



Western and Southern Area Planning Committee

Date: Thursday, 9 July 2020
Time: 9.30 am
Venue: MS Team Live Event This meeting will be held remotely as an MS Teams Live Event [see links below]

Membership: (Quorum 6)

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

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

For more information about this agenda please contact Denise Hunt 01305 224878 - denise.hunt@dorsetcouncil.gov.uk



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Members of the public are invited to access this meeting with the exception of any items listed in the exempt part of this agenda.

This meeting will be held remotely as an MS Teams Live Event [see links below]

[\[W&S\] Area Planning Committee - Morning Session starts at 9.30am](#)

[\[W&S\] Area Planning Committee - Afternoon Session starts at 2.00pm](#)

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than 8.30am on Tuesday 7 July 2020. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a councillor who is not on the Planning Committee wishes to address the committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative provided that they have notified the Democratic Services Officer by 8.30am on Tuesday 7 July 2020.

Please note that if you submit a representation to be read out on your behalf at the committee meeting, 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 general information about speaking at meetings [Guidance to Public Speaking at a Planning Committee](#) and specifically the "***Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings***" included as part of this agenda (see agenda item 4 - Public Participation).

Using social media at virtual meetings

Anyone can use social media such as tweeting and blogging to report the meeting when it is open to the public.

AGENDA

Page No.

1 APOLOGIES

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

To receive any declarations of interest.

3 MINUTES

5 - 12

To confirm the minutes of the meeting held on 11 June 2020.

4 PUBLIC PARTICIPATION

13 - 14

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 note that the deadline to register to speak at the Area Planning Committee is at 8.30am on Tuesday 7 July 2020.

Please refer to the [Guide to Public Speaking at Planning Committee](#).

5 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

a WD/D/20/000583 - 82 East Street, Beaminster, DT8 3DT

15 - 46

Demolition of existing bungalow and erection of 5 dwellings.

b WD/D/20/001014 - Creek Caravan Park, Fishers Place, Ringstead, Dorchester, DT2 8NG

47 - 60

Station 40 caravans - Variation of conditions 1 and 2 and removal of conditions 3 and 4 of planning permission 207358 (extending the season).

- c** **WP/17/00836/FUL - Land NW Side of Wessex Roundabout, Radipole Lane, Weymouth - Appeal against non-determination** 61 - 78

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

COMMITTEE BREAKS FOR LUNCH 1.00PM - 2.00PM

- d** **WP/19/01016/FUL - St Nicholas Church, Buxton Road, Weymouth** 79 - 98

Demolition of the existing church and erection of 18 affordable flats with associated external amenity space and parking spaces.

6 **URGENT ITEMS**

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



DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 11 JUNE 2020

Present: Cllrs 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

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

Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Chelsey Golledge (Technical Support Officer), Colin Graham (Engineer (Development Liaison) Highways), Carol McKay (Senior Definitive Map Technical Officer), Vanessa Penny (Definitive Map Team Manager), Darren Rogers (Enforcement Manager) and Denise Hunt (Democratic Services Officer)

119. Apologies

No apologies for absence were received at the meeting.

120. Declarations of Interest

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

121. Minutes

The minutes of the meeting held on 28 May 2020 were confirmed.

122. 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.

123. Planning Applications

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

124. WP/20/00027/FUL - 56 Preston Road, Weymouth, DT3 6QA

The Committee considered an application to demolish an existing dwelling and erect 7 flats with associated access and parking.

An update sheet was circulated to members before the meeting which corrected an error in the report that referred to an incorrect number of flats, details of 2 further representations and a change to Condition 7.

Members were shown a site location plan which included the outline of a previous scheme in 2008 to redevelop No 58 Preston Road into 6 flats approved by the former Weymouth & Portland Borough Council that had now lapsed. The site of the application under consideration was to the south of that site.

Aerial photos were shown of previously approved flats at 12, 18, 42, 44, 46, 70 and 72 Preston Road on land formerly with detached properties within spacious grounds. No 66 remained a vacant plot with permission for 7 flats.

Another aerial photo showed Furzy Close wrapping around the site and the sloping nature of the application site.

A number of photos were shown of the existing access and dilapidated bungalow and its relationship with the neighbouring properties, including 4 Furzy Close.

The proposed site layout plan included a hardstanding for 10 parking spaces including 3 car port structures, bike spaces and bin storage.

There were a number of significant trees on the site protected by Tree Preservation Orders (TPOs) that had been subject to an arboricultural report. A material commensurate with root protection of the TPO trees would be used in place of tarmac for the hardstanding. It was confirmed that the Tree Officer was content with the protection measures subject to conditions.

Members were shown the proposed elevations which drew comparisons with a previous withdrawn scheme for 8 units which was unduly dominant due to its mass, scale and bulk. The proposed rear (east) and side (north) elevations were set into the slope of the site.

Floor plans, a roof plan, cross sections, landscaping plan and materials slide were also shown.

The key planning points were highlighted including:-

- principle of development - presumption in favour of sustainable development
- design and scale considered appropriate for the site
- no significant impact on amenity
- local urban character - previously developed land and viewed in relation to the neighbouring built form
- highway safety - highways authority raise no objection
- Nature conservation - Biodiversity Mitigation Plan considered acceptable subject to conditions
- Community Infrastructure Levy (CIL) liable.

A number of written representations were received that were read out by the Technical Support Officer and are attached to these minutes.

Responding to comments in the representations concerning road safety, the Engineer (Development Liaison) advised that widening of the carriageway along Preston Road took place in 1995 and the road had also been downgraded to a B road, with traffic signposted towards Littlemoor Road and the Weymouth relief road. The verge and footway along Preston Road were just under 4 metres wide. The tree near the access to the site was part of a wide footway with the ability to see behind the tree.

The proximity of the access to the bus stop was acceptable with the presence of buses considered to be a temporary feature. The presence of a bus route made the location more sustainable.

Cllr Shortell questioned obstruction of views by the large tree at the access to the site and from buses waiting at the bus stop as well as the provision of on-site parking for contractors. He noted that the new development would be closer to the rear bungalow and that permissions granted for similar developments in Preston Road had not yet been built. He considered the scheme to be cramped and overbearing and noted that the extant permission at No 58 Preston Road was for 6 units on a larger footprint when this application proposed 7 flats on a smaller footprint.

The Enforcement Manager stated that the permission for 6 flats at No 58 approved in 2008 had lapsed and should be disregarded. Parking would be covered under the Construction Environmental Management Plan and accommodated within the application site.

The Engineer (Development Liaison) noted that the highways tree outside of the application site had been retained as a result of the Preston Road widening scheme. Although it had some light growth around the trunk that could be improved, the application could not be refused on this basis as there was sufficient visibility behind the tree. Although a bus parked at the bus stop limited visibility temporarily in the other direction, there was sufficient clearance around the bus and for other road users to be able to react accordingly.

Members considered that, although part of Preston Road towards Overcombe had altered over time due to developments of flats, this was not the case in the area of this application which remained predominantly larger family homes with no flats. It was considered that the application would therefore change the character of this part of Preston Road. Members also questioned the demand for flatted developments in the area given that there were flats that had recently been built that remained for sale.

The Enforcement Manager suggested that the previous approval for 6 flats at No 58 Preston Road would have been the first of this type of development had the permission not lapsed. The NPPF referred to making best and efficient use of land and this application sat in the context of Preston Road as a whole, rather than individual parts of the road.

Members also raised concerns regarding the size of the development in relation to the plot as being too small to accommodate 7 flats; that the scheme was overbearing for the space available; the impact on neighbours in Nos 54 and 58 Preston Road and 4 Furzy Close including loss of light; the proximity of the proposed development to No 58 Preston Road and the need to reuse existing buildings supported in the NPPF.

The Enforcement Manager stated that the report detailed the impact on No 58, in particular, the side amenity garden that was not the sole area for amenity for No 58.

Some members felt that that a scheme of 5 flats over 2 storeys would reduce the impact of the development and lead to benefits without the negative aspects.

Members also asked about speed of traffic along Preston Road which was a police enforcement matter; the removal of largely ornamental trees that were not subject to a TPO and sewerage capacity, which was a utilities matter separate to this application. A request was made for the Construction Management Plan to forbid use of the bus stop by construction traffic.

Cllr David Shortell proposed that the application be refused for reasons of layout and density; loss of light and overshadowing and highway safety. This was seconded by Cllr Louie O'Leary.

The Solicitor advised that the committee was entitled to form its own judgement in relation to matters of layout, density and loss of light. However, refusal on the basis of highways safety could not be defended given that there was no objection by the Highways Authority.

The Committee adjourned between 15:30 - 15:40 in order that officers could formulate the wording of the reason for refusal based on the comments made by members of the committee.

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

Decision:

That the application be refused for the following reason:-

1) The proposed development by reason of its layout, mass, scale and bulk would have an unduly dominating and overbearing impact on each of the side neighbouring properties at nos 54, & 58 Preston Road and 4 Furzy Close at the rear, that as a result would sit uncomfortably in relation to those neighbouring occupiers and would be detrimental to their amenity in respect of overshadowing and loss of light. Its mass, scale and bulk would be detrimental to the character and appearance of the area. As such the proposed development would be contrary to Policies ENV10; ENV12 & ENV16 of the adopted Weymouth & Portland and West Dorset Local Plan (2015); and Section 12 of the National Planning Policy Framework (2019) and in particular paragraph 127 which states amongst other things that decisions

should ensure that developments provide a high standard of amenity for existing and future users.

125. Application to divert part of bridleway - 39 Symondsburry at Lower Eype Farm

The Committee considered an application to divert part of Bridleway 39, Symondsburry at Lower Eype Farm which was being made in the interest of the landowner. Planning permission had been granted for a new single storey dwelling to be occupied by the applicant and the diversion sought to improve privacy and security of the new property.

The application was presented by the Senior Definitive Map Technical Officer who showed a location plan and photographs of the existing and diverted routes as well as a computer-generated image of the new dwelling.

Members were informed that Symondsburry Parish Council had objected to the planning application for the new dwelling on the grounds that the bridleway would be affected.

An objection to this application had also been received from Symondsburry Parish Council which was outlined in the report.

Cllr Nick Ireland sought clarification on whether diversion of the route from a right of way onto a permissive path would result in a higher risk that it could be closed.

Members were informed that the diversion of the bridleway would mean that the whole route would become a definitive rather than a permissive route.

Proposed by Cllr Louie O'Leary, seconded by Cllr Peter Barrow.

Decision

That:

- a) The application to divert part of Bridleway 39, Symondsburry be accepted and an order made;
- b) The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and
- c) If the Order is unopposed, it be confirmed by the Council without further reference to the Committee.
- d) If objections are received to the Order which are of a similar nature to those already considered by the Committee, the Order should be submitted to the Secretary of State without further reference to the Committee.

Reasons for Decisions

- a) The proposed diversion meets the legal criteria set out in the Highways Act 1980.

- b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the diversion.
- c) This report considers the objection to the pre-order consultation and also the order confirmation tests. If the committee resolves to make an order and no objections are received there would be no further material for the committee to consider.
- d) In the event that objections of a similar nature to those already considered are received to the order, the committee will have already considered the objections in the light of the legal criteria and therefore Dorset Council can submit the Order to the Secretary of State for consideration without further reference to the Committee.

126. **Urgent items**

There were no urgent items

127. **Update Sheet**

Application Ref.	Address	Agenda ref.	Page no.
WP/20/00027/FUL	56 Preston Road, Weymouth, DT3 6QA	5a	7-32
<p>Officers report Update</p> <p>A - Para 5.1 of the officers report makes reference to 8x2 bed flats.</p> <p>Para 5.4 refers to 8 units in total (2 on the ground floor with a further 3 flats on the respective 1st and 2nd floors).</p> <p>The revised 7unit scheme has 2 units on the ground floor, 3 on 1st floor and 2 on 2nd floor.</p> <p>B - 2 further representations - one in support stating</p> <p><i>“It has been broken into and is overgrown, it has the potential to be so much more and if nothing is done soon, I believe squatters are going to appear soon as well.”</i></p> <p>One objecting stating:</p> <p><i>To the planning committee,</i></p> <p><i>Destroying perfectly good desirable family homes is destroying what was once a beautiful tree lined entry into Weymouth.</i></p> <p><i>The committee is obviously aware that there are two current sites on Preston Road have gone back to the market due to the lack of interest in flats, although they previously had planning permission granted.</i></p> <p><i>One of the houses has been demolished and remains undeveloped for at least 5</i></p>			

years, surely that must tell you there is not a need for more flats (Holiday Homes) in the area.

The proposal is grossly over development of a site which will impinge on close neighbours. Not only that, the road was reclassified as a 'B' road but the majority of drivers drive well in excess of the "30"mph limit.

The local services such as the Doctors and sewage system is grossly overloaded as stated by Wessex Water

The other main problem is that cyclist young and old use the pavement as a cycleway which it is not, as the cycle path officially detours into Wyke Oliver Road but the signage is not adequate.

I live on Preston Road, and because of the long drives and walls to the pavement I am unable to see cyclists come past, I have in the past narrowly missed a number of cyclist as they speed along the pavement no matter that I am creeping out. This applies to all the other properties along the road.

To sum it all up, we do not need an extra 7+ cars coming onto an already dangerous road.

C - Recommended Condition 7 to read as follows:

Condition 7 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 in accordance with details which shall have, prior to development above damp proof course level, been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details and the approved drainage works shall be retained and maintained for the lifetime of the development.

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

Duration of meeting: 2.00 - 4.00 pm

Chairman

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Dorset Council

Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings

Due to the Covid-19 pandemic the council has had to put in place measures to enable the council's decision making processes to continue whilst keeping safe members of the public, councillors and council staff in accordance with the Government's guidance on social distancing by applying new regulations for holding committee meetings from remote locations.

The following procedures will apply to planning committee meetings until further notice, replacing where appropriate the relevant sections of the Guide to Public Speaking at Planning Committees:

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the committee.
2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am two working days prior to the date of the committee – i.e. for a committee meeting on a Wednesday written statements must be received by 8.30am on the Monday. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the committee agenda. The agendas for each meeting can be found on the Dorset Council website
<https://moderngov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1>
3. During this period the council can only accept written statements via email and you should continue to bear in mind the guidance in the public speaking guide when preparing your representation.
4. The representations made by members of the public will be read out, in the order in which they were received, by the Chairman or an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your representation will be read out if the same point has been made by another representation and already read to the Committee.' The time period for the receipt of the written representations will remain at 15 minutes, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit.
5. This addendum applies to members of public (whether objecting or supporting an application, town and parish councils, planning agents and applicants.

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1.0 APPLICATION NUMBER: [WD/D/20/000583](#)

APPLICATION SITE: 82 EAST STREET, BEAMINSTER, DT8 3DT

PROPOSAL: Demolition of existing bungalow and erection of 5.no dwellings

APPLICANT: Miss Hughes

CASE OFFICER: Darren Rogers

WARD MEMBER(S): Cllr Knox

2 Summary of Recommendation: Delegate Authority to grant planning permission subject to the completion of a Section 106 Agreement requiring a contribution of £4,233.39 to be made as part of the ecological mitigation proposals for off-site mitigation and subject to planning conditions.

3.0 Reason for the recommendation:

- Absence of 5 year land supply - Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable despite being outside the defined development boundary.
- Impact on the character and appearance of the Conservation Area is acceptable.
- Impact on the AONB character and appearance is acceptable.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There is not considered to be any severe harm to highway safety with no highway objections (subject to conditions).
- The proposal is not considered to adversely affect nature conservation considerations subject to conditions and a Section 106 Agreement
- There are no other material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Presumption in favour of sustainable development despite being outside the defined development boundary for Beaminster .
Design	Design and scale considered appropriate for the site.
Conservation Area/AONB	Impact on both the character and appearance of the Conservation Area

	and AONB is acceptable.
Neighbouring Amenity	There is not considered to be any significant harm to neighbouring residential amenity.
Highways	There is not considered to be any severe harm to highway safety with no highway objections (subject to conditions).
Biodiversity/Nature Conservation	Biodiversity Mitigation Plan considered acceptable subject to conditions and a S106 Agreement.
Community Infrastructure Levy (CIL)	CIL liable.

5 DESCRIPTION OF SITE:

5.1 The site currently has a single dwelling, a bungalow, which is situated directly in front of the access to the site off East Street. It is set further back into the site than the houses along East Street which front the road with no footpath. The site includes a large, flat area of land which is currently being utilised as an extended garden. There are approximately 3 nr. trees on the site, none of which are significant in size. The rear of the site overlooks the allotments.

5.2 The properties adjacent, and in the surrounding area, all edge the road with no pavement, and with front doors that open onto the street. East Street is a narrow road with on street parking prevalent in front of the houses, creating many pinch points. Most of the houses are two storey cottage style properties. There is a mixture of stone and render used to face the houses in the surrounding area.

5.3 The site lies outside of but immediately adjacent to the defined development boundary and Conservation Area which has been drawn tightly around the existing built form of development

5.4 The site has a private main foul surface water sewage system, as well as mains, electric, gas and water all present on site.

6 DESCRIPTION OF DEVELOPMENT:

6.1 It is proposed to demolish the existing bungalow and construct 5 new dwellings. They would be 1½ storey in height. The units are to be set back within the site with an access road creating the boundary between the existing houses along East Street and the proposed development. The units meet Minimum Space

Standards. The proposed units have been separated into two blocks, both of which are arranged to create a terraced appearance.

6.2 This is an amended proposal by the applicant following the withdrawal of an earlier application and seeks to overcome issues with reference to the scale and mass of the proposal and concerns regarding overlooking and loss of amenity to neighbours. To address some neighbours' concerns the block of 3 dwellings has been moved across the site, further from the boundary with no.90 East Street, but maintaining the view through the site that the Conservation Officer suggested be provided previously. There is also no overlooking to no.90 East Street as the window to the rear, closest to no.90, is a bathroom window which will be obscured.

6.3 Further discussions with officers, at pre-app stage raised concerns with the proximity of plots 4-5 and Nos. 54 and 56, East Street to the southern end of the site. Plots 4 and 5 have been pulled further away from the boundary shared with these properties and it is proposed to maintain the current planting, just trimming it to allow amenity space for the proposed units. This maintains the current screening and privacy that the mature planting provides, rather than waiting for new planting to establish.

6.4 Following the response from pre-application consultation on this site, the applicants have considered the comments of "*the predominant character of East Street is small C18 and C19 cottages with no off-street parking*" and have sought to reflect this with the proposed 5 dwelling units which would be two-storey in size but visually one and a half storey, faced with a combination of stone features and render with a cottage feel to the design, in keeping with the local vernacular. The roof is to be pitched reflecting the pitch of the surrounding properties with a parapet detail and coping stone which is a detail found in many within the vicinity.

6.5 To create the cul-de-sac on site and reflect the style and design of the surrounding properties and reflect the more recent development on 'The Brit', the proposed units have been separated into two blocks, both of which are arranged to create a terraced appearance. This also follows the comments on the pre-application requesting the dwellings to be arranged as "*smaller cottages in pairs, triplets or a terrace ... to complement the historic urban grain of the town*". Previous pre-app advice with Dorset Highways has dictated the maximum number of 5 units.

6.6 The proposed properties are to be rendered with natural stone quoins and lintels, in limestone or ham stone, to reflect the materials used in the surrounding properties. The windows are to have white frames with front doors with a wood effect to reflect the local area and create the cottage feel to the properties.

6.7 The landscaping for the resubmission remains mostly the same. It is proposed to reduce the ground level on Plots 1-3, where the existing bungalow sits, to reduce the mass of the buildings at the entrance to the site where the driveway level rises.

6.8 The site is relatively flat, dropping off to the southern end of the site meaning that plots 4 and 5 will blend in behind the buildings of East Street. The access road would lead to the frontage of the properties for parking, along with an area of parking towards the centre of the site.

6.9 The site currently has a few small trees and shrubs within its boundary but is mainly grass. The proposed development would include a landscaping plan for amenity areas and existing boundaries, notably the boundary to the allotments that are now relatively overgrown, and this would improve the track boundary. Private gardens are to be provided to each property with landscaped areas to the front to delineate footpath area and roadway. There will be off-street parking to the front of some of the properties and a row of parking spaces. Where possible, existing trees and shrubs are to be retained but overgrown and unkempt ones are to be replaced with properly laid out planting.

6.10 There will be a landscaping plan for the site with appropriate planting areas including British fruiting species for Badgers and all planting to comprise of native British species only and all fencing to be Badger friendly. With the application is a Biodiversity Mitigation and Enhancement Plan which has proposed a dark 'no lighting' zone to maintain a dark corridor for the local bat population, along the southern boundary, to the allotments. Within this area is also proposed a 2m buffer zone for the existing hedgerow with a post and rail fence to delineate this from the proposed amenity area.

6.11 The access to the site is between two properties and currently provides parking in front of the bungalow. The existing bungalow is situated directly in front of the access from East Street, set well back from the street and at an elevated level than the properties on East Street. The proposals are to maintain the current access, extending the width and removing all dwarf walls to maximise visibility splays when exiting the site.

6.12 East Street itself is a narrow road with many cars that park along the edge, making the access itself narrower. The arrangement of the access ensures slow speeds to be used when approaching and exiting the site.

6.13 Pedestrian access will be as already existing, via the main access, but there will be an additional pedestrian access from the additional piece of land that the client owns, outlined in blue. The gate is to be removed to allow access to and from the site.

7 RELEVANT PLANNING HISTORY:

Application No.	Application Description	Decision	Date of decision
WD/D/19/002143	Demolition of existing bungalow	W	28 January 2020

	and erection of 5.no dwellings		
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8. RELEVANT PLANNING POLICIES:

8.1 National Planning Policy Framework

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

Section 4 - Decision Making

Section 5 - Delivering a sufficient supply of homes

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

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

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.

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

INT1 - Presumption in favour of sustainable development

ENV1 - Landscape and seascape

ENV 2 - Wildlife and habitats

ENV4 - Heritage Assets

ENV5 - Flood risk

ENV9. Pollution and Contaminated Land

ENV10 - Landscape and townscape setting

ENV12 - Design and positioning of buildings

ENV 15 - Efficient and appropriate use of land

ENV16 - Amenity

SUS2 - Distribution of development

HOUS1 Affordable Housing

HOUS3 Open Housing Market Mix

COM1 Making Sure New Development Makes Suitable Provision for Community Infrastructure

COM7 - Safe and efficient transport network

COM9 - Parking standards in new development

9 OTHER MATERIAL PLANNING CONSIDERATIONS:

9.1 Dorset Area of Outstanding Natural Beauty: A Framework for the Future AONB Management Plan 2019 – 2024

9.2 West Dorset Landscape Character Assessment 2009

9.3 Design and Sustainable Development Planning Guidelines (adopted 2009).

9.4 Beaminster Conservation Area Jan 2007 – Extracts say:

*“The edges of development are characterised by sudden, clean transitions from town to country on the south and eastern approaches (Bridport and Whitcombe Roads), where cuttings, hedge banks and overhanging trees form framed views into the town. Fleet Street has modest modern residential development at its junction with Shortmoor and Hogshill Street/ Clay Lane/Broadwindsor Road have considerable modern development, in the form of residential estates, business parks and the St Mary’s School site. There is also a large modern residential block at the end of **East Street** and south of North Street.”*

*“It is possible that **East Street** represents a largely planned suburb of over sixty houses. The immediate evidence for this is the very distinctive regular, long plots, which contrast markedly with the rest of the historic core.”*

*“The vistas along the main radial streets are a series of smaller townscape experiences, closed or partly framed by buildings, walls, hedges and trees. The sequence along Hogshill Street is described in some detail above and the changing compositions of building lines, buildings parallel to roads or set firmly at right angles (with gable ends dominating), walls, the entrances to back yards or lanes and mature trees are also characteristic and pleasant features of Bridport Road, Prout Bridge, Whitcombe Road, **East Street**, North Street and Fleet Street.”*

*“The eastern end of **East Street**, and the pathway to the east of Champions, both within the Conservation Area boundary, form neutral areas, capable of a degree of physical improvement of buildings and spaces”*

9.5 Neighbourhood plan areas - A number of communities are working on preparing a neighbourhood plan including Beaminster which is in preparation. No weight however can be given to this plan which is at an early stage of preparation and has yet to be adopted.

10 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

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.

12.0 Financial benefits

Material benefits of the proposed development	
Affordable Housing	N/A
CIL Contributions	The development is CIL Liable

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

13.0 Climate Implications

13.1 The development is considered to be in a sustainable location, despite its location outside but immediately adjoining the defined development boundary for Beaminster with the services and facilities of the town within walking distance.

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

13.3 The development would be built to current building regulation standards at the time of construction. Electric Charging facilities can be conditioned for proposed parking areas

14 CONSULTATIONS:

14.1 Town Council - RECOMMEND REFUSAL - objections are:

East Street is one of the oldest roads in Beaminster and as such is narrow with only a few small stretches of footway, on street parking, two way traffic, HGV (farm) vehicles and a high pedestrian footfall therefore additional dwellings and associated traffic would have a severe impact on the Street.

The Highway Authority objected to a previous application WD/D/15/001713 for the construction of three dwellings on land east of 28 to 34 Hollymoor Gardens due to the impact on East Street, this was upheld by the Planning Inspector in 2016. I quote the Highway engineers comments "residential development proposals would generate further traffic can pedestrian movements along East Street, a County highway with variable and limited carriageway and footway widths. In the absence of the construction of, or programme for, a detailed improvement scheme design to provide suitable and appropriate traffic management and safety enhancements for this street, this development would be likely to cause danger and inconvenience to all highway users. Hence the application would be contrary to Policy COM7 of the West Dorset, Weymouth and Portland Local Plan 2015"

The rearrangement of parking within the site and the creation of pedestrians routes through the site do not improve or alleviate the issues with regard to traffic and pedestrian movements in East Street. We note the statement previously made by Architectural Designer in her letter dated 18th December 2019 relating to pedestrian movements - "This could also create a safer route for existing residents who are walking to, or from, Beaminster town centre" however there are no routes on/off the site indicated on the plans.

The amended plan, for the erection of bungalows does not make any significant improvements and the Town Council re-iterated that housing development is not an appropriate use for this land being adjacent to the Conservation Area. The fact remains that the site is OUTSIDE the Defined Development Boundary Policy SUS2, with no provision for affordable/social housing contrary to Policy HOUS6.

Members noted no amendment in respect of the lack of Eco credentials or recycling facilities. Subsequent to considering the application previously members were concerned to note the number of objections to the proposal and REQUEST Dorset Council determine the application via the appropriate planning committee as opposed to delegated authority

14.2 Technical Services - *The site is located in EA flood zone 1 – low probability of fluvial flooding and according to the EA's surface water flood maps apart from an area of low surface water flood risk to the south, the prevailing surface water flood risk for the site is very low. However, the existing site is primarily greenfield and the proposals would result in an increase in impermeable surfacing. Run off from any new hard landscaped areas would need to be collected into a suitable drainage*

system. The applicant proposes discharging collected surface water to soakaways which would be acceptable provided ground conditions support the use of soakaways – further testing would be necessary in this regard as conditions may not be suitable at this location. Should soakaways prove viable or any drainage proposal for that matter, it would need to be designed by competent persons so that peak flows and surface water run-off totals will be acceptable as part of any drainage strategy.

14.3 Highways - East Street is an unclassified road subject to a 30mph speed limit and for reference is locally designated as the D11203.

The nature and width of the carriageway combined with reduced forward visibility, multiple existing frontage accesses and on-street car parking along East Street all help to control the flow and reduce the speed of traffic below the prescribed speed limit in the vicinity of the site.

National Planning Policy Framework (February 2019) in paragraph 109 states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Taking into consideration the above factors, combined with the geometry of the proposed vehicular access and the number of likely trips expected to be generated by the proposal the Highway Authority considers on balance that an objection to the proposed vehicular access arrangements and associated development cannot be sustained.

On-site car parking has been provided that accords with guidance contained within the Bournemouth, Poole and Dorset Residential Car Parking Study and turning is proposed which meets the needs of the proposal.

Potential for a secondary pedestrian access is indicated on the plans, but no specific details are included. A secondary pedestrian access would help permeability of the site, as such if this can be secured details of this access should be submitted and agreed (see suggested conditions).

Temporary bin storage areas close to the accesses should be included to help reduce the period of time refuse vehicles are required to wait on the highway during collections (see suggested conditions).

With the above in mind the Highway Authority recommends the following condition(s):

Vehicle access construction

Before the development is occupied or utilised the first 5.0 metres of the vehicle 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 Local 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 01305 221020, by email at dorsethighways@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.

Turning and parking construction

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.

Pedestrian access construction

Before the development is occupied or utilised details (construction and positioning) of the secondary pedestrian access (between 64 East Street and the garages adjacent to 62 East Street) should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the additional pedestrian access is suitably surfaced and constructed.

Temporary refuse storage area

Before the development is occupied or utilised details (construction and positioning) of temporary refuse storage areas should be submitted to and approved in writing by the Local Planning Authority.

Reason: To expedite waste collection from the site.

Construction traffic management plan to be submitted

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

- o construction vehicle details (number, size, type and frequency of movement)*
- o a programme of construction works and anticipated deliveries*
- o timings of deliveries so as to avoid, where possible, peak traffic periods*
- o a framework for managing abnormal loads*
- o contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)*
- o wheel cleaning facilities*
- o vehicle cleaning facilities*
- o 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*
- o a scheme of appropriate signing of vehicle route to the site*
- o a route plan for all contractors and suppliers to be advised on*
- o 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.

14.4 Natural England – *Natural England has no comments to make on this application - Apply Standing Advice to this application as regards the Dorset Biodiversity Appraisal Protocol*

14.5 Environmental Health - *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.*

15 REPRESENTATIONS:

15.1 46 representations have been received with 1 general comment and 1 in support. Those objecting raise the following issues:

- **Outside the defined development boundary** - It is outside the development area.
- There remains too, the fact that this land is outside the defined development area and as the proposed housing would be for the open market, not to meet local requirement for social or affordable housing, no exception should be made.

- Highways** – The dominant factor is the effect of increased traffic and access onto East Street. At present vehicles entering East Street from Woodswater Lane do so without any view of oncoming traffic and vehicles leaving or entering the development will exacerbate the problem. It is unlikely neighbours will permit the installation of viewing mirrors on their property and in any event this would not necessarily relieve the inherent danger to both vehicles and pedestrians or improve the junction safety with Woodswater Lane. The proposed additional pedestrian access will do little or nothing to alleviate the danger to pedestrians in East Street which is already unsafe due to high levels of parking, high traffic levels and the fact there are few pavements with most houses opening directly onto the road. At present it is difficult for any large vehicle including fire engines, ambulances etc to navigate East Street due to the number of parked vehicles and the narrow width of the street with few pavements. The majority of heavy vehicles, including the milk lorry collecting from Lower Langdon Farm twice a day, delivery lorries, tractors and trailers have to use Woodswater Lane on a frequent daily basis as they are unable to gain safe access via East Street. They have great difficulty navigating the junction of Woodswater Lane / East Street / Hollymoor Lane immediately adjacent to the entrance to the site and are only able to travel along Woodswater Lane through residents parking their vehicles half on the pavement opposite our home. The residents of the bungalows 7 - 13 Woodswater Lane have no off road parking and residents, delivery vehicles, and visitors including carers have to park half on the pavement to avoid their cars being damaged by heavy vehicles. This blocks the pavement to pedestrians with pushchairs, mobility scooters, etc who have to then go into the road. There are a high number of mobility scooter/ wheelchair users and parents with pushchairs that use Woodswater Lane as a safer access to Beaminster Square as they feel East Street is too dangerous for them. Considerable damage has already been caused by delivery vehicles entering Woodswater Lane, including two separate occasions recently to the Limes where the perimeter wall has been knocked down and the outbuilding and its roof damaged. It is obvious that should this development be permitted that the majority of site traffic and delivery vehicles both during the build and to service the properties later will use Woodswater Lane as an access. This will put further pressure and cause considerable danger for both pedestrians and drivers on a lane that is already overused for heavy traffic because of the limitations of East Street and at the junction described above.
- Dwellings are proposed, at a dangerous location near a blind junction, on the narrowest part of the road on which many of the properties have a street frontage. The construction phase represents a significant danger in itself due to the number of delivery vehicles and contractors required who would need to drive along East Street which has a number of dangerous pinch points. After completion, the traffic servicing five large dwellings would represent a significant ongoing risk to the safety of residents of East Street, many of whom are elderly
- The Highway Authority and the applicants fail to say that the current viewing splays fall well short of the current criteria. Viewing splays for the type of junction

that exists and will continue to exist state that a motorist leaving the entrance to the proposed development should be able when 2.5m (x - distance) away from the edge of the carriageway in this case East Street, be able to see a point 33m (y-distance) to the right as measured along East Street and another point to left also 33m away, for this to be achieved the neighbouring buildings would need to be demolished. Therefore it seems that because the current viewing splays fall well short of the minimum required, the junction carries greater inherent risks than one that does satisfy the minimum requirements. The Highway Authority seem to be ignorant of this or are ignoring it in their response.

- There are going to be problems with traffic, people walking and how will emergency services be able to access the area
- Adverse Highway impacts as a result - Should this development proceed it will entail hundreds of tonnes of spoil being removed from the site and thousands of tonnes of material taken in over a prolonged period of time, probably spanning many months. This will involve many hundreds of trips by HGV's, for those familiar with East Street and the adjoining roads this would prove a danger to existing buildings, vehicles and pedestrians, East Street is a lovely road but is not user friendly for the movement of large vehicles, it struggles to cope with normal deliveries and agricultural vehicles.
- Health and Safety: The proposed development would be in a dangerous location, near a blind junction on the narrowest part of East Street. Currently large vehicles struggle to manoeuvre at this junction, and emergency vehicles struggle to access this end of East street because of the parked cars from cottages with no garage. As there are no pavements, the safety of pedestrians would be further compromised by the increased traffic.
- In addition whilst East Street have street lights, these are switched off later in the evening. Additional road users on this street using it at night would make this even more dangerous for pedestrians.
- The access to the property at 82 East Street, is currently at the most narrow part of the road, with already extremely limited parking for residents. Cottages at this point have to park on this part of East Street, with no possible alternative, and there is the added concern that there is already no pavement on either side of the road rendering it potentially dangerous for pedestrians at times of busy traffic.
- Should this application be accepted, it will produce unacceptable levels of vehicle congestion during the construction process and a considerable strain on the infrastructure of the surrounding area caused by its over development. The development would also be outside the defined development boundary. Additional strain would be caused in the future by deliveries, waste collection, emergency services and visitors to the properties which would have limited parking.

- Many old cottages have their front doors directly onto East Street and the thought of encouraging even more traffic through East Street is of paramount concern. Recently East Street endured additional traffic due to the road being closed at North Street, it became busy and dangerous.
- Access to the site is not suitable for large lorries when exiting the site to the left, visibility is limited.
- Increased traffic will endanger pedestrians as there is no pavement on much of the street and is very narrow in places.
- The Highways department made no objection to previous applications but on many occasions wing mirrors and scrapes have happened, though not reported as too minor an accident. Speeding along East Street is impossible, hence no major accidents are likely to occur.
- Resubmission fails to address the major issues re Highways has already reported that further development in East Street without a traffic management scheme should not be allowed on safety grounds. Please read WD/D/15/001713. This proposal is in the most dangerous part of the Street, and the suggestion of mirrors indicates that they know this.
- East Street is extremely narrow in parts with many larger vehicles struggling to get through, this will have an adverse impact on lorries delivering building materials to the proposed site. In addition we believe that no larger vehicle would be able to access the site using the suggested entrance, even with the adaptations made. This would ultimately block the road between houses 73 to 79 for lorries trying to make their access and is unacceptable for road users to sit and wait while they unload their materials out on the road.
- The National Planning Policy Framework (NPPF) states under Point 102 that opportunities to promote walking, cycling and public transport use are identified and pursued. This has not been met. Whilst East Street has a pavement for part of it there is no pavement between properties numbers 58 to 90 where the proposed development sits. East Street does not have the capability to accommodate one due to the road not being wide enough. The street was not built for high volumes of traffic. In addition the public transport to /from Beaminster has decreased significantly in recent times.
- NPPF point 103 states 'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions'. Only vehicles have been considered in this application due to the car parking spaces allocated which will ultimately increase

congestion and emissions. No thoughts have been made to cycle or walking infrastructure.

- In response to the Highways Authority Recommendation. The recommendation appears to be mainly based on the expectation that traffic will travel below the prescribed speed limit in the vicinity of the site. This is a seriously flawed theory. The majority of the vehicles passing East Street houses at the start of East Street from Hollymoor Lane and in particular HGVs do so at near to or exceeding the speed limit. To exit the new development and see around the corner the vehicle's front end will be in the direct path of oncoming vehicles which will not have sufficient breaking distance to stop or space to avoid. This is a severe safety issue.
- **Design and Conservation Area Character** - It is not true that using render and Ham stone quoins and lintels for the proposed development will make it "blend in more naturally with the local area" as claimed by the applicants. The majority of East Street and surrounding area is constructed almost entirely of inferior grade oolitic limestone which has a very different aesthetic to render and quoined walls. The proposed design has interrupted eaves and gutter lines which are totally alien to this area. The drawings omit to show the proliferation of downpipes necessary to serve the design either in error or deliberately to misrepresent the scheme. Semi-detached properties with garages on the end are not the local vernacular of East Street. To suggest otherwise is untrue. The application is NOT "in keeping with the local vernacular" as asserted by the applicants.
- There is no reference in the application to the "Historic Towns Survey (Feb 2011) produced by Dorset County Council and West Dorset District Council and funded by English Heritage. It refers to this area as "the only part of Beaminster where there appears to have been a planned layout. The large proportion of historic 18th and 19th century attached cottages and small terraces of workers houses gives this area its own distinctive character within the town. The widespread use of local materials creates a pleasing whole for the built character." It goes on to say "The scale and shape of the long narrow historic plots reflect a planned layout of considerable time depth which gives this part of Beaminster its character. Any further erosion of this pattern would have a detrimental effect on its historic character."
- Views over the garaging from the conservation area of East Street to the countryside to the south will not be maintained but reduced. A parallel edge to the field of view from East Street is not the true field of view. It would be the case if the observer was at an infinite distance away. The field of view is dependent on the position of the observer on East Street and these lines of observation cover a greater angle and area than indicated. Further, the proposed view is narrowed by omitting the garages gaps and openings east and west of the group of garages selected. There will therefore be a detrimental loss of views to the countryside to

the south which the conservation officer has expressed are an important aspect of East Street conservation area and a contravention of planning policy.

- The NPPF is not a licence to build anything anywhere and without regard to the safety of the local people or maintaining properties in a Conservation area including listed buildings.
- Not in keeping with the conservation area.
- Additional construction in a conservation area, construction outside of the agreed building boundaries and the increase in pollution resulting from the increase in traffic. Any development within the conservation area would diminish the areas attraction and be counterproductive to the towns appeal to both residents and visitors alike
- The Conservation Officer previously noted that the 'views are a positive feature of the conservation area'. Whilst the most recent application has rearranged the dwellings to enable a view, this only makes the situation worse for properties along the line of East Street who will lose ALL their view and most of their light.
- **Amenity** - The new development will closely border the small gardens of properties in East Street. The land is elevated to such a degree that cars approaching and pedestrians walking through the new development will be looking into first floor bathrooms and bedrooms of existing properties, particularly 60-68, including my own at 64.
- Many of the houses adjoining the proposed site have small rear gardens (south facing) that lie lower than the proposed site, so the new houses will tower over them and cause loss of privacy, light and they will suffer additional noise and car fumes. Number 80 to 58 will be particularly affected.
- In proposing to build a private road with 5 properties in a garden is an unacceptable over development of the site and will affect outlook of occupants of properties that are attached to the proposed site.
- The occupants of 24 adjoining houses will suffer some degree of loss of existing views which form part of their living where they do. This includes property especially the outlook from gardens towards the church.
- As the field to be built on is higher than most of the houses along East Street the proposed development will be unacceptably over-bearing. For example the ground level of the proposed site is level with the top of the ground floor windows of 64 East Street.
- Given that the height of the field on which the proposed properties would be built is a lot higher than the road level, loss of privacy will remain an issue, as will loss of light.

- Plots 1-3 will have clear line of site into neighbours gardens at 92 East Street and therefore have an adverse effect on residential amenity and that of neighbours at 90 East Street. If the planning department are of a mind to approve this application requests that plot 1 be remove from the proposal or at the very least all upstairs windows of plots 1-3 be obscure glass
- **Demolition Concerns** - Demolishing a building needs to be done with care. The applicants have not submitted a detailed and comprehensive plan as to how this is to be done. Surely the building and site needs to be examined for any toxic or dangerous materials e.g. asbestos.
- A detailed account as to how the disposal of all material produced during the demolition is to be removed and how it is to be processed after removal from the site should be submitted.
- Such an account needs to be available for public scrutiny and comment, as well as the relevant authorities to ensure that it is acceptable before any decision is made on the application.
- The Environmental Health report acknowledges that there exist contaminative sites within 250m of the proposed development
- The first part of the application title is the demolition of the existing bungalow which is not to be taken lightly.
- **Flooding**
- The application states that there will no risk of increased flooding. The application states that soakaways are to be used for drainage, given the underlying soil is clay, there is every possibility that they will fail and flood surrounding buildings.
- Concerns the sewer system is already at capacity.
- **Waste and Refuse Issues**
- There are no arrangements shown for the management of recycling and refuse. The access for recycling and refuse vehicles and emergency vehicles is inadequate creating further problems on East Street. Similar problems would be exacerbated during the construction phase as quantities of materials are offloaded in the narrowest part of the street
- **Defined Development Area and Rural Exemption Sites**
- According to the Local Plan map, the proposed site lies almost entirely outside the area for which development is possible. The applicants state quite clearly that the houses are for the open market and so would not be available for those whose incomes fall so short that it is impossible to buy or rent on the open market, thus the site cannot be considered as an exemption site

- The Council if it allows the development must make sure that there are sufficient funds from the beginning to ensure that the roads are finished to a high standard and that street lighting is installed; there have been cases around the country where developers have started building only to go out of business or through lack of funds not be able to finish the development as specified
- **Climate Change** -In the design the proposal shows no commitment to ameliorate its impact on the current climate crisis for which Dorset Council has declared an emergency. The statement: "proposing a fabric first approach to the construction" is meaningless. So too is: "high level of insulation and air tightness" meaningless without stating what the value of these criteria are going to be. "We propose to look at various options to maximise on suitability for this site" is as far as this application goes meaningless too.
- **Housing Need** -Realise there is a housing shortage and support appropriately located proposed developments like those off Tunnel Road and Broadwindsor Road, Beaminster. I understand planning approval has been obtained for a significant number of houses in these locations which I imagine fulfils our towns needs and therefore these additional 4 units aren't required, especially the high price the local people will have to pay for them to be built
- If it is approved, please make it a condition that a developer financed public consultation takes place and that an appropriate traffic management and safety enhancement scheme is approved by planning and highways; and is implemented in East Street prior to any work commencing on site. Also that both upstairs rear windows are obscured glass on Plot 1
- **Decision Making** - A decision as important as this application should be made by Elected Members rather than a sole Officer.

15.2 The 1 supporting and 1 general comment state – With the amendments of recent plans / drawings, it would not have much or any detrimental effect on any of the concerns the objectors raise.

- The demolition of the existing bungalow and the building of the further 5 dwellings would be in a strict manor to cause as less inconvenience and health concerns as possible, the access points are to be made much bigger and safer than the entrance to the bungalow which as of google maps have 2 vehicles coming & going from this area, which then leaves the question of the new dwellings occupants vehicles being parked in the new development leaving no cars etc in east street itself.
- The amount of extra comings and goings on an extra 4 property's will be very minimal and observant.

- It also looks that there will be extra parking for existing occupants of east street to park their cars in the new development, with extra width and clearer exit points to and from the new development.
- Any ongoing construction sites will have a slight inconvenience at the time of construction but with strict health & safety measures in place at all times with top priority to the surrounding neighbourhood.
- No reason as to why this development cannot proceed as highways have said before, they have no issues with any safety during development and after use.
- In reply to a couple of comments from the objectors that because I don't live in Beaminster, I do therefore have elderly relatives that do, and not too far from east street and regularly use east street with sensible care and consideration without any issues " the comments on it being dangerous are somewhat fabricated and misleading, they are in support of this development but understandably refraining from publicity, there are many towns like Beaminster with small narrow streets with no pavements in the uk , those towns don't get building development turned down on that basis it's down to the public to use common sense when commuting, whether using their own transportation or walking / riding their bicycle.
- The development company have been very generous in their thinking on this development and the changes have married in very well with the surrounding areas.
- There will always understandably be issues when in full construction but always being in strict Health and safety measures, the comment on any asbestos material in the existing bungalow will obviously have been made aware of way before any work will commence with a professional company, as the plans are where they are now and the first highways comments of there being no issues on their part I see no reason for this development not to be granted.

16 PLANNING ISSUES:

16.1 The main planning issues relevant to this application are:

- Principle of the development
- Design and Impact on the character and appearance of the Conservation Area and setting of any Listed Buildings
- Impact on AONB
- Impact on amenity of neighbours
- Impact on Traffic and Highways and use of East Street
- CIL/Affordable Housing
- Drainage
- Impact on Trees/Nature Conservation

17 PLANNING ASSESSMENT:

17.1 Principle of the development

The site is outside of the development boundary but is immediately adjacent to it and is considered to be in a sustainable location close to public services provided in Beaminster.

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

17.3 However the Council cannot currently demonstrate a 5 Year Housing Land Supply for the West Dorset, Weymouth & Portland plan area. It is 4.83 yrs – less than 5 years. This means that para 11 footnote 7 of the NPPF is 'engaged' and relevant supply of housing policies, including Policy SUS2 may no longer be considered to be up to date. Where a 'relevant policy' such as SUS2 is considered to be out of date, para 11 of the NPPF is also engaged indicating that in such cases planning permission should be granted unless:

*i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing development proposed, or
ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole*

17.4 In this regard the main policy issues are:

- conflict with the spatial strategy of the Local Plan; and
- the impacts of the proposed development given its location outside a DDB.

17.5 The proposed development would ordinarily be contrary to criterion i) of Policy SUS2, which sets out the spatial strategy for the Local Plan area. Criterion i) of Policy SUS2 directs development to settlements with DDBs, and the 'main towns' of Dorchester and Weymouth and the 'market and coastal towns'.

17.6 As part of the determination, it is also important to have regard to: the extent of the current housing land supply shortfall; and the measures the councils are putting in place to address it.

17.7 The Council has taken action to address the housing land supply shortfall not

only by making progress on the Local Plan Review, but also through the granting of consents on sites that are outside, but adjoin settlements with DDBs. That is the case here as the site adjoins the DDB of Beaminster.

17.8 Given the fact that the Council cannot currently demonstrate a five year housing land supply the contribution that 5 additional dwellings would make is a modest but positive contribution to that supply but we also need to consider para 11 of the NPPF which is also engaged and that “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 .*

17.9 These detailed considerations are as set out below.

17.10 **Impact on the AONB** - Whilst the site (like much of West Dorset) falls within the Dorset AONB, the site also forms part of an undeveloped large garden area to an existing dwelling. This area is characterised by the narrow street of East Street that forms part of the Conservation Area with its many terraced houses while to the north just beyond the application site the town becomes more suburban in nature. To the east the area is more open and undeveloped in character. In this regard the proposal is considered acceptable and officers are satisfied that the proposed development would sit comfortably in this AONB designated landscape and would not be an incongruous feature, it forming part of the wider built up part of the town. On this basis it is concluded that the proposal would be acceptable and would not harm the character and appearance of the area designated an AONB.

17.11 **Design and Impact on the character and appearance of the Conservation Area and setting of any Listed Buildings** - It is clear that the site lies outside the development boundary and outside the Conservation Area. Both are drawn tightly around the existing built form of the town. The Conservation Area excludes the host dwelling but is drawn around the rear gardens of nos 54-56; and nos 60-90 East Street. All land beyond that lies outside the Conservation Area. There are no nearby listed buildings whose setting would be affected.

17.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 however requires LPA's to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In this regard your Conservation Officer has been party to the pre-application discussions that took place with your officers and the agent between the withdrawal of the previous application and the making of this one.

17.13 The site is set behind buildings fronting East Street and a feature here is the small group of low garages which provide views directly through the proposed

development site to the countryside beyond. Despite the garages, the views are a positive feature of the Conservation Area as are the terraced houses. The layout now submitted maintains this gap and view through from East Street. In addition in terms of detailed design the proposal has responded to a number of earlier criticisms by the Conservation Officer on the previous scheme in that the number of windows particularly to the front elevations has been much simplified. The vernacular is of a simpler elevational treatment.

17.14 Given the above it is considered that the proposal being set behind the terraced properties in East Street, which forms the main character of the Conservation Area while retaining views above the garage block in East Street to the wider countryside beyond, results in a proposal that preserves the character or appearance of the conservation area and is acceptable in this regard. In that regard Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the preserve/enhance test) is considered to be met.

17.15 Impact on amenity of neighbours - Policy ENV16 of the Local Plan and paragraph 127 of the Framework seek to ensure that new development provides a high standard of amenity for existing and future users. During previous officer consultation, the potential overbearing impact upon neighbouring occupiers was raised. In order to address this, the overall scale and height of the proposed dwellings have been scaled back to produce a 1½ storey high proposal. The main impact on neighbour's amenity therefore relates to those at nos 78-92 East Street as regards the location of plots 1-3; nos 60-68 East Street as regards plots 4 & 5 and nos 54 and 56 East Street also as regards Plots 4 & 5.

17.16 Impact on nos 78-92 East Street as regards the location of plots 1-3:
The front elevation of Plots 1-3 would be around 10m to the rear boundary of nos 78 & 80 East Street and a further circa 16m to the rear elevation of no 80 in particular. These properties are set at slightly lower level to the garden area at the application site as their rear gardens are set lower but coupled with the simple fenestration of plots 1-3 with -only 2 first floor windows per dwelling each to a bedroom at first floor level and given the 1½ storey scale of the proposal, this relationship is considered to be an acceptable one particularly given the more tighter knit character of the terraced street that is East Street.

17.17 The relationship to no 86 would be an improved one given the proximity of the existing bungalow to the rear of this property which is currently built close to the rear of no.86. As regards nos 88 and 90 it is not considered that there would be any unduly adverse impact on the amenity of these neighbours given the proximity of plot 1 to the rear of these properties. As regards no 92, this property has an extensive rear garden area with a domestic pond and outbuilding that adjoins the boundary with plot 1 but by reason of the orientation of the plot 1 such that it would be gable end on to this rear garden and the fact that the first floor rear window closest to this boundary would have an obscure glazed bathroom/en-suite window, it is not considered that the mass, scale and bulk of the proposal would result in any unduly

dominating or overbearing impact on these neighbours sufficient to withhold planning permission.

17.18 Impact on nos 60-68 East Street as regards plots 4 & 5

The relationship to nos 60-68 would also be acceptable. Plots 4 and 5 would be roughly gable end on to the rear of these properties with the gabled end of plot 4 circa 13m to the rear boundary with nos 64/66 and the rear aspect of no 68 would remain largely unchanged other than overlooking the open aspect of the access drive and parking areas. The rear aspect from nos 60 and 62 would be towards the open rear gardens of plots 4 and 5. As such it is not considered that the mass, scale and bulk of the proposal would result in any unduly dominating or overbearing impact on these neighbours sufficient to withhold planning permission.

17.19 Impact on nos 54 and 56 East Street also as regards Plots 4 & 5.

The relationship to nos 54 and 56 would also be acceptable. Plots 4 and 5 would have their rear elevation facing the rear of these properties with a separation distance of circa 16m to their rear boundary with the site. The rear aspect from nos 54 and 46 has limited rear windows and incorporates existing trees and bushes which are essentially to remain as part of the garden areas to plots 4 and 5. As such coupled with the separation distance it is not considered that the mass, scale and bulk of the proposal would result in any unduly dominating or overbearing impact on these neighbours sufficient to withhold planning permission.

17.20 Conclusion on Amenity Impacts

Given what is set out above it is considered that there would be no significant adverse impact on any of the neighboring properties sufficient to warrant refusal of permission. As such Policy ENV16 of the Local Plan and paragraph 127 of the Framework are considered to be met.

17.21 Impact on Traffic and Highways and use of East Street

As your Highways officer sets out, East Street is an unclassified road subject to a 30mph speed limit and for reference is locally designated as the D11203. The nature and width of the carriageway combined with reduced forward visibility, multiple existing frontage accesses and on-street car parking along East Street all help to control the flow and reduce the speed of traffic below the prescribed speed limit in the vicinity of the site.

17.22 The National Planning Policy Framework (February 2019) in paragraph 109 states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

17.23 Taking into consideration the above factors, combined with the geometry of the proposed vehicular access and the number of likely trips expected to be

generated by the proposal, the Highway Authority considers on balance that an objection to the proposed vehicular access arrangements and associated development cannot be sustained. On-site car parking has been provided that accords with guidance contained within the Bournemouth, Poole and Dorset Residential Car Parking Study and turning is proposed which meets the needs of the proposal.

17.24 Although those objecting cite previous responses and alleged inconsistencies of highway responses on other previous applications, it has to be borne in mind that each application has to be considered on its own individual merits.

17.25 Having said this your officers are also mindful of a recent appeal decision on Portland for 3 dwellings also on a backland site (35 Easton Street Portland ref WP/18/00302/FUL) where vehicular access was sandwiched between 2 terraced commercial properties via a narrow single cars width private access. That proposal was refused on highway grounds by the former Weymouth and Portland Borough Council contrary to officer advice where there were no highway objections. At appeal the Inspector stated (see my bold emphasis):

29. Access to the proposed dwellings would be by means of a narrow entrance between No 33 and No 35 Easton Street. Vehicles emerging from the entrance would have their visibility restricted by the high flank walls of the properties either side, in addition to a projecting bay window to the left of the access. Before manoeuvring onto Eaton Street, a wide pavement would need to be crossed, and a dropped kerb is proposed to facilitate this.

30. I acknowledge that visibility is significantly impaired, although it is highly likely that vehicles merging on to Easton Street would be doing so with caution and at low speeds. I noted these types of manoeuvres at other restricted accesses in the vicinity during my site visit. Furthermore, the wide pavement and presence of the projecting bay window would likely make pedestrians take a wider route along the pavement away from the access. This, in my view would increase the likelihood of pedestrians being alert to cautiously emerging vehicles, thus reducing conflict. Also, the sound from car engines would likely be audible and provide pedestrians with an indication that a vehicle is about to emerge from the access and cross the footway. I therefore do not consider that the safety of pedestrians would be materially harmed by the proposed access.

31. Consequently, the proposal would have an acceptable effect on highway safety as the proposed access onto Easton Street is considered suitable. The proposal therefore complies with Policy COM7 of the LP, which amongst other things, requires development not to have a severe detrimental effect on road safety.

17.26 This case (notwithstanding that each application has to be considered on its own individual merits) is brought to Members attention as arguably the access width and visibility was worse than what is proposed here at East Street and the Planning Inspector considers the issue of '**severity**' as per the NPPF.

17.27 As such your Highways officer raises no objections subject to conditions that seek to deal with Pedestrian access provision and construction to East Street, to provide improved pedestrian access back along East Street into the town, and a Construction Traffic Management Plan to be submitted, then as such policies COM7 and COM9 of the Local Plan are satisfied.

17.28 It should be noted that their recommend condition re temporary refuse storage areas has now been addressed but this should now be conditioned to be provided and retained.

17.29 **CIL**

The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate. The rate at which CIL is charged is £100 per sqm. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development with Index linking as required by the CIL Regulations

17.30 **Affordable Housing Contributions**

Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing. National planning policy and national guidance establish thresholds below which affordable housing contributions should not be sought. As this proposal complies with these thresholds (5 dwellings or less in this rural area) an affordable housing contribution is not required.

17.31 **Drainage**

The proposal would have access to necessary utilities service infrastructure. The site not within an area at risk of flooding nor is it within 20 metres of a watercourse. It is not considered that the proposal would increase the flood risk elsewhere. The proposal would accord with policy COM10 of the Local Plan which, among other things, requires development to have access to energy supplies, drainage, sewerage, sewage treatment and water supply.

17.32 In addition your Technical Services Officers comment that the site is located in Env Agency flood zone 1 – low probability of fluvial flooding and according to the EA's surface water flood maps apart from an area of low surface water flood risk to the south, the prevailing surface water flood risk for the site is very low. However, the existing site is primarily greenfield and the proposals would result in an increase in impermeable surfacing. Run off from any new hard landscaped areas would need to be collected into a suitable drainage system. The applicant proposes discharging collected surface water to soakaways which would be acceptable provided ground

conditions support the use of soakaways – further and testing would be necessary in this regard as conditions may not be suitable at this location (this is usually done at Building Regulations stage). Should soakaways prove viable or any drainage proposal for that matter, it would need to be designed by competent persons so that peak flows and surface water run-off totals will be acceptable as part of any drainage strategy. There is nothing at this stage to indicate that flooding or satisfactory drainage is not possible for this proposed development but details of surface water drainage as recommended by our Technical Services officer can be conditioned.

17.33 Impact on Ecology/Nature Conservation

The applicant has submitted an ecology report. Recommendations for mitigation and ecological enhancements have been provided and that has been the subject of a consultation with Dorset Natural Environment Team and a Dorset Biodiversity Appraisal Protocol Certificate of Approval has been granted for the Biodiversity Plan dated 5th June submitted by Amy Parsons (ABR Ecology Ltd). Provided that a condition is attached to any permission requiring this to be carried out, then policy ENV2 of the Local Plan is satisfied.

17.34 In addition the Ecology report explains that the Dorset Biodiversity Compensation Framework (DBCF) sets out in this case that the site comprises 0.211a of semi-improved grassland which is of 'local interest' due to the presence of three Dorset Notable species at least occasional in the sward. An area of grassland equating to approximately 0.01Ha will be fully retained as a buffer to the southern hedgerow however, an area equating to 0.19Ha will be lost to facilitate the development.

17.35 Due to the small size of the development plot, there is no scope to include replacement grassland creation on-site and there is no alternative land within ownership that is available for off-site compensation. Therefore, the total loss of 0.19Ha of semi-improved grassland at 'local interest' remains.

17.36 In accordance with the current DBCF, to offset the loss of 0.19Ha of semi-improved grassland of 'local interest' would require the creation of 0.79Ha of replacement semi-improved grassland. There is no potential to accommodate this sized area of grassland on site or off-site; therefore, the loss of grassland must be addressed through the funding of The Dorset BAP Partnership Project, the loss of 0.19Ha of semi-improved grassland of 'local interest' would equate to a compensation off setting fee of £4,233.39.

17.37 The DBCF guidance states that the Councils Natural Environment Team (NET) will secure financial compensation payments via a Section 106 Agreement or Unilateral Undertaking, required as part of this application.

17.38 The submitted BP also explains sets out that a permanent fence on the southern boundary to protect the wildlife area will be required and its retention can be conditioned

18 CONCLUSION/SUMMARY: Overall, it is considered that given the above issues there are no material harmful effects that would warrant the refusal of planning permission as detailed in the main body of the report. The proposed development while outside the DDB for Beaminster is immediately adjacent to it with a short walk into the town. 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 given the issues as set out above.

18.1 The proposed development is considered acceptable and therefore recommended for approval.

19 RECOMMENDATION: Delegate Authority to grant planning permission subject to the completion of a Section 106 Agreement requiring a contribution of £4,233.39 to be made as part of the ecological mitigation proposals for off-site mitigation and 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:

Proposed Floor plans and Elevations Plot 1-3 - Drawing Number 11352-07 Rev A received on 03/03/2020

Proposed Floor plans and Elevations Plots 4-5 - Drawing Number 11352-08 Rev A received on 03/03/2020

Street Elevations - Drawing Number 11352-06 Rev D received on 03/03/2020

Proposed Sections - Drawing Number 11352-09 Rev A received on 03/03/2020

Proposed Site Plan - Drawing Number 11352-01 Rev D received on 27/05/2020

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 the approved 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 and a maintenance scheme for the

landscaping 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 first agreed in writing with the Local Planning Authority. The landscaping shall be maintained in accordance with the approved scheme for a period of 5 years from the date of the planting and if in that time any 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: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

5) The development shall be carried out in accordance with the recommendations of the Amy Parsons (ABR Ecology Ltd) Biodiversity Plan as approved by the Dorset Natural Environment Team Certificate of Approval Dated 5th June 2020 unless agreed otherwise in writing with the local planning authority. This shall include the provision of fencing details of which are to be submitted to and approved by the local planning authority prior to the occupation of any dwelling hereby approved and thereafter the fencing shall be provided in accordance with the approved details prior to the occupation of any dwelling and shall be permanently retained as such thereafter.

REASON: In the interests of nature conservation.

6) Before the development is occupied or utilised the first 5.0 metres of the vehicle 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 Local 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.

7) 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.

8) Before the development is occupied or utilised details (construction and positioning) of the secondary pedestrian access (between 64 East Street and the

garages adjacent to 62 East Street) should be submitted to and approved in writing by the Local Planning Authority. The pedestrian access shall be provided in accordance with the approved details prior to occupation of any of the dwellings hereby approved and shall be retained and maintained as such thereafter.

REASON: To ensure that the additional pedestrian access is suitably surfaced and constructed in order to encourage pedestrian trips to the town centre.

9) Before the development is occupied the temporary refuse storage areas as shown on the approved site layout plan shall be provided. When provided it shall be retained as such thereafter.

REASON: To expedite waste collection from the site in the interests of highway safety.

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

- o construction vehicle details (number, size, type and frequency of movement)
- o a programme of construction works and anticipated deliveries
- o timings of deliveries so as to avoid, where possible, peak traffic periods
- o a framework for managing abnormal loads
- o contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- o wheel cleaning facilities
- o vehicle cleaning facilities
- o 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
- o a scheme of appropriate signing of vehicle route to the site
- o a route plan for all contractors and suppliers to be advised on
- o temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved CTMP.

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; and to safeguard the amenity of neighbours from undue noise and disturbance.

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 to and approved in writing by 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.

12) In the event that contamination is found at any time when carrying out the approved development, all work shall cease and the applicant shall seek specialist advice. The contamination 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 and the investigation and risk assessment reports shall be submitted to and approved by the Local Planning Authority for approval. If such reports require site remediation measures then the investigation reports must identify any necessary remediation and that scheme of remediation shall be submitted to and approved by the Local Planning Authority for approval. 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.

13) Prior to occupation of the dwellings hereby approved those windows to bathrooms/en-suite rooms shall be obscure glazed to a minimum obscurity level 3 and when provided they shall be retained as such.

REASON: To safeguard the amenity of neighbouring occupiers.

14) No external lighting shall be installed as part of this development until details showing their location, appearance and luminance has been submitted to and approved in writing by the local planning authority. Any such external lighting shall be carried out in accordance with the approved details and shall be permanently retained as such thereafter.

REASON: To safeguard the amenity of neighbouring occupiers and in the interests of nature conservation.

15) Prior to commencement of the development hereby approved, details of the finished floor level(s) of all the building(s) hereby approved shall 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.

16) Prior to commencement of the development hereby approved, details of the surface water drainage proposals shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring satisfactory drainage arrangements are in place in order to prevent localised flood risk.

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 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

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1.0 APPLICATION NUMBER: [WD/D/20/001014](#)

APPLICATION SITE: CREEK CARAVAN PARK, FISHERS PLACE, RINGSTEAD, DORCHESTER, DT2 8NG

PROPOSAL: Station 40 caravans - Variation of conditions 1 and 2 and removal of conditions 3 and 4 of planning permission 207358 (extending the season)

APPLICANT: Mr R Deakin

CASE OFFICER: Darren Rogers

WARD MEMBER(S): Cllr Ireland

RECOMMENDATION SUMMARY: Approve

This application is reported to Planning Committee as the applicants' agent is currently employed in the Development Management Team but she has played no part in the processing or determination of this application.

2.0 Summary of Recommendation: Approval subject to conditions

2.0 Reason for the recommendation:

- The proposal to amend the planning conditions of the original planning permission is considered to be acceptable with no adverse visual impact as regards impact on the AONB and coastal landscape.
- The proposal to amend the planning conditions of the original planning permission is considered to be acceptable with no significant harm to neighbouring residential amenity.
- The proposal to amend the planning conditions of the original planning permission is considered to be acceptable with no significant harm to highway safety.
- There are no other material considerations which would warrant refusal of this application.

3.0 Key planning issues

Issue	Conclusion
Principle of Development	Already established through the 1960's planning permission.
Amenity	Proposed altered conditions are not considered to result in a significant adverse effect on living conditions of neighbouring properties.
AONB/Heritage Coast	The site is well established and has existed since 1960's – no adverse

	effect on these landscape designations arising from this proposal.
Highway Safety	Highways raise no objections.
Coastal Erosion/Land Stability	Proposed altered conditions are not considered to result in a significant adverse effect.

4.0 Description of Site

4.1 The applicants' agent has helpfully set out in the submitted Planning statement the following:

"The Creek Caravan Park is located to the eastern end of Ringstead village and covers an area of approximately 0.7 hectares.

Ringstead village is accessed from the A353 at Poxwell, through Upton village via a private road, which is owned by The Ringstead Estate. The village consists of approximately 20 houses, a car park and seasonal shop; with the car park being supervised from Easter to the autumn half-term break only. From the car park the road continues southwards to access Ringstead beach with Fishers Place, running eastwards providing access to the Creek Caravan Park and other properties. To the north of the site is farmland owned by the National Trust, through which the South West Coast footpath runs and is used for camping by associations such as the Guides and Scouts. This farmland continues to the east of the site. Ringstead beach is to the south of the site and to the west is Gulley Cottage which has 5 holiday caravans located within the surrounding plot of land, but is not part of the Creek Caravan Park.

The Creek Caravan Park is split over 2 levels with a front row of 6 caravans facing the beach at a lower level and the remainder of the site being at the same level as the rest of Ringstead. The site includes 30 static caravans, 1 residential chalet, a toilet block, office/sheds and bin store. The chalet now known as Coast Path Cottage (formerly Elizabeth Chalet) has been on the site for many years and will be the subject of a further application to confirm the planning status of this building. There is parking for up to 30 cars to the north of the site, as vehicular movement through the caravan site is not permitted other than for unloading and loading on arrival and departure. There is therefore minimal hard surfacing within the site. Landscaping and planting to the boundaries and within the site is maintained to reflect the surrounding rural and agricultural landscape.

Surface water drainage was installed in 1978 which continues to operate efficiently and the site is connected to mains foul water drainage (as is the whole of Ringstead village) maintained by Wessex Water. Further drainage work has been carried out in

connection with the coast protection and sewage treatment and pumping station work approved in 1995 and 2004 respectively.

BACKGROUND

The Creek Caravan Park is currently owned and run by Ringstead Caravan Company Ltd which was established in 1978, although prior to this the site was family owned and run since the 1920's. The field was originally used by local people for holidays in their touring caravans and by the 1940's-50's had evolved to a more permanent site with residential staff supervision. The use of the site was regularised in the 1960's with planning permission and a site licence as required by legislation at that time; and has continued as such.

Over the years the site has been improved with the installation of drainage, electricity to each plot and other modernisation. To ensure continued improvements are achieved the planning situation is now being reviewed with the intention that this be updated as appropriate.

Site Licence No. 163/79 was applied for on 13 January 1979 and granted by West Dorset District Council on 2 April 1979. It is acknowledged that the site licence is now out of date with current practice and is intended to be updated with Dorset Council as part of the current review of the site.

The site is outside any defined development boundary, within the AONB and Heritage Coast designations and some of the site may be vulnerable to coastal erosion. Although these issues and applicable Local Plan policies are relevant considerations; as this proposal is an application to vary/remove conditions of an extant permission they are not material to this application”.

5.0 Description of Proposal

5.1 The applicants' agents Planning statement goes on to say:

“This application is made under Section 73 of the Town and Country Planning Act 1990 which seeks to remove/vary the conditions of the Planning Permission Ref. 207358 granted on 13 December 1962. The applicant wishes to operate the site with 30 static caravans for a longer season which would reflect the current operation of other sites in the area. They would like this to be from 9th Feb in any year to 10th Jan in the following year. This would allow occupation of the caravans over the Christmas/New year period and potentially the February half term. If this were not acceptable to the committee the dates suggested (1st March to 31st Jan) would be appropriate and acceptable.

Extending the length of season for occupation of the caravans would

- *meet the increasing customer demand for short breaks and holidays at any time of year,*

- *anticipate the potential increased demand for UK based holidays rather than going abroad following the Corona Virus pandemic,*
- *improve the local economy, attracting more visitors to Dorset,*
- *provide additional employment outside the current season and*
- *provide greater operational flexibility and efficiency.*

It is noted that the wording of the conditions imposed in 1962 are now out of date and would not meet current tests for the use of planning conditions. It is therefore requested that conditions 1 and 2 be amended and updated as appropriate and that conditions 3 and 4 would now be unnecessary and should be removed.

There is also an anomaly in the 1962 planning permission which is granted for the stationing of 40 caravans, but condition 1 restricts the number of caravans to 30. To avoid continued discrepancy between the planning permission and condition it is suggested that the number 40 could now be removed from the description of development. This would not make any fundamental change to the permission and the nature of the development would be unchanged, being the use of the site for the stationing of caravans. It is therefore suggested that a new permission could be granted under S73 as detailed below:-

Permission to Station Caravans, subject to the following conditions:

- i. Not more than 30 caravans shall be stationed on the site at any one time.*
- ii. The caravans on the site shall be occupied during the period 9th Feb in any year to 10th Jan in the following year. Or as an alternative ii:*

ii 1st March in any year to 31st January in the following year only”.

6.0 Relevant Planning History

The applicants’ agent has helpfully set out the Planning History in the submitted Planning statement:

“Planning Permission Ref 207358 was granted in December 1962 – To Station 40 caravans with 4 conditions imposed:-

- 1. Not more than 30 caravans shall be stationed on the land forming the subject of this application at any one time.*
- 2. The land forming the subject of this application shall be used for the stationing of caravans only during the period 1st April to 31st October in each year.*
- 3. During the period 1st November to 31st March in each year, the caravans shall be parked unoccupied and the land shall be maintained in a tidy condition to the satisfaction of the Local Planning Authority.*

4. Adequate provision shall be made to the satisfaction of the Local Planning Authority for the planting of a screen of trees of a species to be agreed with the Local Planning Authority.

Other planning applications provide general background to evolution of the site and surrounding area and are detailed below. However, from a search of planning history by the Local Authority the only planning applications relating to the use of the caravan site were reference 207358 with permissions issued in 1961 and 1962. The site is considered to have been operating under the Planning Permission granted in December 1962 since that date.

207358	Station 40 caravans	Granted - 13 Dec 1962
1/E/78/000116	Erection of Club House	Refused - 1 March 1978
1/E/94/0615	Carry out Coast Protection works including construction of rock groyne and beach replenishment	Granted - 28 April 1995
1/E/04/000468	Construction of sewage pumping station and sewage treatment works	Granted - March 2004

7.0 Consultations

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

7.1 Parish Council – *No objections.*

7.2 Highways - *The Highway Authority has NO OBJECTION to the proposal.*

7.3 Jurassic Coast Trust Comments are submitted in relation to potential impacts of the above proposal on the Dorset and East Devon Coast World Heritage Site (WHS).- *Whilst there is no physical impact on the WHS by this proposal, it has the potential to change the overall economic circumstance of Ringstead. Such circumstances are relevant to decisions made about coastal management so we therefore disagree with the comment in paragraph 5 of the planning statement that says conservation designations and Local Plan policies are not a material consideration in this case. Our principal concern is that by increasing the economic value of the caravan park by extending its season there will be an increased need to expand or strengthen its protection from coastal erosion in the future. Due to the park being positioned at the cliff edge, and adjacent to the part of the coast at*

Ringstead that is currently undefended, this could potentially lead to conflict with WHS management policy.

We are not yet aware of any updated beach management plan for Ringstead. Such a plan would presumably include the future maintenance of the existing coastal defences that Creek Caravan Park benefits from. We also understand that part of the developing Local Plan for Dorset will be guidance on Coastal Change Management Areas. In the absence of a strategic context for the future of coastal management at Ringstead we recommend that if consent is given to this application it is done so on a temporary basis. Similar temporary permissions are in place for a number of beach chalets in Lyme Regis that were displaced by a landslide and had to be relocated. This consent is renewed each year with the option of it being withdrawn if the position of the chalets ever became unsustainable due to coastal change. This approach may not be appropriate at Ringstead, but without the key strategic documents outlined above it is impossible to make that assessment with confidence.

7.4 Natural England (NE) - no objection - Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England considers that the proposed development will not have likely significant effects on the Isle of Portland to Studland Cliffs Special Area of Conservation and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. As regards the South Dorset Coast Site of Special Scientific Interest, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

7.5 As regards proximity to Protect Heathlands the site lies just outside the 5km consultation zone, at about 5.2km and so there are no adverse impacts arising as regards this issue

7.5 NB - In answer to NE's comments, see para 14.11/14.12 below

8.0 Representations

8.1 At the time of writing there has been 5 representation from occupiers of the dwellings to the west of the site along Fisher Place who object on grounds:

- *Fisher Place track is a private, unadopted, unmade up track which forms part of the South West coast path. With only 3 permanently occupied houses along this portion of the track, the amount of vehicular traffic using it considerably increases during the period that the site is open. The concern is that, with the site open for 11 months of the year, there is nothing to stop the users from treating it as their home, only being required to stay elsewhere for*

the month of February. This means, potentially, 30 extra households in a small hamlet of 5 permanently occupied residences. Also have concerns that the sewage system, which was designed with mainly summer usage in mind, would be unable to cope with that potential situation. The nearest shops are in Preston, 4/5 miles away and there is no provision for entertainment or public transport, so traffic to and from the site, either from users or supermarket delivery vans, would be an issue for 11 months instead of the present 7 months.

- Not sure what 'local economy' would benefit as there are plenty of large sites, hotels and B&Bs in and around Weymouth, Preston and Wyke Regis that are much closer to public transport, pubs, shops and cinemas which can accommodate any demand for short breaks and holidays any time of year. Would question what additional employment outside the current season would be available.*
- Concerned about the proposal to extend the permitted habitation of the caravans at the Creek Caravan Site to as long as 11 months of the year. This would definitely open the opportunity for permanent residence on a site long recognised, loved and protected as of Outstanding Natural Beauty, a World Heritage Site and adjacent to National Trust land. Ringstead is, in fact, possibly unique along the Southern Coast and loved as such by all who come from far and wide (even the US and Australia) to visit. A possible extension to 8 months maybe but 11 is far too long especially considering possible future proposals to change the caravans to chalets.*
- The decision should simply be postponed. Due to Covid we have only been partially and very recently informed and the situation is complex and unclear. 11 months residence however does seem too long....overriding the original intention to prevent development on a World Heritage Site of such outstanding natural beauty.*
- Ringstead Bay is one of the jewels of the Jurassic Coastal Path. The Caravan Park is very visible from many miles around. Any development would be totally detrimental to this unspoilt coastline.*
- The winter months at Ringstead are usually very quiet, the people you see are mostly just ramblers and fishermen. Extending the season at the caravan park and allowing this planning application to go ahead would change the character of the place during the winter-time. It would be more busy and crowded, it's one thing to have lots of people visit during the summer months and enjoy the beach, but during the winter months this would be a mistake and turn the bay into a year round tourist park. Also note that some of the larger caravan parks closer to Weymouth don't even open all year round so it seems odd to grant planning permission to a caravan park in a relatively more secluded and untouched park of the landscape.*
- Firstly it has become evident that proper procedures for planning permission application have not been followed. The proposal has not been displayed in a prominent public area and therefore many people may be unaware of this application. It has also become evident that the creek caravan site owners intend in the future to turn many of the caravan plots into permanent chalets.*

The long-term lease holders that represent several of the caravans on site have had their lease renewal applications rejected. These people are part of the community in Ringstead and have been coming to the area for the last 20 years. These applications I suspect have been rejected to further the creek caravan sites intention to expand and develop holiday chalets. Ringstead is an area of special scientific interest and outstanding natural beauty. It has remained so over the years because developments in the holiday industry have thankfully not taken place. To extend residency would have a significant environmental and social impact on Ringstead as an area of unspoiled beauty and for the small existing permanent community that live there. The restrictions on holiday travel abroad and closure of beaches at Lulworth and Durdle Door since coronavirus has already significantly increased local traffic to Ringstead as people drive in their cars to spend a day walking or visiting the beach. Ringstead does not have the infrastructure or necessary car parking space to support an increase in holiday residency year round on top of this. The footpaths and beaches are maintained mainly by the National Trust and are left damaged every year by increasing foot and vehicle traffic. The rubbish collection services provided by the council are non existent and regularly piles of rubbish accumulate in the car park next to the shop. Equally sanitation services are very limited and depend on the Ringstead Kiosk being open. More people in the area year-round would put further pressure on services that are already inadequate. Hundreds of cars a day visit Ringstead causing pollution and damage to the verges and hedgerows. An increase in traffic due to your residence would further exacerbate these issues. Please protect this area of a Jurassic coast line from developers who intend to make money from it. More people spending time in caravans and the development of a chalet holiday park will in no way benefit Ringstead area of natural beauty or the people that actually live there

9.0 Relevant Policies

9.1 National Planning Policy Framework

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

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
11. Making effective use of land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every

level should seek to approve applications for sustainable development where possible.

9.2 West Dorset, Weymouth and Portland Local Plan

INT1 - Presumption in Favour of Sustainable Development
ENV1 - Landscape seascape and sites of Geological Interest
ENV7 - Coastal Erosion And Land Instability
COM7 - Creating a safe and efficient transport network
ENV10 - Landscape and Townscape setting
ENV16 - Amenity
ECON 7 - Caravans and campsites

Other material considerations

WDDC Landscape Character Areas 2009
AONB Management Plan 2019-24
Dorset Heathlands Planning Framework SPD 2015-2020

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

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

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

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

12.0 Financial benefits

Material benefits of the proposed development	
None relevant	

13.0 Climate Implications

13.1 The application site is not within a settlement or village with close by services and facilities for those using the caravan site but the village does have a seasonal shop. The fact however remains that the site has been well established since the 1960's and the climate change February to January period is not considered to be significant in climate change terms.

14.0 Planning Assessment

The following issue is considered relevant to this proposal.

- Whether the removal and variation of the conditions is acceptable in planning terms noting that the caravan site is an established one?

14.1 Section 73 of the Planning Act 1990 states that:

“On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application

14.2 The Creek Caravan Site is a long established and successful business that continues to operate under the now out-dated planning permission granted in 1962. This application made under Section 73 of the Town and Country Planning Act seeks to remove/vary the conditions of the Planning Permission Ref. 207358 granted on 13 December 1962. The applicant wishes to operate the site with **30 static caravans** for a longer season which would reflect the current operation of other sites in the area. It seeks to update that permission with the removal and variation of conditions, but does not fundamentally change the permission and does not propose any alteration to the site itself.

14.3 Extending the length of season for occupation of the caravans would

- meet the increasing customer demand for short breaks and holidays at any time of year,
- anticipate the potential increased demand for UK based holidays rather than going abroad following the Corona Virus pandemic,
- improve the local economy, attracting more visitors to Dorset,
- provide additional employment outside the current season and
- provide greater operational flexibility and efficiency.

14.4 It is noted that the wording of the conditions imposed in 1962 are now out of date and would not meet current tests for the use of planning conditions. As an example the original planning application was described as being a proposal for 40 caravans when in fact the approval was given only for 30 – in essence an approval was given for a proposal that didn't match the description of development. It is therefore requested that conditions 1 and 2 be amended and updated as appropriate and that conditions 3 and 4 would now be unnecessary and should be removed.

14.5 There is also an anomaly in the 1962 planning permission which is granted for the stationing of 40 caravans, but condition 1 restricts the number of caravans to 30. To avoid continued discrepancy between the planning permission and condition it is suggested that the number 40 could now be removed from the description of development. This would not make any fundamental change to the permission and the nature of the development would be unchanged, being the use of the site for the stationing of caravans. It is therefore suggested that a new permission could be granted under S73 as detailed below:-

Permission to Station Caravans, subject to the following conditions:

- i). Not more than 30 caravans shall be stationed on the site at any one time.*
- ii). The caravans on the site shall be occupied during the period 9th Feb in any year to 10th Jan in the following year.*

Or as an alternative ii) should that be the view of Committee:

ii 1st March in any year to 31st January in the following year only”.

14.6 Consideration should be given only to the conditions imposed and not the permission itself. The variation and removal of conditions suggested would provide added security for the future of the business and boost the local economy by extending the season. This would not change the character or appearance of the site or its impact on the surrounding countryside and landscape. The application is therefore acceptable and either of the 2 suggested time periods would be acceptable in land use planning terms.

14.7 As regards the comments of the Jurassic Coast Trust, a temporary planning permission might well be an appropriate one if this were a new caravan site proposal in light of coastal erosion issues, but that is not the case here. The site has been well

established since the 1960's and as section 73 of the 1990 Act states "**On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted.** In that regard this proposal merely seeks to correct an old 1960's planning permission with one that is described correctly and which has valid planning conditions which limit the numbers to 30 caravans and for a longer occupation season. It is not anticipated that such changes would adversely affect issues of coastal erosion and its natural forces in this area unlike a new proposal to site a caravan park where the very principle of permitting one might be more critically assessed in coastal erosion and AONB/Heritage Coast landscape designation terms.

14.8 The applicants agent points out that while they acknowledge the concerns regarding coastal erosion and the need for a long term strategic approach, this application does not include any physical change and therefore they do not feel the extended season proposed will have any significant impact on coastal erosion. Part of the coast in the vicinity is undefended and the Creek Caravan Park benefits from some coastal defences, both of which would need to be considered as part of any future coastal management proposals. Any future coastal defence development would be the subject of a separate planning application for appropriate consideration at that time, previous coast protection work being approved in 1995.

14.9 A temporary permission would not be appropriate at this time as a permanent permission exists for the current site and as is explained at para 14.7 above, only a variation of existing conditions is now requested. In these circumstances an applicant should not now be penalised with the restriction of a temporary permission when one does not currently exist. A temporary permission would result in long term uncertainty which would be damaging to the existing business and the tourist economy.

14.10 Amenity Impacts - Representations have been received as regards the amenity impacts on residents to the west of the site as a result of likely increased comings and goings to and from the site. There are no highways objections and it must be remembered that the current permission authorises a 6 months occupation of all 30 caravans between April and October (notwithstanding any local terms and conditions laid down separately by the landowner/site manager for a reduced occupancy period). It is not anticipated that occupancy levels would be as great outside of these spring/summer/autumn months (essentially to cover the winter Xmas and Feb school half term periods) in any event to justify a significant adverse amenity impact on the occupiers of dwellings to the west of the site sufficient to justify a refusal of planning permission as a result of comings and goings to and from the site. As such Policy ENV16 is considered to be met.

14.11 Impact on nature conservation interests - As is set out above, Natural England raise no objections. The Council has carried out an Appropriate Assessment (AA) under the Habitats Regulations Assessment as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species

Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the Natural Environment and Rural Communities (NERC) Act 2006 to the purpose of conserving biodiversity. Whilst a small proportion of the southern site boundary of the site extends into the Isle of Portland to Studland Cliffs SAC, Natural England has concluded that the proposed variation in conditions will not result in likely significant effects on this European site and the AA concludes that there will be no adverse effect on the integrity of the designated sites identified above. As regards the South Dorset Coast Site of Special Scientific Interest, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

14.12 As regards proximity to Protected Heathlands (Warmwell Heath which is notified as a Site of Special Scientific Interest (SSSIs) and is also part of the Dorset Heathlands Special Protection Area (SPA) and Dorset Heaths Special Area of Conservation (SAC) and Ramsar) Natural England has confirmed that as the site lies just outside the 5km consultation zone, at about 5.2km and as such there are no adverse impacts arising as regards this issue.

15.0 Conclusion

15.1 The proposed development is acceptable and therefore recommended for approval. Members will need to assess the condition as regards the time period for occupation but officers recommend given the issues as set out above that both are acceptable in land use planning terms and hence the recommended longer period as requested.

15.2 In addition the application has been publicised by site notice and immediate neighbour notification and so the statutory publicity of the application has been carried out.

16.0 Recommendation – Approval is recommended and that the description of development be altered to “**Station caravans**” (the applicant’s agent is in agreement to that) and **subject** to the following conditions:

1 Not more than 30 caravans shall be stationed on the site at any one time.

Reason: To define the permission.

2 The caravans on the site shall be occupied during the period 9th February in any year to 10th January in the following year only.

Reason: To define the permission and to prevent an unrestricted and permanent residential occupation all year round.

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1.0

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

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

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

Applicant name – Weymouth Community Sports LLP

Case Officer – Ann Collins

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

Reason for the recommendation

Members will recall that at the meeting on 20th February 2020 a report was considered on the above planning application and the Committee's resolution was that the application be deferred 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.

Since that meeting the applicant has not submitted any additional/amended information or plans and has now notified the Council that an appeal has been lodged to the Planning Inspectorate against the non-determination of the planning application. As such the application no longer falls to be determined by the Council as local planning authority.

As part of the appeal process the local planning authority will need to indicate to the Planning Inspectorate how it would have been minded to determine the application should that have occurred before the lodging of the appeal. As such this report is brought before committee to obtain the committee's decision should it have had the ability to determine the application. In indicating what it would have been minded to do if it were minded to grant the permission, then planning conditions can be suggested and if it was minded to refuse the application then the reason for refusal on which it is based should be given.

The officer's view with regards to the acceptability of the application remains the same as it was in February 2020 when the application was recommended for approval by the planning officer. However Members had concerns regarding the matters that formed the reason for deferring the application and it is now for Members to consider whether in the absence of any additional information or amended plans they consider the scheme acceptable or not.

Members will recall that at the February Committee the Committee refused the reserved matters application at Wessex Stadium (WD/D/17/002597) and considered that in respect of a report regarding viability and the provision of affordable housing that the scheme was viable. An appeal has also been lodged against the refusal of the reserved matters application.

For Member's information there now follows the report as provided to committee in February 2020 where the planning officer was recommending approval of the application for the access which is now the subject of the appeal against non-determination.

Report as presented to the planning committee in February 2020:

2.0 Summary of Recommendation: Grant subject to conditions

3.0 Reason for the recommendation:

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

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The development is proposed in association with the existing outline planning permission for the adjacent site. The development is considered acceptable, subject to conditions, to either serve the existing Wessex Stadium or the proposed adjacent residential development.
Highway safety	It is considered that subject to planning conditions the development would have an acceptable impact on highway safety in accordance with Policy COM7 of the local plan.
Visual and landscape impact	There would be limited additional visual and landscape impact compared to the site as existing. Additional tree planting is proposed. Subject to planning conditions it is considered that the development would have an acceptable impact on the visual amenity of the area in accordance with Policies ENV1 and ENV10 of the local plan.
Surface water drainage	Two ponds are proposed which are, at least in part, understood to be associated with the proposed development of the adjacent site. The

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

5.0 Description of Site

- 5.1 The application site is located to the north west of the Wessex Roundabout and to the north of the B3157. The road to the application site is the road which also serves the Wessex Golf Centre, Police Station and custody suite and the Chickerell electricity distribution and sub-station site. Along the road runs a public footpath from which the application site is visible.
- 5.2 The application site is a relatively small area of land which is adjacent to the much larger area of land to the north/west which is the subject of a reserved matters application WD/D/17/002597.
- 5.3 The application site currently has the vehicular and pedestrian access to the Wessex Stadium site and also contains some existing vegetation and grassed areas.
- 5.4 The red line of the application site does not extend all the way up to the road and doesn't include some of the visibility splays. This is because that land is within

the control of the highways authority which has been confirmed by the Council's legal officers.

5.5 There is what appears to be an existing mobile phone mast immediately to the south east of the site and a number of telephone cabinets. There are also currently a number of signs on the south east boundary of the site relating to the existing use of the adjacent land (football stadium). The existing vehicular access to the site is gated.

5.6 The land rises up from the roundabout to the entrance to the application site.

6.0 Description of Development

6.1 This is a full application to construct a new vehicular and pedestrian access and ponds and to carry out landscaping to the application site. These works are all proposed in connection with the existing outline planning permission (WD/D/14/001938) for the development of the adjacent site for residential purposes. That site is now the subject of a reserved matters application (WD/D/17/002597) for the approval of access, appearance, scale, layout and landscaping.

6.2 The application site has been the subject of a previous planning permission (WP/13/0027/FUL) to construct an access and provide public open space. The proposal also included a pond. That permission was granted in May 2014 and as it was not implemented it expired in May 2017. As per now the proposals were in connection with the proposal to develop the adjacent land for residential purposes.

6.3 The current application includes a new vehicular access with adjacent footways which would connect with the access proposed within the adjacent site. The access the subject of this application would provide the only vehicular and pedestrian access from the road to the proposed housing development. On the application site are also proposed two ponds (one of which is partly outside of the application site on the adjacent site the subject of the reserved matters application) and soft landscaping.

7.0 Relevant Planning History

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

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

8.0 List of Constraints

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

9.0 Consultations

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

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

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

10.0 Representations

10.1 Two representations have been submitted raising the following concerns:

- Concerned at the amount of extra vehicles generated out onto the Wessex Roundabout, by-pass and Radipole Lane. Traffic already backs up at roundabout and by-pass at peak times of the day.

- Weymouth Civic Society has commented that they are concerned about the location of the access. Any new access should be further from the roundabout especially in view of daily traffic generated by the development, with a potential further increase on the main roads and roundabout here if the Portland Relief Road is constructed in the future.

10.2 The Dorset Police Crime Prevention Design Advisor has commented on the reserved matters application WD/D/17/002597 but some of their comments are relevant to this application for the proposed new vehicular access. They consider that the access point is too close to the Wessex Roundabout and that at key times during the day the road is already very busy (can wait 5 to 6 minutes plus to enter the roundabout) and to add additional vehicles from the development will cause congestion on the roundabout and surrounding roads. They question what consideration has been given for officers attending emergency calls from the police station, saying that have spoken to officers from the station they are concerned not only from attending incidents but to the safety of residents emerging from the development. They question why for such a large development there is now only one access point.

11.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan (2015)

ENV1 Landscape, Seascape and Sites of Geological Interest

ENV2 Wildlife and Habitats

ENV5 Flood Risk

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

National Planning Policy Framework (2019)

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

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

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

12.0 Human rights

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

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

13.0 Public Sector Equalities Duty

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

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

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

14.0 Financial benefits

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

15.0 Climate Implications

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

16.0 Planning Assessment

Principle of development:

16.1 The application is for full planning permission and is similar to a previous scheme from 2013 (granted in 2014). The application site was within the administrative area of the former Weymouth and Portland Borough Council and the adjacent land the subject of the residential proposals within the area of the former West Dorset District Council and it is this division which appears to have created the scenario of separate planning applications. However since 1st April 2019 both sites fall within the administrative area of Dorset Council.

16.2 The existing access within the application site serves Wessex Stadium. This application wouldn't prevent access to Wessex Stadium, but rather change the position of it by moving it further south towards the roundabout. The application is driven by the adjacent residential proposal for which an outline planning permission exists. However, even if the reserved matters application (WD/D/17/002597) was not subsequently approved for that residential development or it was approved but not implemented the proposed access, if implemented, would still enable access to Wessex Stadium once the access was constructed and would not compromise the existing parking provision at the site. It would seem unlikely though that the new access, ponds and landscaping would be implemented in isolation of the residential proposal.

Highway safety:

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

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

Visual and landscape impact:

16.4 The proposed development includes not only a new access but also ponds to either side of the access road and new tree planting. Some existing grassed areas would be lost to form the ponds and 9 new trees would be planted which would be a mix of Silver Birch, White Willow, Downy Birch and Alder. Around the ponds it is proposed to sew a flowering lawn and to the south of the southern pond wildflower meadow grass and the existing scrub is shown as maintained as dense boundary vegetation. The landscape officer has no objections to the proposals.

16.5 From outside of the site the proposed development would look little different to the existing appearance of the site given that one access would be replaced with another and there would be new tree planting. The open space to either side of the access would take on a different character, being ponds rather than grass but that is not considered to be an adverse impact. Overall it is considered that the development would have an acceptable landscape and visual impact in accordance with Policies ENV1 and ENV10 of the adopted local plan.

Surface water drainage:

16.6 Two proposed ponds are shown in the area the subject of this application. The intention is that they would be ponds addressing surface water drainage from the adjacent residential site, at least in part. However if the adjacent residential development was never built, either because reserved matter approvals were not granted or were not implemented, having ponds in this location (assuming the permission for them was implemented) would not have an adverse visual impact.

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

Biodiversity:

- 16.11 Natural England has commented on the application and are content that the development would have an acceptable impact on the downstream SSSI provided that a surface water drainage scheme is required to be provided which incorporates appropriate oil and silt interceptors, along with a scheme for

maintenance and monitoring, designed to reduce the risk of potential contaminated surface water entering the SSSI. This is something that can be required by a planning condition. They have also advised that the proposals are unlikely to have a significant effect on any European Sites.

16.12 The applicant has submitted a joint biodiversity mitigation plan to cover the two adjacent application sites. This has been considered by the Council's Natural Environment Team and has a certificate of approval from them. The BMP is relevant to this application site in respect of lighting, SUDs and planting and the implementation of the BMP in so far as it is relevant to this application site can be conditioned.

16.13 Given the above it is considered that the proposed development would have an acceptable impact on nearby protected sites and on biodiversity in accordance with Policy ENV2 of the adopted local plan and paragraph 175 of the NPPF.

Residential Amenity:

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

Contaminated Land:

16.15 Submitted with this application is a land contamination assessment which both WPA and the Environment Agency have considered. Both consider that given the conclusions of the assessment there is the need for intrusive ground investigations and the submission and implementation of a remediation strategy with verification of the completed measures thereafter. This is something that can be conditioned and it is considered that subject to that condition the development would have an acceptable impact. It is considered that subject to conditions the proposed development accords with Policy ENV9 of the adopted local plan and paragraph 178 of the NPPF.

17.0 Conclusion

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

18.0 RECOMMENDATION: Grant subject to the following conditions:

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

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended) and the time limit is considered reasonable given the association between the proposed development and the proposed residential development of the adjacent site which already has outline planning permission (WD/D/14/001938) which requires implementation no later than 2 years from the date of the approval of the last reserved matter.

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

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

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

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

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

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

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

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

1. a 'desk study' report documenting the site history and potential contaminants associated with all previous uses.

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

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

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

4. (a) Prior to the commencement of any other development, including any undertaken pursuant to condition no. 3 above, all existing trees, shrubs and other natural features not scheduled for removal shall be safeguarded and fenced in accordance with a scheme to be first approved in writing by the Local Planning Authority. Such fencing and any other safeguarding measures shall be maintained during the course of the works on site.

(b) No unauthorised access or placement of goods, fuels and chemicals, soil or other materials shall take place inside the fenced area(s). The soil levels within the fenced area(s) shall not be raised or lowered and no trenching or excavation shall take place unless provided for as part of the submitted and approved scheme.

(c) In the event that protected trees (or their roots) become damaged, are lost or become otherwise defective in any way during the undertaking of the development, the Local Planning Authority shall be notified immediately and a programme of remedial action as directed by the Local

Planning Authority shall be carried out within a timescale to be specified by the Local Planning Authority.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

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

REASON: In the interests of nature conservation.

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

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

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

REASON: In the interests of visual amenity.

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

REASON: In the interests of continued visual public amenity.

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

REASON: In the interests of highway safety.

10. The vehicular and pedestrian access hereby approved shall not be first used until the access and geometric highway layout has been constructed in accordance with the approved plans including the vehicular access, pedestrian paths and visibility splays as shown on drawing no. MSWEYMOUTH.1/04 Rev B. Thereafter these must be maintained, kept free from obstruction and available for the purposes specified.

REASON: To ensure the proper and appropriate development of the site in the interests of highway safety.

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

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

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

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

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

REASON: In the interests of visual amenity and biodiversity.

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

REASON: In the interests of visual amenity.

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

REASON: In the interests of nature conservation and biodiversity.

16. The ponds shown on the approved drawings shall not be first constructed until details of the depth and design of the ponds (including cross-section drawings) and details of fencing to be erected around them, including height, design and materials, a timetable for the provision of fencing and details of how and who will be responsible for the maintenance and management of the fencing for the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The depth of the ponds shall not exceed 600mm, the sloping sides of the pond shall not exceed a 1 in 3 gradient and details of dry level surfaces around

the ponds shall be submitted as part of the details. Regard should be had to the CIRIA Health and Safety Principles for SUDs (2013) in designing the ponds and this shall be demonstrated in the details submitted for consideration. Thereafter the development shall be carried out, implemented and maintained and managed in accordance with the approved details and timetable for implementation.

REASON: In the interests of health and safety.

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

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

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

REASON: In the interests of nature conservation.

Informatives:

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

1.0

[Application Number –WP/19/01016/FUL](#)

Site address: St Nicholas Church, Buxton Road, Weymouth DT4 9PJ

Proposal: Demolition of the existing church and erection of 18 affordable flats with associated external amenity space and parking spaces

Applicant name: Hector Benjamin Ltd

Case Officer: Bob Burden

Ward Member(s) Cllr B Heatley, Cllr C Sutton, Cllr K Wheller

2.0

Summary of Recommendation:

Recommendation A: Delegate authority to grant to Head of Planning subject to completion of a S106 agreement to secure provision of 100% affordable housing, and subject to planning conditions.

Recommendation B: Refuse permission for the reasons set out if the legal agreement under Section 106 of the town and country Planning Act 1990 (as amended) is not completed within 6 months of the date of the committee resolution or such extended time as is agreed by the Head of Planning.

3.0

Reason for the recommendation:

- Contribution towards 5 year housing land supply.
- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0

Table of key planning issues

Issue	Conclusion
Principle of development	Whilst there is a general presumption to retain such sites in community use, Policy COM3 allows for the context of this to be reviewed in appropriate circumstances; the objective to enhance a community hub nearby, coupled with the opportunity to secure 18 all-affordable flats means that in this particular case the scheme has support in principle.

Affordable Housing	This is an all-affordable housing scheme for social rent or affordable rent, with the opportunity to secure 18 two bedroom flats in a sustainable location which has the support of the Housing Enabling Team Leader .
Visual Impact on Locality and Conservation area.	The existing church building is a visually discordant building in the street scene; the siting, design and materials of the proposed building- with its contemporary approach- would enhance the character of the conservation area.
Effect on residential amenity	The relationship with adjacent and near-by dwellings is not considered to result in unacceptable over-looking, nor would it have an overbearing effect .
Flood-risk	An acceptable surface water drainage strategy has been submitted.
Ecology	An acceptable bio-diversity plan has been submitted, and this has been verified by the Natural Environment Team.
Highways	The site has been inspected and assessed by the Highways Officer; the proposed use is considered acceptable subject to parking, access crossing and surface water drainage details.

5.0 Description of Site

- 5.1 The site lies on the north side of the Buxton Road (A354) on the west side of Weymouth. The site rises significantly from the road and is currently occupied by a 5.6m high barrel-roofed church of pebble dash render/metal cladding under a dark felted roof with a flat roofed side extension. It is positioned close to the rear and east edge of the site. To the west is a grassed area and an extensive tarmac forecourt area for car parking. A small electricity substation is present which would be removed. There is an existing vehicular access to the site flanked by

low frontage walls, with a low wall running along the east boundary and a circa 2.5m high retaining wall at the rear (as the levels rise beyond the site rear).

5.1 The frontage to Buxton Road includes a bus stop and bus shelter to the west side. There are several shops in the vicinity and two/two and a half storey older brick/slate roofed housing on the opposite side of Buxton Road. To the west of the site is a driveway to the rear bungalow. Beyond the drive is a block of architecturally impressive Victorian villas, commencing with No 18 (the nearest having a flat-roofed two-storey extension). The majority of this villa block is in a pale brick. To the rear of the site is a bungalow with a frontage/side garden at an elevated level, of natural stone/dark concrete tiles.

5.2 The eastern boundary includes intermittent planting including laurel shrubs with well-established large trees within the grounds of 1 Verne Road, but close to the application site. No 1 Verne Road is a large imposing and attractive building currently used as a nursing home, featuring alternate light/dark brick banding. The frontage area is a largely open area with car parking under the trees near the site boundary.

6.0 Description of Development

6.1 The scheme proposes removing the church and replacing it with a four storey block of 18 all-affordable flats based on a contemporary design. This would be set back 9m from the pavement and would be off-set 3.8 m from the east boundary and at least 4.3m off the north boundary. On the western side of the site 267m² of communal amenity space would be provided, wrapping around the west side of the building. A refuse and recycling area would be provided behind a landscaped front boundary area. The existing vehicular access would be modified but remain to the east side of the frontage. A new frontage wall would be erected to the east. A pedestrian access would be added to the west. There would be 2 parking spaces to the frontage with the majority (16 spaces) within an under-croft parking area.

6.2 The building would have a mainly rendered ground floor with buff brick above. Standing seam metal cladding would be used on the top floor, the lift/stair section and on the “pop-out” windows. Powder coated aluminium windows and doors would be used. An ornate railing design would be used on the balconies. The top floor recessing allows for an area of rooftop balcony space on the south and east facing elevations.

6.3 The existing wide “bell-mouth” vehicular access would be reduced in width to 4.3m and would be positioned roughly equidistant between the bus stop and the pelican crossing.

7.0 Relevant Planning History

None relevant.

8.0 List of Constraints

Within defined development boundary

Within the Connaught Road 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

9.1 **Wessex Water** - Public sewer in Buxton road, connection can be agreed to this. Surface water - a viable surface water strategy must be demonstrated together with management/maintenance requirements.

9.2 **Flood-Risk Officer** - Site lies in Flood Risk Zone1. Initial holding objection addressed; acceptable surface water drainage strategy received.

9.3 **Highway Officer** - This proposal is located on a frequent bus route, close to the Rodwell Trail which offer walking and cycling to town and Wyke and Portland, is near to schools, doctors and shops and is providing 1 off-street parking space per unit and secure and sheltered cycle parking spaces. EV charging points can be accommodated. The Highway Authority considers that the revised proposals do not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION subject conditions addressing access crossing, parking/turning, and surface water drainage, plus highways informative.

9.4 **Conservation Officer** - Original comments - More integration with the Victorian buildings needed; given more restrained glazing use in these the design should evoke a more "solid" appearance; an amended design of railings, with a more craft/innovative approach would help. At present the scheme lacks innovative design. The scheme would cause less than substantial harm to the conservation area. The development would improve the overall site condition (removal of the church building).

Revised plans later submitted showing shadow-line/revised railings design- Conservation Officer confirmed now supports scheme.

9.5 **Senior Tree Officer Comments** – I have gone through the arboricultural report. There's nothing controversial and, regardless of the condition of the trees on the adjacent site (the Arb Consultant recommends removal of the Willow – but of course none of us can require that) the proposal is unaffected. Don't really see a need for conditioning root protection zones since, whilst there is some minor intrusion into the site, the retaining walls etc. have almost certainly dissuaded roots from entering the site – and the BS allows for up to 20% of the root zone to be affected. Would suggest conditioning the landscape scheme though; it would be good to be able to actually require whatever they 'indicate' on their proposals.

9.6 **Housing Enabling Team Leader-**

Currently 1800 households on housing register requiring accommodation in the Weymouth and Portland area; a high level of need across the area. Policy requires 35% affordable housing normally on-site, with 70% social/affordable rent and 30% intermediate affordable housing (on open market sites).

The Councils Strategic Housing Market Assessment 2014 suggests in the region of 104 new affordable dwellings need to be developed annually. This is a proposal for 18 affordable 2-bed flats. The applicant's intention is to provide 100% affordable housing and to secure the flats with a section 106 agreement. It provides a lift to the upper floor to enable disabled access. The development would be owned by a Registered Social Landlord.

Summary –This scheme would help meet housing needs in an appropriate way.

9.7 Weymouth Town Council - Warmly welcomes the affordable housing component of the development. The scale of the development is in keeping with the area and the design is modern. Therefore the Council has no objections.

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

10.0 Representations

30 letters of objection/comment have been received. The main planning-related points include:

- Scale and proportion out of character with the conservation area.
- Does not reflect architecture of adjacent Victorian houses.
- Lacks design features of existing characterful development.
- Weymouth Civic Society: excessive density and coverage of limited site. Design would harm character/appearance of conservation area/not in keeping with the Victorian villas.
- Increased traffic near a pedestrian crossing.
- Too high and too dense.
- Reduce number of units.
- 12 flats would be more acceptable.
- Loss of privacy/light to properties to north.
- Proximity to road will overwhelm properties opposite.
- Traffic would be unable to turn right from site, especially at rush hour/school
- bus stop would inhibit driver vision.
- Vehicular access onto busy road to Wyke/Portland, and cars already park in road-traffic problems; too close to pedestrian crossing and bus stop with associated highway dangers.
- Overdevelopment.
- Too far forward of building line.
- Conflict with school children and elderly in area due to traffic.

- A lot of pedestrian activity; children, footfall to general store, chip shop and pharmacy; pupils of Holy Trinity and All Saints; patients/elderly at doctors surgery; route to Portland.
- Access/egress busy between bus stop and pedestrian crossing.
- Busy and congested road with several drop-off/pick up times due to schools etc. in area; vehicles mount kerbs to get past.
- Inadequate car parking, lack of manoeuvring space and more pressure on side roads for parking.
- No provision for visitor parking.
- Should reduce scale of development.
- Should not allow loss of community facility- contrary to COM3 of Local Plan; buyer wishes to use as place of worship.
- Public should be able to view the final external materials for approval.
- Loss of outlook for dwellings to north.
- Unacceptable overlooking/overshadowing of Dwellings to rear.
- Loss of privacy and sunlight to bungalow at rear.
- Loss of privacy from overlooking and over shadowing.
- Will exacerbate surface water drainage problems.
- No local facilities in area e.g. parks.
- Bus service does not go to local employment site-Granby industrial Estate.
- No cycle storage (*case officer note: there is on-site cycle storage*).
- Will exacerbate existing pollution from traffic.
- Noise pollution.
- Could cause land slippage/subsidence for existing properties.
- Windows would be over-looked by first floor bus passengers.
- Balconies are a vulnerable feature.
- Asbestos maybe present.
- Support social housing in principle.
- Ensure refuse vehicle turning is adequate.

1 letter included support comments. The main-planning related points include:

- Welcome 100% affordable housing.
- Nice modern development comparable to Bath Store.

Full copies of all letters of representation can be viewed at dorsetforyou.com

11.0

Relevant Policies

West Dorset, Weymouth and Portland Local Plan 2015

INT1 Presumption in favour of sustainable development

ENV2 Wildlife and habitats

ENV4 Heritage assets

ENV10 landscape and townscape setting

ENV11 pattern of streets and spaces

ENV12 design and positioning of buildings

ENV13 Achieving high levels of environmental performance

ENV15 efficient and appropriate use of land
ENV16 Amenity
SUS2 distribution of development
HOUS1 Affordable housing
HOUS4 development of flats, hostels and houses in multiple occupation
COM3 retention of local community buildings and structures
COM7 safe and efficient transport network
COM9 parking standards in new development

National Planning Policy Framework 2019

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

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.

Other material considerations

Weymouth and Portland Landscape Character Assessment 2013
Connaught Road Conservation Area (2001)
Listed Buildings and Conservation Areas (SPG2)
Urban Design (SPG3)

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 scheme includes lifts to all floors and is therefore particularly helpful to disabled and less able persons.

14.0 Financial benefits

Material considerations

18 affordable housing flats,
 Spending by occupiers in local shops and facilities
 Employment created during construction phase

Non material considerations

Not applicable

15.0 Climate Implications

Works to demolish, remove and then construct the new building will involve environmental emissions. The applicant has however submitted an Energy and Resource Statement; the new building will incorporate features such as elevations benefitting from solar heat gain; all light fittings will be for low energy lamps; the large glazed areas will reduce need for artificial lighting. Materials used in the construction will have low embodied energy and be recyclable where possible. It is considered that these measures would outweigh the carbon and other emissions caused by the construction of the scheme.

16.0 Planning Assessment

Principle of development

16.1 The site lies within the defined development boundary where the principle of residential development is generally acceptable - subject to other material considerations - one such being the recent community use of the site. Although currently vacant the existing site has in the past been used as a church. Policy COM3 of the Local Plan seeks to retain community buildings in community use unless it can be demonstrated that there is no local need for the facility or that such a facility is no longer likely to be viable, and an appropriate alternative community use to meet local needs is not needed or likely to be viable. In the case of this particular church it supported only between 6 and 12 worshippers (a marked trend over recent years has been falling congregation numbers generally in many ecclesiastical contexts). This proposal also needs to be assessed in the context of the building as one with higher costs of upkeep due

to its age, type and condition. These factors have raised questions over the sustainability of this particular facility.

16.2 Para 6.3.5 of the pre-amble to the COM3 policy indicates:
In considering proposals that would result in the loss of local community facilities, the council will take into account what other facilities and services are available locally, and whether there are proposals to consolidate that service into a community facility hub.

16.3 The Parochial Church Council took the decision in the light of the earlier paragraphs above to aim towards consolidating the role of the Holy Trinity Church as a hub nearby, using monies from the sale of the St Nicholas Church site. The Churchwarden has stated that:
“Proceeds of sale will be used solely for the repair, re-ordering and development of Holy Trinity Church to make it a suitable building for use by our local community. The re-ordering would involve the installation of a new kitchen and toilet facilities in the main building of the Church with meeting rooms and exhibition space accessible from the main entrance of the church.”

16.4 Gracewell Care Home on Cross Road- enabling local worshipers to continue. Similarly, other community meetings have transferred to other venues such as Holy Trinity School and All Saints School.

16.5 Also of relevance here (and relevant in the context of the above-mentioned policy pre-amble) is the presence of a significant number of other church/community facilities in the locality. These are as follows:
All Saints Church (Wyke), Wyke Regis Methodist Church and the Convent of Our Lady St Mary- all less than 1 mile away. Furthermore there is the Weymouth Independent Evangelical Church, and a Spiritualist Church on Chickerell road to the north. Moreover Holy Trinity, Hope United and Hope URC Churches are all less than 1 mile to the north-east.

16.6 The policy pre-amble also makes reference to marketing of the site to help assess the case for retention of the facility or otherwise. The site has been marketed by local agent Goadsbys including exposure via website, site “for sale” board and in the Dorset Evening Echo. This resulted in 6 expressions of interest, only one of which was from a religious organisation. Whilst this is a consideration it is considered that the following points need to be considered;
given the context of the significant number of community/church facilities already in the area, coupled with the opportunity to enable the improvement and enhancement of Holy Trinity Church to consolidate as a hub (and therefore reflecting part of the COM3 policy), together with the fact that the proposed development would be an all-affordable housing scheme (therefore with a community benefit) there is a strong case for accepting the principle of allowing this church site to be redeveloped for this particular residential use.
The full Policy COM3 Supporting Statement is available on the planning website.

Affordable Housing-

16.7 This scheme is proposed as an *entirely* affordable housing scheme comprising 18 two bedroomed flats. This would include a level threshold and installation of a lift to aid access for any less able persons. Each flat would be 67m² in area, with the tenure being either social rented or affordable rented. The Councils Housing Enabling Officer has been consulted and advises that there is a high level of need across the Weymouth/Portland area, and that the Strategic Housing Market Assessment 2014 suggests in the region of 104 affordable dwellings need to be developed annually. He concludes that the proposal would help meet needs in an appropriate way.

16.8 The Weymouth and Portland area is one where securing affordable housing can be challenging due to viability issues on a number of sites, resulting in accepting a financial contribution instead or even no contribution at all. This scheme offers an opportunity to secure a significant number of affordable homes on-site, bringing a community benefit in a sustainable location. The affordable homes would be secured as such using a section 106 agreement.

Visual Impact on Locality and on Conservation Area-

16.9 This is a prominent site in the street scene lying within the Connaught Road Conservation Area. It is also close to characterful historic buildings being flanked by large distinctive Victorian houses; No 18 Buxton Road to the west and Elsadene to the east. As such it is a significant site in visual terms. An extract from the Conservation Area document reads:

The semi-detached villas along Buxton Rd are 2½ storeys. Original dormer windows being small with segmental roofs. An important feature of the street frontages are the ground floor verandahs with cast iron columns, originally with lead or zinc roofs. Windows would have been vertical, sliding sashes. On the ground floor, original windows and doors are still evident. The buildings individually and as a group retain many of their Victorian characteristics and architecturally and historically are a link between Blackdown House and Connaught Rd.

16.10 The site currently comprises a “one and a half storey” height barrel-roofed pebble-dash building with bitumen felt roof Church dating from the early 1960’s, together with an extensive tarmac car park to the west. It is proposed to replace this with a four storey building aligned parallel to the road, and positioned closer to the frontage.

16.11 It would be about 5.5m higher than the existing building to the top of the main extensive roof expanse. The higher lift shaft element would be about 1.6m higher than the ridgeline of the bungalow to the rear.

16.12 Some comments have been received which consider this building is too far forward of the building line. However, the main substantive building front (the main balcony projection and the similar building projection on the eastern part of the building) are only about 1m forward of the verandah on 18 Buxton Road to the west. It is set back about 8.5m from the road. Furthermore, there is marked variation near-by on building alignments; the building fronting Buxton Road to the east (the Bath Store) is positioned markedly closer to the road (about 4m away). In these circumstances it is considered the building is appropriately positioned in the street-scene.

16.13 It is fair to say the proposed building is a lot larger and higher than the existing church. However, it is broadly similar in massing terms to the semi-detached Victorian Villa block to the west. In fact it is about 0.7m lower than those.

16.14 The design follows contemporary design principles, with clean lines, and a modern materials palette. Whilst this appearance is clearly different to the Victorian villas, the overall front elevation picks up on the repeated rhythm of window arrangements present in the villas (wider alternating with narrower window areas).

16.15 The materials are mainly render at ground level with buff brick above (picking up the tone of the main villa brick adjacent). The lift element and upper sections include standing seam metal cladding with the flat roof finished with single ply roofing membrane. Windows would be of powder coated aluminium. The Conservation Officers rationale is that the sensitive use of crisp/quality detailing and simple geometric form are themes that can be transferred to the proposal site.

16.16 The Conservation Officers comments on the application are:
Original submission: More integration with the Victorian buildings needed; given more restrained glazing use in these the design should evoke a more "solid" appearance; an amended design of railings, with a more craft/innovative approach would help. At present the scheme lacks innovative design. The scheme would cause less than substantial harm to the conservation area. The development would improve the overall site condition (removal of the church building).

16.17 Consequently further drawings were submitted clarifying shadow lines and a revised railing design- the Conservation Officer now supports the scheme. The railing issue has been addressed: Most balconies are finished with galvanised steel involving a swooping curvilinear design expressed in both side and front views - adding a bespoke element to the overall look.

16.18 There are several mature trees on the adjacent site to the east but close to the site boundary including yew, willow and ginkgo trees. The applicant has

submitted a Tree Constraints and Impact Assessment which has been assessed by the Senior Tree and Landscape Officer. From this report he is satisfied that the impact on the trees of the development is acceptable. He does however recommend that a landscaping condition is added.

16.19 Both the Conservation Officer and the Case Officer consider that in visual terms the church constitutes a non-conforming element in the street-scene in terms of positioning, design and materials, with an extensive visible car park; the replacement scheme would “repair” the general rhythm/continuity of built development along this section of Buxton Road.

16.20 It is considered the siting, massing, detailed design and materials would be appropriate for this site; the proposal would enhance the character of this part 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.

Effect on residential amenity-

16.21 The site lies in a primarily residential area with several shops to the south-east, on the south side of Buxton Road. Opposite the site to the south are two and single storey/split level dwellings. The front elevation of the building would include various balconies up to third floor level looking southward. However, these would be about 25m from the front elevations of the houses opposite. As such, no unacceptable looking would occur.

16.22 To the west is the Victorian villa: 18 Buxton Road, 16m away from principal windows in the west elevation of the proposed building. This is considered a reasonable distance and would not result in unacceptable overlooking. There are windows in the east elevation of No 18 which face the site but as mentioned, the distance is acceptable in residential amenity terms.

16.23 To the east is Elsadene, 1 Verne Road, a nursing home facility. The east elevation of the proposed building has windows about 3m from the boundary with this property. However, the area east of the building is an extensive frontage area including a sweeping driveway, with car parking occurring beneath several mature trees which exist along parallel with but within the curtilage of 1 Verne Road.

16.24 The scheme has “pop out” projecting windows designed such that the outlook view is to the south (rather than over the frontage grounds of 1 Verne Road). These projections are about 3m from the boundary with this neighbouring site. The windows show that obscure glazing would be used on the area of the window facing the neighbour’s site.

16.25 To the rear (north) of the site are residential dwellings rising up the progressively higher land, with the closest being a bungalow (16 Buxton Road). This is accessed via a concrete access-way running along the western boundary of the application site. The bungalow is set back within the plot at the rear north-west corner, such that its garden area lies to the south and east, backing on to the application site. The ground level rises to the rear such that the floor level of the bungalow is about just over half way up the first floor level of the proposed building.

16.26 The applicant has sought to ensure the neighbours existing view southwards at the west end from the large living room window over Portland Harbour and Island is retained by siting the building to the east of this.

16.27 There are principal windows proposed on the rear elevation which would look out over the bungalow and garden. To the east of the large living room window the bungalow has a bedroom window and an integral double garage. There are 2 roof-lights serving an office to the east and a storeroom/bedroom.

16.28 The western side of the proposed building has kitchen windows at first, second and third floors, and bedroom windows at first and second floor on the rear. These windows would be 5.6m from the boundary with the garden of the bungalow - and a further 16.9m (22.5m total) from the front of the bungalow which is set back at the north-west corner of the site. These windows would look out over a mainly open part of the garden with lawn and a vehicle turning area. Whilst the proposed building would be markedly higher than the bungalow, the elevated positioning of the bungalow does reduce the extent of this height difference. It is considered that the 24m distance between the existing proposed windows would not result in unacceptable overlooking.

16.29 Moving to the eastern half of the rear of the building it is 4.3m from the garden with the garden depth beyond being a further 16m. Two bedroom windows at first and second floor would look out over this. This side of the garden has a more secluded feel with a summerhouse, planting, two outdoor seating areas together with modest sized fruit trees. Two bedroom windows are proposed at first and second floor near this area. The applicant has amended these to the "pop-out" type such that the north facing window is obscure glazed and the east-west side elements are transparent. This modification prevents unacceptable over-looking of the more private areas of the garden whilst allowing occupiers views out.

16.30 The central lift section has a rear access door, window and external stairway to the amenity space. Appropriate means of enclosure would ensure there is no overlooking from the stairway or rear/side amenity spaces of the neighbouring garden. The third (top) floor has balconies to the south and east; the eastern one has an obscure glazed 1.5m high section to prevent views over

the frontage area of 1 Verne Road. External amenity space at this level on the north/west sides is avoided to prevent overlooking.

16.31 Regarding massing, the building positioning and levels differences means it would not have an unacceptable overbearing effect on the bungalow or its garden.

16.32 Turning to amenity space for the proposed flats, the scheme seeks to provide this as a split level communal area wrapping around the western end of the building. A total of 267m² would be provided which satisfies the policy requirement under Policy HOUS4 of the local plan.

Flood-risk-

16.33 The site lies in Flood Risk Zone 1. An initial holding objection was overcome with additional information being submitted. Accordingly the Lead Local Flood Authority now recommend approval to the submitted surface water drainage strategy subject to conditions.

Ecology-

16.34 The applicant has submitted a biodiversity mitigation and enhancement plan which has been confirmed as acceptable by the Natural Environment Team. This includes details such as native species planting, bat and bird boxes.

Highways-

16.35 The site fronts onto the A354 Buxton Road (a main route between Weymouth and Portland). This route carries significant traffic with shops, schools and residential areas in the locality. Various representations have been received which express concern over the traffic increase and various highway safety-related issues such as car parking, crossing the busy road, proximity to the bus stop and pelican crossing, and safety of school children in the area for example. The traffic generated by 18 flats must be balanced against the existing use of the site as a church (Class D1 Non-residential institutions) and the potential traffic this Use Class could potentially generate; the site has a "traffic credit". The existing wide "bell-mouth" vehicular access would be reduced in width to 4.3m and positioned roughly equidistant between the bus stop and the pelican crossing.

16.36 The Highways Officer has inspected the site and the context in relation to the adjacent highway and pedestrian crossing/bus stop in that area. He comments as follows:

This proposal is located on a frequent bus route, close to the Rodwell Trail which offer walking and cycling to town and Wyke and Portland, is near to schools, doctors and shops and is providing 1 off-street parking space per unit and secure and sheltered cycle parking spaces. EV charging points can be accommodated. The Highway Authority considers that the revised proposals do not present a material harm to the transport network or to highway safety and

consequently has NO OBJECTION (subject to conditions addressing access crossing, parking/turning and surface water drainage).

17.0 Conclusion

17.1 The application provides an opportunity to provide 18 all-affordable flats in a sustainable location with access to close-by local shops and facilities, and a convenient bus stop giving access to extensive facilities in Weymouth. This would also be a useful contribution towards addressing the shortfall in the 5 year housing land supply (currently 4.83 years).

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 close-by shops and in Weymouth town helping to sustain local employment and businesses. Regarding social aspects, the scheme represents a meaningful contribution to the affordable housing stock helping to assist those in housing need. In environmental terms the development is considered to enhance this part of the Connaught Road Conservation Area. Trees adjacent to the east would not be threatened and implementation of the biodiversity mitigation plan would encourage wildlife. The proposals are considered to be in accordance with the Development Plan.

18.0 RECOMMENDATION

Recommendation A: Delegate authority to grant to Head of Planning subject to completion of a S106 agreement to secure provision of 100% affordable housing, and subject to planning conditions.

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

Site location plan 39 received 20/12/19

Proposed block plan 38 received 20/12/19

Proposed plan/ground floor plan 30F received 16/6/20

Proposed site plan/first floor plan 7 amenity 31F received 16/6/20

Proposed floor plans & street scene 32H received 16/6/20

Proposed floor plans/extended site section 33D received 18/6/20

Proposed elevations 34D received 16/6/20

Railing details 41A received 24/4/20

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. No development shall take place above damp proof course level until samples of all facing and roofing materials, (and details of the design and materials of the new road frontage wall section) have been submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with those details thereafter.

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

4. The windows shall be of powder coated aluminium in a colour which shall first have been submitted to and agreed in writing by the local planning authority. The windows including frames shall be retained in the agreed colour thereafter. The railing details applicable to the south elevation shall be carried out in accordance with the details shown on plan 41A and retained as such thereafter.

REASON: To ensure 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 including details of the maintenance and management of the surface water sustainable drainage scheme and any receiving system and 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, and a timetable for implementation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented in accordance with the submitted 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 The finished floor levels shall be in accordance with the levels details shown on plan 33C.

REASON: In the interests of visual amenity.

7. 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. The approved 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 or 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 interests of visual amenity.

8. No flat shall be first occupied until all the following glazing measures shall have been installed: The “pop-out” windows on the east elevation shall have obscure glazing facing east (with transparent glazing facing south), and the two pop-out windows in the north elevation to bedroom 2 of both flats 15 and 19 shall have obscure glazing on the north (with transparent glazing to the east and west sides). There shall be no pedestrian access to the external top floor hatched areas as shown on plan 33D. The third floor east elevation balcony and the screening to the external stair and landing on the north elevation shall be obscure glazed. All obscure glazing shall be to Code 3 standard. Thereafter, all the foregoing measures shall be permanently retained.

REASON: In the interests of residential amenity.

9. The development shall be carried out in accordance with the measures contained in the agreed Biodiversity Mitigation Plan (BMP) dated 31/3/20. All works within the BMP shall be carried out in accordance with the agreed timescale unless otherwise agreed in writing by the local planning authority. The completed works shall be retained thereafter.

REASON: To ensure 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 flat shall be first occupied until details of the means of enclosure to the boundaries, 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 any flat and permanently retained thereafter.

REASON: In the interests of privacy and visual amenity.

12. Before the development is occupied or utilised the first 10 metres of the vehicle 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 Local 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.

13. Before the development hereby approved is occupied or utilised the parking and turning 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 to ensure that highway safety is not adversely impacted on.

14. 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 in accordance with details which shall have, prior to development above damp proof course level, been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details and the approved drainage works shall be retained and maintained for the lifetime of the development.

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

Recommendation B: Refuse permission for the reasons set out below if the legal agreement under Section 106 of the town and country Planning Act 1990

(as amended) is not completed within 6 months of the date of the committee resolution or such extended time as is 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 units as affordable housing and in the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the adopted West Dorset Weymouth and Portland Local Plan. Furthermore the community-related benefits inherent in the scheme would not be achieved. Hence the scheme would be contrary to the objectives of paragraph 92 of the National Planning Policy Framework (2019).

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

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