The proposal is in a sustainable location outside but adjacent to the defined development boundary.
- The proposal is acceptable in terms of its design and general visual impact and would preserve the character and appearance of the Conservation Area and setting of the neighbouring listed building.
- There is not considered to be any significant adverse effect on neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

**4.0      Table of key planning issues**

Issue	Conclusion
Principle of development	The site occupies a location outside

	but immediately adjacent to the defined development boundary; it is therefore effectively a sustainable location, with good access to a range of facilities, services and public transport options.
Heritage Assets	The development would have a significant effect on the appearance of this part of the Radipole Conservation Area. However, the landscape context of this site fundamentally changed when the Weymouth Way by-pass was created in the 1990's, effectively weakening the site from the Radipole village setting context. It now relates more logically to the adjacent generally characterful early Twentieth Century residential development (albeit that is outside the Conservation Area). The proposed layout, design and materials relate well to the adjacent existing residential character. It would cause less than substantial harm to the listed building settings.
Affordable Housing	There is a high level of housing need in the Weymouth/Portland area. The scheme includes 35% "Discount To Open Market" homes on-site to help address affordable housing need in the area.
Scale, design, impact on local character, streetscape and appearance	The proposal is compliant with policies ENV10, ENV11 and ENV12 where the scheme is considered to be in character with the site's surroundings.
Impact on neighbouring privacy and amenity	The development will have a minimal impact on the amenity and privacy of neighbouring residential properties. Such limited impact as there will be is to an acceptable degree taking into account similar development in the locality and the specific design and siting proposed.

Economic benefits	The proposal will provide economic benefits including in the form of employment during the construction phase and the spending of occupiers in the area.
Access and Parking	There are no highway objections to the access and parking and other vehicular movement arrangements are efficient and in accordance with standard requirements.
Highway Safety at Roman Road, Spa Road and general area.	There are no highway objections in principle to the development on highway safety grounds in regard to the access roads to the site.
Landscaping	Some significant vegetation/planting has been retained, and this will be supplemented by additional landscaping.
Surface water drainage	The scheme will utilise a soakaway system of underground crates. The Scheme is being developed following consultation with the Lead local Flood Authority.
Ecology	A Biodiversity Mitigation Plan is being developed in conjunction with the Natural Environment Team. This will be required by planning condition.

## 5.0 Description of Site:

- 5.1 The site is located to the north-west of Weymouth on the western edge of existing built development and on the eastern edge of the Radipole area. The site comprises an area of currently unused rough grazing land of a roughly triangular shape covering 0.85 ha. The land slopes gently southwards combined with a more notable slope downwards on its west side. The site includes areas of scrub vegetation and a sizeable copse to the south fronting Spa Road, with a c0.7m high bank with hawthorn and other species present. A footpath route crosses the site from north-south, on a longer route from Manor Roundabout to Spa Road, and with a stile link to Roman Road.

- 5.2 The location is on the periphery of an established residential area comprising dwellings notably from the early 20<sup>th</sup> Century with varying styles and external materials.
- 5.3 The west side of the site is flanked by the Weymouth Way by-pass road in a cutting with trees to the cutting slopes; a dense belt of mature trees up to about 12-14m high runs along the western edge including ash, sycamore and field maple. A 1.5m high chain link fence runs along this boundary. The eastern boundary at its northern extent backs on to the generally relatively long back gardens of houses in Mount Pleasant Avenue South. Various means of enclosure include solid timber and trellis sections of fencing which define the boundaries. South of Roman Road the site runs close to the flank wall of No 71 - a cream render /plain tiled dwelling. The site then continues adjoining back gardens and “dog-legs” round the garden of 116 Spa Road, an older characterful roughcast grey render/brick dwelling with a plain clay tiled roof. Other older properties continue to the east. Spa Road at this location is subject to traffic calming measures including road narrowing and speed reduction humps. Spa Road slopes downwards to the west. Opposite the site are mainly two storey dwellings including brick, cream render and grey roughcast materials.

## **6.0 Description of Development:**

- 6.1 The proposal is for the construction of 19 dwellings with 14 accessed from Roman Road and 5 fronting Spa Road. All units are two storey. These comprise a block of 6 flats (4x1 bed, 2x 2 bed), 2 x3 bed semi-detached, 4x 4 bed semi-detached and 7x 4 bed detached. The Roman Road section has the block of flats at the north end of the site with a communal parking area on the east side. Roman Road is then extended in a southerly direction with houses on its east side. The road becomes a private access-way serving the more distant three houses. Five houses are accessed directly from Spa Road, each with individual vehicular accesses. Part of the copse area is retained and further planting to be carried out on the south-eastern edge. A new 3m wide gravelled footpath is proposed along the western edge of the site (to replace and formalise the existing footpath route that crosses the site). An area of open space is indicated at the northern end of the site intended to form a wildlife area. The external materials palette proposed includes red stretcher bond facing brickwork, render, red hanging plain tiles, red and brown plain clay tile roofs and black slate. The building containing the flats includes brickwork, brown hanging plain tiles and a white rendered chimney.

## **7.0 Relevant Planning History**

- 7.1 There is no relevant planning history.



## 8.0 List of Constraints

Outside, *but adjacent* to the defined development boundary of Weymouth.  
Within a Mineral Consultation area.  
Within an area of Archaeological potential.  
Within a SSSI impact risk zone.  
Within a gas pipeline consultation zone.

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

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

## 9.0 Consultations

It should be noted that following the consultation replies, further information altering the number, siting, design and landscaping of the dwellings were received. All consultees were re-consulted and any further consultation responses received are included. Further significant design/materials changes have also been consulted on.

**Historic England** - Make no comment and defer to the Council's local advisers.  
Comment on latest amended plans: As above.

**Natural England** - Object until such time as a Biodiversity Mitigation Plan has been produced and approved by the Council's Natural Environment Team.  
Comment on latest amended plans: As above

A revised improved biodiversity mitigation plan is being finalised. This is expected shortly and is currently being considered by the Natural Environment Team.

**The Highways Officer** - Original plans: Requested amended plans to address adjustments to footways, and certain turning areas.  
Latest amended plans: No objection subject to conditions addressing estate road construction, and turning and parking areas.

**The Conservation Officer** - Original Comments: The site falls within Radipole Conservation Area - on the furthest eastern corner, flanking the eastern edge of the A354 embankment. It is a slice of narrow green space with a public footpath accessed off Spa Road which forms one of a number of residential streets adjacent to this plot of land. To the west, Radipole Conservation Area is far more rural in character, defined by historic settlement interspersed with green spaces,

mature trees and the River Wey with off-shoot waterways. The core of Radipole Conservation Area is made up of fields and a number of Listed Buildings are scattered around it, including a mill house, cottages, Grade II\* Listed church, farms and manor house.

The area of land proposed for development is cut off from the majority of the Conservation Area by the A354 but offers a pleasant green buffer to it. The Grade II\* Listed church of St Anne, listed school house and manor house are all a relatively short distance away from the site. Both Spa Road and Roman Road (which border the site) become less densely housed towards the land, along the western stretches. The streets are characterised by larger dwellings, set back in generous and mature plots. Some are modern but most date from the early - mid C20th so have architectural interest and quality about them.

Comments on the first amended scheme (19 dwellings) - In summary, the Conservation Officer did not consider these changes went sufficiently far in terms of acknowledging the quality of design, layout and materials of the adjacent early Twentieth century housing (albeit that is *not* in the conservation area).

Detailed comments included: Tile hanging rather than fibre cement boarding is an improvement. There should be more generous eaves to create depth and shadow lines to frontages. Traditional red clay tiles should be used for cladding and either red clay tiles for the roofs or slate - which is the most common roofing material in the area.

The applicant has further responded to these concerns resulting in the latest set of amended plans consulted on.

### **Conservation Officer comments on latest amended plans-**

Spa Road is the main highway crossing the A354 Weymouth Way from the west, linking the rural outlying historic village of Radipole, with the eastern Edwardian suburbs of Weymouth town. Radipole lies within a Conservation Area, which extends across Weymouth Way and incorporates the proposed site as an open green space with trees. The existing houses close to the area a mix of styles and form although there is an underlying reference to the Edwardian period with decorative timber detailing to gables, barge boards, porches, etc as well as exposed stone window heads and cills, often painted render in panels or mixed with brick, double front bay windows, sometimes tile hung and decorative dormers.

The Conservation Officer considers that the general character of the latest re-advertised scheme is a significant improvement on the previous schemes but considers that additional matters of refining detail of design and materials are needed to further strengthen the link between the scheme and existing development. Her main comments included the following:

Flats building - advise replace concrete tiles with natural slate.

Advises adding detailed features including:

- stone window heads
- chamfered plinths
- some use of exposed rafter feet
- some use of render instead of brick on some other parts
- some selected timber detailing
- additional projecting bay window feature
- change from stretcher bond to Flemish bond (applicant will do this on front elevations)
- windows to be recessed by 75mm
- traditional brick walls with detailing to be added to Spa Road frontage

In determining the proposals due consideration has been given to Section 16 (Paragraphs 190,192,193,194,195,196,200) of the NPPF, Section 72 of the 1990 Act and Policy ENV 4 of the Local Plan

Case Officer comment: The great majority of the suggested refinements of design and materials have been agreed by the applicant and final amended plans are to be submitted.

**The Landscape Officer** comments on the original plans and states that the proposal is not supported due to a lack of landscape appraisal and various design matters. Subsequently, a landscape appraisal was submitted. The Case Officer has discussed the latest revised plans verbally with the Landscape Officer. The landscaping will require a planning condition to address full details which should also include details of treatment of the ground levels near the protected cypress tree and details of the retained planting to the copse area.

Comments on latest amended plans - The scheme has been discussed with the Councils Tree and Landscape Officer. He advises that the group of trees in the south-east corner are of variable quality, but that one or two (including a sycamore) can be retained, and he suggested that:

- Where replacement planting is needed in the nominal copse area I consider that it would be worthwhile specifying a scheme of replacement planting to include half a dozen 1.8m feathered *Acer campestre* (Field Maple) and around 30 90-120cm transplant *Prunus spinosa* (Black Thorn), in a group around the remaining Sycamore and tapering to the North along the Eastern boundary. It would be viable to include something like Damsons planted along that boundary.

**The Natural Environment Team** - Currently considering a draft revised Biodiversity and Mitigation Enhancement Plan. Off-site financial contribution likely to form part of ecological mitigation measures.

**The Housing Enabling Officer** states: Amended comments in light of revised scheme: There are currently over 1800 households on the Weymouth and Portland Housing Register. This demonstrates that there is a high level of housing need in the Weymouth and Portland area.

The Housing Register indicates that a range of dwelling sizes is required. Figures from the Housing Register suggest that a significant number of one bedroom properties are required however past experience reveals that applicants with a stated one bedroom need don't apply for completed properties and therefore we conclude that although there is a need for a selection of one bed properties the principal need is for two bedroom houses.

Residential development outside defined development boundaries is not generally considered sustainable and would be considered as an 'Exception Site'. Hous1 identifies exception sites as being available just for affordable housing and would not be granted planning consent for open market housing.

If this were an open market site then West Dorset, Weymouth & Portland Local Plan 2015 Policy Hous1 relates to the provision of affordable housing and states that where open market housing is proposed affordable housing will be required. To comply with policy Hous1, 35% of the units should be affordable homes. Of the affordable homes a minimum of 70% should be for rent and 30% intermediate. The affordable homes will be secured through a S106 agreement.

It is desirable that affordable housing should be proportionate to the scale and mix of market housing and are well-integrated and designed to the same high quality resulting in a balanced community of housing that is 'tenure neutral' where no tenure is disadvantaged.

This is a full application for a development of 13 houses and 6 flats at land west of Roman Road and north of Spa Road. This site is an exception site within the Radipole Conservation Area and outside the development boundary.

Although this site is outside the defined development boundary which would normally require the provision of 100% affordable housing, the Supporting Statement proposes the provision of 35% affordable housing in the form of 6 flats and 13 houses. These provisions would be secured in perpetuity by s106 Agreement and a balancing payment is proposed to bring the total provision to 35% which is the requirement of an open market housing site.

The applicant is proposing that the affordable properties on this site will be provided as Discount To Open Market homes which is an intermediate form of affordable housing. These homes will be sold at 70% of market values with safeguards to ensure that the discount is passed on to future purchasers meaning the homes will remain as affordable in the long term. A discount of 30% being applied on the homes should mean that they are affordable to local people.

Where this approach has been used in other towns this has proved popular with people trying to access home ownership.

It is accepted that providing affordable homes on smaller sites can be difficult but the Local Planning Policy states that affordable homes should be a mix of rented and intermediate. The proposed homes on this site are all intermediate.

### **Summary:**

There is a high level of housing need in Weymouth and Portland for quality accommodation. Although Dorset Home Choice figures indicate that the greatest demand is for smaller homes - one and two bedroom accommodation.

The affordable homes on this site will meet an identified need and the proposal for these to be Discount To Open Market homes ensure they will be delivered. A discount of 30% will mean they will be affordable to a number of local people wanting low cost home ownership.

Although there are no rented homes on this site the inclusion of discounted market sales housing, that complies with the NPPF definition of affordable housing with the discount secured in perpetuity, make this development acceptable.

**The Technical Services Officer** - Comments that the flood risk from surface water flooding is classed as low. However, consultation with the Lead Local Flood authority is advised.

**Flood Risk Management Team** - Original scheme- Holding objection- inadequate information to establish if a viable surface water strategy can be achieved.

Comments on latest amended plans – Additional information has now been submitted based on underground crated surface water storage tanks. Scheme now acceptable subject to conditions including surface water maintenance strategy.

**Planning Obligations Manager** - Market housing will be Community Infrastructure Levy liable.

**Dorset Police Crime Prevention Design Adviser** - Commented that the boundary fencing should be 1.8 metres high.

**Wessex Water**- Capacity acceptable; small pumping station will be required.

**SGN (Gas Networks Ltd)** - Notes that the site lies within a consultation zone for nearby mains pipeline.

**The Minerals Officer** - Notes that the site lies within a minerals safeguarding area but waives the safeguarding requirement on the grounds that there is limited demand for the material and that extraction would unreasonably delay development.

**The Senior Archaeologist** - Programme of archaeological works condition required.

**The Rights of Ways Officer** identifies a RoW in the area. There is no objection subject to statutory requirements for keeping the RoW open to pedestrians.

*Note: the identified definitive footpath is off-site- not the one being established as part of this application.*

**The Weymouth Town Council** objects on the following grounds: The Council objects on the following grounds:

- Site not included in the SHLAA (shown as not suitable due to gas)
- site is outside of development boundary (SUS2) and is not in the Local Plan for housing.
- Conservation – loss of habitat and open space (ENV4)
- Design and density not in keeping with the area (ENV10)
- Overshadowing and loss of privacy
- Traffic generation leading to congestion
- Highway safety
- Loss of 120 year-old Cypress tree (ENV2)
- Local Plan still applies
- 22% not 35% affordable housing (against HOUS1)
- Social/affordable rents not met (HOUS1)
- Significant number of trees not shown on plan (ENV2)
- Loss of amenity (ENV15)
- Radipole Conservation Area (ENV4)
- Distribution of development (HOUS2)
- Level of economic housing and growth (HOUS1)

Additional objection points (Intermediate amended plans);

The Council's objection continues to be that the site is outside the development boundary, the site is in a conservation area, the density of development and it's not meeting the affordable housing component.

Latest Amended Plans:

The Council's previous objection to the proposed development still stands.

## 10.0 Representations

57 objectors have written with objections, in summary, on the following grounds:

- The developer can alter the number of dwellings in the future.
- Generally a very bad idea.
- The properties, especially along Spa Road, do not have adequate turning facilities and accessing Spa Road by other properties at present can be hazardous.
- There has been insufficient survey work undertaken on ecology matters. For example, there are bullfinches, bats and other species evident on the site.
- Despite some retentions, there is objection to the removal of the copse.
- The fact that the land is owned by the Council and may receive a capital receipt for its development should not be a determining factor.
- The development will adversely affect users of and significantly degrade the appearance of the Radipole Conservation Area. The site should be seen as part of the whole.
- The owner of the large Cupressus macrocarpa Tree (TPO protected) wishes there to be no encroachment onto its root protection area.
- There will be increased traffic (including construction traffic) and deteriorating safety along Roman Road and Spa Road where there is limited on-road parking, sometimes inconsiderate parking and consequential congestion.
- Icen Road is used by “rat-running” traffic.
- The junction of Roman Road and Mount Pleasant Avenue South is often used as a turning area.
- Spa Road is a main road, with a blind summit and high speed traffic. There are frequent minor accidents.
- Noise and pollution from Weymouth Way. The copse is a useful filter of pollution.
- Insufficient parking on-site, including for visitors.
- There is poor water pressure in the area.
- There is a declining broadband service due to increases in development in the area.
- Area should be left as an open space, or as an extension to Radipole Wood.
- The appearance of the proposed dwellings is not in keeping with the individual character of existing dwellings in the area or the character of Spa Road in particular.
- The proposed dwellings will be bulky on the skyline.
- Windows on the proposed dwellings will overlook existing.
- The archaeology of the site should not be disturbed, damaged or destroyed.
- The 2015 SHLAA identified this site as unsuitable. The site should have been consulted upon at the Local Plan development stage.
- There is no need for further housing in the area.
- Damage to the roads from construction traffic.

- In previous times, the land was considered for use as a “Pocket Park”. Should now be designated as a town and village green. This is a loss of useful recreational space.
- The proposals are contrary to planning policy
- Any claim of an absence of a 5 year Housing Land Supply does not override the unacceptability of the scheme in other respects.
- The proposed affordable housing provision is lacking in numbers and lacks social/affordable rent provision as required by planning policy.
- The tree cover in the area is older (1954 photograph provided) than the applications suggests.
- A sad reflection on “Planning” and the Council if areas such as this cannot be protected.
- It’s not clear who will maintain roads and footpaths or how enforced. The footpath with gravel topping is unsuitable for some users. It may also prejudice the trees alongside in its present position.
- Flats 17-22 should be replaced with a smaller unit; parking arrangements could be improved. Flats 20 & 22 overlook adjacent gardens. Roof tiles should be terracotta red, not grey.
- Flats opposite their property will have balconies which will invade their privacy.
- The published assessment of the Highways Officer is inadequate.
- There was a signposted public right of way on the site at one point.
- The proposals don’t assist in implementing the DCC Action Plan for Pollinators.

2 individual supporting comments have been made on the following grounds:

- The amended scheme is welcomed generally, albeit other issues remain.
- Appreciates the provision of land by their property for maintenance purposes, albeit other issues remain.

Comments on latest Amended Plans:

10 further letters of objection/comment including one from the Council for The Protection of Rural England. The main planning-related points include;

- increased highway danger due to increased and faster traffic on Spa Road
- site is outside development area in Local Plan
- enough housing is or will be available on other large scale sites in Weymouth
- loss of ecological corridor; should address Natural England comments- would biodiversity mitigation plan be sufficient?
- loss of valued green space
- excessive traffic (construction phase and after) in area



- scheme should have larger gardens, more open space and more of the local materials and reflect more the character of Spa/Roman Road architecture.
- undesirable precedent for development of other sites
- flats building should not exceed 45 degree roof angle

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

## 11.0 Relevant Policies

The Development Plan: West Dorset, Weymouth and Portland Local Plan (2015).

Policy INT1 - Presumption in Favour of Sustainable Development  
 Policy ENV1 – Landscape, Seascape and Sites of Geological Interest  
 Policy ENV2 – Wildlife and Habitats  
 Policy ENV4 - Heritage Assets  
 Policy ENV5 – Flood Risk  
 Policy ENV10 - The Landscape and Townscape Setting  
 Policy ENV11 - The Pattern of Streets and Spaces  
 Policy ENV12 - The Design and Positioning of Buildings  
 Policy ENV13 - Achieving High Levels of Environmental Performance  
 Policy ENV 15 - Efficient and Appropriate Use of Land  
 Policy ENV 16 – Amenity  
 Policy SUS 2 - Distribution of Development  
 HOUS 1 - Affordable Housing  
 HOUS 3 - Open Market Housing Mix  
 HOUS 4 - Development of Flats, Hostels and Houses in Multiple Occupation  
 COM 9 - Parking Standards in New Development

The National Planning Policy Framework 2019 sets out the government's policies on a wide range of planning subjects, to which the Development Plan policies are generally in compliance. As the site is partially within a Conservation Area there are relevant NPPF and development plan policies to take into account.

Paragraph 192 states that local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Furthermore, para 127 states that decisions should ensure that developments: *“c)are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);”*

Relevant sections of the NPPF:

2. Achieving sustainable development
5. Delivering a sufficient supply of homes

- 11. Making effective use of land
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

## **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. The improved pathway on the west side of the site would improve access for pedestrians. The scheme would provide parking in convenient locations relative to dwellings to assist those less able.

## **14.0 Financial benefits**

Material benefits:

Employment during the construction phase.

Spending by occupiers in the local area.

Non-material benefits:

Community Infrastructure Levy

Council Tax Revenue

## **15.0 Climate Implications**

- 15.1 The agent has provided a statement of environmental and ecological construction policy which refers to using timber frames from sustainable

suppliers, and that these produce less carbon emissions than from masonry equivalents. Low energy lighting is proposed and provision of supplies for charging points for electric vehicles on all houses.

- 15.2 The Case Officer comments that the construction phase will involve emissions from processes and vehicles/plant at the site. Once occupied any petrol/diesel vehicles of occupiers will produce carbon monoxide/emissions. However this must be balanced against the fact that the site is sustainable with public transport access options available and would provide 19 dwellings including 6 affordable units.

## 16.0 Planning Assessment

### Principle of development:

16.1 Weymouth is a settlement with a defined development boundary (DDB) in the adopted Local Plan. The spatial strategy in the West Dorset, Weymouth and Portland Local Plan 2015 is set out in policy SUS2. This has a three-tiered approach, with the main towns of Weymouth and Dorchester as the highest priority locations for new development and elsewhere the market/coastal towns, Portland and Crossways being a focus for future development at the second tier in the hierarchy.

16.2 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, strictly speaking, contrary to SUS2 as it lies outside of the DDB. However, although the site is outside the DDB it is ***immediately adjacent*** to it (and therefore in a sustainable location with proximity to services, shops and public transport).

16.3 Dorset Council (West Dorset and Weymouth Local Plan Area) cannot currently demonstrate a five-year supply of deliverable housing sites. The Council has less than 5 years of supply across the Local Plan area. A recent appeal decision at Land south of Westleaze, Charminster (APP/D1265/W/18/3206269) where the appeal Inspector concluded that the position is greater than 4.12 but less than 5 years.

16.4 Accordingly, Footnote 7 of the NPPF confirms that the relevant housing policies of the development plan should be considered *out of date*. Paragraph 11d) states that where the relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

16.5 The lack of a 5 year supply, even if the supply is only marginally below 5 years, means that *slightly less weight has to be given* to policies such as Policy SUS 2 in decision-making. 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.

16.6 Since the Council does not have a five-year supply, consideration should be given to reducing the weight given to criterion iii) of Policy SUS2 in order to help fulfil the objectives in paragraph 11 of the NPPF. However, as part of that judgement, it is also important to have regard to:

- The extent of the current housing land supply shortfall; and
- The measures the Council are putting in place to address it.

The extent of the housing land supply shortfall in the local plan area is only modestly below 5 years. The Council has also taken action to address the housing land supply shortfall not only by making progress on the emerging Dorset Local Plan but also through the granting of consents on sites outside, but adjoining settlements with DDBs (i.e. at the first three tiers of the settlement hierarchy) - as is the case here.

16.7 Affording significant weight to the spatial strategy set out in criteria i) of Policy SUS2 and having regard to the modest size of the shortfall and the positive measures the Council is taking to address it, it is considered that there is no case to resist this scheme on spatial strategy grounds, since the proposal is located adjoining one of the larger town settlements. It is considered the site is within a sustainable location given the services/facilities on offer in Weymouth and on the Dorchester Road.

16.8 There may also be sufficient justification to displace the presumption under the final bullet in paragraph 11 of the NPPF, if there is also some demonstrable harm, when measured against the national policies in the NPPF and against other related policies in the Local Plan. The NPPF sets out that local plans should set out how the presumption in favour of sustainable development should be applied locally. The adopted local plan sets out the application of this presumption through Policy INT1 stating that:

*"There will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area. Where there are no policies relevant to an application, or relevant policies are out of date at the time of making the decision, the following matters will be taken into account:*

*the extent to which the proposal positively contributes to the strategic objectives of the local plan;*

*whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and whether the adverse impacts of granting permission could significantly outweigh the benefits."*

The existence of a defined development boundary here (albeit adjacent to the site) indicates that the site is, in principle, an essentially sustainable location. This is because there are a range of retail and other community related facilities in the locality and public transport options are also accessible from here. Furthermore, the construction of the Weymouth Way road to the west side of the site has fundamentally changed the landscape context of the site.

16.9 Hence, based on the above and 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 subject to other relevant material planning considerations.

#### Heritage Assets:

16.10 The historical evolution of the landscape context (and therefore the context of the conservation area) of this site has seen a substantial change in circumstances over time. The site lies within the Radipole Conservation Area which was designated in 1979. At that time the application site formed part of the wider open countryside setting of old Radipole village to the west. Then in the 1980's the A354 Weymouth Way by-pass was built. This carved through between the old village and the application site in the form of a road cutting with (now) substantially treed embankments. Consequently it visually "severed" the site from its former village setting context. Hence there has been a material change in circumstances; the site now has an arguably stronger visual tie to the context of the housing to the east. The mature tree belt adjacent to the west site boundary comprises species including ash, sycamore and horse chestnut rising to about 12-14m height.

16.11 The nearest historic listed buildings to the site are away to the west and include the School House, the Manor House and the Grade II\* Church of St Anne. These lie between 111m and 136 m from the site.

16.12 The Radipole Conservation Area has no conservation area appraisal. However it appears it was originally designated to provide the open village setting. That justification has now been markedly undermined by the new road, engineered cutting and heavily landscaped embankments - effectively weakening the visual link of this site to the village setting, and tending to now strengthen its visual link to the adjacent housing. The Senior Conservation Officer acknowledges this material change in circumstances, and considers the scheme should consequently seek to emulate the design of the more traditional and attractive buildings on Spa Road and Roman Road (outside but adjacent to the

site and conservation area). These are characterised by larger dwellings, set back in generous and mature plots. Some are modern but most date from the early-mid Twentieth Century so have architectural interest and quality about them).

16.13 In these circumstances, since the site continues to have conservation area status there is a special duty to preserve or enhance its character and appearance. In the above circumstances it is important that the quality and character of the adjacent residential area is satisfactorily respected.

16.14 Following negotiations with the applicant a further final set of amended plans has been submitted which incorporates a range of the architectural features which characterise the adjacent Spa and Roman Road areas. The main wall and roof materials are brick, render and slate or plain tiles, and the architectural features include details such as tile cladding, feature scalloped roof tile areas, tile-hung bay window projections, projecting verge and eaves details, exposed timber sections, chimneys, decorative brickwork, timber joinery and the use of white painted timber windows to all front elevations.

16.15 The development will have a significant impact on the appearance of this part of the Radipole Conservation Area. The street frontage onto Spa Road will substantially change from its present vegetation/tree edge appearance to a linear development of dwellings each with direct access onto Spa Road.

16.16 The Conservation Officer considers that the general character of the latest re-advertised scheme is a significant improvement on the previous schemes but considers that additional matters of refining detail of design and materials are needed to further strengthen the link between the scheme and existing development. The bulk of the Conservation Officers requests (summarised above in the Consultations Section) have now been agreed to and submitted as amended plans by the applicant. The applicant has also agreed those dwellings to be roofed in slate will be in natural slate.

16.17 It is considered that the agreed latest revisions to the design and materials respect the existing character of the adjacent early Twentieth Century development. The development is considered to cause less than substantial harm to the heritage assets. The harm is more than outweighed by the planning benefits of providing 35% affordable housing on-site, and open market housing in a sustainable location – which also helps towards addressing the current 5 year Housing Land Supply shortfall.

16.18 In these circumstances the proposal is considered to preserve the character or appearance of the conservation area. This conclusion has been reached having regard to 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 Local Plan policy.

16.19 Turning to the effect on the setting of listed buildings, the nearest are the three buildings of St Anns Church (II\*), The Old Manor House, and St Anns Schoolroom. This is a group of largely natural stone/slate buildings on Radipole Lane which lie between about 111 and 136 m from the application site. There would still remain an area of open land around these buildings on the east side, then the substantially landscaped embankments of the by-pass between the listed buildings and the site. Hence, the distance to the nearest of the grouping, coupled with the visual "barrier" of the by-pass cutting and landscaped embankments now results in a marked separation of the (previous historic) relationship between this land and its former relationship with the building group. In the context of the National Planning Policy Framework it is considered that there is less than substantial harm to the listed building settings; this harm is considered to be outweighed by the public benefits of providing a significant number of appropriately designed dwellings in a sustainable location and providing 35% affordable housing on-site. Due consideration has been given to Section 66) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan Policy.

#### Affordable Housing:

16.20 Planning policy seeks to provide 35% affordable housing preferably all on-site. In this case 6 flats would be provided (4 x 1 bed; 2 x 2 bed). The Housing Enabling Team Leader has commented as below:

*The applicant is proposing that the affordable properties on this site will be provided as Discount To Open Market homes which is an intermediate form of affordable housing. These homes will be sold at 70% of market values with safeguards to ensure that the discount is passed on to future purchasers meaning the homes will remain as affordable in the long term. A discount of 30% being applied on the homes should mean that they are affordable to local people. Where this approach has been used in other towns this has proved popular with people trying to access home ownership.*

*It is accepted that providing affordable homes on smaller sites can be difficult although the Local Planning Policy states that affordable homes should be a mix of rented and intermediate. The proposed homes on this site are all intermediate.*

*However, in summary, Dorset Home Choice figures indicate that the greatest demand is for smaller homes –one and two bedroom accommodation (as in this case). Although there are no rented homes on this site, the inclusion of discounted market sales housing complies with the NPPF definition of affordable housing with the discount secured in perpetuity, make this development acceptable.*

16.21 As indicated above the Housing Enabling Team leader supports this scheme. Whilst it does not include rented tenure, it does provide the requisite 35% affordable using on-site. It should be remembered that the issue of affordable housing in the Weymouth area does sometimes result in a situation where only an off-site financial contribution towards affordable housing can be secured (and in some cases not even that due to viability issues). In these circumstances the 6 on-site affordable housing flats that can be secured here is a valuable planning benefit. The number of affordable units to be provided on site equates to 32%, hence the 3% shortfall would be secured via an affordable housing financial contribution (£ 29,810).

Scale, design, impact on local character, streetscape and appearance:

16.22 This part of Weymouth is characterised by a variety of types of residential use which is reflected in the variety of styles that make up the local streets, albeit the predominant period evident is early Twentieth Century dwellings. The dwellings are of detached or semi-detached form reflecting the character of the adjacent development. These demonstrate a variety of external materials including brick, render, stone, cladding, slate, small plain tiles and concrete tile roofing.

16.23 The existing adjacent residential roads are dominated by generous sized dwellings in relatively large gardens. Whilst the densities on this site are increased the layout now proposed recognises this pattern of development; 5 dwellings are proposed fronting Spa Road and the remaining 14 are accessed via an extension to Roman Road. The Roman Road section commences with a single building housing the 6 affordable flats and the remainder are detached or semi-detached houses.

16.24 As mentioned earlier, the applicant has sought to incorporate a range of the architectural features that embody the character of the existing adjacent street scenes. This includes the use of similar external materials and various architectural features.

16.25 In the light of the above it is considered that the scale, design and impact of the scheme is acceptable.

Impact on neighbouring privacy and amenity:

16.26 The scheme lies adjacent to dwellings and their gardens along the east boundary, and houses opposite on Spa Road. The amended scheme seeks to ensure there is an appropriate separation between existing and proposed dwellings, and that proposed gardens are of reasonable length; at least 9m in depth, usually more.



16.27 There are a very small number of first floor windows in certain elevations of properties facing the site (e.g. 71 Roman Road and 116 Spa Road) but these are not of such size/relative positioning as to be unacceptable in residential amenity terms. In terms of the scheme itself, the dwellings and their windows have been aligned in such a way that no unacceptable overlooking of adjacent dwellings would occur.

16.28 Following the applicants discussions with the affected neighbours two sections of private pedestrian pathway on the eastern side of the site have been incorporated.

#### Economic benefits:

16.29 The construction phase of the development will provide employment. Following occupation residents are likely to spend in the locality in shops and on services which would assist the local economy.

#### Access and parking:

16.30 A number of letters have referred to the traffic generation and highway dangers from the development. The scheme has split the traffic between Roman Road and Spa Road. The scheme has been adjusted in accordance with advice from the Highway Officer. All units are provided with off street parking. The dwellings fronting Spa Road each have on-site turning facilities, an access onto a traffic-calmed road section. Regarding Roman Road, the flats have a communal parking/turning area to the east, whilst the remaining dwellings have “tandem” parking off-road. These roads are of approximately 8m width. The Highways Officer advises that he has no objection subject to the parking and turning layout being provided.

#### Landscaping:

16.31 The proposals relate to a site which has a copse (particularly sycamore) located adjacent to Spa Road and intermittent boundary planting including bramble, hawthorn and hazel. Other vegetation within the site includes notable areas of bramble and other species. In terms of existing landscaping the large cupressus macrocarpa tree immediately adjacent to the site which has TPO protection is kept free from development within gardens in the new development. Part of the sycamore copse to the south-east would be retained. Discussion with the Tree and Landscape officer indicates that only one or two of these trees should be retained but taking the opportunity to plant further better specimens (field maple, with damson along the east boundary is suggested). This would be supplemented by new hedge planting along the central section of the west boundary, together with additional tree/vegetation planting in gardens. The northern extremity of the site would be planted with wildlife conservation

orientated species. A detailed landscape scheme for the site would be addressed by a planning condition.

#### Ecology:

16.32 The site mainly comprises an area with overgrown grasses, bramble, bracken and a sizeable copse. The Natural Environment Team is currently considering a revised Biodiversity and Mitigation Enhancement Plan. An off-site financial contribution forms part of ecological mitigation measures; Radipole Local Nature Reserve close to the site is likely to be where the monies are used.

#### Surface water drainage:

16.33 The applicant has been working to produce a viable surface water strategy for this site involving use of below ground crated water storage tanks. The latest revisions to this scheme have been referred to the Flood Risk Officer, who now advises that the drainage strategy is acceptable subject to appropriate conditions including a maintenance strategy.

#### New public pedestrian path:

16.34 An informal route used by pedestrians has historically existed across the rough grassland site giving links towards Manor Roundabout to the north and towards Weymouth to the south. The applicant has acknowledged this linkage and has incorporated a “new” public gravelled footpath link along the western edge of the site as part of the scheme. This would be separated from the private gardens by a combination of post and rail and close boarded fencing 1.8m high to ensure privacy. This would provide continuity of the existing pedestrian footpath link north towards Manor Roundabout and south to Spa Road (and links to the paths and cycle-ways beyond).

#### Comments on the Weymouth Town Councils objections:

16.35 The Weymouth Town Council has objected to this scheme. In response to certain principal points they make; whilst the site is outside the DDB this in itself is not sufficient grounds to reject a scheme given that the Council does not currently have a 5 year housing land supply. The fact that the site is within a conservation area is not in itself necessarily a reason to prevent development; the situation in this case is that this particular part of the conservation area no longer relates to old Radipole village as it did but to the adjacent housing instead; with appropriate design and landscaping this site can be assimilated into the new street scene in a way which has an acceptable effect on the conservation area. Regarding affordable housing, the Housing Enabling Team Leader supports this scheme for the provision of 6 affordable flats on-site.

## 17.0

### Conclusion:

17.1 The site provides an opportunity to provide 19 dwellings in a sustainable location with convenient access to shops and facilities, and access to public transport options. The context of this part of the conservation area has changed fundamentally over time such that its original purpose is now undermined by the effect of the by-pass; it now relates more to existing built development rather than the open countryside. The layout, design and materials of the scheme are considered acceptable in the current context of this part of the conservation area.

17.2 In terms of the economic role the site would provide employment during the construction phase, and subsequent occupiers would be likely to spend in local shops helping to sustain the employment and the businesses. Regarding social aspects, the scheme would provide a mix of dwelling types and sizes helping to create a mix of family sizes. The scheme specifically provides affordable dwellings to assist those in housing need. The residents are likely to use and support local community facilities in the area. In environmental terms the scheme would include retention of some existing trees and the planting of new trees and vegetation. It would also include the implementation of a biodiversity plan to provide habitat and encourage wildlife. The proposals are considered to be in accordance with the Development Plan.

## 18.0 RECOMMENDATION:

18.1 Delegate authority to the Head of Planning to grant permission subject to a planning obligation to address:

- 35% affordable housing on-site (with a financial contribution of £29,810 for the shortfall on 35%);
- an off-site ecological financial contribution ( £10,673)
- gravelled footpath- scheme to be submitted including safety barriers at junction with Spa Road, route to be permanently open to the public to pass and re-pass in perpetuity, and on-going maintenance of the route.

and planning conditions as below:

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 5108 16 received 27/6/19

Street elevations 5108 4L received 27/2/20  
 Floor plans and elevations Flats 14-19 5108 5J received 27/2/20  
 Block plan 5108 2ZD received 27/2/20  
 Floor plans/elevations house types B and C 5108 15F received 27/2/20  
 Floor plans/elevations house type D plots 10/11 5108 14F received 27/2/20  
 Floor plans/elevations house type D plot 9 5108 13F received 27/2/20  
 Floor plans/elevations house type D plot 8 5108 21C received 27/2/20  
 Floor plans/elevations house type D plot 7 5108 20B received 27/2/20  
 Floor plans/elevations house type D plot 6 5108 9G received 27/2/20  
 Floor plans/elevations house type A plot 5 5108 19E received 27/2/20  
 Floor plans/elevations house type D plots 3 and 4 5108 8F received 27/2/20  
 Floor plans/elevations house type D plot 2 5108 7E received 27/2/20  
 Floor plans/elevations house type A plot 1 5108 6D received 27/2/20

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

3. No development above damp proof course level shall take place until samples of all facing and roofing materials to be used have been submitted to, and approved in writing by, the Local Planning Authority and the development shall be completed in accordance with these details. In accordance with the submitted details, natural slate shall be used on those dwellings where slate is to be used. Flemish bond brick-work will be used on all front elevations (where brick is specified).

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

4. No development above damp proof course level shall take place until full details of the windows and doors shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be first occupied until the windows and doors shall first have been installed in accordance with the approved details. These details shall include a schedule and detailed sections (scale 1:10) of all new windows and doors in the development. All windows (including frames) on the front elevations of the dwellings shall be of white painted timber and shall be retained as such thereafter. All other windows shall be externally finished and retained white thereafter. The schedule shall include additional information relating to (i) the method of opening, (ii) the depth of the reveal from the face of the wall and (iii) the product number where the window is supplied from a manufacturers standard range (copy of catalogue to be included). Thereafter, unless otherwise agreed in writing

by the Local Planning Authority, the development shall proceed in strict accordance with such details as have been agreed.

REASON: To ensure that the external appearance of the completed development in the conservation area is sympathetic to the locality.

5. 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 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 the maintenance and management of the surface water sustainable drainage scheme shall be designed to 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 managed and maintained thereafter in accordance with the approved details.

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

6. No construction of any dwelling hereby approved shall be first commenced until details of the finished floor level(s) of the building(s) hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity

7. No development shall take place until all existing trees, shrubs and other natural features not scheduled for removal have been fully safeguarded and fenced in accordance with a scheme to be first approved in writing by the Local Planning Authority (this shall include details of works within the crown spread of the protected cypress tree). 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 throughout the construction period in the interests of amenity.

8. No development above damp proof course level shall be carried out until a hard and soft landscaping scheme shall first have been submitted to, and approved in writing, by the Local Planning Authority. Such scheme shall be implemented and completed during the planting season November - March inclusive, immediately following commencement of the development, or as may be agreed otherwise in writing by the Local Planning Authority. 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 from completion of the development and the soft landscaping shall be maintained and replaced as necessary in accordance with the approved scheme.

REASON: In the interest of visual amenity.

9. The development shall be carried out in accordance with the measures contained in the agreed Biodiversity Mitigation and Enhancement Plan (BEMP) received (*to be submitted before determination of the application*) shall first have been fully carried out. All works within the BEMP shall be carried out in accordance with the agreed timescale unless otherwise agreed in writing by the local planning authority. The completed works and management requirements in the approved BEMP scheme shall be retained and continue thereafter.

REASON: In the interests of ensuring nature conservation interests are fully addressed.

10. No development above damp proof course level shall be carried out until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable for the implementation of the scheme. Thereafter the development shall be carried out in accordance with such details and timetable as have been approved by the Local Planning Authority.

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

11. No development shall take place within the site area until the developer has secured and implemented a programme of archaeological work in accordance with a written scheme of investigation which shall have been submitted to, and been approved in writing by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

REASON: The area is of archaeological importance and the archaeology should be preserved by record.

12. No dwelling shall be first occupied until the gravelled footpath shown on the approved plan shall first have been provided and completed all in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. These details shall include a safety barrier at the entry/exit point with Spa Road.

REASON: In the interests of facilitating permeability of the development and public safety.

13. No dwelling shall be first occupied until details of the means of enclosure to the boundaries of each individual dwelling, including materials and height, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the means of enclosure as are agreed shall be erected prior to first occupation of the dwelling and permanently retained thereafter.

REASON: In the interests of privacy and amenity.

14. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 5108.02.ZD must be constructed, unless otherwise agreed in writing by the 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.

15. 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.

16. No development above DPC level shall take place until details of the exposed timber joinery (1:10 scale) drawings (exposed rafters, porches, dormers, bargeboards, etc.), together details of the chimney designs and the Spa Road frontage brick wall detailing (with copings and piers) shall first have been submitted to and approved in writing by the local planning authority. Thereafter development shall not be carried out otherwise than in accordance with the approved details.

REASON: In the interests of ensuring appropriate development in the conservation area.

17. All rainwater goods shall be finished in black and retained as such thereafter.

REASON: In the interests of ensuring appropriate development in the conservation area.

INFORMATIVES:

1. NPPF approval note.
2. The applicant is hereby advised that that Water Quality Guidance as referred to in Ciria SuDS Manual (C753) is adhered to.
3. The applicant is hereby advised that installation of the underground surface water storage crating should be supervised and checked by an appropriately qualified geotechnical specialist engineer, and a confirmatory certificate provided to the Dorset Council (Refer DMRB, Vol1, Section1, BD 2/12, Annex C1 at [www.standardsforhighways.co.uk](http://www.standardsforhighways.co.uk) )



[WD/D/19/002865](#)

Erection of 7 No. dwellings

**Applicant name** – CG Fry and Son

**Case Officer** – Emma Telford

**Ward Member(s)** – Cllr J Dunseith & Cllr J Worth

This application is brought to committee at the request of the Service Manager given the issues involved.

## **1.0 Summary of Recommendation:**

1.1 Grant, subject to conditions.

## **2.0 Reason for the recommendation:**

- Site is not considered suitable for a doctor's surgery
- Absence of 5 year land supply
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- It 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**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable in principle.
Visual Amenity	Design is considered appropriate for the site and would reflect the surrounding development.
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.
Contamination	Acceptable subject to unexpected land contamination condition.
Biodiversity	Biodiversity Mitigation & Enhancement Plan considered acceptable.
Highway Safety	Highways raise no objections subject to conditions.
Affordable Housing	Not required.

Community Infrastructure Levy	CIL liable.
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#### 4.0 Description of Site

4.1 The application site, measuring approximately 0.17ha comprises an undeveloped parcel of land which fronts Oldridge Road and Greys Road within the Putton lane development in Chickerell. The site has been stripped and fenced off and has remained vacant whilst development has been constructed around it.

4.2 The application site is located within the defined development boundary and within the local plan allocation CHIC1, Land at Putton Lane.

#### 5.0 Description of Proposal

5.1 The proposed development involves the erection of 7 dwellings. The proposal involves two lines of built form with three dwellings facing onto Oldridge Road and four properties set further back within the site. The proposed dwellings would each be served by two parking spaces and the proposed design of the properties is to reflect the dwellings across the adjacent Putton Lane development.

#### 6.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/D/08/001147	Develop land by erection of around 220 dwellings, B1 business floor space, veterinary surgery, doctors' surgery, and community facilities to include open space, allotments, a multi-purpose community building, and multi-use games area	Approved	01/09/2011
1/D/13/000592	Approval of reserved matters (pursuant to outline planning permission approved under reference 1/D/08/001147) for phase 1 of the development comprising 142 dwellings, 10 commercial units, landscaping, a "community events space", a community orchard, allotments and an attenuation pond.	Approved	01/11/2013
WD/D/14/000606 – Non Material Amendment	<ul style="list-style-type: none"> <li>– Introduction of grass verge in place of footpath to front of plots 001-002</li> <li>– Gable end at the rear of Plots 001, 122 and 129 increased in width by 1.45m, with consequent changes to the size and position of some windows</li> </ul>	Approved	30/05/2014

	<ul style="list-style-type: none"> <li>– Lean-to omitted from plots 012-014</li> <li>– Garages to plots 020-021 joined to form a double garage</li> <li>– Omission of the build-over connecting plots 016-017</li> <li>– Integral garages to house type to plots 121 and 130 omitted and relocated to the rear courtyard.</li> <li>– Amendment to the road alignment adjacent to plot 133</li> <li>– Enlarged garage for plot 122</li> </ul>		
WD/D/15/000255 – Non Material Amendment	Amendment to planning permission reference 1/d/13/000592 - Amendments to approved plans for plots 9 to 37 (Sector 2) and plots 38 to 51 (Sector 3)	Approved	01/05/2015
WD/D/15/000645	Amendment to planning permission 1/D/13/000592	Approved	06/05/2015
WD/D/15/001390 – Non Material Amendment	Amendment to planning permission 1/D/13/000592 - increase on-site allotment provision in lieu of community orchard	Approved	07/09/2015
WD/D/15/002899 – Non Material Amendment	Amendment to planning permission 1/D/13/000592 to allow amendments to approved plans for Plots 60 - 92 (Sectors 6 & 7)	Approved	23/02/2016
WD/D/16/000575 – Non Material Amendment	Amendment to planning permission 1/D/13/000592. Repositioning of cycle and bin stores serving plots S27 to S34.	Approved	10/05/2016
WD/D/16/001682	Approval of reserved matters appearance, landscaping, layout & scale of outline approval 1/D/08/001147 for phase 2 of the development comprising of 112 dwellings, landscaping & associate drainage infrastructure	Approved	01/11/2016
WD/D/16/001719 – Non Material Amendment	Amendment to planning permission 1/D/13/000592 - Design changes to Plots 93 to 110	Approved	14/10/2016
WD/D/16/002598 – Non Material Amendment	Amendment to planning permission reference WD/D/16/001682 - Approval for a suite of minor alterations to a footpath, boundary treatments and landscaping (Phase 2)	Approved	23/02/2017
WD/D/17/000487 – Non Material	Amendment to planning permission reference 1/D/13/000592 - tie the	Approved	10/07/2017

Amendment	landscaping scheme, include planting to the front of dwellings and amendments to the allotment area.		
WD/D/17/001343 – Non Material Amendment	Specific amendments to 200 – 202 & 208 (Sector B) and 226, 232 – 235, 242, 243 – 249, 250 – 254 (Sector A) and more general amendments to the sectors as a whole. Non-material amendment re planning permission WD/D/16/001682	Approved	24/07/2017
WD/D/18/002201 – Non Material Amendment	Amendment to planning approval WD/D/16/001682 - Minor design alterations	Approved	23/10/2018

## 7.0 Relevant Constraints

Contaminated Land buffer

Within defined development boundary

Site is part of allocated site - Policy CHIC1 of adopted local plan

## 8.0 Consultations

8.1 Natural England – *We have not assessed the application and associated documents for impacts on protected species.*

*Natural England notes and welcomes the submission of a Dorset County Council Natural Environment Team approved Biodiversity Mitigation Plan (BMEP). Please note that in line with the Dorset Biodiversity Protocol Natural England has not considered the provisions of the BMEP. Provided the full implementation of the approved BMP is made a planning condition then Natural England has no further comment on this aspect of the application.*

*The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.*

8.2 Highways – *The Highway Authority has NO OBJECTION, subject to the following condition(s):*

### ***Turning and parking construction***

*Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number **SP-001** 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.*

### **Multiple vehicle crossings construction**

Before the development is occupied or utilised the first **5.0** metres of each vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing – see the **Informative Note** below), must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.

*Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.*

### **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@dorsetcc.gov.uk](mailto:dorsetdirect@dorsetcc.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 Technical Services – No comments received at the time of report preparation.

8.4 Environmental Health – *Due to the close vicinity of existing residential dwellings to this site, the construction works should have regard to the following to protect residents from nuisance:*

- *No bonfires to be held on site at any time.*
- *Hours of demolition and noisy construction are to be limited to*  
*Monday – Friday 0700 – 1900*  
*Saturday 0800 – 1300*

*No activity on Sundays or Bank Holidays*

*If there are to be any proposed deviations from these hours, please contact Environmental Health to discuss these.*

*Public Health's records indicate that the proposed development lies within the 250m material consideration zone of an area identified with historic potentially contaminative land uses, namely former landfill, animal slaughter & basic processing and unspecified factory or works. This area has been identified as a low risk site through the Council's Contaminated Land Strategy. It is recommended that the following conditions are applied to any Planning Permission granted:*

*In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority.*

*Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.*

*Reason: 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 2018.*

8.5 Scottish & Southern Energy – No comments received at the time of report preparation.

8.6 NHS Dorset Clinical Commissioning Group – *The 2008 original Putton Lane scheme that approved 254 dwellings provided an opportunity to address local concerns raised over the need to deliver GP services within the area. I understand that an area of land was allocated within the development for the building of a new GP surgery. Assessment of how this area of land could be utilised has been under consideration for many years.*

*The Chickerell practice (branch of Wyke Regis and Lanehouse Medical Practice) has only two consulting rooms which has caused and remains an issue in terms of capacity. It is acknowledged that the branch site is not of sufficient size for the practice list size and is unable to be expanded. Patients from the area are therefore required to travel to other GP practice locations to access services. The lack of local primary care services has become increasingly concerning as the population in the area increases.*

*The allocation of land set aside within the Putton Lane development was appraised for its suitability for the building of a new GP practice. It was concluded that this land was not suitable in terms of size, location and transport options for patients but the need to provide a site remained.*

*In light of the above conclusion, NHS Dorset CCG have been working with a number of parties to consider alternative sites for the development of a new surgery within the Chickerell area. NHS Dorset CCG confirm that the land allocated within the Putton Lane development is therefore no longer required for the development of a GP surgery but as an alternative, request a payment in lieu of the land to be made towards the building of a new surgery on an alternative site.*

*NHS Dorset CCG considers that the cumulative impact of development which includes this development of seven dwellings on this land as detailed in ref WD/D/19/002865 merits the payment of a contribution towards health services in lieu for the land as previously stated.*

8.7 Chickerell Town Council – Chickerell Town Council (CTC) wish to make the following comment:

*As this was not the original concept for this land (it was originally set aside for a new Health Centre) they would like to know what will be provided by CG Frys in terms of infrastructure for the area now that they are to potentially gain from building open market housing on the land?*

*CG Frys have refused permission for a new Health Centre to be built on any other land in the development and as this application would mean a further loss of valuable open space CTC feel that a significant contribution to a new health centre should be made by the developers. Alternatively it should be left as an open space.*

## **9.0 Representations**

9.1 Five third party responses have been received in objection to the application. One response was made on behalf of 8 people. The reasons for objecting to the application are summarised below:

Principle of Development:

- Area was designated as a space for a much needed Health Centre particularly as Chickerell is continuing to expand
- A similarly valued alternative site should be provided for a doctors surgery or a financial settlement to provide compensation for the land
- The additional 7 buildings should also provide additional CIL monies and affordable housing as per current policy
- Given the lack of open space in Chickerell, the site might be left undeveloped for recreational purposes or for wildlife
- Overdevelopment of the land

Highway Safety:

- Parking spaces are too far from some of the properties so owners will look to park in the road which is already heavily congested
- Another access so close to the junction will cause problems and be dangerous for road users
- Highway safety concerns due to increase to on-road parking on the blind corner at the head of Greys Road making it hazardous for current residents to enter and exit properties and for vehicles accessing Greys Field
- There should be provision for pedestrians and the disabled to cross the corner safely
- Concerns regarding parking with at least another 14 cars and only garages for 2
- Already problems with parking in the vicinity of the development currently the square which forms the junction of three roads, is used on all sides for parking sometimes 2 to 3 deep. This would only exacerbate the current parking problems
- Poor visibility for road traffic around the corner at the junction of Greys Road and Oldridge Road
- Proposed plot 003, on the corner would obscure the view at a position where the additional traffic would converge on existing traffic
- Noise and disturbance from heavy construction plant and traffic

Residential Amenity:

- Plots 4-7 will seriously encroach on the privacy of the properties in Browns Crescent due to them being two stories high

9.2 Other comments were received including that the proposed properties would have no direct road access other than the proposed access road so what will the address be for them as they won't be in Oldridge Road nor Greys Road. This is not considered to be a planning matter and would not be considered as part of this application. A third party response also suggested alternative access arrangements, that the site entrance should be on the long straight road off Oldridge Road where the visibility is better and the vehicles would not be coming out on to the bend. The application as submitted needs to be considered. Further suggestions were also made in relation to on-road parking surrounding the site including that marked bays should be made available in front of the green area for only the houses adjacent and where the road narrows there should be double yellow lines to prevent unsafe parking right on the sharp corner. However these are not a consideration of this application as they fall outside of the application site.

## **10.0 Relevant Policies**

### West Dorset, Weymouth and Portland Local Plan

ENV 1 – Landscape, Seascape and Sites of Geological Interest  
 ENV 2 – Wildlife and Habitats  
 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  
 COM 7 – Creating a Safe and Efficient Transport Network  
 COM 9 – Parking Standards in New Development  
 COM 10 – The Provision of Utilities Service Infrastructure  
 CHIC 1 – Land at Putton Lane

### National Planning Policy Framework

2. Achieving sustainable development  
 5. Delivering a sufficient supply of homes  
 11. Making effective use of land  
 12. Achieving well-designed places

### Other material considerations

Design and Sustainable Development Planning Guidelines (2009)

West Dorset Landscape Character Assessment 2009



## 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

Material Considerations	
Employment created during construction phase	Not known
Spending in local economy by residents of 7 dwellings	Not known

Non Material Considerations	
Contributions to Council Tax Revenue	Not known
New Homes Bonus	Not known
Community Infrastructure Levy (CIL)	Not known at this stage.

## 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 The proposed development involves the erection of 7 dwellings. The application site is an undeveloped parcel of land which fronts Oldridge Road and Greys Road within the Putton Lane development in Chickerell. The Putton Lane development is covered under the Local Plan allocation CHIC1. The site has been fenced off and remained vacant whilst the development has been constructed around it.

15.2 Outline planning permission under the reference 1/D/08/001147 was approved to 'develop land by erection of around 220 dwellings, B1 business floor space, veterinary surgery, doctors' surgery, and community facilities to include open space, allotments, a multi-purpose community building, and multi-use games area'. The application site subject to this current application is within the red line for the outline permission. As part of the outline application a doctor's surgery was included within the proposed development. The submitted planning statement by the agent set out that the public consultation exercise at the time identified a clear desire for a dedicated new doctor's surgery to serve the expanding population. In response to this the outline masterplan provided for a new surgery in the heart of the development based on the size and scale of the Portesham Surgery.

15.3 There is a S106 impacting on the whole site that was entered into at the time of the outline permission, dated 18 August 2011. The S106 included a requirement for an Employment scheme to be submitted and agreed with the Council and thereafter implemented to secure the provision within the land of not less than 0.7 hectares of land to cover Class B1 floorspace, a doctor's surgery and a veterinary surgery. Alternatively there was scope for an Amended Employment Scheme to be submitted and agreed if certain criteria were met. The relevant extract from the s106 is below:

*If the Owners and/or Developers demonstrate to the Council's satisfaction (evidenced in writing) that despite their best endeavours they have been unable to enter into a contract to provide the doctor's surgery and/or the veterinary surgery (forming part of the Employment Scheme) within 2 years from the date of this Agreement then the Owners and/or Developers shall be at liberty to submit an amended employment scheme omitting the requirement to provide the doctor's and/or veterinary surgery and providing for buildings for B1 use in substitution thereof ("the Amended Employment Scheme") for approval by the Council (such approval not to be unreasonably withheld or delayed).*

To date, The Council has not identified any such scheme being submitted or agreed.

15.4 In the intervening period, applications for reserved matters have been approved, one for phase 1 (1/D/13/000592) and one for phase 2 (WD/D/16/001682). The relevant phase to this current application was phase 1. The supporting text to the reserved matters application set out that the site for the doctor's surgery as shown at the outline stage would accommodate 10 commercial units in an L-shaped design north of Green Lane. A new site (the site of the current application) was then

identified as land that could accommodate a doctor's surgery. This site was then not included within the red line of the reserved matters application. Therefore in approving the reserved matters application, 1/D/13/000592 the local planning authority effectively agreed the site of the proposed doctor's surgery as the site of the current application. The reserved matters for phase 1 have been built out.

15.5 For the avoidance of doubt it is important to stress that in determining this application the Council is treating this application as a separate matter to the requirements of the s106 requiring the submission to and approval by the Council of an Employment /Amended Employment Scheme. As such, at this stage, It cannot be assumed that any decision of the Council in relation to the current application is an indication as to how the breach may be pursued or whether any application to modify the S106 agreement in the future would be considered acceptable.

15.6 As part of the current application the agent has set out that the provision of a doctor's surgery or veterinary practice on the site has been sought since 2006 but for a variety of reasons, neither provision seems realistic. This is supported in the response from the NHS, Dorset Clinic Commissioning Group who set out that the land set aside was appraised for its suitability for the building for a new GP practice. It was concluded that this land was not suitable in terms of size, location and transport options for patients. Although it is clear in the NHS response that the need for a site remains.

15.7 The current site is therefore considered not suitable for the provision of a doctor's surgery. The approval of the reserved matters applications and that the development has been built out means there are no longer any other sites within the development that are vacant and available for a doctor's surgery. The S106 sets out that if the doctor's surgery and/or the veterinary surgery cannot be provided that the provision for buildings for B1 use would be made in substitution. The employment scheme was to cover at least 0.7 hectares of the land. The development which has been constructed included 10 employment units totalling 0.62ha of employment space as approved by the reserved matters consent. This 0.62ha of approved/built employment falls slightly short of the required 0.7ha by 0.08ha and therefore an additional 800sqm would be required which would include access and parking not just the building itself.

15.8 The application site is surrounded by residential development with many boundaries of the site being the rear boundaries of dwellings. The site due to its location and layout are not considered suitable for employment and would lend itself to further residential development. Furthermore, 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. This site is located within the defined development boundary and is surrounded by residential development and would be regarded as a sustainable location for further development. The proposed development would offer an additional 7 dwellings towards the Council's lack of 5 year housing land supply.

15.9 If residential development was accepted on the site, queries have been made regarding the possibility of a contribution towards a doctor's surgery being pursued. The CCG set out in their response that they consider that the cumulative impact of the development which includes the current development of seven dwellings on this land merits the payment of a contribution towards health services in lieu of the land. A contribution would be based on the evidence of the supplementary planning document, Planning Obligations Guidelines dated February 2010. A contribution based on this evidence would be for a three bed dwelling a payment of £192 per dwelling therefore for the 7 dwellings proposed a contribution would be required of £1344. This contribution would not facilitate the building of an alternative doctor's surgery. Requiring such a contribution is not considered justified when through the S106 agreement employment would have been acceptable on the site without a contribution. Furthermore, the Local Plan policy for the allocation EA6 in the previous West Dorset District Local Plan (2006) did not require the provision of a doctor's surgery and nor does the current policy CHIC1 in the adopted West Dorset, Weymouth & Portland Local Plan (2015). It is therefore considered that a contribution towards the provision of a doctor's surgery is not necessary and therefore the tests for securing a contribution via a S106 agreement would not be met. It is also important to note that the proposal would be CIL liable.

15.10 As part of the supporting information for this application it is set out that the applicant would offer an additional one-off payment of £60,000 to help fund the new surgery site in due course. Such a payment has not been considered as part of this application as a contribution is not necessary to make the proposed development acceptable and even if were the figure stated by the applicant is not an evidence based calculation. If subsequently the applicant was to make such a donation that would be a matter between them and the party the money was donated to i.e. Town Council or the NHS Dorset Clinic Commissioning Group.

15.11 Given all of the above, the proposed development of 7 dwellings on the site is considered acceptable in principle. An informative would be placed on any approval that a deed of variation would be required to the S106.

### **Visual Amenity**

15.10 The proposal involves the erection of 7 dwellings on the site. The proposal would include two lines of development, the first facing onto Oldridge Road and would consist of a terrace of 3 properties (plots 1-3). The proposed materials of these units would be slate for the roofs and one dwelling would be masonry brickworks and the other two render. The second line of development would consist of two sets of semi-detached properties (plots 4-5 & plots 6-7). The proposed semi-detached properties would be render with a slate roof. The design and materials of the proposed dwellings are considered to reflect the surrounding development. A condition would be placed on any approval for details and samples of the materials of the dwellings to be submitted but also details of the proposed hard standing. The proposed second line of built development would introduce a new building line but due to the surrounding residential development it would not be highly visible until within the site. Given the above the proposed development would not have an adverse impact on the visual amenity of the site or locality.

## Residential Amenity

15.11 The proposal development involves the erection of 7 dwellings. The first line of development would consist of a terrace of three properties that would face onto Oldridge Road. The proposed properties would be set back from the existing dwellings located opposite by the road and existing landscaping to the front of the existing properties.

15.12 The existing property to the east on Greys Road is separated by the road and the relationship would be the side elevation of plot 3 facing the side elevation of the property opposite. The existing property to the west would be separated from the first line of development by the proposed garaging and parking of plots 1 and 2 and again the relationship would be side elevation facing side elevation. For the existing properties of Greys Road to the south the relationship would be the rear of plot 3 facing the side elevation of the existing property. However, these properties would be separated by the rear garden of the proposed plot 2 and the access road into the site which is considered to provide adequate separation.

15.13 The proposed second line of development would consist of two sets of semi-detached properties. The orientation of the proposed properties would mean the principal elevations would face the rear of the neighbouring properties of Brown's Crescent. The principal elevations of the properties would be set back from the boundary by 19m, with a further separation created by the gardens of Brown's Crescent. The proposed properties would be set back from the rear boundary of 24 and 26 Greys Road by the access road and parking bays. The proposed plot 06 would be located adjacent to the existing coach house property accessed off Oldridge Road, however it would be located adjacent to the blank rear elevation of the coach house property. The rear elevations of the properties would face the rear of the existing semi-detached properties 8 and 10 Oldridge Road. The properties would be separated by both the rear gardens of the existing properties and the proposed dwellings. The separation from rear elevation to rear elevation would be approximately 28m.

15.14 Policy ENV 12 of the local plan sets out that *new housing should meet and where possible exceed appropriate minimum space standards*. The proposed three terraced properties would meet the space standards for a three bed dwelling. The proposed semi-detached properties do not however meet the space standards for a three bed property. The proposed floor plans show two double bedrooms and one smaller box room. The agent has set out that it is often the case that the smaller bedroom would be used as something other than a bedroom, for example a study. It is considered that the market would reflect this and these properties would be lower in price and anyone purchasing these properties would be aware. Therefore it is not considered that this would warrant refusal of the application. Each of the proposed properties would have a private rear garden.

15.15 Environmental Health were consulted on the application, they considered that due to the close vicinity of existing residential dwellings, the construction works should have regard to the hours of operation to protect residents from nuisance. In response to this a condition would be placed on any approval for the submission of a Construction Management Plan. Given all of the above the proposed development

would not have a significant adverse impact on the living condition of occupiers of residential properties, both existing and proposed.

### **Contamination**

15.16 The application site is located within a contaminated land buffer as records indicate the site lies within the 250m material consideration zone of an area identified with historic potentially contaminative land uses. Environmental Health were consulted on the application and set out that the area has been identified as a low risk site through the Council's Contaminated Land Strategy and therefore recommended an unexpected land contamination condition which would be placed on any approval granted.

### **Biodiversity**

15.17 The proposed development involves the erection of 7 dwellings on the undeveloped site. Having had regard to the submitted Biodiversity Mitigation & Enhancement Plan (BMEP) and the accompanying certificate of approval from the Natural Environment Team it is considered that the proposal will have no adverse impact on biodiversity interests. A condition would be placed on any approval granted for the development to be carried out in accordance with the BMEP and the submission of a timetable for the implementation of the measures included within the BMEP.

### **Highway Safety**

15.18 The main vehicular access would be located off Greys Road, although the parking and garaging for units 1 and 2 would be off Oldridge Road. Each of the proposed dwellings would be served by two parking spaces although one of those spaces for units 1 and 2 would be within a single garage for each. Concerns have been raised by third parties regarding the impact of the proposal on highway safety in particular the location of the proposed access, poor visibility around the corner and increase in on-street parking all around the junction of Greys Road. Highways were consulted as part of the application and raised no objection to the proposal subject to conditions for the turning and parking construction and multiple vehicle crossings construction which would be placed on any approval granted. A condition for the submission of a Construction Management Plan would also be placed on any approval.

15.19 Paragraph 110, of the NPPF sets out that *applications for development should and criteria e) reads be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations*. In response to this and the Climate Emergency declared by the Council a condition would be placed on any approval for a scheme to enable the charging of plug-in and other ultra-low emission vehicles to be submitted and carried out.

### **Affordable Housing**

15.20 National Planning Policy Framework paragraph 63 sets out that the *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 units or fewer).* This application involves the erection of 7 dwellings and therefore does not meet the threshold for major development and nor is it considered to be located within a designated rural area as it is outside of the Area of Outstanding Natural Beauty (AONB). Therefore, affordable housing is not required as part of the proposed development.

### **Community Infrastructure Levy**

15.21 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.

15.22 The development proposal is CIL liable. The rate at which CIL is charged is £100 per sqm. The CIL charge would be confirmed when the liability notice is issued. 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 application is for the erection of 7 dwellings. The application site is located within the DDB and is therefore considered to comply with Local Plan policy SUS 2 and is therefore acceptable in principle. The proposal is also considered acceptable subject to conditions in relation to visual amenity, residential amenity, contamination, biodiversity and highway safety.

### **17.0 Recommendation**

#### **GRANT, SUBJECT TO CONDITIONS**

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

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

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

Location Plan - Drawing Number PP-01 received on 18/11/2019

Plots 6 & 7 Floor Plans - Drawing Number 6-7-P-001 received on 18/11/2019

Plots 6 & 7 Front & Side Elevations - Drawing Number 6-7-P-002 received on 18/11/2019

Plots 6 & 7 Rear Elevations & Section - Drawing Number 6-7-P-003 received on 18/11/2019

Plot 1-3 Ground Floor Plans - Drawing Number 1-3-P-001 received on 18/11/2019  
Plot 1-3 First Floor Plans - Drawing Number 1-3-P-002 received on 18/11/2019  
Plots 1 - 3 Front Elevations - Drawing Number 1-3-P-003 received on 18/11/2019  
Plots 1-3 Rear Elevations - Drawing Number 1-3-P-004 received on 18/11/2019  
Plots 1 & 3 Side Elevations & sections - Drawing Number 1-3-P-005 received on 18/11/2019  
Plots 4 & 5 Floor Plans - Drawing Number 4-5-P-001 received on 18/11/2019  
Plots 4 & 5 Front & Side Elevations - Drawing Number 4-5-P-002 received on 18/11/2019  
Plot 4 & 5 Rear Elevations & Sections - Drawing Number 4-5-P-003 received on 18/11/2019  
Plots 1 & 2 Garage Floor plans and Elevations - Drawing Number DG5-SD received on 18/11/2019  
Site Plan - Drawing Number SP-001 A received on 17/01/2020  
Street Elevations - Drawing Number SE-001 Revision 1 received on 17/01/2020

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 walls and roofs 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.

5) Prior to the installation of the hard landscaping hereby approved details of the hard landscaping including the driveway, boundary treatments, pathways and patios 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.

6) In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

7) No development above Damp Proof Course (DPC) level shall be commenced until a timetable for the implementation of the measures of the Biodiversity Mitigation & Enhancement Plan has been submitted and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the



agreed timetable and the approved Biodiversity Mitigation & Enhancement Plan, signed by Andrew McCarthy and dated 10/12/2019, and agreed by the Natural Environment Team on 17/01/2020, unless a subsequent variation is agreed in writing with the Council.

REASON: In the interests of biodiversity mitigation and enhancement.

8) Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number SP-001 A must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

9) Before the development is occupied or utilised the first 5.0 metres of each vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note), must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.

REASON: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

10) No development above damp proof course level shall take place until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted and approved in writing with the local planning authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority including the timetable for implementation.

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.

11) 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/uploading and storage of plant, waste or construction materials;
- 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;
- Arrangement to receive abnormal loads or unusually large vehicles.

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

Informatives:

1) NPPF Statement

2) 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@dorsetcc.gov.uk](mailto:dorsetdirect@dorsetcc.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.

3) CIL

4) Terms of the S106 dated, 18 August 2011 that are of potential relevance to the permission and which may impact upon it.

**1.0 Application Number:** WD/D/19/001056

**Site address:** Trafalgar farm, 34 Portesham, Weymouth DT3 4ET

**Proposal:** Erect single storey dwelling

**Applicant name:** Mr Coombes

**Case Officer:** Jo Riley

**Ward Member(s):** Cllr Bartlett, Cllr Gardner, Cllr Dunseith

This application has gone through the scheme of delegation and has been requested the application be heard at Planning Committee.

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

**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 location is considered to be sustainable despite the sites location outside of but adjoining the defined development boundary of Portesham
- The design, layout, scale, mass, appearance access and materials are acceptable and would not have a negative impact on the setting of the street scene or nearby listed building.
- There is no significant harm to neighbouring residential amenity, nor to the character and appearance of the surroundings and AONB.
- There are no material considerations which would warrant refusal of this application

**4.0 Table of key planning issues**

Issue	Conclusion
Principle of development	Presumption in favour of sustainable development despite the site being outside the defined development boundary for Portesham, for one modest private market dwelling.
Scale, design, impact on character and appearance	Access, Appearance, Landscaping, Layout, and Scale as per the submitted drawings are acceptable.
Impact on amenity	No impact on residential neighbours' amenities.
Impact on landscape or heritage assets	Site lies in the Dorset AONB and outside DDB for Portesham. It is well-

	screened by hedging from the setting of the listed building and would not have a detrimental impact on the conservation area. The development will have no materially adverse visual impact on the character of the conservation area and the AONB.
Economic benefits	The development phase will provide employment and post development there will be financial benefit in the local community through, holiday let income, the use of local services and payment of Council Tax.
Access and Parking	Existing access to be used – no highway objections
EIA (if relevant)	N/A
Climate Change	All new build housing would be expected to meet zero carbon measures

## 5.0 Description of Site

5.1 The application site is located off an existing access track behind metal gates that serves existing semi dilapidated farm buildings.

5.2 The site lies outside but adjacent to the Portesham Defined Development Boundary (DDB) which runs to the west of the application site. The site also lies within the Portesham Conservation Area and No. 34 Front Street (Trafalgar House) is a Listed Building, which has a curtilage to the west of the application site.

5.3 This is a full application for the erection of a single storey three bedroomed bungalow. The proposed materials for the bungalow are timber for the walls and slate for the roof with green UPVC windows.

5.4 The location for the proposed bungalow is to the south east of an existing metalled caravan/mobile home. The caravan has the benefit of a certificate of lawful use granted in 2017 (reference WD/D/16/002527).

5.5 At the time of the officer site visit, there was only one mobile home/caravan on the site.

## 6.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
WD/D/16/002527 Certificate of Lawful Use	Use of the land for the siting of a caravan for residential purposes	Approved	24.02.2017

## **7.0 List of Constraints**

Outside any Defined Development Boundary (DDB)

Within Portesham Conservation Area

Within the Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

Landscape Character Area: incorporating the West Dorset Landscape Character Assessment (2009).

## **8.0 Consultations**

**8.1 Chesil Bank Parish Council** – *‘There are issues regarding ownership and this should be resolved before any permission granted. Should ownership issues be resolved then the issues are:*

*The site is just outside the DDB, not isolated and near the centre of the village. The aim is to replace a dilapidated mobile home.*

*A new building within the listed building curtilage area would need appropriate consideration from heritage and conservation organisations.*

*The re-siting of the proposed new dwelling to replace the mobile home caravan to one of two alternative areas should be considered – build the dwelling within the area where the certificate of lawful use exists, or build the new dwelling to the north east of the lawful use area to the north of the track. Both options would be supported meeting the SUS2 policy requirements because; the areas are either of just inside the edge of the DDB not isolated, easily accessible close to the village centre.*

*The single storey dwelling could be considered to be affordable housing because of its design and material planned. It could be considered as rural workers dwelling because of the applicant’s form of employment.*

*Other benefits would be that Trafalgar House and its listed curtilage would be maintained until legal ownership of the property is resolved. The Grade II Listed Building could eventually be sold enabling it to be sympathetically renovated and saved. The needs of the applicant’s elderly mother would be met.*

*The parish does not support the planning application but supports alternatives sites for the dwelling which meet the requirements of SUS2. ‘*

**8.2 Dorset Council – Highways:** No objection.

**8.3 Conservation Officer Comments – Unable** to support

There is some considerable planning history for this site.

The principle of a new dwelling on the listed building and conservation area is less than substantial.

Even though this would be new development within a conservation area and something not usually supported in this case, the impact is considered to be on the low end of the scale. However the size of the proposed dwelling is very large and uninspiring; and in this degree the impact is severe, the footprint appears to dwarf the listed building.

A better design should be negotiated and justified – withdraw and scale down the proposed dwelling.

**8.4 Natural England** – Please refer to standing advice. If protected species or biodiversity interests are likely to be affected or the site exceeds 0.1ha then an approved Biodiversity Mitigation Plan is required. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

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

#### **Representations received**

One letter of support received – The dwelling would have a limited impact on the local environment, and would be better than a gigantic mobile home in full view of the road.

#### **9.0 Relevant Policies**

##### **Adopted West Dorset and Weymouth & 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.
- ENV4 – Heritage Assets
- 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
- COM7 Creating a Safe and Efficient Transport Network.
- COM9 Parking Standards In New Development

Long Bredy, Portesham, Chickerell, Abbotsbury, Langton Herring Conservation Area Appraisal 2008.

*The village shows a marked differentiation in the plot size and position between gentry houses and smaller cottages. The larger houses stand in large plots, usually set back from the street (although the Manor House stands on the road line and Portesham House has only a small front space, walled and railed, to the main road). The former Vicarage and Manor Farm have extensive gardens and the Manor House has a large rear garden. Manor Farm had an extensive working yard, with sheds and barns, now converted to housing. Trafalgar House also had a working yard to its north. Most of the cottages are in rows, on or near the road edge, originally with reasonably sized rear gardens. There is one planned terrace, set behind small front spaces, opposite the former School in Front St. The character and interrelationship of spaces may be described in the form of a short walk, describing topography, buildings, the spaces between and around them, colours and details and trees and other landscape features.*

### **National Planning Policy Framework – July 2018 (as amended)**

The NPPF was updated with a revised version published on 23 July, 2018, and a further update in February, 2019, made minor amendments. As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:

Section 2 ‘Achieving sustainable development’ advises at Paragraphs 8 and 9:

“8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable

solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

At paragraph 11, it advises of the ‘Presumption in favour of sustainable development’.

Section 6 ‘Building a strong, competitive economy’ advises generally on the requirement for planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Taking into account both local business needs and wider opportunities for development.

Section 12 ‘Achieving well designed places’ indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 124 – 131 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Further advice contained in the following sections of the NPPF is of relevance:

Section 14 – Climate change – and where applicable – flooding and coastal change.

Section 15– Conserving and enhancing the natural environment. Paragraph 172 is of relevance. This, in part, reads:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.”

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

Within the Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

Landscape Character Area: incorporating the West Dorset Landscape Character Assessment (2009)

Design and Sustainable Development Planning Guidelines (2009),

### **10.0 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.

### **11.0 Public Sector Equalities Duty**

11.1 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.

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

### **12.0 Financial benefits**

#### Material considerations

In terms of the economic benefits of the proposals, the development phase will provide employment and post development there will be financial benefit in the local community.

#### Non-material considerations

Payment of Council Tax.

### **12.1 Climate Change Implications**

12.2 The proposal is considered to be in accordance with the Policies of the adopted Local Plan as regards open market housing given the proposal is on the edge of the village and as such comprises what is regarded as Sustainable

Development. The proposal would also have to meet modern Building Regulations standards as regards construction and energy efficiency.

## **13.0 Planning Assessment**

### **13.1 Principle of development**

13.1.1 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 the defined development boundary, 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.

13.1.2 However, the Council cannot demonstrate a 5 year housing land supply for the West Dorset, Weymouth & Portland plan area, which a recent inspector concluded is greater than 4.12 but less than 4.88 years, so less than the required 5 years. This means that para 11 footnote 7 of the NPPF is 'engaged' and Policy SUS2 can no longer be considered to be up to date. 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*

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 village that does not have a DDB.

13.1.3 Policy INT1 of the adopted Local Plan sets out the application of a presumption in favour of sustainable development (which is at the 'heart' of the NPPF), stating that:

*"There will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area. Where there are no policies relevant to an application, or relevant policies are out of date at the time of making the decision, the following matters will be taken into account:*

- 1. the extent to which the proposal positively contributes to the strategic objectives of the local plan;*
- 2. whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and*

3. *Whether the adverse impacts of granting permission could significantly outweigh the benefits."*

13.1.4 In terms of the strategic objectives of the local plan the three dimensions to sustainable development, which are also identified in the NPPF are: economic, social and environmental.

13.1.5 In terms of performing an economic role, the additional population would help generate spending in the local community, provision of infrastructure and services. The proposed development would also result in the creation of construction jobs during the build period. Officers therefore consider the proposal satisfies the economic dimension of sustainable development.

13.1.6 With regard to the social role, the provision of one additional dwelling would make a small but useful and positive contribution to the district's marginal housing shortage. Whilst the site does not fall within a DDB it does lie immediately adjacent to a village with a DDB.

13.1.7 In terms of the environmental dimension, Portesham is a rural village and has a DDB. Therefore the location of the new dwelling alongside the DDB would not be considered to be an isolated location, which would be unsustainable, but would relate well to the village and lies close to the village centre.

13.1.8 In light of the above, it is considered that the proposed development would enhance and maintain the vitality of this rural community and, thus, satisfy the social dimension of sustainable development.

13.1.9 On the whole, officers are satisfied that the proposed development would improve the economic, social conditions in the area and the environmental dimension in terms of its location. Other aspects of the environmental dimension will be considered further below.

13.1.10 It should also be noted that another mobile dwelling has previously been accepted adjoining the DDB and the application site, by the granting of a certificate of established use for the siting of the mobile home on the adjacent field.

13.1.11 The principle of the mobile home on the adjacent field has been legally established, separately from this application. Therefore its removal cannot be required as part of the consideration of this current application, as requested by the Parish Council. It is possible that the applicant may choose not to occupy the mobile home if a new dwelling is permitted and constructed on the site, and he may choose to remove it. However, there is no legitimate reason for this to be controlled through a planning condition.

### **13.2 Layout scale, design, Impact on the character and appearance of the AONB landscape.**

13.2.1. Local Plan Policy ENV1 – Landscape, Seascape and Sites of Geological Interest – indicates that development which would harm the character, special qualities or natural beauty of the Dorset AONB, including their characteristic landscape quality and uninterrupted panoramic views, will not be permitted. New development should also protect the visual quality of the local landscape. In the NPPF the advice at paragraph 172 gives great weight to “*conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*”, which it is considered has also been taken into account.

13.2.2 The design of the proposed single storey dwelling is such that it would be bungalow style of modest proportions, with a height of 6.5m to the ridge and 3m to the eaves. The proposed materials of timber and slate would sit well within the landscape context of the area, being set back from the street scene, to appear as rural outbuildings distinct from stone dwellings fronting the street.

13.2.3 The setting of the nearby listed building which sits along the street frontage and which is separated from the proposed dwelling by its garden and stone wall also lies within the AONB. It's historic and landscape setting would not be considered to be any more harmfully affected from a new dwelling in the former farmyard, than by the existing mobile home and farm buildings, given its materials, scale and siting.

13.2.4 The dwelling would be screened from the wider landscape of the AONB by trees and shrubs and would therefore accord with the provisions of Adopted Local Plan Policies ENV10 - The Landscape and Townscape Setting; and, ENV12 – The Design and Positioning of Buildings; and, the advice contained in the NPPF 2018 (as amended).

### **13.3 Impact on the character of the conservation area.**

13.3.1 The site lies within the conservation area and in proximity to the listed building of Trafalgar House fronting the road. The proposal is considered to pass the tests set out in paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by paying special attention to the desirability of preserving a listed building and its setting and preserving or enhancing the character or appearance of the conservation area.

13.3.2 The Conservation Officer has raised concerns with the design and size of the proposed dwelling, but states that the principle of the dwelling as proposed would cause less than substantial harm at the lower end of the scale of harm to the significance and setting of the Listed Building of Trafalgar House.

13.3.3 The siting of the dwelling would not be considered to have a harmful impact on the street scene of Portesham, as it sits behind the curtilage of the Listed Building of Trafalgar House (referred to in the conservation appraisal as its working yard). There is a clear curtilage around Trafalgar House which is screened from the proposed location.

13.3.4 Given this historic context the proposed dwelling is considered to be both far enough away from the Listed Building to not affect its setting, and not so far away from the built up village centre to represent a sporadic intrusion into the wider landscape.

13.3.5 Timber and slate external materials proposed to be used in the construction of the bungalow would be appropriate, appearing as an outbuilding in the former working yard area, and would enable the simple bungalow structure to remain subordinate to and respectful of the historic context, significance and setting of the Trafalgar House listed building, which remains dominant on the street frontage.

#### **13.4 Impact on the amenity of neighbours**

13.4.1 Policy ENV16 – Amenity – of the Adopted Local Plan permits development provided that it has no significant adverse impact on neighbouring amenities through loss of privacy; loss of light or excessive overshadowing; or through a level of activity or noise that would detract from the quiet enjoyment of residential properties.

13.4.2 In this regard the scheme is considered to be acceptable. There are no immediate neighbours given the backland location and landscaped setting, and therefore no harmful impacts in relation to neighbouring amenities.

#### **13.5 Economic and Social benefits**

13.5.1 The NPPF was first published in March, 2012. It outlined Central Government Policy relating to planning and development, arguing in favour of and supporting sustainable development. In so doing, it based the achievement of sustainable development on three overarching objectives - which are: an economic objective; a social objective; and, an environmental objective. These objectives are maintained in the updated NPPF of February 2019, (as amended).

13.5.2 In terms of the economic benefits of the proposals, the development phase will provide employment. It is considered that the proposal accords with the provisions of Adopted Local Plan Policy ECON6.

13.5.3 The social objective of the NPPF would be met through the provision of additional support for local and community services and facilities in the village to enhance its vitality.

#### **13.6 Access, Highways & Parking**

13.6.1 There are no highway objections. Access to the site is to be derived from the existing farm track access off Front Street. No highways conditions have been suggested. There is sufficient plot size for turning and parking.

### **13.7 Other Matters**

13.7.1 The comments received from the Parish Council regarding ownership are noted. The applicants agent has confirmed the correct certificate has been included with the planning application, as such all other matters of ownership and rights are private matters.

13.7.2 It is important to note that the red line surrounding the application site does not include the land of the mobile home established by a Certificate of Lawful Use and Development, which lies with the adjacent blue line of ownership but not on the application site.

13.7.3 The proposal would be CIL liable– the estimated charge is £14,690.00 plus index linking.

### **14.0 Conclusion**

14.1.1 The location, layout, appearance, size and scale of the proposed, single storey dwelling are considered to be acceptable within the Area of Outstanding Natural Beauty on the edge of the village settlement boundary. There would be no material harm to neighbouring amenities. The details of timber and slate as external materials to be used on the proposed dwelling in this location, would ensure acceptable impacts on the adjacent listed building and adjoining landscape and can be agreed through a planning condition.

14.1.2 Although there would be harm to the setting of the listed building of Trafalgar House due to the size and design of the single storey dwelling proposed, this would be at the low end of the scale of less than substantial harm. This harm is afforded great weight in the planning balance. However, when considering the distance from the Listed Building, the position close to the former farmyard buildings, the intervening screening, and the significantly greater height and presence of the listed building itself, this harm would be outweighed by the public benefits of the proposal.

14.1.3 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 village with a DDB but has good pedestrian connectivity to the facilities on offer in Portesham. 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.

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

## **15.0 RECOMMENDATION GRANT, SUBJECT TO CONDITIONS:**

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

Plans and elevations 16/004/002 REV C

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 constructed of natural timber and natural slate roof. No development shall be commenced until details and samples and details of colour of stain or finish of the timber shall have been submitted to, and approved in writing by the Local Planning Authority and shall be constructed and retained as agreed.

REASON: In the interest of visual amenity.

4. No development shall take place until full details of hard and soft landscape proposals including boundary treatments have been submitted to and approved in writing by the Local Planning Authority (L.P.A). These details shall include planting plans, written specifications and schedules of plants, noting species, planting sizes, proposed numbers/densities where appropriate and implementation timetables. A schedule of landscape maintenance proposals shall also be submitted to and approved in writing by the L.P.A prior to commencement of the development and the said maintenance shall be carried out in accordance with the approved schedule for a minimum period of 5 years following completion of the dwelling hereby approved.

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

5. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification) no roof enlargement or alteration shall be carried out to the dwelling

without a further application for planning permission being approved by the Local Planning Authority.

Reason: In order to protect neighbouring residential properties from the possible impact of such enlargements or alterations in terms of possible overlooking.

### **Informative Notes**

#### **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.

#### **Community Infrastructure Levy**

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



## 1.0 [WD/D/19/002093](#)

**Site Address** - OLD SCHOOL HOUSE, LOOKE LANE, PUNCKNOWLE, DORCHESTER, DT2 9BD

**Proposal** - Erect a double storey extension and alterations

**Applicant name** – Mr R and Miss D Kingston and Travers

**Case Officer** – Amelia Rose

**Ward Member(s)** – Cllr Roberts

**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: Refusal

### 2.0 Reason for the recommendation:

2.1 The proposal would result in an unduly dominating and prominent extension to this dwelling as identified in the Conservation Area appraisal as an important local building and which makes a positive contribution to the character and appearance of the Conservation Area. As such, by reason of its projection beyond the side wall of the existing house, the proposed extension would not preserve or enhance the Puncknowle Conservation Area. The proposal is therefore considered to be contrary to Policy ENV4, ENV10, and ENV12 of the adopted West Dorset and Weymouth and Portland Local Plan 2015; Section 72 (the preserve/enhance test) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance as set in the Puncknowle Conservation Area Appraisal December 2007.

### 3.0 Key planning issues

Issue	Conclusion
Principle of Development	The site lies outside of any DDB and therefore policy HOUS6 is relevant, however the proposal is considered to comply with this policy
Design	Considered acceptable in itself as an extension to a dwelling but given the site context would be unacceptable for the reasons stated
Amenity	Not considered to result in a significant adverse effect on living conditions of neighbouring properties or future occupiers of the proposed development.
Heritage Assets	Significantly detrimental impact on designated heritage assets, eroding the character of the Old School House and Old School to which it is attached. The dwelling is mentioned 4 times within the Conservation Area Appraisal and is a locally important building, considered a key view/vista within the village and a landmark. It is therefore

	considered that the proposal would result in harm to the designated heritage assets, contrary to policy ENV4 of the Local Plan with no overriding public benefit to outweigh the less than substantial harm as set out in the NPPF.
Highway Safety	Highways raise no objections.
Community Infrastructure Levy (CIL)	Not CIL liable.

#### 4.0 Description of Site

4.1 Old School House is a two storey semi-detached dwelling situated to the east of Looke Lane in Puncknowle, outside of any defined development boundary. The dwelling is comprised of stone walls with a slate tiled roof and uPVC fenestration. The property is a historic building which is of Local Importance; though not listed it is therefore locally listed and is attached to what was the once the former School in the village which is now a Village Hall. It is understood to have once formed the school master's accommodation to the former school. The Hall and dwelling lie in a prominent location in the village, and are considered a key view/vista as well as a local landmark.

#### 5.0 Description of Proposal

5.1 The proposal is for the erection of a two storey side extension with a gable end to match that of the existing dwelling. The proposal would be comprised of stone and render walls with a slate roof and uPVC fenestration.

#### 6.0 Relevant Planning History

6.1 None relevant.

#### 7.0 Relevant Constraints

- Dorset Area of Outstanding Natural Beauty
- Bride Valley landscape of geological interest
- Puncknowle Conservation Area

#### 8.0 Consultations

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

8.1 **Highways-** *no highway comment.*

8.2 **Minerals and Waste Authority-** *The MPA has no comment on this proposal, as it is within an existing building curtilage.*

8.3 **Puncknowle Parish Council-** *The Parish Council support this application which they believe will bring this property up to modern day standards.*

8.4 **Conservation Officer-** *Being an "undesigned heritage asset" with the gable end specifically mentioned in the Conservation Area Appraisal and the site as one of four local landmarks, that because of this significance the gable end (with no*

*fenestration or other features) is considered the key feature of this site (and mentioned specifically) so the proposal as submitted with a first floor window and bi-fold doors at ground floor level do NOT preserve this setting and is therefore contrary to section 72 of the Planning (listed building and conservation area) Act 1990. In terms of the NPPF it would be contrary to Paras 192, 193 and 194.*

## **9.0 Representations**

9.1 Ten representations have been received in total on the application.

Eight representations are in support of the application making comments that the proposal would modernise the dwelling and enhance the community and they support the couple living within the dwelling. Many express fears that if the dwelling was not extended, then it could lead to the dwelling being used as a holiday home of which there are many within the village, however this is not a material planning consideration and therefore cannot be considered as part of this application.

Comments have also been made that the kitchen and bathroom are no longer fit for purpose, are not safe and are difficult to keep warm. Renovations are therefore called for to make the dwelling more 'safe and secure, particularly for a family, whilst making the cottage appear more appealing externally'.

A representation was also received from the Village Hall committee. They are concerned that the Old School House is an intrinsic part of the Village Hall and helps to form a significant part of the history and architecture of this Village.

## **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)

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  
ENV4. Heritage Assets  
ENV10. The landscape and townscape setting  
ENV12. The design and positioning of buildings  
ENV16. Amenity  
HOUS6. Other residential development outside defined development boundaries

**Other material planning considerations:**

- Dorset Area of Outstanding Natural Beauty Management Plan 2019-24
- West Dorset Landscape Character Appraisal 2009
- Punccknowle 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**

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
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Affordable Housing	N/A
CIL Contributions	Will not be CIL Liable

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

#### **14.0 Climate Implications**

14.1 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 extensions to houses and a balance has to be struck between meeting the needs of the population versus conserving natural resources and minimising energy use.

14.2 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 the key relevant issues to this proposal:

- Design and impact on character and appearance of the area including Conservation Area
- Impact on neighbours amenity

#### **15.1 Design and impact on character and appearance of the area including Conservation Area**

15.1.1 The site is situated outside of the defined development boundary and therefore Policy HOUS6 is relevant which states how extensions to dwellings should not exceed generally more than 40% of the original dwelling. This is important to retain a variety of sizes of dwellings in the countryside, some more affordable than others. Although the extension is considered to be a large, it is considered acceptable and therefore not contrary to policy in this respect.

15.1.2 The site is also situated within the Dorset Area of Outstanding Natural Beauty however it is within a residential area adjoined to an existing building, and the proposed two storey extension is not considered to result in significantly detrimental landscape impact in AONB terms.

15.1.3 The dwelling is mentioned four times within the Conservation Area Appraisal. It is firstly listed as an important local building, recognised for its 'mid-Victorian Tudor rubble and ashlar dressings, large mullioned windows with stone relieving arches over and wooden casement to Hall, conspicuous stone coped gables, simpler casements with cambered stone lintels to House, porch and good stone boundary wall to Looke Lane; of architectural and group value.' A key view and vista of the village includes 'the first full view of the Church from the bend in the lane by The Old School House', and the dwelling is also listed as a landmark.

15.1.4 The existing dwelling forms part of the existing diminutive and subservient character associated with the Old School and the proposed extension is considered to result in a more dominant and conspicuous feature in the street scene. This would erode the existing historic and rare relationship which can still be seen between the former school and Old School House, and would be to the detriment of the character and appearance of the Conservation Area.

15.1.5 It is therefore considered that the gable end, with no current fenestration or other features, is the key feature of this site as specifically mentioned in the Conservation Area Appraisal. Therefore, the proposal as submitted with the first floor window and bi-fold doors at ground floor level do not preserve this character and the extension would as a result not preserve nor enhance the character of the Conservation Area and is therefore considered contrary to Section 72 (the preserve/enhance test) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of the NPPF it Para 192 states:

*192. In determining applications, local planning authorities should take account of:*  
*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*  
*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*  
*c) the desirability of new development making a positive contribution to local character and distinctiveness.*

15.1.6 Para 193 states:

*193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

15.1.7 and para 194 states in part:

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*

15.1.8 Para 196 states:

*196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

15.1.9 In this case there would be harm to the character and appearance of the Conservation Area but this would be less than substantial. However there would be no public benefits arising from the proposal other than the private interests of the applicant wishing to extend their dwelling and for them wishing to make use of what they consider to be optimum use of it. However it appears to have long since existed in its current form and is only now proposed to be extended as a result of the current occupiers wishes. The conclusion remains that the character and appearance of the Conservation Area would not be preserved or enhanced.

## 15.2 Impact on neighbours amenity

15.2.1 The dwelling lies on the corner of Looke Lane and is situated in close proximity to Offley and Myrtle Cottages. To the rear elevation (east) lies Offley, of which the proposed extension would be adjacent to the dwelling and garden of, however a bathroom is proposed to the rear first floor of the extension, and therefore there would be no direct outlook into the neighbouring dwelling or garden. The proposed extension would be set in from the boundaries of its curtilage and is therefore not considered to pose an overbearing or dominating impact to Offley.

15.2.2 With regards to Myrtle Cottages which lie to the north of the site, the proposed extension would lie around 12m away from the cottages, and this is considered sufficient distance to not result in an overbearing or dominating impact being detrimental to the amenity of those occupiers. The proposal is therefore considered acceptable in terms of amenity.

## **16.0 Conclusion**

16.1 The conclusion remains that the character and appearance of the Conservation Area would not be preserved as a result of the proposal and hence the unfavourable recommendation.

## **17.0 Recommendation -**

17.1 Refusal for the following reasons:

The proposal would result in an unduly dominating and prominent extension to this dwelling as identified in the Conservation Area appraisal as an important local building and which makes a positive contribution to the character and appearance of the Conservation Area. As such, by reason of its projection beyond the side wall of the existing house, the proposed extension would not preserve or enhance the Puncknowle Conservation Area. The proposal is therefore considered to be contrary to Policy ENV4, ENV10, and ENV12 of the adopted West Dorset and Weymouth and Portland Local Plan 2015; Section 72 (the preserve/enhance test) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance as set in the Puncknowle Conservation Area Appraisal December 2007.

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## 1.0 Application Number: [WD/D/19/001397](#)

**Site address:** SUNNYSIDE COTTAGE, HIGHGATE LANE, WEST KNIGHTON, DORCHESTER, DT2 8PE

**Proposal:** Erection of double garage with annexe accommodation

**Applicant name:** Mr D McKenzie

**Case officer:** Steven Banks

**Ward Member:** Cllr Tarr

**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.**

## 2.0 Summary of Recommendation: GRANT subject to conditions

## 3.0 Reason for the recommendation:

- The principle of the proposed development in the proposed location is acceptable.
- The siting, scale and form of the proposed building would maintain a strong sense of place by reflecting and respecting the areas defining characteristics and would also conserve the setting of the listed building and the character of the conservation area.
- The proposal would create and protect a good standard of amenity for the occupants of the existing and proposed buildings and their surrounding areas.
- The parking and movement of associated vehicles would not harm highway safety.
- The proposal would not have an adverse effect on the integrity of the Dorset Heaths International Designation due to its location within an existing residential curtilage.
- The proposal would not result in an unacceptable risk to ground water due to its residential nature which is unlikely to produce pollutants.
- The proposal, because of its residential nature, would not have an adverse impact on the integrity of the Poole Harbour wildlife site.

## 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The principle of carrying out the proposed development in the proposed location is acceptable
Impact on Heritage Assets	The siting, scale and form of the proposed building would be acceptable as regards its impact on character and appearance of the area and would also preserve the conservation area and not

	harm the setting of the listed building..
Amenity	The proposal would create and protect a good standard of amenity for the occupants of the existing and proposed buildings.
Highway safety and efficiency	The parking and movement of associated vehicles would not harm highway safety.
Dorset Heaths International Designation	The proposal would not have an adverse effect on the integrity of the Dorset Heaths International Designation due to its location within an existing residential curtilage.
Groundwater Source Protection Area	The proposal would not result in an unacceptable risk to ground water due to its residential nature which is unlikely to produce pollutants.
Pool Harbour Nutrient Catchment Area	The proposal, because of its residential nature, would not have an adverse impact on the integrity of the Poole Harbour wildlife site.

## 5.0 Description of Site

5.1 The application site accommodates a grade II listed building, falls within the West Knighton Defined Development Boundary and the Broadmayne and West Knighton Conservation Area and forms part of an area which is characterised by residential development.

## 6.0 Description of Development

6.1 In this application it is proposed to construct a double garage with residential annexe accommodation within the residential curtilage of Sunnyside Cottage.

## 7.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/E/02/000598	Construct new vehicular access and parking/turning area	A	22 July 2002
1/E/02/000599	Erect double garage	W	28 May 2002

1/E/02/000629	Demolition and rebuilding of roadside wall to provide vehicular access	A	22 July 2002
1/E/02/000630	Erect garage	W	28 May 2002
1/E/02/001853	Erect garage.	A	14 February 2003
1/E/02/001954	Erect garage	A	14 February 2003
1/E/88/000576	Renewal of PA 1/E/83/229 to site caravan for agricultural worker	R	18 August 1988
1/E/89/000833	Demolish agricultural building, erect double garage and make alterations to convert barn to dwelling	W	20 January 1992
1/E/89/000834	Erect 7 houses, make alterations to convert farm buildings to 3 houses, erect 2 garages and construct estate road	W	20 January 1992
1/E/91/000050	Demolish extension to thatched barn	A	25 March 1991

## 8.0 List of Constraints

- Broadmayne and West Knighton Conservation Area
- West Knighton Defined Development Boundary
- Dorset Heath Designation Buffer
- Lower Magiston Groundwater Source Protection Area
- Poole Harbour Nutrient Catchment Area
- Setting of a Listed Building

## 9.0 Consultations

### 9.1 Parish Council /Town Council

#### 9.2 Object.

*"Knightsford Parish Council has considered the revised plans submitted which reduce the overall length of the building and also nominally reduce the height.*

*The view of the Parish Council remains that the proposed new building is inappropriate in a Conservation Area and in such close proximity the ancient core of*

*West Knighton; Sunnyside Cottage is in the midst of 11 Grade II listed buildings located on Highgate Lane and also St Peter's Church, a Grade I listed building.*

*It is considered that the construction of the revised building will still constitute a significant alteration of the 'street scene' in this Conservation Area."*

*"Even in this revised form there continue to be a variety of implications in relation to the proposed development which are re-iterated below, namely:*

- increase in traffic on a narrow country lane,*
- noise from occupants causing a nuisance to neighbours,*
- loss of privacy,*
- highway safety, as previously indicated this is a very narrow lane and egress from the driveway is difficult due to the poor visibility*

*The Parish Council continues to have grave concerns that the ultimate intention, is to construct a building which, with little effort, could be converted into separate self-contained accommodation, for the purpose of letting to tenants or as Holiday Lets.*

*The height of other garages in the immediate vicinity is considerably less than that proposed at Sunnyside; they are single story and in the case of Wayside Barn, there is restricted headroom in both the roof space accommodation and the garage itself.*

*Positioning of the proposed new build impacts on the privacy of the occupants of 1 Gabriel Cottages who will be overlooked by the first floor rear window and Wayside Barn which would be overlooked by the Velux windows.*

*The 'annex' will appear considerably higher than its 1.5 storeys due to the slope of the land. It is believed that the building approved in application 1/E/02/ 000599, a single storey garage, is more appropriate to the site and would be approximately the same size and height of the garage to Tytam which stands immediately adjacent."*

### **9.3 DC Conservation**

#### **9.4 No objection.**

*"This part of the conservation area has already been compromised. New development both immediately to the North and across the road has already made significant changes to the historic village character.*

*In this context I cannot defend the site and must agree that any harm caused is less than substantial and certainly not any greater than harm caused by recent adjacent development.*

*Similarly as for the conservation area, impact on the setting of the listed building is of a minor nature with other recent development as harmful (if not more so) as the proposal here.*

*The submitted Option 3 layout is considered to cause less than substantial harm to the setting of both the Conservation Area and the listed building; and as such wider benefits may well outweigh this loss. However this assumes that the proposed design will be of high*

*quality using quality materials and so be considered an enhancement to the setting of both the Conservation Area and the listed building."*

**9.5 DC Highway Authority**

9.6 No objection subject to the imposition of a condition relating to access, parking and turning area construction, on any permission.

**9.7 DC Environmental Health**

9.8 No comment.

9.9 All full consultee responses and representations can be viewed on [www.dorsetforyou.com](http://www.dorsetforyou.com)

**10.0 REPRESENTATIONS:**

10.1 Three statements of objection to the planning application have been received since the receipt of amended plans

10.2 The objections relate to:

- Character and appearance
- Materials
- Scale
- Overlooking
- Overbearing
- Vehicular movements

10.3 Four statements of objection to the planning application were received before the receipt of amended plans.

10.4 The objections relate to:

- Scale
- Vehicular movements
- Character of the area
- Overbearing
- Overlooking
- Overshadowing
- Noise
- Property value
- The future use of the annexe

**11. RELEVANT PLANNING 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
- ENV4. Heritage Assets

- 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
- COM7. Creating a Safe and Efficient Transport Network
- COM9. Parking standards in New Development

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

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

#### 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 PLANNING CONSIDERATIONS:**

##### 11.5 Osmington, West Knighton, West Stafford and Owermoigne Conservation Area Appraisal

##### 11.6 West Dorset Landscape Character Assessment 2009

#### 12.0 **HUMAN RIGHTS**

- 12.1 6.1 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 :**

- 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 construction phase will provide employment.

#### **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 ancillary residential accommodation given that the proposal is within the West Knighton 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 The principle of development**

16.2 In this application it is proposed to construct an annexe.

16.3 Policy SUS2 identifies locations where ancillary residential development is considered to be sustainable, primarily within defined development boundaries. The proposed development is of an ancillary residential nature and falls within the West Knighton defined development boundary. The principle of a garage and annex, in the proposed location, is therefore acceptable..

##### **16.4 The impact that the proposal would have on the character and appearance of the area and the setting of the Conservation Area and nearby listed buildings**

16.5 Paragraph 8 of the NPPF identifies that the protection and enhancement of the natural, built and historic environment forms part of the environmental objective of achieving sustainable development. Paragraph 124 identifies that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It is further identified that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF identifies that development should: Add to the overall quality of the area; be visually attractive; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

16.6 It is identified in policy ENV1 that development should not detract from and, where reasonable, should enhance the local landscape character. Policy ENV4 requires

development to conserve and where appropriate enhance the significance of heritage assets. It is expressed in policy ENV10 that development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Policy ENV12 requires development to respect the character of the surrounding area.

- 16.7 Section 72 of the Planning (Listed Building and Conservation areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and section 66 of the same Act states that the local planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 16.8 In relation to the design and conservation policy requirements the proposed development draws its inspiration from the historic core of the settlement and Sunnyside Cottage. The design of the roof of the proposed building and the form of the proposed building would complement its context.
- 16.9 The main host dwelling has been constructed out of red brick under thatch. Roof materials in the area include slates, thatch, red clay tiles and red concrete tiles. Wall materials in the area include timber cladding, red brick, render and stone. The plans show the materials of the garage/annexe to be red brick under plain clay tiles. The use of these materials would relate positively to those which can be found in the surrounding area and would be acceptable. In order to ensure that the materials of the proposed garage/annexe would reflect the details of those used in the surrounding area, and to help the proposal to contribute positively to the character of the area, it is recommended that a condition, requiring the approval of detailed samples of materials, should be imposed on any permission.
- 16.10 The proposed building, in terms of its height would be subservient to Sunnyside Cottage. In terms of its width and depth, the proposed structure would be subservient to the combined terrace consisting of Sunnyside Cottage, Wayside Cottage and Wayside Barn. The listed buildings known as Sunnyside Cottage and Wayside Cottage used to be one dwelling. When viewed from the street the proposed garage/annexe would read as subservient to the combined units of Sunnyside Cottage and Wayside Cottage. Therefore, the proposed building would not be considered to be out of scale with the scale of surrounding buildings when considered together, and would contribute to the overall quality of the area. It is considered that there would no harm to the setting of the host dwelling which is listed building and that as a result the siting, scale and form of the proposed building is considered to be in accordance with paragraphs 8, 124 and 127 of the NPPF, policies ENV1, ENV10, ENV4 and ENV12 of the Local Plan, section 72 of the Planning (Listed Building and Conservation areas) Act 1990 and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 because it would



maintain a strong sense of place by reflecting and respecting the areas defining characteristics and would also conserve the setting of the listed building and the character of the conservation area.

#### **16.11 AMENITY**

16.12 Paragraph 127 of the NPPF sets out that developments should provide a high standard of amenity for existing and future users. Policy ENV16 of the Local Plan also considers neighbour amenity impacts.

16.14 The proposed structure, by reason of its form and its separation distance from nearby buildings is considered to have no unduly harmful impact on neighbouring residential amenity and would not bring about an unsatisfactory outlook from within existing buildings nor establish a harmful overbearing effect on neighbouring existing living space. The proposed structure, by reason of the positioning of its openings, would not create a situation where the occupancy of the proposed building would result in a reduction of the privacy to the internal private living and main private garden living areas of existing buildings to an unacceptable level. The proposal would protect the existing good standard of amenity for the occupants of nearby buildings and their surrounding areas. A sufficient area of private garden space to meet the reasonable needs of the occupiers of the planning unit would be maintained.

16.15 The proposal is therefore considered to be in accordance with paragraph 127 of the NPPF and policy ENV16 of the Local Plan because the development would create and protect a good standard of amenity for the occupants of the existing and proposed buildings and their surrounding areas.

#### **16.16 Highway safety**

16.17 Policy COM7 requires development to not harm highway safety and efficiency and policy COM9 requires an adequate level of parking to be provided. Subject to the imposition of a condition relating to access, parking and turning area construction, on any permission, and given that the Highway Authority do not object to the proposal on the grounds that the parking and movements of associated vehicles would harm highway safety and efficiency, the proposal is considered to be in accordance with policy COM7 and COM9 because the parking and movement of associated vehicles would not harm highway safety.

#### **16.18 Dorset Heath Designation Buffer**

16.19 Policy ENV2 requires development to not have an adverse effect on the integrity of the Dorset Heaths International Designation. The proposed works would not take place within the Dorset Heaths International Designation but the application site falls within a Dorset Heath 5K Buffer Zone. In this area heathland mitigation is only required for new dwellings. In this instance the residential garage/annexe proposed would be considered to be incidental to the use of the primary dwelling and not a new dwelling within a new planning unit. The proposed garage/annexe is therefore treated as a domestic outbuilding and complies with policy ENV2 because it would

not have an adverse effect on the integrity of the Dorset Heaths International Designation. No mitigation payment through CIL would be required.

#### **16.20 The Groundwater Source Protection Area**

16.21 Policy ENV9 states that development which would result in an unacceptable risk to ground water will not be permitted. The proposal falls within a Groundwater Source Protection Area. The proposal complies with policy ENV9 because it would not result in an unacceptable risk to ground water due to its ancillary residential nature which is unlikely to produce pollutants.

#### **16.22 The Pool Harbour Nutrient Catchment Area**

16.23 Policy ENV2 requires development to not have an adverse effect on the integrity of the Pool Harbour wildlife site. The proposal falls within an area where development should not result in an increase in nutrient (nitrogen) loading discharge into Poole Harbour. It is considered that the proposal, by reason of its ancillary residential nature, would not result in an increase in nutrient (nitrogen) loading discharge into Poole Harbour. The proposal in this regard is considered acceptable.

#### **16.24 Conclusion**

16.25 The principle of carrying out the proposed development is considered acceptable. The proposed development, by reason of its design, size, positioning and materials, would successfully integrate into the surrounding environment and the positioning of openings would result in satisfactory living conditions. 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.

### **17.0 RECOMMENDATION:**

#### **17.1 Approval is recommended subject to the following conditions:**

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

Location Plan received on 28/05/2019  
558.04A received on 13/08/2019  
558/03A received on 13/08/2019

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 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 of the Conservation Area and the special architectural and historic interest of the listed building.

4. Prior to development above damp proof course level detailed sections (scale 1:5) and elevations (scale 1:10) of all windows and doors, in the development shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in strict accordance with such details as have been agreed.

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

5. Prior to the occupation of the development hereby approved the proposed highway access, parking and turning areas must have been completed in accordance with the details shown on plan 558/03A received 13/08/2019. Thereafter, these areas must be maintained, kept free from obstruction and made available for the access, egress, turning and parking of vehicles in perpetuity.

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

6. The development hereby permitted shall not be used as a sole or main place of residence and shall only be occupied for purposes as a garage/residential annexe incidental to the enjoyment of the main residence known as Sunnyside Cottage and indicated as being within the red line on the approved plan as a single residential unit.

REASON: The accommodation is not considered suitable for separate use, because of the relationship between it and adjacent dwelling.

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1.0

**Application Number – [WD/D/19/002027](#)**

**Site address - THE MOUND, QUAYSIDE, WEST BAY**

**Proposal -** Removal of shipping container and erection of a building used to house and refill diving tanks.

**Applicant name –** Dorset Council

**Case Officer –** Lindsay Flello

**Ward Member(s) –** Cllr S Williams, Cllr K Clayton and Cllr D Bolwell

**The reason this application is being reported to Committee is because the applicant is Dorset Council.**

2.0

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

3.0

**Reason for the recommendation :**

It is considered that with the proposed conditions the proposal would be acceptable in relation to design, heritage, amenity, highway and flood risk.

4.0

**Table of key planning issues**

Issue	Conclusion
Principle of development	Within the Defined Development Boundary for West Bay
Impact on the character and appearance of the Conservation Area	Considered to preserve the character and appearance of the conservation area.
Impact on residential amenity	No nearby residential properties adversely affected
Parking and highways considerations	Acceptable
Flood risk	Use acceptable in Flood zone
Impact on AONB	Acceptable
Design	Acceptable

5.0

**Description of Site**

5.1

The application site is in the corner of a car park adjacent to the west side of the Harbourmaster's Office and near to the entrance of Bridport Harbour which is Grade II Listed.

5.2

The Harbourmaster's Office building is listed as a building of local importance in the West Bay Conservation Area Appraisal in which it is described as giving a fort-like character to the Mound and acts as a modest sentinel over the Harbour entrance. The document recommends that development should ensure the character of focal points and landmarks is preserved.

## **6.0 Description of Development**

- 6.1 The applicant is Dorset Council. Two temporary planning permissions were previously granted which allowed the siting of a steel shipping container on land adjoining the Harbourmaster's Office in West Bay and to erect a timber fence and gate enclosure around the site. The container was used to house a compressor and associated equipment for the recharging of air bottles used by divers, and it was first granted a temporary three year permission in 2015 to allow an assessment of the effect of development on the area, the viability of the development and to give consideration to a provision of a suitable permanent facility. This is why another 3 year permission was granted again in 2019 to allow the continued use of the facility and to provide additional time for the applicant to explore potential opportunities for a suitable permanent facility.
- 6.2 This application is to construct a new building to replace the temporary shipping container. The building is proposed to be a timber framed building, with timber clad and a GRP roof, and it will be used to refill diver's air tanks.

## **7.0 Relevant Planning History**

- 7.1 WD/D/18/002157 - Renewal of temporary planning permission WD/D/15/000948 for siting of steel shipping container, timber fence and gates enclosure – Approved

WD/D/15/000948- Site a steel shipping container on land adjoining Harbourmasters office and erect a timber fence and gates enclosure – Approved

## **8.0 List of Constraints**

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

Within the West Bay 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*)

Flood Zone 3

## **9.0 Consultations**

- 9.1 **Environment Agency:** No comment received at time of writing

- 9.2 **Natural England:** *No comment*

- 9.3 Council's Environmental Health: Comment -**  
*Due to the close vicinity of existing residential dwellings to this site, demolition and construction works should have regard to the following to protect residents from nuisance:*
- *No bonfires to be held on site at any time*
  - *Hours of work are to be limited to*  
*Monday – Friday 0700 – 1900*  
*Saturday 0800 – 1300*
  - *No noisy activity on Sundays or Bank Holidays*
- If there are to be any proposed deviations from these hours, please contact Environmental Health to discuss these.*
- Further comment with regards noise in relation to the use.  
*I think that as we haven't received any complaints about this to date that it can be considered as satisfactory that they continue. There is of course the possibility that a change in set up may result in how noise affects those nearby but I think that for now there is no reason to add any conditions.*
- 9.5 Council's Technical services:** *With regards to this application i have no objection or further comments to make.*
- 9.6 Council's Conservation Officer:** *No comment - .I have visited the site to check for any heritage issues that may be affected, but feel the proposals are acceptable subject to finish details of the timber boarding.*
- 9.7 Council's Building control Officer:** *No comment received at time of writing*
- 9.8 Council's Highways Officer:** *No highway comment.*
- 9.9 Bridport Parish Council:** *Support, particularly the re-use of original materials as far as possible.*
- 9.10 Representations:** *None received at time of writing*
- 10.0 Relevant Policies**
- 10.1 National Planning Policy Framework (2019)**  
 As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:  
 Section 4 – Decision-making  
 Section 6 – Building a strong, competitive economy  
 Section 12 – Achieving well designed  
 Section 14 – Meeting the challenge of climate change, flooding and coastal change  
 Section 15 – Conserving and enhancing the natural environment  
 Section 16 – Conserving and enhancing the historic environment

Decision making:

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.

- 10.2      **Adopted West Dorset and Weymouth & Portland Local Plan (2015)**  
As far as this application is concerned the following policies of the Local Plan are considered to be relevant:  
INT1 – Presumption in favour of development  
ENV1 – Landscape, seascape and sites of geological interest  
ENV4 – Historic environment  
ENV5 – Flood Risk  
ENV10 – The landscape and townscape setting  
ENV12 – The design and positioning of buildings  
ENV16 - Residential amenity  
SUS2 - Distribution of Development  
COM7 - Creating a safe and efficient transport network  
COM9 - Parking standards in new development

- 10.3      **The Bridport Area Neighbourhood Plan (2019)**  
As far as this application is concerned the following policies of the Neighbourhood Plan are considered to be relevant:  
  
Policy HT2 – Public Realm  
Policy D5 – Efficient use of land  
Policy D8 – Contributing to the local character

- 10.4      **OTHER MATERIAL PLANNING CONSIDERATIONS:**  
Conservation Area Appraisals – West Bay or Bridport Harbour  
Design and Sustainable Development Planning Guidelines (adopted 2009)  
West Dorset Landscape Character Assessment 2009

## 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 No financial benefit other than for the applicant

## **14.0 Climate Implications**

14.1 Due to the small scale development, replacement, in a sustainable location it is considered that the proposal would have negligible impact on the climate.

## **15.0 Planning Assessment**

- Principle of development
- Impact on the character and appearance of the Conservation Area
- Impact on the setting of the Listed Structure
- Impact on residential amenity
- Parking and highways considerations
- Flood risk
- Impact on the AONB
- Design
- Other

### 15.1 Principle of development

15.1.1 The development site is within the Defined Development Boundary (DDB) of West Bay where development is permitted subject to compliance with other policy considerations

### 15.2 Impact on the character and appearance of the Conservation Area

15.2.1 The proposed timber building is located in the corner of a car park in the space between the Harbourmaster's Office and the stone wall bordering the north of the car park. The previously approved blue shipping container is currently in the space that would be occupied by the current proposal.

- 15.2.2 It is considered that the proposed building would be an unobtrusive simple addition to the Bridport Harbour entrance and would preserve the character of the conservation Area. The Parish Council have suggested the re-use of the materials however this is not being proposed by the applicant. Due to its location however a condition should be added to any proposal requiring details of the final proposed materials, in line your Conservation Officer's comments.
- 15.2.3 It is noted that the building is directly adjacent to a building listed in the West Bay Conservation Area Appraisal as a Building of Local Importance and which is therefore a non-designated heritage asset. However due to the sensitive and simple design and the fact your Conservation Officer raises no objections, that the proposal would be considered to preserve the Conservation Area and therefore Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 (the preserve/enhance test) is met.
- 15.3 Impact on the setting of the Listed Structure
- 15.3.1 It is considered that the proposal is within the setting of 'The harbour' which is a Grade II listed structure which has been rebuilt at various periods most recently 1824, according to the Historic England Listings. The other side of the harbour opening is located 1-12, Pier Terrace (Grade II), Gull House and the Dinghy (Grade II) and Dorset and East Devon Coast (World Heritage Site).
- 15.3.2 It is considered that due to the sensitive and simple design that the proposed development is considered to not have an adverse affect on the wider setting of above listed buildings/structures. 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.
- 15.4 Impact on residential amenity
- 15.4.1 There are no nearby residential properties that would be affected by the proposed development. Therefore the proposal is acceptable in relation to ENV16 of the adopted local plan.
- 15.5 Parking and highways considerations
- 15.5.1 The Council's Highways Officer raises no objections. Therefore the proposal is acceptable in relation to COM7 of the adopted local plan.
- 15.6 Flood risk
- 15.6.1 The proposed development is in Flood Zone 2 and 3. However, it is classed as a "Water-Compatible Development" and as such is acceptable in these Zones. Environment Agency was consulted but did not comment.
- 15.7 Impact on AONB
- 15.7.1 It is considered that the proposal would not significantly impact on the Dorset's AONB as the proposal is within a built up area.

15.8 Design

15.8.1 The design is considered to be unobtrusive in the location and reflects the purpose for which the building is proposed, it is considered that the proposal complies with ENV12 of the Local Plan and D8 of the Bridport neighbourhood plan.

15.9 Other

15.9.1 Environmental Health have asked that “*due to the close vicinity of existing residential dwellings to this site, demolition and construction works should have regard to the following to protect residents from nuisance:*

- *No bonfires to be held on site at any time*
- *Hours of work are to be limited to*  
*Monday – Friday 0700 – 1900*  
*Saturday 0800 – 1300*
- *No noisy activity on Sundays or Bank Holidays*

It is considered that due to the small scale of the development it would be unreasonable and unnecessary to add this as a condition.

15.10 **Bridport Area Neighbourhood Plan (2019)** The NP was recently the subject of a positive referendum and therefore becomes the most up to date development plan on which applications are considered. In that regard the proposal is considered to be compliant with Policy HT2 (Public Realm) which states that “*Proposals that have a negative impact or “harm” the qualities of the public realm as identified in the Neighbourhood Characteristics of this plan will not be supported*”; Policy D5 (Efficient use of land) which states in part that “*Development should make efficient use of land, and layouts that create wasted or leftover land will not be supported*”; and Policy D8 (Contributing to the local character) states in part that “*Proposals for new development (residential and commercial) in the Plan area should demonstrate high quality architecture and seek to maintain and enhance local character*”

16.0 **Conclusion**

16.1 It is considered that with the proposed conditions the proposal would be acceptable in relation to design, heritage, amenity, highway and flood risk.

17.0 **RECOMMENDATION**

Approve subject to conditions;

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

Location Plan, Drawing No. 10717/02 received 8<sup>th</sup> August 2019  
Existing and Proposed floor plans and elevations, Drawing No. 10560/01A received 3<sup>rd</sup> February 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. Prior to the commencement of building works, excluding demolition of the fence and removal of the shipping container, a sample of the proposed external facing material(s) shall have been erected on site, 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.

## 1.0 Application Number: WD/D/19/002947

**Site address: LAND ADJACENT TO RAILWAY STATION, OFF STATION ROAD, MAIDEN NEWTON, DORCHESTER**

**Proposal: Construction of three metre wide multi-use path between Station Road and the former Branch Line to Bridport**

**Applicant name:** Dorset Council

**Case Officer:** Hamish Laird

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

## 2.0 Summary of Recommendation: Approve

**The application is brought before the Planning Committee for decision because Dorset Council is the applicant.**

[https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_140189](https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_140189)

## 3.0 Reason for the recommendation:

- The full application seeks planning permission for the Construction of a three metre wide multi-use path between the station approach road – Bull Lane – to Maiden Newton Railway Station and the former Branch Line to Bridport track bed which is a cycle track/footpath. The site lies in the DDB for Maiden Newton and the proposal promotes accessibility to sustainable transport development – walking and cycling use – the principle of development is acceptable.
- The layout and design details are acceptable.
- There would be no significant harm to neighbouring residents' amenity.
- There would be some loss of self-set trees on the site and an impact on wildlife habitat in respect of reptiles. A certified approved Biodiversity Mitigation Environment Plan accompanies the application.
- There are no material considerations which would warrant refusal of this application.

## 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The site comprises an area of scrub land adjoining the railway station. It lies within the DDB for Maiden Newton. The proposal is for a link to improve sustainable methods of transport – walking and cycling and access to an existing public transport facility. The

	principle of development is acceptable.
Scale, design, impact on character and appearance	Access, and Layout as per the submitted drawings are acceptable – the path link covers a relatively small area between the Station Approach road, the railway, and the railway station platform.
Impact on amenity	Is acceptable. There would be no adverse impacts on any residential neighbours' amenities.
Impact on landscape or heritage assets	Site lies in the Dorset AONB and inside DDB for Maiden Newton. The railway station lies within the Conservation Area but just outside the DDB. The development will not have a materially adverse visual impact on the character of the CA which would be preserved or the AONB.
Economic benefits	The development phase will provide employment during construction and post development there will be a social benefit in the local community through the use of the Station and cycle route/trailway.
Access and Parking	There are no highway objections.
EIA (if relevant)	N/A
Other issues	The impact on Protected Species is acceptably covered by the submitted Biodiversity Mitigation Plan.

## 5.0 Description of Site

5.1 The application site comprises an elongated triangular shaped area of scrub land measuring approximately 433 m<sup>2</sup>. It lies between the station platform and railway track, station approach road – Bull Lane – and, Station Road which runs on a north-east/south-west axis as it passes under the railway via a bridge. The site is a mix of grass, scrub, shrubs and self set trees. The trees are most apparent in the area closest to the station building.

### Surrounding area

5.2 The site lies within the DDB for Maiden Newton. It abuts the DDB's northern boundary. It also lies within the Maiden Newton Conservation Area which contains the historic station buildings; footbridge over the railway; and, station car park. The surroundings to the south and south-west are residential with open countryside to the north on the opposite side of the railway tracks. The site and surrounding area lie within the Dorset AONB.

### **The Proposed Development**

5.3 The full application seeks planning permission for the Construction of a three metre wide multi-use path between the Station Approach road to Maiden Newton Railway Station and the former Branch Line to Bridport trackbed which is a cycle track/footpath. The path surface is to be of a bituminous surfaced path with 3-6mm chippings rolled onto the surface. The path will drain to a soakaway.

5.4 The application is supported by a Design and Access Statement; a Heritage Statement; an Ecological Assessment; a Reptile Survey and a Dorset Council - Natural Environment Team approved Biodiversity Mitigation Enhancement Plan (BMEP).

### **6.0 Relevant Planning History**

<b>Application No.</b>	<b>Application Description</b>	<b>Decision</b>	<b>Date of decision</b>
<b>1/D/09/001886</b>	Alterations to chimney	A	25 January 2010
<b>1/D/09/002008</b>	Install 2 wall mounted Public Assistance Help Points	W	29 March 2010
<b>1/D/10/000700</b>	Install two Public Assistance Help Points (PHP), one wall mounted on Platform 1 & the other post mounted on Platform 2	A	16 June 2010
<b>1/D/10/000930</b>	Replace & add new CCTV cameras	A	26 July 2010
<b>1/D/11/000481</b>	Alterations & amendments to approved application 1/D/10/000930	A	19 May 2011
<b>1/D/13/001699</b>	Upsize left hand box hopper head to rainwater pipe	A	13 February 2014

	and downpipe to trackside elevation		
<b>1/E/90/000208</b>	Change of use to industrial/office use	A	25 May 1990
<b>1/W/07/000321</b>	Erect commemorative plaque (RETROSPECTIVE APPLICATION)	A	02 May 2007
<b>WD/D/19/002218</b>	Crown lift various species by up to 3m - to enable safe access	NO	05 September 2019

## 7.0 List of Constraints

Inside Maiden Newton Defined Development Boundary (DDB) – abuts northern boundary of the DDB

Inside the Maiden Newton Conservation Area

Within the Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

Landscape Character Area: incorporating the West Dorset Landscape Character Assessment (2009)

## 8.0 Consultations

**8.1 Maiden Newton Parish Council** support the application as it will provide access for disabled persons to the Trailway.

**8.2 Dorset Council – Highways:** The Highway Authority has NO OBJECTION to the proposal.

**8.3 Dorset Council – Environmental Health:** Raises no objection and comments as follows:

*“In view of the previous use of this site, the planning authority will have to satisfy itself that it is able to fully discharge its liabilities in respect of contaminated land.*

*It is recommended that, should consent be granted, a suitable condition is applied which requires the applicant, in the event that ground contamination is encountered*



*during construction, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority.*

*The planning authority may wish to advise the applicants or their agents that the planning authority will in these circumstances be guided by:*

*BS 10175:2001 Investigation of potentially contaminated sites - Code of Practice Guidance for the Safe Development of Housing on Land Affected by Contamination (Environment Agency)."*

**8.4 Dorset Council – Conservation Officer** – expresses SUPPORT for the proposal, and comments as follows:

*"The proposed ramp is considered to be a minimal addition to the setting of the station, and will have no impact upon the fabric of the building itself. The main views towards the station building are from the approach road and from the southeast across the car park. From the approach road, the new ramp will be visible once the scrub has been cleared, but it will not be a prominent feature that is read at the same time as the building. This is perhaps not the case on views up from Drift Road, but again it is thought that the visual impact of the ramp will be minimal and not detract from the views of the station building.*

*From the southeast, the position of the ramp will be discrete and visible as a break in the treeline. The ramp is not visible from the village or from other significant areas in the Conservation Area."*

#### **8.5 Dorset Council – Technical Services**

With regards to this application I have no objection or further comments to make.

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

**Representations received** – No representations have been received.

#### **9.0 Relevant Policies**

**Primary Legislation:** Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Sections 66, and 72.

#### **National Planning Policy Framework 2019**

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

Section 2 'Achieving sustainable development' advises at Paragraphs 8 and 9:

*"8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

At paragraph 11, it advises of the ‘Presumption in favour of sustainable development’.

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’

Section 16 ‘Conserving and enhancing the historic environment’

Paragraph 172 of the NPPF 2019, inter alia, requires that ‘*Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues*’.

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.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

In the Adopted West Dorset and Weymouth & Portland Local Plan (Adopted – October, 2015) the following policies apply:

INT1 Presumption in Favour of Sustainable Development  
ENV1 Landscape, Seascape and Sites of Geological Interest  
ENV4 Historic Assets  
ENV10 The Landscape and Townscape Setting  
ENV12 The Design and Positioning of Buildings  
ENV16 Amenity  
SUS2 Distribution of Development  
COM7 Creating a Safe and Efficient Transport Network.

**Other material considerations**

WDDC Landscape Character Area Assessment 2009

Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

WDDC Design & Sustainable Development Planning Guidelines (2009)

Maiden Newton and Frome Vauchurch Area Neighbourhood Plan - is currently in production - it carries no weight in the consideration of this application.

Design and Sustainable Development Planning Guidelines 2009.

**10.0 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.

**11.0 Public Sector Equalities Duty**

11.1 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.

11.2 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.

11.3 In considering the requirements of the PSED, the use of a solid surface for the new development will provide a firm, level, surface to enable safe access to the footpath/cycleway and station platform for all.

**12.0 Financial benefits** – Minimal. The development will result in social benefits through improved accessibility to Maiden Newton and the station. It may result in an increase in visitors to village who use local facilities and services.

### **13.0 Planning Assessment**

- **Principle of development**
- **Layout and Impact on the character and appearance of the AONB**
- **Impact on neighbours amenities**
- **Access, Highways & Parking**
- **Landscaping, trees and Biodiversity**
- **Any other material planning considerations**

#### **13.1 Principle of development**

13.1.1 The site lies within the Defined Development Boundary (DDB) for Maiden Newton and is to provide improved accessibility to the existing railway station, and cycleway/footpath via a trailway link. The principle of development of the site, is, therefore, accepted.

#### **13.2 Layout and Impact on the character and appearance of site and surroundings; the AONB; and, the Conservation Area**

13.2.1 The development of the site via the construction of the level surface path will result in the loss of some trees on the site, but otherwise will have a minimal visual impact on the character of the site and its surroundings within the Conservation Area and the AONB. The proposed development accords with the provisions of Adopted Local Plan Policies ENV, ENV4, ENV10 in the West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015); and, the advice contained in the NPPF 2019, particularly that at paragraph 172 which gives great weight to “conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.” The character and appearance of the Conservation Area will be

preserved and the preserve/enhance) test as set out in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 will be met.

### **13.3 Impact on neighbours amenities**

13.3.1 Policy ENV16 – Amenity – of the Adopted Local Plan permits development provided that it has no significant adverse impact on neighbours amenity through loss of privacy; loss of light or excessive overshadowing; or through a level of activity or noise that would detract from the quiet enjoyment of residential properties.

13.3.2 The site of the proposed railway link lies opposite residential properties located in a terrace of dwellings at Nos 40-45 Bull Lane to the south-east. New street lighting has recently been installed opposite these dwellings close to the south-easternmost location of the footpath where it would join onto the station approach road. The railway link would not attract motorised traffic and there would be minimal noise disturbance to occupants of these dwellings arising from its use. Officers consider that the proposal will not result in any undue harm to neighbours amenities and accords with the provisions of adopted Local Plan Policy ENV16 – Amenity – in the West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015); and, the advice contained in the NPPF, 2019.

### **13.4 Landscaping, trees and Biodiversity**

13.4.1 Policies ENV1 and ENV2 of the Adopted Local Plan outline considerations with regards to landscaping, tree matters, and wildlife habitat. There are a number of mature trees within the site area on the part of it closest to the station. These will need to be removed to accommodate the railway link. A further matter is the impact the development will have on the habitat of Protected Species – particularly on Reptiles including Slow Worms (20), Grass Snakes (2) and Adders (1) – which, being cold-blooded creatures, use the more open parts of the site for basking in sunlight in order to warm up. Officers consider that the existing trees should be retained as far as possible. 150m<sup>2</sup> of this secondary woodland habitat containing a mix of ash and sycamore with bramble and occasional blackthorn as ground cover will be lost. There are no bat roosts amongst the trees and opportunities for nesting birds are limited by the proximity of the trees to the station and human activity.

13.4.2 The Biodiversity Mitigation Enhancement Plan (BMEP) submitted with the application makes provision for 238m<sup>2</sup> of habitat currently dominated by Ground Elder which is to be removed. No ground cover scrub would be removed during the bird nesting season (February – August). This area would be lightly tilled and sown with a wildflower grassland seed mix specifically adapted to clay soils. The edge of the site will also be planted with a mix of 9 native species trees. These are proposed to be planted along the north-eastern edge of the railway link. The trees comprise 3 Field Maple; 2 Wild Crab; 1 Wild Cherry; and, 3 Hawthorn. The works would be overseen by a qualified Ecologist.

13.4.3 Officers consider that the proposed works of mitigation outlined in the BMEP are acceptable and accord with the provisions of Policies ENV1 and ENV2 in the

West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015); and, the advice contained in Section 15 ‘Conserving and enhancing the natural environment’ in the NPPF, 2019.

### **13.5 Access, Highways & Parking**

13.5.1 There are no highway objections. In this regard, the development accords with Policy COM7 in the West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015).

### **13.6 Any other material planning considerations**

#### **Climate Change Implications**

13.6.1 The proposal is considered to be in accordance with the Policies of the Adopted Local Plan. It directly supports sustainable transport – walking and cycling – and provides access for horses, wheelchair and pushchair users. It represents Sustainable Development. The proposal construction of the trailway link would have to meet Dorset Council’s specifications regarding method of construction with which the Transportation Section is familiar.

### **14.0 Conclusion**

14.1 The proposal represents a sustainable form of transport development that will enhance access to existing facilities – the trailway and Maiden Newton Station – which will be freely accessible to pedestrians, horses, bicycles, pushchair and wheelchair users. The application meets the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Sections 66, and 72; the above quoted Policies in the Adopted Local Plan; and, the advice contained in the NPPF, 2019. It is recommended for approval.

### **15.0 RECOMMENDATION – APPROVE – Subject to the following conditions:**

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

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

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

Location Plan - Drawing Number HI1122-500-01G  
Section - Drawing Number HI1122-503-01

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

3. The development hereby approved shall not be first brought into use without complying with the provisions of the submitted Biodiversity Mitigation and Enhancement Plan (BMEP) produced by Danny Alder Ecology and

Conservation, and, certified approved on 18 November, 2019, by Dorset Council – Natural Environment Team. The works and specifications outlined in this approved plan must be completed in full, unless any modifications to the agreed mitigation as a result of the requirements of a European Protected Species Licence have first been agreed in writing by the local planning authority. Thereafter, the approved mitigation measures shall be permanently maintained and retained in accordance with these approved details, unless otherwise first agreed in writing by the local planning authority.

REASON: To ensure the protection and enhancement of natural habitat and any European Protected Species (EPS) on the application site, in the interests of nature conservation and in accordance with the provisions of Regulation 9(1) of the Amended Conservation Regulations 2012; and, to make provision for protected species in accordance with the National Planning Policy Framework.

4. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

## **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 was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.



## 1.0 [WD/D/19/003024](#)

### **Site Address - WINSHAM BRIDGE, WINSHAM**

**Proposal** - Repairs to stone work of bridge & replacement of stone rip-rap river bed through arch with stone filled gabion.

**Applicant name** – Dorset Council

**Case Officer** – Darren Rogers

**Ward Member(s)** – Cllr Christopher

**This application is reported to Planning Committee as the Council is the applicant as required by the Constitution.**

**1.1 Summary of Recommendation:** Issue a Listed Building Lawful Development Certificate

### **2.0 Reason for the recommendation:**

2.1 The proposed works would not affect the character of the listed building as a building of special architectural or historic interest and as such listed building consent is not required.

## **3.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
<p>The main issue for consideration in determining applications for these type of applications in connection with a Listed Building are:</p> <ul style="list-style-type: none"><li>• whether the works proposed are lawful for listed building control purposes under section 61 of the Enterprise and Regulatory Reform Act 2013 as not affecting the character of the listed building as a building of special architectural or historic interest.</li><li>• Whether Listed Building Consent for the proposed works is a requirement.</li></ul>	<p>The proposed works would not affect the character of the listed building as a building of special architectural or historic interest and as such listed building consent is not required.</p>

### **4.0 Description of Site**

4.1 The application site relates to a listed bridge that the Council maintains on the County border with Dorset and South Somerset just south of the village of Winsham in South Somerset. The bridge is known as Winsham Bridge.

4.2 This is a Grade II listed structure built by Sir Alexander Hood of single semi-circular arched design with triple key stone. The stone is roughly squared rubble with dressed stone dressings. Parapets slightly arched with chamfered ashlar copings winging out to dressed stone piers.

## **5.0 Description of Proposal**

5.1 The proposal is for remedial works to the parapets and spandrel stonework and pointing, along with the reinforcement of the riverbed beneath the bridge to resist erosion.

## **6.0 Relevant Planning History**

6.1 None relevant.

## **7.0 Relevant Constraints**

7.1 N/A

## **8.0 Consultations**

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

**8.1 Parish Council** - *This works need doing to protect the bridge and is therefore supported by Thorncombe Parish Council (NB - these comments are immaterial to this determination)*

**8.2 Dorset Council Conservation Officer**- *The works are related to repointing, some stone replacement and other stone re-bedding. A revised drawing DWG BS0060\_601\_1\_A has now been supplied, confirming the extent of each type of works and the use of a pure lime mortar for repairs.*

*In addition, the clearing out of silt etc. from under the bridge arch is also proposed but this does not involve any replacement of historic fabric or relate directly to the structure itself. Following this clearance, riverbed reinforcement is proposed to resist the ongoing scouring and two options are suggested:*

*the use of the gabion mattresses would be preferred as a reversible approach.*

*The scheme is considered to involve relatively minimum intervention in materials sympathetic to the historic structure's listed status, and is regarded as remedial repairs, not affecting its special character and historic interest.*

*Therefore, no formal LBC is required.*

**8.3 South Somerset District Council Conservation Officer** – *notes that the bridge is subsiding and has already had stone gabions installed on South Somerset's side. I am happy to defer to you on this.*

## **9.0 Representations**

9.1 None received

## **10.0 Relevant Policies**

National Planning Policy Framework

N/A to this lawful development certificate

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

N/A to this lawful development certificate determination

**Other material planning considerations:**

- Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 (introduced under section 61 of the Enterprise and Regulatory Reform Act 2013, regarding Certificates of Lawfulness for proposed works to listed buildings).

**11.0 Human rights**

N/A to this lawful development certificate determination

**12.0 Public Sector Equalities Duty**

N/A to this lawful development certificate determination

**13.0 Financial benefits**

N/A to this lawful development certificate determination

**14.0 Climate Implications**

N/A to this lawful development certificate determination

**15.0 Planning Assessment**

15.1 The main issue for consideration in determining applications for these type of applications in connection with a Listed Building are:

- whether the works proposed are lawful for listed building control purposes under section 61 of the Enterprise and Regulatory Reform Act 2013 as not affecting the character of the listed building as a building of special architectural or historic interest.
- Whether Listed Building Consent for the proposed works is a requirement.

15.2 If the Council determines that the proposals **DO** affect the character of the listed building as a building of special architectural or historic interest then we would have to explain why and refuse the Certificate of Lawfulness application as not being lawful under S61 of the above Act.

15.3 If the Council determines that the proposals **DO NOT** affect the character of the listed building as a building of special architectural or historic interest then we would approve the Certificate of Lawfulness application as being lawful under S61 of the above Act and no Listed Building Consent application would be required for the proposals.

15.4 As is set out above the Councils Conservation Officer has been consulted on the proposed works and comments that the works are related to repointing, some

stone replacement and other stone re-bedding. A revised drawing DWG BS0060\_601\_1\_A has now been supplied, confirming the extent of each type of works and the use of a pure lime mortar for repairs.

15.5. In addition, the clearing out of silt etc. from under the bridge arch is also proposed but this does not involve any replacement of historic fabric or relate directly to the structure itself. Following this clearance, riverbed reinforcement is proposed to resist the ongoing scouring and two options are suggested but the use of the gabion mattresses would be preferred as a reversible approach. The applicant has confirmed this to be the case.

15.6 The scheme is considered to involve relatively minimum intervention in materials sympathetic to the historic structure's listed status, and is regarded as remedial repairs, not affecting its special character and historic interest. As such it is considered that no formal Listed Building Consent is required.

15.7 However there remains one minor complication. The County Boundary lies in the middle of the river between Dorset and South Somerset and as a result the bridge straddles the boundary. Dorset highways (bridges section) operate in such a way that where bridges cross local authority boundaries they have local arrangements in place and so in some cases Dorset Council highways look after the whole of a bridge that technically falls outside the Council's county boundary and vice versa.

15.7 While there is a local arrangement that Dorset Council maintains this bridge (even if half of it is in South Somerset) from a planning point of view we have no jurisdiction to deal with a Lawful Development Certificate application for a listed building that deals with land technically that is not in our area.

15.7 South Somerset's Conservation Officer has responded to a consultation on it and *"notes that the bridge is subsiding and has already had stone gabions installed on our side. I am happy to defer to you on this unless there is anything specific that needs my input"*.

15.8 While that deferral to us to deal with it is fine in principle we would still need formal authority from South Somerset District Council agreeing for Dorset Council to issue a Lawful Development Certificate for the works proposed e.g. over the location plan that spans all of the bridge. Your case officer has made that request to South Somerset and we are awaiting a reply and I will update Members verbally at Committee.

15.9 Should that authority from South Somerset not be forthcoming then the Council's highways section will need to make a separate application to South Somerset for the works related to the other half of the bridge that falls technically in their area. In the meantime I have received a location plan that shows the red edge

of the bridge boundary only for that part falling in Dorset Council's area for the time being.

## **16.0 Conclusion**

16.1 16.1 The application for a Certificate of Proposed Lawful Development should be granted because the proposed works would not affect the character of the listed building as a building of special architectural or historic interest. Listed Building Consent is therefore not a requirement.

## **17.0 Recommendation –**

- a) That Dorset Council issues a Lawful Development Certificate for the works proposed that fall within the Dorset Council area only because the works are considered to not affect the character of the listed building as a building of special architectural or historic interest and therefore the proposed works would be lawful; or
- b) That Dorset Council issues a Lawful Development Certificate for the works proposed in their entirety because the works are considered to not affect the character of the listed building as a building of special architectural or historic interest and therefore the proposed works would be lawful but only provided that we have first received formal authority from South Somerset District Council agreeing for Dorset Council to issue a Lawful Development Certificate for those whole works proposed e.g. over the location plan that spans all of the bridge.

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