



Western and Southern Area Planning Committee

Date: Thursday, 10 September 2020
Time: 10.00 am
Venue: MS Teams Live Event This meeting will be held remotely as an MS Teams Live Event [see link 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 link below)

[Link to watch W&S Area Planning Committee - Thursday 10 September 2020](#)

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 8 September 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 8 September 2020.

Please note that if you submit a representation to be read out on your behalf at the committee meeting, your name and written submission will be published as part of 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 - effective from 20 July 2020***" 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 - 46

To confirm the minutes of the meetings held on 12 and 13 August 2020.

4 PUBLIC PARTICIPATION

47 - 48

To receive questions or statements on the business of the committee from town and parish councils and members of the public.

Public speaking has been suspended for virtual committee meetings during the Covid-19 crisis and public participation will be dealt with through written submissions only.

Members of the public who live, work or represent an organisation within the Dorset Council area, may submit up to two questions or a statement of up to a maximum of 450 words. All submissions must be sent electronically to denise.hunt@dorsetcouncil.gov.uk by the deadline set out below. When submitting a question please indicate who the question is for and include your name, address and contact details. Questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.

Questions will be read out by an officer of the council and a response given by the appropriate Portfolio Holder or officer at the meeting. All questions, statements and responses will be published in full within the minutes of the meeting. **The deadline for submission of the full text of a question or statement is 8.30am on Tuesday 8 September 2020.**

5 PLANNING APPLICATIONS

To consider the applications listed below for planning permission.

- a **WD/D/20/01009 - Harbourmaster Compound,
Harbourmaster's Yard, Ozone Terrace, Lyme Regis**
Erection of Harbourmaster and Fishermans Store.

49 - 58

- | | | |
|----------|--|---------|
| b | WD/D/19/001514 - West Combe, Smishops Lane, Loders, Bridport, DT6 3SA | 59 - 76 |
| | Demolish agricultural barn and erect detached dwelling and garage. | |
| c | WD/D/20/001326 - Brewery Bridge, Skilling Hill Road, Bridport | 77 - 84 |
| | Steelwork repairs and maintenance painting, provision of anti bird perching coils and associated works. | |
| d | WP/20/00307/ADV - Victoria Square Roundabout, Portland | 85 - 90 |
| | Display of non-illuminated sign (retrospective). | |
| e | WP/20/00306/OBL - Redundant Buildings, Broadcroft Quarry, Bumpers Lane, Portland, DT5 1HY | 91 - 96 |
| | Modification of planning obligations on Section 106 Agreement dated 24 June 2015 (original planning approval WP/14/00330/OUT). | |

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 WEDNESDAY 12 AUGUST 2020

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

Apologies: Cllrs David Gray, Pete Barrow and Louie O'Leary

Also present: Cllr David Walsh, Cllr Dave Bolwell and Cllr Rebecca Knox

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

Penny Canning (Lead Project Officer), Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Jo Riley (Senior Planning Officer), Darren Rogers (Enforcement Manager), Allison Sharpe (Business Support Officer), Guy Tetley (Engineer (Development Liaison)) and Denise Hunt (Democratic Services Officer)

139. Election of Vice-Chairman for the meeting

Proposed by Cllr Susan Cocking, seconded by Cllr Nick Ireland

Decision: That Cllr David Shortell be elected as Vice-Chairman for the meetings on 12 and 13 August 2020.

140. Apologies

Apologies for absence were received from Cllrs Peter Barrow, David Gray and Louie O'Leary.

141. Declarations of Interest

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

142. Minutes

The minutes of the meeting held on 9 July 2020 were confirmed and signed.

143. 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.

144. Planning Applications

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

145. WP/20/00150/OBL - Field South of Nottingham Lane, Nottingham Lane, Weymouth

The Committee considered an application for the modification of planning obligations on a Section 106 Agreement dated 26th June 2017 of planning application WP/17/00271/OUT which granted permission for 340 dwellings.

The Lead Project Officer presented the application, informing members that the modification related to a reduction in the area of public open space from 4.75 to 4.7 hectares. Given that a development of this site would ordinarily require 1.53 hectares of open space, 4.7 hectares remained a significant over provision of open space.

The modification also sought a change in how the open spaces were to be provided from 4 large play spaces to 12 smaller play areas of 250 square metres.

The key issue was highlighted as being the reduction in public open space by 0.05 hectares.

Members sought clarification on the nature of the smaller play areas and impact on future maintenance schedules given that larger play areas were easier to maintain.

It was confirmed that not all of the 12 play areas would comprise fully equipped play equipment in the traditional sense and that some of the areas would involve natural play.

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

Decision

That authority be delegated to the Head of Planning to modify the S106 agreement dated 26th June 2017 of planning application WP/17/00271/OUT to:

- Modify the public open space provision to a total of 4.70ha

146. WD/D/20/000228 - Land at Jesmond Farm, Monmouth Gardens, Beaminster

The Committee considered an application to erect a dwelling on land at Jesmond Farm.

The Lead Project Officer presented the application and an aerial photo of the site showed a paddocked area within a wider agricultural field accessed by an existing access along Monmouth Gardens.

The location was just outside the Defined Development Boundary (DDB) and the high risk flood area although the access was just within the flood area.

The key planning issues were highlighted, including:-

- Principle of development
- Visual impact and the AONB
- Flood risk

The applicant had submitted an evacuation plan to deal with a flood event. The property was easily accessed from the town and added to the housing supply.

A written representation by the Agent in support of the application was read out by the Administration Assistant and is attached to these minutes.

Members highlighted that there was no mention in the report of possible contamination and were informed that a condition could be added to require the applicants to notify the Planning Authority if contamination was found. The addition of such a condition was supported by the Committee.

The Chairman highlighted that the proposal was not in the Local or Neighbourhood Plans nor was this an affordable dwelling.

Proposed by Cllr Nick Ireland, seconded by Cllr Kate Wheller.

Decision: That the application be approved subject to the conditions, including an additional condition in relation to contamination, as outlined in the appendix to these minutes.

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

The Committee considered an application for the demolition of an existing bungalow and erection of 5 dwellings that had been deferred for a site visit at the meeting on 9 July 2020.

The Enforcement Manager updated the committee that a further representation had been received from Mr Dixon objecting on grounds of highways and access, details of which he had e-mailed to all members of the Area Planning Committee.

An additional plan submitted showed the proposed pedestrian and vehicular access proposals 'as existing' and 'as proposed' for clarification purposes as requested by the Chairman at the previous meeting.

A short video of the site had been circulated to members in lieu of a physical site visit due to the restrictions imposed by the COVID 19 Pandemic in relation to group gatherings.

Members were given a similar presentation that was received at the meeting on 9 July 2020. Extra slides had been added at the request of the Chairman showing the existing and proposed wider site access with the footpath running

alongside and bollards along the gable wall at No 80 East Street; and similarly for the existing and proposed pedestrian access with a kissing gate onto East Street.

The key planning points were highlighted, including :-

- Principle of development
- Design
- Conservation Area and AONB
- Neighbouring amenity
- Highways
- Biodiversity/nature conservation
- Community Infrastructure Levy (CIL)

The Chairman reminded members that they would have needed to have seen the video, attended the site, or have good knowledge of East Street in order to participate in the debate on this application.

The Vice-Chairman stated that he was concerned with the narrowness of East Street and referred to the NPPF which stated that development should only be refused on highway grounds if there was an unacceptable impact on highway safety which he felt to be the case in this instance. Even with the increased width of the vehicular access, he considered that vehicles would need to pull out across the road in order to see and there was no pavement along East Street to offer protection to pedestrians. He referred to a previous objection to an application at Hollymoor Gardens due to the highways impact on East Street and that this, and the narrowness of the street should be taken into consideration in this proposal.

Other members expressed similar serious concerns in relation to highway safety. They considered that the single vehicular access from this development onto East Street was potentially hazardous, given the nature of East Street and lack of visibility splay due to the buildings either side of this access. It was noted that there was some inconsistency with the advice given by the highways authority in relation to viewing mirrors.

Referring to comments made about a previous application at Hollymoor Gardens for a single dwelling and vehicular access, the Enforcement Manager advised that this application had initially been refused, but then allowed on appeal. At that time, the Planning Inspector addressed the main issue of impact on the highway network in that area and explained why the proposal would not result in an unacceptable impact on the highway and complied with Local Plan policy as not being so severe as to warrant refusal.

The Highways Officer stated that taking into account the outcome of the appeal decision in the vicinity, the low speed environment, the presence of multiple accesses onto East Street without onsite turning and the likely amount of vehicular trips generated as a result of this scheme, he did not consider that this formed a reason for refusal that would be sustainable on highway grounds on appeal.

The Chairman stated that the majority of houses in East Street were built in stone and, whilst the new dwellings would not be totally stone faced, they would be outside the DDB, at odds with the majority of houses in this street and were not affordable housing. Recent homes built in East Street had a much wider access and were entirely stone faced. He therefore also had severe concerns in relation to materials as well as access that had been described by officers as "sandwiched".

The Enforcement Manager explained that the term "sandwiched" had been used to describe the position of the access between 2 gable walls that provided no visibility splay whatsoever. This would mean that vehicles would need to come out of the access at very low speeds as indicated by the Planning Inspector for a development on Portland, also referred to in the report. In terms of the materials, a condition could be included that the properties shall all be stone in accordance with details to be submitted and approved.

The Vice-Chairman remained concerned about the narrowness of the street and lack of pavements, despite comments made by the Highways Officer and that this development could add to the problem.

Cllr Susan Cocking raised further concern with the comparison made with the application on Portland as parking implications were a significant issue on Portland and that the access for this proposal was onto a narrow street with parked cars which was dangerous.

The Chairman highlighted that the proposal was outside the DDB and the Local Plan and Neighbourhood Plan and would affect residential amenity, and that the Committee could refuse the application on highways grounds.

The Solicitor advised that the Committee should have regard to previous appeal decisions if minded to refuse this application. However, if members considered that there were differences in circumstances that meant that members could differentiate on highways grounds from previous appeal decisions then this would be appropriate, provided that the reasons were drafted comprehensively and reasonably. However, there remained a possibility that the Council could face costs on appeal.

Cllr Sarah Williams agreed that the access was dangerous, onto a narrow street with no pavements, parked cars and an access point opposite leading to more homes. She did not view this access as being suitable for this number of houses and potential number of cars given that the road was heavily used by pedestrians walking into the centre of Beaminster.

Cllr Susan Cocking proposed that the application be refused under paragraph 109 of the NPPF due to the unacceptable impact on highway safety. This was seconded by Cllr Sarah Williams.

The meeting adjourned from 11:18 -11:33am in order that officers could draft the reasons for refusal based on the highways concerns raised by members.

The meeting reconvened and the Chairman wished to consider some further reasons for refusal. The Solicitor advised that any additional reasons for refusal should be agreed by the proposer and seconder of the motion to refuse the application.

Some additional reasons for refusal were debated, including materials, the lack of affordable housing and that the site was outside the DDB and not in the Local Plan.

The Area Manager - Western and Southern read out the reasons for refusal on highways grounds.

The meeting was adjourned for a further period from 11.42am to 11.50am in order that officers could draft the further reasons for refusal.

The following reasons for refusal were shared by way of a presentation slide for the benefit of members of the Committee and the public.

1. The application site is outside of the defined development boundary for Beaminster and the proposal is not for affordable housing and as such it does not form an exception site. As such the proposed development is contrary to Policy SUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) which seeks to strictly control development outside defined development boundaries. The benefits of the proposal (the addition of a net increase in 4 dwellings to the housing supply) would not outweigh the harm in permitting a development outside the defined development boundary in the planning balance.

2. The proposed development will generate further traffic and pedestrian movements along East Street, a County highway with variable and limited carriageway and footway widths. Furthermore the vehicular access to the site is narrow and lacking any visibility splays. In the absence of the construction of, or programme for, a detailed improvement scheme designed to provide suitable and appropriate traffic management and safety enhancements for this street or to improve the width and visibility splays of the access, this development would be likely to cause danger and inconvenience to all highway users resulting in a severe impact on highway safety. Hence the scheme would be contrary to policy COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and Para 109 of the National Planning Policy Framework (2019).

3. In the absence of a S106 agreement to secure a financial contribution to off-site ecological mitigation it is considered that the proposed development would result in the unacceptable loss of semi-improved grassland in which are present Dorset Notable species and as such the development would adversely impact on biodiversity contrary to Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan (2015), Dorset Biodiversity Compensation Framework and paragraph 170 of the National Planning Policy Framework (2019) (NPPF) and as such the refusal of the planning application accords with paragraph 175 of the NPPF.

The proposer and seconder of the motion to refuse the application confirmed that they were content with the reasons as set out.

Proposed by Cllr Susan Cocking, seconded by Cllr Sarah Williams.

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

148. **WD/D/19/000797 - St Andrews House, St Andrews Trading Estate, Shoe Lane, Bridport, DT6 3EX**

The Committee considered an application for the formation of a first floor walkway and seating area which users of the facility could use as outdoor amenity space.

Members received a presentation on the proposal that was within the DDB and ancillary to leisure facilities, cafe and day nursery. The site was on an industrial estate with no nearby residential houses.

An objection had been received from the Parish Council on the grounds that the walkway overlooked the Area of Outstanding Natural Beauty (AONB) of the river and Asker Valley.

The main planning issues were outlined including:-

- a small scale development within the DDB
- no nearby residential use
- use as an outside seating space for staff
- no change of use
- noise impact minimal within the trading estate
- no impact on parking or trees
- hours of use controlled 0800 to 2000 (*a typographical error that stated 2200 in the presentation was corrected*)

In response to questions, the Senior Planning Officer advised that the existing uses of the building was covered in condition 5 of the proposal.

Members highlighted that a licence to sell alcohol had recently been granted for the building, however, given the hours of operation of the building some members did not consider this to be unduly concerning. An alternative view was expressed that the impact of the licensing on the overall use of the building was not favourable.

Proposed by Cllr Jean Dunseith, seconded by Cllr Kelvin Clayton.

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

149. **WD/D/19/003186 - Homestead Farm, Main Street, Bothenhampton, Bridport, DT6 4BJ**

The Committee considered an application for the demolition of an original farmhouse in the Conservation Area and the erection of a new 4 bed low carbon house (with variation of condition 1 of planning approval WD/D/17/002888 to amend approved plans).

The Enforcement Manager presented the Section 73a application that sought to vary the plans list condition for the previously approved planning permission for the site. A number of Non-Material Amendment applications (NMAs) had subsequently been approved, but the latest received in 2019 was refused. This was due to the cumulative changes sought not being accepted as an NMA which left the only option to regularise the building as now built and to be completed in the form of a Section 73a application.

Members were shown a site location plan, showing a red line dividing the built form and garden/ allotment areas and terraced properties on the north side accessed by a higher footpath level to the road; the site location in relation to the village centre and nearby listed buildings, Conservation Area (CA) and DDB; an aerial photo of the land before development and former farmhouse buildings along Main Street sloping downwards and Village Hall; google views before redevelopment of the farmhouse at right angles to other buildings down the slope of the land and access footway to the properties along Main Street.

Members were also shown various plans of the "Y" shape development and lower level garage accessed via Main Street and the garden area / private allotment with an access off Duck Street.

A number of photos were shown of the development including the structure as built, the garage set at a lower level off Main Street; the Main Street and Duck Street accesses and the general vicinity of the development.

He confirmed that no Highways objection had been made in relation to the slope of the driveway leading to the garage.

Slides were shown of the as built and as approved floor plans which showed a similar building in terms of its footprint and accommodation, however, the building had been "tweaked" on the various levels and was now further towards Main Street showing how it had not been built in accordance with the approved plans. Comparisons were also shown of the as approved and as built elevations showing the differences in height of various elements of the building.

The key planning points were highlighted including:-

- Principle of development
- Design
- CA / AONB
- Neighbouring amenity

- Highways
- Community Infrastructure Levy (CIL)

A number of written representations objecting to the application and one in support by the Agent were received and are attached to these minutes. Some of these were read out at the meeting by the Administration Assistant in accordance with the revised Public Speaking Protocol for Area Planning Committee meetings.

Cllr David Bolwell - Dorset Council - Bridport, addressed the Committee stating that many changes had been made to the original plans approved by West Dorset District Council, which had already been reduced in size further to comments by the Conservation Officer. A survey paid for by residents revealed that the positioning and heights of the development were wrong and the heights contained in paragraph 6.17 of the report were different to those submitted in the NMAs. Approximately 10 metres of hedgerow along Duck Street had also been removed. The fallback position was that this development was not built to the original specification and both residents and the Parish Council had lost faith in the planning system. The development had been littered with non-compliance issues and he asked the Committee to refuse the application based on mass, height, ENV16 and Bridport Neighbourhood Plan D1 and D8.

Cllr Nick Ireland stated that he had visited the site the previous evening and was mostly concerned with the huge discrepancy in the heights and that moving the wings further up the slope had served to increase the impact in terms of height.

The Enforcement Manager advised that the height discrepancy in the report relied on hand drawn plans provided by applicant and the reasons for the discrepancy in heights was set out in paragraph 6.19 of the report.

The Solicitor advised that members should consider the building "as built" and whether its height had a planning impact which was unacceptable, and provide reasons.

Cllr Kelvin Clayton read an extract from the original design and impact statement and queried the absence of green roofing in the development. He said that the plans for the original wings were downslope and barely visible and that he had stood in the same spot where the wings now obliterated the views. He therefore considered that the application went against a number of material considerations. He asked whether there was any independent verification between surveys provided by the applicant and residents and referred to the lack of comment by the Conservation Officer and Historic England in the report.

The Enforcement Manager stated that he could not confirm whether the Conservation Officer had visited the site, however, he had done so as the case officer and it was his responsibility to balance the concerns of all representatives with the planning considerations. He confirmed that there

was no independent survey and that he had relied on the applicants to provide details in relation to heights.

He emphasised that members needed to look at the building "as built" and assess the resultant planning harm if members felt that the building was too dominating and overbearing.

Cllr Kate Wheller stated that she was incensed by this application and that it was not appropriate for in the centre of a Conservation Area. She drew attention to comments made by the agent and that there were appreciable differences in height and the development was much nearer to Main Street than what was approved. She questioned the lack of accurate plans and how the building was almost completed when it was known that there were significant differences from the approved plans. She considered that this showed a lack of respect and total disregard for the planning process that had not happened accidentally in her view.

Cllr Jean Dunseith agreed with this view and expressed her concern in relation to roof heights on both wings due to the need to accommodate services, that the wings were closer to Main Street and higher when viewed from the road. She felt that the technical considerations in relation to the roof heights should have been resolved before the original permission had been granted and viewed the way in which this development had taken place as being very sloppy.

The Solicitor stated that he understood why members should feel that the development proceeding in this way showed disrespect to the planning system, however, the legislation allowed retrospective permission in respect of such scenarios which legislators envisaged might happen. Any decision to refuse the application on the basis of roof heights would require valid planning reasons.

Other members agreed with the views already expressed and that the height of the building affected the Conservation Area and neighbour amenity, the repositioning of the wing causing a considerable difference to the closeness to homes on Main Street. The Chairman further commented that the building contrasted with the great character and charm of the village and the street scene in the Conservation Area and village hall.

Cllr Kelvin Clayton referred to the 2 main planning issues highlighted in paragraph 16.1 of the report and proposed refusal of the application on the basis of the Neighbourhood Plan HT2; Local Plan ENV10.1 and NPPF 127c. This was seconded by Cllr Kate Wheller.

The meeting was adjourned from 15.42am to 15.45am in order that officers could draft the wording of the reasons for refusal based on the concerns of the Committee.

The following reasons for refusal were shared by way of a presentation slide for the benefit of members of the Committee and the public.

1 The proposal is a visually dominating and prominent built form of development, out of character to the area. The site is located within the Conservation Area and where the wider setting of that area is affected such that the proposal does not 'preserve' or 'enhance' that area as is required and set out given the statutory Section 72 test of the Planning (Listed Buildings and Conservation Areas) Act 1990. On that basis it has an adverse impact on the existing Conservation Area character and harms the Conservation Area character and appearance. That harm would be less than substantial but there are no wider public benefits arising from the proposal that would outweigh that harm in the planning balance. As such the proposal would not be in accordance with Policies ENV4, ENV10 or ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) ; Policies HT2, D1 & D8 of the Bridport Neighbourhood Plan; nor paragraph 127 and section 16 of the National Planning Policy Framework (2019) and in particular para 192 which states:

In determining applications, local planning authorities should take account of:
c) the desirability of new development making a positive contribution to local character and distinctiveness.

2 The proposed development by reason of its mass, scale and bulk has an unduly dominating and overbearing impact when viewed from existing neighbouring properties in Main Street and Duck Street. As a result it sits uncomfortably in relation to those neighbouring occupiers and is detrimental to their amenity (outlook). Its mass, scale and bulk is also detrimental to the character and appearance of the area. As such the proposed development would be contrary to Policies ENV10; ENV12 & ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015); Policies D1 & D8 of the Bridport Neighbourhood Plan; 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.

The proposer and seconder of the motion to refuse the application confirmed that they were content with the wording of the reasons.

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

150. **WD/D/20/000253 - Beach Chalet adjacent car park, Charmouth Beach, Lower Sea Lane, Charmouth**

The Committee considered an application to vary Condition 1 of Planning Permission 1/D/13/000282 amending the occupancy condition in relation to a Beach Chalet that had been converted from former toilets to a chalet in 2002.

The Senior Planning Officer outlined the planning history with regard to conditions. This application represented a further relaxation to allow use as holiday accommodation between 1 March and 31st October each year but not for ancillary sales or serving of food and/or drink.

An additional representation had been received in objection of the scheme following publication of the agenda wishing the chalet to be returned to its former use as a toilet block and raising issues of ownership. This was included in the update sheet circulated to members prior to the meeting.

The Senior Planning Officer advised that the change of use had happened in 2013 and was not relevant to this application. She had also checked ownership and the applicant had signed the relevant certificate which was satisfactory to validate this application.

A written objection by Charmouth Parish Council was read out by the Administration Assistant and is attached to these minutes.

In response to questions it was confirmed that the new condition would allow the chalet to be let out to people outside of friends and family within the timeframe of 1 March to 31 October.

Some members agreed with the view expressed by Charmouth Town Council that the current conditions were adequate.

The Area Manager - Western & Southern explained that if minded to refuse, members should consider the harm caused by the variation in the condition, particularly given recent ministerial advice on a more flexible and relaxed approach to extending the season to help the UK economy.

The Solicitor explained that the test for imposing conditions must be for a planning purpose and be reasonable, proportionate and enforceable. Members should therefore consider the planning harm in letting the chalet on a commercial basis as opposed to friends and family.

Concerns were also raised in relation to increased lighting, however, members were informed that the proposal did not include any physical changes and that lighting would comprise development.

Proposed by Cllr Susan Cocking, seconded by Cllr David Shortell.

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

151. **Urgent items**

There were no urgent items.

152. Update Sheet

Application Ref.	Address	Agenda ref.	Page no.
WD/D/20/000583	82 EAST STREET, BEAMINSTER, DT8 3DT	Item 6a	43-74
Update(s): 1 further representation from occupiers Mr Dixon objecting on grounds of highways and access, details of which he has emailed to all Planning Cttee Members. 1 additional plan submitted (Site Access Plan - Drawing Number 11352 - 10 Rev A) showing the proposed pedestrian and vehicular access proposals 'as existing' and 'as proposed' for clarification purposes .			
Application Ref.	Address	Agenda ref.	Page no.
WD/D/20/00253	Beach Chalet, Charmouth	Item 6f	115 - 121
Update(s): 1 representation received 11.8.20 from Dr Anthony Farmer, objection. Due to shortage of toilets at the beach. Raised issue about land ownership when the toilet block was built that is not on Evans land. .			

Appendix - Decision List

Duration of meeting: 10.00 am - 4.10 pm

Chairman

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APPLICATION NUMBER: WP/20/00150/OBL

APPLICATION SITE: Field South of Nottingham Lane, Nottingham Lane, Weymouth

PROPOSAL: Modification of planning obligations on Section 106 Agreement dated 26th June 2017 of planning application WP/17/00271/OUT.

DECISION: Delegate authority to the Head of Planning to modify the S106 agreement dated 26th June 2017 of planning application WP/17/00271/OUT to:

- Modify the public open space provision to a total of 4.70ha

Reason for Decision

It is considered that the proposed modification to the S106 would have an acceptable impact. The modification would involve the overall reduction in the provision of public open space from 4.75ha to 4.70ha resulting in an overall loss of 0.05ha. How the open space is provided would also change, the 4 play outposts (smaller defined play spaces) would be reduced in size individually from 400sqm to 250sqm but the number of play spots (incidental play spaces) would be increased from 4 to 12. The proposed provision as part of the outline application was in excess of that required. The proposed reduction in provision of 0.05ha to an overall provision of 4.70ha is still in excess of that required and therefore in this case the reduction in the public open space provision is considered acceptable.

APPLICATION NUMBER: WD/D/20/000228

APPLICATION SITE: Land at Jesmond Farm, Monmouth Gardens, Beaminster

PROPOSAL: Erect dwelling.

DECISION: Grant subject to conditions

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

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

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

Location Plan - Drawing Number 2726-03 - Rev A received on 29/01/2020

New House Ground Lines - Drawing Number 2726 -05 Rev A received on 29/01/2020

Proposed Floor plans and Elevations - Drawing Number 2726-01 received on 29/01/2020

Proposed Floor plans and Elevations - Drawing Number 2726-01 Rev A received on 29/01/2020

Site Plan - Drawing Number 2726-02 Rev C received on 29/01/2020

Site Plan - Drawing Number 2726-04 received on 29/01/2020

Proposed Landscape Strategy - Drawing Number 1107.02 A received on 22/06/2020

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

3) Prior to the commencement of development above damp course level, a landscaping and tree planting scheme in accordance with the Proposed Landscape Strategy plan 1107.02 A, shall have been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March inclusive, immediately following commencement of the development. The scheme shall include details of species, provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years and thereafter the maintenance and replacement shall be carried out on accordance with the approved scheme.

REASON: In the interest of visual amenity.

4) No development above Damp Proof Course (DPC) level shall be commenced until details and samples of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

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

5) Prior to first occupation of the dwelling a Flood Warning and Evacuation Plan shall be submitted and agreed in writing with the Local Planning Authority. Thereafter, the Flood Warning and Evacuation Plan shall be retained on site in accordance with the agreed details.

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

6) Before the development hereby approved is occupied 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.

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

Reason: To prevent the increased risk of flooding.

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

REASON: To ensure the risks from contamination are minimised.

Informatives:

Right of Way –

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

Pollution Prevention during Construction –

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and

materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Waste Management -

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

Reason for Decision

- Absence of 5 year housing land supply.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- It is not considered to result in any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

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.

DECISION: Refuse for the following reasons:

1. The application site is outside of the defined development boundary for Beaminster and the proposal is not for affordable housing and as such it does not form an exception site. As such the proposed development is contrary to Policy SUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) which seeks to strictly control development outside defined development boundaries. The benefits of the proposal (the addition of a net increase in 4 dwellings to the housing supply) would not outweigh the harm in permitting a development outside the defined development boundary in the planning balance.
2. The proposed development will generate further traffic and pedestrian movements along East Street, a County highway with variable and limited carriageway and footway widths. Furthermore the vehicular access to the site is narrow and lacking any visibility splays. In the absence of the construction of, or programme for, a detailed improvement scheme designed to provide suitable and appropriate traffic management and safety enhancements for this street or to improve the width and visibility splays of the access, this development would be likely to cause danger and inconvenience to all highway users resulting in a severe impact on highway safety. Hence the scheme would be contrary to policy COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and Para 109 of the National Planning Policy Framework (2019).
3. In the absence of a S106 agreement to secure a financial contribution to off-site ecological mitigation it is considered that the proposed development would result in the unacceptable loss of semi-improved grassland in which are present Dorset Notable species and as such the development would adversely impact on biodiversity contrary to Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan (2015), Dorset Biodiversity Compensation Framework and paragraph 170 of the National Planning Policy Framework (2019) (NPPF) and as such the refusal of the planning application accords with paragraph 175 of the NPPF.

APPLICATION NUMBER: WD/D/19/000797

APPLICATION SITE: St Andrews House, St Andrews Trading Estate, Shoe Lane, Bridport, DT6 3EX

PROPOSAL: Formation of first floor walkway and seating area.

DECISION: Grant subject to the following conditions:-

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

Location Plan and Site Plan - Drawing Number 15/007/300 received on 15/03/2019
Proposed Floor plans and Elevations - Drawing Number 15/007/302 A received on 02/06/2020

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

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

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

3. The materials to be used for the walkway, stair and first floor seating area hereby approved shall be of metal construction finished in a colour to match the existing building.

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

4. The walkway and seating areas hereby approved shall be used between 08:00 and 20:00 only, on any day.

REASON: To safeguard the amenity of residential neighbours.

5. The walkway and seating areas hereby approved shall be used in association with the existing uses of the building as Class D1 for a Creche/Day Nursery and Class D2 – Leisure (Indoor Sports and Recreation together with Ancillary Cafe Facility), as outlined in the Town and Country Planning (Use Classes Order) 1987 (as amended) or any Order revoking or re-enacting that Order, and for no other purposes.

REASON: To define the permission and to safeguard the character and appearance of the development and the surrounding area including the Dorset AONB and adjoining River Asker.

Informative:

The development should take account of standing advice from the Environment Agency regarding surface water management, access and evacuation, floor levels and flood resistance and resilience measures.

Reason for Decision

The proposal is for relatively small scale development on the existing Trading Estate within the DDB 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, flood risk the adjacent green open space or the wider AONB landscape.

There are no material considerations which would warrant refusal of this application.

APPLICATION NUMBER: WD/D/19/003186

APPLICATION SITE: Homestead Farm, Main Street, Bothenhampton, Bridport, DT6 4BJ

PROPOSAL: Demolition of original farmhouse in Conservation Area. Erection of 1.no. new 4 bed low carbon house (with variation of condition1 of planning approval WD/D/17/002888 to amend approved plans).

DECISION: Refuse for the following reasons:

1 The proposal is a visually dominating and prominent built form of development, out of character to the area. The site is located within the Conservation Area and where the wider setting of that area is affected such that the proposal does not 'preserve' or 'enhance' that area as is required and set out given the statutory Section 72 test of the Planning (Listed Buildings and Conservation Areas) Act 1990. On that basis it has an adverse impact on the existing Conservation Area character and harms the Conservation Area character and appearance. That harm would be less than substantial but there are no wider public benefits arising from the proposal that would outweigh that harm in the planning balance. As such the proposal would not be in accordance with Policies ENV4, ENV10 or ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) ; Policies HT2, D1 & D8 of the Bridport Neighbourhood Plan; nor paragraph 127 and section 16 of the National Planning Policy Framework (2019) and in particular para 192 which states:

In determining applications, local planning authorities should take account of:
c) the desirability of new development making a positive contribution to local character and distinctiveness.

2 The proposed development by reason of its mass, scale and bulk has an unduly dominating and overbearing impact when viewed from existing neighbouring properties in Main Street and Duck Street. As a result it sits uncomfortably in relation to those neighbouring occupiers and is detrimental to their amenity (outlook). Its mass, scale and bulk is also detrimental to the character and appearance of the area. As such the proposed development would be contrary to Policies ENV10; ENV12 & ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015); Policies D1 & D8 of the Bridport Neighbourhood Plan; 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.

APPLICATION NUMBER: WD/D/20/000253

APPLICATION SITE: Beach Chalet adjacent car park, Charmouth Beach, Lower Sea Lane, Charmouth

PROPOSAL: Make alterations to convert redundant toilets to beach chalet (with variation of Condition 1 of Planning Permission 1/D/13/000282 amending the occupancy condition).

DECISION:

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

Location Plan received on 30/01/2020

Existing and Proposed plans and elevations - Drawing Number 20/1340/01A received on 07/06/2002

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

2. The beach chalet hereby approved shall not be used as a permanent dwelling, nor for ancillary sales or serving of food and/or drink. Overnight holiday accommodation shall only take place between 1st March and 31st October each year and the owners shall keep a record of the overnight use which shall be made available to the Local Planning Authority on request.

REASON: To control the use of the Chalet in this location where residential and retail use would not be acceptable

Reason for Decision

The continued use of this building as a Beach Chalet is acceptable, but an increase of this use to a residential dwelling would be contrary to policy ENV7. Retail sales and serving food and drink is also considered to be inappropriate in this location. Therefore whilst the existing use is supported a revised, robust and updated condition is recommended to control the future use of the building.

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

MINUTES OF MEETING HELD ON THURSDAY 13 AUGUST 2020

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

Apologies: Cllrs David Gray, Pete Barrow and Louie O'Leary

Also present: Cllr David Walsh

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

Lara Altree (Senior Lawyer - Regulatory), Anne Brown (Definitive Map Technical Officer), Bob Burden (Senior Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Chelsey Golledge (Technical Support Officer), Carol McKay (Senior Definitive Map Technical Officer), Vanessa Penny (Definitive Map Team Manager), Lachlan Robertson (Planning Officer), Guy Tetley (Engineer (Development Liaison)) and Denise Hunt (Democratic Services Officer)

151. Election of Vice-chairman for the meeting

Cllr David Shortell was confirmed as the Vice-Chairman for this meeting at the meeting held on 12 August 2020.

152. Apologies

Apologies for absence were received from Cllrs Peter Barrow, David Gray and Louie O'Leary.

153. Declarations of Interest

Cllr Simon Christopher declared an interest in application WD/D/19/001343 - Land north of 6 Netherhay Lane, Drimpton and stated that he would speak as the Ward Member during public participation and not take part in the debate or vote on this application.

154. 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.

155. **Planning Applications**

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

156. **WD/D/19/001343 - Land North of 6 Netherhay Lane, Drimpton**

The Committee considered an application to erect 15 affordable dwellings and formation of new vehicular access.

The Chairman, Cllr Simon Christopher addressed the Committee as the Dorset Council - Marshwood Vale Ward Member during public participation and did not take part in the debate of vote on this application.

The Vice-Chairman was in the Chair during consideration of this application.

Further representations that had been received following publication of the agenda that were included in an update sheet circulated to members prior to the meeting.

The Senior Planning Officer presented the application that included an aerial view of Drimpton showing the "gap" between Netherhay and Drimpton prescribed in the Neighbourhood Plan had been respected in this scheme.

The site had only one immediate boundary with a property at 6 Netherhay Lane that was slightly lower than the application site and the proposal was considered to be acceptable in residential amenity terms.

A detailed layout plan showed the central vehicular access with a traditional form of development in front of Netherhay Lane that was set back to accommodate mature trees within the frontage bank area that were subject to Tree Preservation Orders. The development was orientated to take advantage of views towards Seaborough Hill.

Various photographs were shown of the site including the public footpaths and road junctions with Netherhay Lane and Chard Road that gave an idea of visibility and in particular the need to go over the stop line to make a safe turn right towards Chard.

The private sewage treatment works required an environment agency permit to discharge into the water course.

The main planning issues were highlighted including:-

- Principle established by the Neighbourhood Plan allocation
- An all affordable housing scheme
- Visual impact on the Area of Outstanding Natural Beauty (AONB)
- Residential amenity
- Drainage considerations
- Contribution towards 5-year housing land supply
- Highways issues

The Senior Planning Officer informed the Committee that delegated authority was also sought to make minor amendments to Conditions 10 and 13 to ensure compatibility with the Highways adoption process.

A number of written representations were received which are attached to these minutes. Some of these were read out by the Technical Officer at the meeting in accordance with the revised Public Speaking Protocol attached to the agenda.

Cllr Simon Christopher, Dorset Council - Marshwood Vale, addressed the Committee in support of the application which was consistent with the Local and Neighbourhood Plans and on an exception site that contributed to the housing land supply. He considered this to be an innovative scheme incorporating flats and bungalows in a sustainable location not far from the Somerset border where residents could access services and employment. Drimpton itself was served by facilities including a pub, village hall, football pitch, church and employment sites to the west and north of the village. Affordable homes built in Powerstock and Marshwood in recent years were more remote from the nearest town than this development was from Drimpton and the lack of pavements and junctions considered as part of this application were common in West Dorset. Efforts had also been made to provide an alternative pedestrian access to the village.

Cllr Nick Ireland commended the application that had the support of the Local and Neighbourhood Plans, residents and the Parish Council. The scheme also met the housing need for one and two bedroom properties, all of which were 100% affordable housing in perpetuity. He considered that the junction was typical of the area and the road was 30mph.

The Highways officer confirmed that although there had been some reservations about the junction onto the B3162, this was not the case with the other junction with Netherhay Lane and that the pedestrian linkage was welcomed. He confirmed that the pathway ran over private land but was a public right of way that joined a public footpath.

Members were supportive of the scheme and agreed that narrow lanes were a feature in West Dorset. They concluded that this was a good scheme that had been designed sensitively and would help keep the village alive.

Proposed by Cllr Nick Ireland, seconded by Cllr Kate Wheller.

Decision:

A) That authority be delegated to the Head of Planning to grant permission subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 in a form to be agreed by the Legal Services Manager to secure the following:

- To ensure the development remains as affordable housing in perpetuity,
- And to ensure the provision/maintenance of the footpath link to the public right of way

- And subject to receipt of an acceptable adjusted highways layout plan (resulting in amended plans list (condition 1) and amended layout plan reference on condition 10 (levels)

and subject to the conditions outlined in the appendix to these minutes.

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 by 6 months from the date of the committee resolution of such extended time as agreed by the Head of Planning:

1. In the absence of a completed s106 legal agreement the development would not ensure the dwellings are provided as affordable housing. Hence the development would be contrary to policy HOUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019). Furthermore, this would not ensure the new pedestrian link to the right of way is provided and maintained. Hence this would be contrary to policy COM7 of the adopted Local Plan (2015) and the National Planning Policy Framework (2019).

157. WP/19/00273/RES - Curtis Fields (Phase 2b) Land South of Chickerell Road, Weymouth

The Committee considered an application for approval of reserved matters for Access, Appearance, Landscaping, Layout and Scale of outline application WP/14/00777/OUT.

The Committee received a presentation by the Planning Officer for the reserve matters application for 99 dwellings that included an extract from the masterplan showing the general location of phase 2b, a plan showing areas where there were substantial changes in level, generally rising north to south; some of the many elevational drawings and plans for the houses, full lists of which had been included in the report and update sheet; a landscape plan showing a retained and enhanced Cockles Lane and photos of phase one homes to indicate the general style that would be continued throughout the development; and views across the site from different perspectives.

The appropriate assessment had been attached as an appendix to the report and was the result of an objection by Natural England in relation to the recreational impact on the special area of conservation zone of Chesil beach and the Fleet area who confirmed that there could be significant impacts if no mitigation measures were employed. These measures had recently been approved by the Dorset Council Cabinet and Natural England had no further objection.

The main planning issues were highlighted including:-

- Relationship with approved master plan
- Design and layout
- Appropriate assessment

- Drainage and flood risk mitigation - significant mitigation works had been incorporated in phase 1 of the development
- Roads and access
- Landscaping and Cockles Lane
- Neighbouring amenity
- Biodiversity
- 30% Affordable housing - 27 out of 99 homes in phase 2b was slightly below this requirement with the shortfall being accommodated within later phases of the development.

An update sheet circulated to members prior to the meeting included the replacement of Condition 1 and an additional condition to ensure that a safety audit was undertaken to ensure boundary treatments were suitable and a safe area for use.

Representations from Cllr Lucy Hamilton, Weymouth Town Council Chairman of Planning and the Agent were read out by the Technical Officer at the meeting and are attached to these minutes.

In response to the comments made in the written representations, the Planning Officer explained that there was an expectation that the full 30% affordable housing allocation would be fully met in the two later phases of the development that were still under consideration.

The Biodiversity Mitigation Plan remained to be discharged as indicated in the update sheet. This was currently central to discussions and no development could take place until that condition was discharged.

Members asked about the ways in which this development could affect Chesil beach and the Fleet and were informed that this related to increased recreational pressure on interests on Chesil Beach due to residents from the development being in close proximity to the area. This included breeding birds that were affected by visitor numbers and a potential impact on air quality due to the new traffic generated by the development. These were matters that had been dealt with in the appropriate assessment.

Members were concerned about the phasing in terms of meeting the affordable housing requirement. They were advised that the remaining Curtis Fields development was comprised of 3 reserved matters applications, one of which was this application. The Planning Officer assured the Committee that although phase 2b was short by 2.7 affordable dwellings, that this shortfall would be added to another phase and that officers would continue to check compliance with the 30% affordable housing provision.

Cllr Wheller expressed concerns in relation to biodiversity and the protection of animals and plant species in the area including deer, badgers, bats, crab apples and elderberries, noting that very old trees had already been lost as a result of development on the site; the safety measures with regard to the balancing ponds and the creation of cycle paths in order to provide an alternative safe cycling route to Lanehouse Rocks Road from the Westham area through the estate.

The Planning Officer advised that the major part of the pond and flood risk areas had already been built within phase 1, notwithstanding this, the update sheet contained an additional condition concerned with the safety issue. Although there would always be a degree of risk there was a need to ensure the applicant knew of the risks and mitigation. He assured members that officers were in discussion with the applicant and their specialists with regard to biodiversity and that officers would keep an eye on this. The development was being constructed using normal quality of residential estate roads that should be suitable for cyclists despite the changes in level not being conducive to cycling.

Cllr Jean Dunseith stated that she was pleased that Cockles Lane would be enhanced but she remained concerned with flooding in the sloping site. She was aware of flooding in Ludlow Road which was adjacent to phase 1 and that building on this slope could make matters worse due to the amount of water, despite the mitigating factors. She further commented that a junction with Lanehouse Rocks Road meant that the estate could be used as a rat run to Chickerell Road, however, she recognised that this phase did not include that junction but this was a consideration.

The Highways Officer confirmed that there was a shared cycle and pedestrian linkage of 3 metres width that ran through the site following Cockles Lane and that the roads in the development were sufficient for all highways users.

A further question was asked about the diversion of footpath 130 that was directly affected by the development.

The Committee was informed that a separate legal process was necessary for the diversion of a public rights of way affected by the development and that the legal diversion process needed to be completed before development was substantially completed. It was confirmed that an application to divert the footpath had not yet been received.

The Committee highlighted that this needed to be progressed in order to avoid future delays as the path was used by children walking between Wyke Regis and St Augustine's school which would become busier as the school was enlarged.

Proposed by Cllr Nick Ireland, seconded by Cllr David Shortell.

Decision: That the application be approved subject to the conditions outlined in the appendix to these minutes. including the additional conditions and informatives contained in the update sheet.

158. **Application to extinguish part of Bridleway 43, Marshwood at Prime Coppice**

The application made under Section 118 of the Highways Act was presented by the Senior Definitive Map Technical Officer who presented a plan showing the location of the bridleway, a drawing and photographs of the current route

and alternative route along Bridleway 76 and photos of the Bridleway 43 and 76 along Glebeland Lane.

An objection had been received that was included in full in the report, however, none of the points were relevant to the legal test for an extinguishment order. A further objection had been included in the update sheet circulated to members prior to the meeting.

It was confirmed that the application met the legal test under the Highways Order and that any further objections should be referred to the Secretary of State.

The Chairman added that he had received an e-mail from the landowner who confirmed that he was content with the extinguishment.

Proposed by Cllr Sarah Williams, seconded by Cllr Nick Ireland.

Decision:-

- a) The proposal to extinguish part of Bridleway 43, Marshwood 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 extinguishment; and
- c) If the Order is unopposed, it be confirmed by the Council without further reference to the Committee.
- d) If any objections to the Order are of a similar nature to those already considered by the Committee, the matter be referred to the Secretary of State for confirmation with the Council's support without further reference to the Committee.

Reason for Decisions

- a) The proposed extinguishment 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 extinguishment.
- c) Accordingly, the absence of objections may be taken as acceptance that the extinguishment is expedient and therefore Dorset Council can itself confirm the order.
- 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 should submit the order to the Secretary of State for confirmation and support the order.

Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority. Dorset Council's Rights of Way Improvement Plan sets out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.

159. **Urgent items**

There were no urgent items

160. **Update Sheet**

Appendix - Decision List

Duration of meeting: 10.00 - 11.55 am

Chairman

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APPLICATION NUMBER: WD/D/19/001343

APPLICATION SITE: Land North of 6 Netherhay Lane, Drimpton

PROPOSAL: Erect 15 affordable dwellings and formation of new vehicular access.

DECISION:

A) Delegate authority to approve to the Head of Planning to grant permission subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 in a form to be agreed by the Legal Services Manager to secure the following:

- To ensure the development remains as affordable housing in perpetuity,
- And to ensure the provision/maintenance of the footpath link to the public right of way
- And subject to receipt of an acceptable adjusted highways layout plan (resulting in amended plans list (condition 1) and amended layout plan reference on condition 10 (levels)

and subject to conditions.

1. Plans list-

Location plan 7446 01-001 A
Proposed site plan 7446 10-001 T
Plans/elevations plots 1 and 2: 7446 10-005 D
Plans/elevations plots 3 and 4: 7446 10-008 E
Plans/elevations plots 5 and 8: 7446 10-007 F
Plans/elevations plots 9-11: 7446 10-006 E
Plans/elevations plots 12-13: 7446 10-009 E
Plans/elevations plots 14-15: 7446 10-010 D
Site sections 7446 10-012 D
Landscape Plan 1284-06-P4

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 above damp proof course shall be commenced until details and samples of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

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

4. The windows and frames shall be externally finished in white and permanently retained as such thereafter.

REASON: In the interests of protecting the character of the area.

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

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

The development hereby approved shall be carried out in accordance with the landscaping and tree planting scheme (Landscape Plan 1284-06-P4 received 21/7/2020). Such scheme shall be implemented during the planting season November - March inclusive, immediately following commencement of the development, or as may be agreed otherwise in writing by the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years from completion of the development.

REASON: In the interest of visual amenity.

6. No development above damp proof course shall be carried out until details of the hard landscaping of the site including the surfacing of the new pedestrian path to the right of way to the east shall first 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 and the approved details shall all be completed before first occupation of any dwelling.

REASON: In the interests of ensuring provision of the footpath link(s) and in the interests of visual amenity.

7. The development shall be carried out in accordance with the submitted bio-diversity plan dated 21/07/20. The measures carried out shall be permanently retained thereafter. There shall be no variation to this plan unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of enhancing the ecological value of the site.

8. Prior to the commencement of any development a detailed surface water sustainable drainage scheme for the site, based on an assessment of the hydrological and hydrogeological context of the development, and a timetable for implementation (including clarification of how drainage is to be managed during construction) shall have been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the maintenance and management of the surface water sustainable drainage scheme 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. Thereafter the scheme shall be implemented in accordance with the approved details and timetable for implementation. The scheme shall be managed and maintained thereafter in accordance with the approved details.

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

9. The finished floor levels shall be carried out in accordance with the levels details shown on the approved layout plan 7446 10-001T.

REASON: In the interests of visual amenity.

10. No dwelling shall be first occupied until details of the means of enclosure for all plots/boundaries shall first have been erected in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Such details as are approved shall be retained thereafter.

REASON: In the interests of visual amenity and residential amenity

11. 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.

12. Notwithstanding the submitted plans no development shall commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority. The development shall not be carried out otherwise than in accordance with the details as are approved.

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

13. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

REASON: To ensure that a vehicle can see or be seen when exiting the access.

14. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

REASON: To minimise the likely impact of construction traffic on the surrounding highway network.

Informatives-

-NPPF

-s106

-Highways

-Minerals.

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 by 6 months from the date of the committee resolution of such extended time as agreed by the Head of Planning:

1. In the absence of a completed s106 legal agreement the development would not ensure the dwellings are provided as affordable housing. Hence the development would be contrary to policy HOUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019). Furthermore, this would not ensure the new pedestrian link to the right of way is provided and maintained. Hence this would be contrary to policy COM7 of the adopted Local Plan (2015) and the National Planning Policy Framework (2019).

Reason for Decision

- Contribution towards 5 year housing 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 relatively 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

APPLICATION NUMBER: WP/19/00273/RES

APPLICATION SITE: Curtis Fields (Phase 2b) Land South of Chickerell Road, Weymouth

PROPOSAL: Application for approval of reserved matters for Access, Appearance, Landscaping, Layout and Scale of outline application WP/14/00777/OUT.

DECISION: Approve, subject to the following condition:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents. In particular:
 - a. The landscaping scheme shall be carried out in accordance with the approved landscape strategy, including the replacement of any failed planting for five years following first planting.
 - b. The materials to be used shall be as specified in the materials schedule dated 18.12.2019 unless otherwise approved in writing by the local planning authority.

Supplier: IMA

IMA-17-203-P-100_E - Proposed Highway Geometry
IMA-17-203-P-101_D - Preliminary Highway Contours
IMA-17-203-P-102_B - Proposed Highway Visibility
IMA-17-203-P-103_B - 10m Refuse Vehicle Tracking
IMA-17-203-P-150_E - Finished Floor Levels
IMA-17-203-P-200_C - Sections A-A and B-B
IMA-17-203-P-210_B - Pond 2 Sections
IMA-17-203-P-500_D - Proposed Drainage Strategy
IMA-17-203-P-550_F - Drainage Catchments

IMA-17-203-D-510_B - Surface Water Drainage Sheet 1 of 3
IMA-17-203-D-511_B - Surface Water Drainage Sheet 2 of 3
IMA-17-203-D-512_B - Surface Water Drainage Sheet 3 of 3
IMA-17-203-D-550_B - Manhole Schedule
IMA-117-203-D-560-A – SUDS GA
IMA-17-203-SK-250 – Indicative cut and fill analysis

IMA-5-001_B - Trapped Road Gully
IMA-5-002_A - Pipe Bedding Details
IMA-5-003_A - Type 1B Manhole
IMA-5-004_A - Type 2 Manhole
IMA-5-005_B - Type 3 Manhole
IMA-5-006_A - Type 4 Manhole
IMA-5-008_C - Headwall Small
IMA-5-009_A - External backdrop
IMA-5-010_B - Pond 2 Hydrobrake
IMA-5-014_B - Headwall Large

Greenfield Run Off
Microdrainage Hydraulic Calcs
SuDS Management Plan -Phase 2B
CEMP Revision July 2020
Travel Plan dated February 2020

Supplier: WDA

101 - Location Plan
303-A - Block Plan
304-B – Proposed Site Plan, Roof Level
305-B – Proposed Site Plan, House Type
306-B – Proposed Site Plan, Feature Units
307-B – Boundary Treatments
308-B – Proposed Site Plan, Landscaping
309-B – Proposed Site Plan, 1 of 2
310-B – Proposed Site Plan, 2 of 2
311-B – Proposed Site Plan, Integrated Network
312-B – Proposed Site Plan, Public Open Spaces
313-B – Proposed Site Plan, Road Hierarchy
314-B – Proposed Site Plan, Affordable Housing
315 - Proposed Sections and Street Scenes

330 - Unit 181
331-A - Units 182-184
332-A - Unit 185
333 - Units 186-187
334 - Units 188-191
335-B – Units 192-193
336-A – Units 194-195
337-A – Unit 196
338-A – Units 197-198
339 - Units 199-200
340 - Unit 201
341 - Unit 202
342 - Unit 203
343 - Unit 204
344 - Unit 205
345 - Units 206-207
346-A - Units 208-210
347 - Units 211-212
348 - Units 213-214
349-A - Units 215-217
350 - Units 218-219
351 - Unit 220
352 - Unit 221
353 - Unit 222-223
354-A - Units 224-225
355-A - Unit 226
356-A – Units 227-229
357-A – Units 230-231

358-A – Units 232-233
359-A – Units 234-236
360 - Units 237-239
361-A - Units 240-241
362-A - Units 242-243
363 - Unit 244
364 - Unit 245
365 - Units 246-247
366-A - Units 248-249
367 - Units 250
368 - Units 251-252
369 - Unit 253
370-A - Units 254-256
371-A - Units 257-258
372 - Unit 259
373 - Unit 260
374 - Units 261-263
375-A - Unit 264
376 - Unit 265-266
377 - Unit 267-268
378 - Unit 269-270
379-B – Units 271-272
380-B – Units 273-275
381-B – Units 276-277
382 - Units 278-279

1000-B – Proposed Footpath Masterplan for Phases 2-4

Design & Access Statement March 2019

Materials Schedule 18.12.2019

Parking Schedule & Calculator November 2019

Playdale NEAP Picture Sheet

Supplier: The Landscape Service

170 - 1 - R5 - Landscape Plan
170 - 2 - R7 - Planting Plan
170 - 3 - R5 - Wildflower Plan
170 - 4 - R6 - Planting Schedules
170 - 5 - R5 - Tree Plan
170 - 6 - R5 - Landscape Strategy
170 - 7 - R3 - Tree Detail
170 - 8 - R4 - SUDS Planting
170 - 9 - R1 - Planting Type 1
170 - 10 - R1 - Planting Type 2
170 - 11 - R1 - Planting Type 3
170 - 12 - R1 - Planting Type 4
170 - 13 - R2 - Planting Type 5

Air Quality:

Air Quality Assessments report J0402/1/F1 dated 17th March 2020 and IMA cover letter IMA-17-203/RMA-2B/sw

Archaeology:

Email from County Archaeologist Steve Wallis dated 04.03.2019

2. No development above damp proof coursing level shall proceed until details & samples of all external facing materials shall have been made available to view on site and subsequently approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the approved materials.

REASON: In the interests of visual amenity

3. The attenuation basin shall not be excavated/constructed until a risk assessment of the basin in respect of safety has been submitted to and approved in writing by the local planning authority. The risk assessment shall include details of any mitigation measures such as fencing and walling required and include details of its location, height, design, materials, a timetable for installation and details of who will maintain and be responsible for any mitigation measures proposed. Thereafter the development shall be carried out in accordance with the agreed details and maintained and retained as such thereafter.

REASON: In the interests of visual amenity and safety.

Informative:

1. In the interests of clarity, the approved plans and additional information provided are also approved, for this phase, in respect of the following condition of outline planning permission WP/14/00777/OUT as amended:
 - a. The geometric highway layout (condition 7),
 - b. Improvements to the surface of Cockles Lane (condition 8),
 - c. Surface water drainage scheme (condition 10),
 - d. Boundary treatments (condition 12),
 - e. Earthworks to form SuDS Ponds (condition 13),
 - f. Finished floor levels (condition 17)
 - g. The Construction Environment Management Plan (condition 18),
 - h. The equipped recreation facilities (condition 20).

All other conditions in the outline planning permission, as amended, remain in force.

2. For the avoidance of doubt, the revised BMEP submitted is not approved and condition 16 of outline planning permission WP/14/00777/OUT is not discharged under this approval.

Reason for Decision

- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposal complies with the general drainage strategy previously approved under the outline planning permission.
- The proposal forms a reasonable visual and operationally compatible relationship with the SNCI and the local footpath network.
- The proposal has been considered by an Appropriate Assessment under the Habitat Regulations and is considered to have a significant impact on protected sites, including at Chesil Beach and The Fleet. However appropriate mitigation is in place that allows the application to be approved.
- There are no material considerations which would warrant refusal of this application.

Dorset Council

Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings – effective from 20 July 2020

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

[Dorset Council Committee List](#)

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 first three statements received from members of the public for and against the application (maximum six in total) will be read out together with any statement from the town and parish council, by 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 statement will be read out if the same point has been made by another statement and already read to the Committee. This is to align with the pre-Covid-19 protocol which limited public speaking to 15 minutes per item, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit. All statements received will be circulated to the Committee members before the meeting.
5. This addendum applies to members of public (whether objecting or supporting an application, town and parish councils, planning agents and applicants).
6. Councillors who are not on the Planning Committee may also address the Committee for up to 3 minutes by speaking to the Committee (rather than submitting a written statement). They need to inform Democratic Services of their wish to speak at the meeting two working days before the meeting.

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- 1.0** **Application Number:** [WD/D/20/000253](#)
Site address: Harbour Masters Open Compound, Harbourmasters Yard, Ozone terrace, Lyme Regis
Proposal: Erection of Harbourmaster and Fishermans Store
Applicant name: Dorset Council
Case Officer: Jo Riley
Ward Member: Cllr Turner

This application is reported to Committee as the applicant is Dorset Council.

2.0 **Summary of Recommendation: Approve:-**

- 3.0** **Reason for the recommendation:** Replacing the outside storage within a new secure building for the Harbourmaster and fisherman meets a clear need delivering social and economic benefits for Lyme Regis and its visitors. The visual harm caused by the building which is of sympathetic materials, lower than existing building and within a parking and storage compound is negligible.

4.0 **Table of key planning issues**

Issue	Conclusion
Principle of development	Within Harbourmaster Compound and DDB
Land Stability and Coastal Erosion	None
Impact on Heritage Coast and AONB	Some visual impact within car park and public toilets
Impact on Amenity	None material
Economic Impact	Support for leisure facilities and commercial fishing. On Council owned land so no additional expense.

5.0 **Description of Site**

- 5.1** The site is the Harbour Master Open Compound, Lyme Regis. The compound sits to the south of Ozone Terrace, electricity sub station, east of the bowling green and east of the public toilets and car park. There is an enclosed walled area to the south of the public toilets.

6.0 **Description of Development**

- 6.1** Erection of single storey storage building for use by the Harbour Master and fisherman store for storage for harbour related activities for local fisherman and harbourmaster equipment.

- 6.2 The proposed building would sit to the east of the public toilets and to the south of the electric sub- station. It would be 3.5m to the eaves, 5.4m ridge, 19m long and 7.0m wide. The ridge line runs north-south it would be lower than the public toilet building (as seen in the comparative drawing). The proposed materials are natural slate roof, naturel timber cedar weatherboarding, Portland stone plinth and roller shutter door on the south side facing the boat storage.
- 6.3 The proposal has been amended during the course of the application to address English Heritage comments, by altering the roof and materials. The proposal does not have a hipped roof. This was amended in July 2020 to a gable end.
- 6.4 The proposal is accompanied by a detailed Design and Access Statement and Heritage Statement, which concludes: replacing the outside storage within a new secure building for the Harbourmaster and fisherman meets a clear need delivering social and economic benefits for Lyme Regis and its visitors. The harm caused by the building is negligible.

7.0 Relevant Planning History - None recent

8.0 List of Constraints

Land stability Zone 1
Contaminated sites buffer
Managed realignment zone
Lyme Regis Conservation Area

9.0 Consultations -

- 9.1 Dorset Highways – No objection
- 9.2 Lyme Regis Town council – No objection but concern that the design and materials should respect the historic location and be environmentally friendly.
- 9.3 Environmental Health – In view of its previous use need to address contamination by condition, that in the event that contamination is found during construction, the applicant seek specialist advice.
- 9.4 Technical Services – No objection. There are no excessing earthworks planned and the store should be lightweight construction.
- 9.5 English Heritage – We previously commented on the plans at which time we stated we had no in principle objection to the works proposed, further detail regarding the context, scale and materiality of the proposed building was

required in order that an informed assessment of its visual impact on both the setting of the Cobb and the character and appearance of the Conservation area could be made. Revised details have now been provided along with drawings illustrating the height and massing of the proposed store in relation to the public convenience building. The elevations illustrate that the ridge height will be lower than the adjacent building. It is now confirmed that the walls of this simple building will be unstained timber boarding and natural slate. The door will be timber but those on the south elevation will be black roller shutter. Historic England are content that the proposed materials have addressed our concerns. Given the ore functional, industrial character of this part of town and the configuration of the surrounding buildings, we consider that a simple gable end would be more appropriate consistent form here.
OFFICER NOTE the latest amended plans from July 2020 now have a gable.

- 9.6 DC Conservation Officer – There is not enough information to justify the selected site or the scale of the building and the setting of the Grade II Listed Building. Although some public benefit may exist it is not clearly identified. The sites AONB and Conservation Area and situated in an area identified as boat park/car park. The public toilets forms the western end of the boat park enclosure to the north is the rendered facades of Ozone Terrace which contribute positive to this area. The east is the Grade II Listed Custom House which overlooks the site. The main issue is the setting of the building on the heritage assets. The building has a substantial footprint with considerable massing with a long continuous unbroken ridge and no change in side elevation wall plane to mitigate its presence. Although the ridge would be lower than the WCs its will be far longer and the shallow pitch does not take reference from traditional building form and its will appear modern. It will block views from the Grade II Customs house of the WCs. The heritage statement is inadequate. There is no clarity as to how the building would be used which justify its scale.
Comments on amendments: Further drawing have been received. These show no change in form or scale and the same footprint and do not say how the site was selected. As such this is still considered to be a significant intrusion into tis edge of townscape vista resulting in a negative impact on the aesthetic and historical value of the place which is not outweighed by public benefit.

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

- 10.0 **Representations:**
19 comments received. 3 support, 16 objections.

Support:

- If Lyme Regis is to have a thriving harbour which is an important part of the character of the Town, it must have appropriate and safe facilities.
- The building is in keeping with other buildings in the vicinity.

Objections:

- This is an industrial building

- Impact on the character of the area
- Impact on neighbours
- Design and appearance
- Impact on wildlife
- Will block outlook and views from Ozone Terrace
- Will set a precedent for other buildings
- An industrial building with corrugated metal roof is out of keeping
- It will cause noise disturbance from opening the roller shutter door and noisy vehicles
- It will be a traffic hazard
- Will be a loss of a car parking space.

11.0 Relevant Policies

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

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

INT1.	Presumption In Favour of Sustainable Development
ENV1.	Landscape, Seascape and Sites of Geological Interest
ENV4	Heritage Assets
ENV7.	Coastal Erosion and Land Instability
ENV10.	The Landscape and Townscape Setting
ENV16.	Amenity
SUS2.	Distribution of Development
ECON5	Tourism attractions and facilities
COM5	The retention of open space and recreation (marine based recreation).

National Planning Policy Framework (NPPF) 2019

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

2. Achieving sustainable development
4. Decision-making
6. Building a strong competitive economy
7. Ensuring the vitality of town centres
14. Meeting the challenge of climate change, flooding and coastal change
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

South Devon and Dorset Shoreline Management Plan (SMP2)
Lyme Regis Conservation Area Appraisal:

'In Cobb Hamlet, the former Custom House had two floors with a first floor balcony (removed) that presumably gave officers views of activity in the harbour. The group of the Royal Standard and its neighbours has gabled ends directly onto the street, possibly reflecting the norm for buildings related to maritime uses, before the sea became a fashionable asset. Cobb Terrace is a ten bay row of former coastguards cottages. Higher up Cobb Road are a number of smaller cottages set at right angles or roughly parallel to the curving road line. Westfield shows an interesting use of steep levels, being single storey on the upslope and two storeys, at right angles, downhill.

Smaller houses and cottages are usually in rows, two bays and two or three storeys, with a ground floor entrance hall and front room. Cellars exist in some properties, notably in Church Street and Coombe Street, where there are examples of refronted C16 and C17 houses. There are few planned terraces (for example Cobb and Ozone Terraces) although there are three very similar houses in Nos. 9-11 Church Street. Later C19 and early C20 houses are attached in rows, semi-detached or detached.'

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

13.0 Public Sector Equalities Duty

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

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

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

14.0 Financial benefits

There would be financial benefits to the community as this would support the on-going marine services and function of the area for visitors and fishermen.

15.0 Climate Implications

The location is in an area of managed retreat in the shoreline management plan. This is not a building in a vulnerable classification such as a dwelling and its use should be water compatible, given that items can be stored outside at present.

16.0 Planning Assessment

Principle of development

The site is outside of the DDB but in a boat park and car park which is owned by Dorset Council and land available for marine related activities and storage by the harbour master. This is not a remote location where there are no other buildings around it. It is within an established area of activity and buildings that create the character of the harbourside and its various ancillary activities such as boat club, shops, toilets, boat repairs, beach huts, car park, sub-station, boat storage and car parking. Policy SUS2 advises that outside DDBs local facilities appropriate to the rural area or close to an existing settlement and tourism, recreation or leisure facilities are appropriate. This site is part of the main settlement of Lyme Regis. It is considered that the principle of building in this location is therefore acceptable. There are no objections in terms of land stability or coastal recession. The proposal is considered to have economic benefit to users of the harbourside. There is some public support for the building in order to maintain a thriving harbour.

Impact on Character of the conservation area and Listed Buildings

With regard to the proposed store's siting and as justification for the location. The Council's ownership of land is limited within the vicinity of the harbour. It includes the Cobb, the majority of the harbour slipway, the boat park and car park. The location within land available to the harbourmaster next to existing building rather than in the centre of the car park is to prevent the building appearing more prominent or in a more isolated location. At present paraphernalia could be stored outside in an unsightly and unsafe manner and the building is needed for the continued operations of the harbour.

The design of the building has been altered to take account of English Heritage comments who now raise no objection. The building would be lower than the toilets and in natural materials and is not considered to look out of place. It is similar to the power boat club building to the south west albeit on the far end of the car park. The proposed slate roof would match the toilets roof and whilst this building is not a copy of the stone and brick of the public toilets, nor is the

bowling green club house building on the north side of the toilets which is slate and white render. It is considered that this building is acceptable for this location where there are a mix of heights, styles and functions of buildings. It is not considered to be significantly harmful to warrant a refusal on grounds of visual amenity. Much of the comments from the conservation officer relate to lack of information supplied in the heritage statement to justify the location, not the merits of the proposal. The applicant has supplied further information in response to the conservation officer comments explaining why there is a need and location given the constraints of Dorset Council land ownership and the need for this location to be close to the coast for fishermen and visiting yachts. The applicants have advised that the only other options for a store would be the Cobb or slipway which would be more prominent locations. The existing store is too small to accommodate the harbour needs. The new store will house stock and other paraphernalia which is stored out in the open such as JCB, temporary pontoons, and which are susceptible to theft. Therefore the protection of Harbour assets is a public benefit. In terms of visual impact the proposed building would be in timber cladding which is a recessive material and would weather. The building has been limited in its size to suit the needs of the harbour master without being overly ambitious. The roller shutter door would be painted black but for practical reasons cannot be altered from the design i.e to get the JCB inside. The Conservation Officer will provide an update to the applicants response but this will be reported verbally due to time constraints. With regard to the impact on the setting of Ozone Terrace, they would present a backdrop to the proposed building and are set on higher ground and taller buildings in brighter colours and are more prominent than the smaller neutral subservient proposed building. The new building would also block the view of the electricity sub station from the Cobb. It is not considered that the building would detract from Ozone Terrace. It is noted that the view from Custom House would alter which at present looks to the east towards the public toilets and then further afield to the east. The proposed single storey building would alter this visual gap to the left of the toilets but this is not considered to be so harmful to conflict with Policy ENV4 of the Local Plan. It should be noted that English Heritage do not object to the proposal and therefore the proposal is considered to pass the test as set out in part 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to preserve the character of the conservation area. The setting of the Listed Building namely Custom House is also considered to be preserved given the gap between it and the proposed building across the car park/boat yard and the low key impact from the building having regard to the taller buildings to the rear of Ozone Terrace and Custom House Building which is a substantial two storey building on the other side of the car park. Whilst the Conservation Officer has said that the building would cause less than substantial harm and no public benefit, it must be made clear that the Harbour Master would not go to the expense of constructing the building if it was not required. The continued running of the harbour is in the public interest. The building has been amended in design as much as reasonable practical to take account of both English Heritage and Conservation Officer comments and it is considered that the harm is not so significant to warrant a refusal of the building

Impact on Amenity

The location is mainly non -residential supporting retail, tourism and marine related activities. The nearest residential properties are a terrace of 6 houses to the north of the boat yard/car park in Ozone Terrace. The objections from these properties are to the loss of views from gardens and windows across the car park to the rest of the harbour and the coast. The single storey building is lower than the public toilet building and 3.5m in width and is set on the other side of a narrow single width vehicular road from gardens. There are no windows on the end elevation of the proposed building facing north to the gardens and there would not be any direct overlooking. There would be some intrusion from the garden of No.6 from the siting of the building towards the end gable but this view could be blocked at any time with a boat or storage. There is no right to a view but a loss of amenity can be taken into account. The outlook from windows which are set back from the garden would not be unduly affected. Given the narrow width of the building its low height and location next to the toilet block it is not considered that the siting of the single storey building alongside the public toilets would be so harmful so that normal enjoyment of the houses and their gardens close to the harbour/car park and its functions cannot be enjoyed and thus the proposal complies with Policy ENV16.

Highways

There are no objections from highway officers to the original or amended plans. The access to the site is from the shared access to the car park and boat parks and served from Cobb Road and the southern section of Ozone Terrace. The proposal is considered to comply with Policy COM7 of the local plan.

17.0 Conclusion

- 17.1** Replacing the outside storage within a new secure building for the Harbourmaster and fisherman meets a clear need delivering social and economic benefits for Lyme Regis and its visitors. The visual harm caused by the building which is of sympathetic materials, lower than existing building and within a parking and storage compound is negligible and considered to be acceptable in the conservation area. The loss of some view to residential properties is considered to be acceptable. The proposal complies with relevant policies in the local plan and the NPPF.

18.0 RECOMMENDATION

Grant permission subject to the following conditions:-

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

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

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

Location plan, site plan, floor plan, elevation 3926-01E

Section Plan/comparison plan 3926-02C

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

3. No development beyond foundation level shall be commenced until details or samples of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

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

4. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

5. The building hereby approved shall be used for Harbour Master storage/ WC and fisherman's store only and for no other storage purpose (including any other use in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

REASON: The Council considers an unrestricted Class B use may not be compatible with the living conditions of surrounding residential properties.

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1.0 Application Number – WD/D/19/001514

Site address - **WEST COMBE, SMISHOPS LANE, LODERS, BRIDPORT, DT6 3SA**

Proposal - **Demolish agricultural barn and erect detached dwelling and garage**

Applicant name – Mr Harris

Case Officer – John Shaw

Ward Member(s) - Cllr A Alford

This application is brought through the Scheme of Delegation process due to the comments received from the Parish Council who objected to the proposal, which is contrary to Officer's recommendation of approval.

2.0 **Summary of Recommendation:** Approval of planning permission subject to conditions

3.0 **Reason for the recommendation:**

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The development would have no undue impact on the wider landscape and the Uploders and Loders Conservation Area.
- There would not be any significant harm to neighbouring residential amenity.
- The development would not harmfully impact upon local highway safety, ecology or flood risk
- There are no material considerations which would warrant refusal of this application

4.0 **Table of key planning issues**

Issue	Conclusion
Principle of development	The application is for the erection of 1 dwelling outside of, but in close proximity to Defined Development Boundary (DDB). The dwelling would not be regarded as isolated and would contribute to the vitality of the settlement of Loders. The site would therefore be considered as constituting sustainable development as determined by the NPPF (2019)
Design, appearance and impact on the character of the area and AONB	Design, scale and siting would be considered appropriate for the site and which would not harm the appearance of the AONB
Impact on Uploders and Loders Conservation Area	Design, scale and siting would be considered appropriate for the site and

	which would not harm the appearance of the Conservation Area
Impact on agricultural enterprise	The existing barn is redundant and its loss and the removal of the site from agricultural use would not unduly impact on the success of wider agricultural holding
Impact on amenity	The proposal would not result in a significant adverse effect on living conditions of either neighbouring properties or future occupiers of the proposed development.
Access and Parking	The proposed development would have an acceptable in terms of access and parking. No objection was expressed by the Highways Engineer.
Biodiversity	Following the submission of a Biodiversity, Mitigation and Enhancement Plan (BMEP) and its subsequent approval by the Dorset Ecology, it is considered that the proposed development would have an acceptable impact on biodiversity.
Flood Risk and Drainage	The proposed development would be likely to have an acceptable impact in regard to flood risk and drainage.
Affordable Housing	National planning policy as is now set out in the NPPF 2019 establishes thresholds below which affordable housing contributions should not be sought. As this site falls below these thresholds an affordable housing contribution is not required.

5.0 Description of Site

5.1 The site is what is described as a redundant farm storage building located 20m to the north of the Loders defined development boundary (DDB) and is accessed from a single track tarmac road off Smishops Lane and which serves one other existing dwelling, 'West Coombe' that was permitted under application 1/W/92/000187.

5.2 The existing agricultural building is a large functional structure with green steel sheeting and wooden cladding to its exterior walls and gently pitched corrugated roof. The building was extended following a 2003 planning permission and has a large expanse of gravelled hardstanding to its frontage with grass to the

south and west of the site. The site is fully enclosed by tall trees to all four sides and elevated from the village to the south.

5.3 A mobile home also currently occupies the site which is currently being used to store apples from the wider plot. During the course of the application, the agent has confirmed that the unit is not being used for residential purposes and the Council's Enforcement team accepted that use of the unit is in association with the lawful use of the farm. As the mobile home is being used in association with the lawful use of the farm, no planning permission is required.

5.4 A planning application for an agricultural workers dwelling at the site was refused in 1989.

5.5 The site forms part of the Lodors and Uploders Conservation Area, which is centred on the built development which forms the village to the south and the historic Waddon Hill to the north. The site also forms part of the Dorset Area of Outstanding Natural Beauty (AONB) and the Powerstock Hills Landscape Character Area.

6.0 Description of Development

6.1 The application is for a two storey dwelling with detached double bay garage to replace what is described as a redundant farm storage building. The access to the site would remain unchanged and would solely serve the proposed dwelling. The new dwelling would have a rear garden of depth of approximately 10m but would be overall set in large grounds with the majority of the open space to be to the front of the proposed home. The dwelling would be in close proximity to established trees to its side and rear elevations while the site would be fully enclosed from the wider area by established trees adjacent to the boundary.

6.2 The new home would be formed of natural stone walls, wooden doors and windows and slate tiles. During the course of the application, the size of the dwelling was reduced so that a two storey element which was to project to the rear and a conservatory to the side elevation were removed; as a result, the proposed dwelling is now to have 3 bedrooms.

6.3 The mobile home at the site would be utilised during the construction phase if permission was granted before being removed.

7.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/W/03/000253	Erect barn extension	Approved	17 March 2003
1/W/92/000187	Erect house with	Approved	15 May 1992

	garage		
1/W/90/000227	Renewal of PA 1/W/87/661 to site caravan for use by agricultural worker	Refused	4 June 1990
1/W/89/000591	Develop land by the erection of an agricultural workers dwelling	Refused	13 September 1989
1/W/87/000661	Site mobile home for use by agricultural worker	Approved	28 January 1988

8.0 List of Constraints

- Outside settlement boundary
- Within the Lodgers and Uplanders Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Area of Outstanding Natural Beauty : (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)
- Landscape Character Area (Powerstock Hills)
- Contaminated Sites

9.0 Consultations

- **Natural England:** No comments to make
- **Dorset Natural Environment Team:** No objection following submission and sign-off of Biodiversity, Mitigation and Enhancement Plan (BMEP).
- **Technical Services:** No Objection
- **Environmental Health:** No Comment
- **Highways Officer:** No Objection
- **Tree Officer:** No Objection subject to compliance with the Hellis Tree Consultancy Arboricultural report
- **Planning Policy:** Regarding your recent request about the proposed dwelling in Smishops Lane, here's some information on the number of new

homes built / consented in Loders since 2016 when the Neighbourhood Plan was made.

Basically there have been 5 completions since then and 1 further dwelling is under construction, giving 6 in total.

The need for 'about 10' dwellings in Loders, as identified in the NP, has not yet been met.

- **Loders Parish Council: Objection**

The Parish Council objected for the following reasons:

1. It is not a sustainable location
2. It lies outside the Defined Development Boundary
3. It does not meet the criteria for development outside Defined Development Boundaries set out in SUS2 of the West Dorset Local Plan
4. It does not meet the local need for two/three bedroom housing
Planning Officer comment: During the course of the application, the size of the proposed dwelling has been reduced from a 4 bed to a 3 bedroom unit.
5. It is not a re-use or adaptation of an existing building
6. It does not enhance the conservation area or provide acceptable development in an Area of Outstanding Natural Beauty

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

10.0 Representations

One letter of objection was received. The objection was for the following reasons:

- Is not compliant with the Loders Neighbourhood Plan
- Is outside of the development boundary
- Noise and light pollution may affect local wildlife
- The dwelling would not be classed as affordable housing

11.0 Relevant Policies

West Dorset & Weymouth Local Plan (2015):

- INT1 Presumption in favour of sustainable development
- ENV1 Landscape and seascape and sites of geological interest
- ENV2 Wildlife and habitats
- ENV4 Heritage assets
- ENV5 Flood risk
- ENV8 Agricultural Land And Farming Resilience
- ENV10 Landscape And Townscape Setting

- ENV12 Design And Positioning Of Buildings
- ENV15 Efficient And Appropriate Use Of Land
- ENV16 Amenity
- SUS2 Distribution Of Development
- SUS4 Replacement Buildings
- HOUS1 Affordable Housing
- HOUS3 Open Market Housing Mix
- COM7 Safe and Efficient Transport Network
- COM9 Parking Standards in New Development

Loders Neighbourhood Plan

- LNP Policy E1: Protection of Important Gaps, Rural Views and Local Green Spaces
- LNP Policy E2: Protection of Special Landscape and Historic Features
- LNP Policy E3: Protection of Wildlife Habitats
- LNP Policy E4: To Protect and Enhance the Character and Appearance of the Area
- LNP Policy E5: Location of Development in relation to the Defined Development Boundary (DDB)
- LNP Policy H1: Provision of New Homes
- LNP Policy H2: Type and Size of Housing

NPPF:

- Section 2 – Sustainable Development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

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

- Dorset Landscape Character Area Appraisal
- Dorset AONB Management Plan (2019-2024)
- WDDC Design & Sustainable Development Planning Guidelines (2009)
- Lodors & Uploders, Powerstock & Nettlecombe Conservation Area Appraisal
- DCC Parking standards guidance

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

13.0 Public Sector Equalities Duty

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

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

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

14.0 Financial benefits

14.1 The additional population would help generate spending in the local community, provision of infrastructure and services. The proposed development would also result in the creation of construction jobs during the build period. It is therefore considered the proposal would contribute albeit to a small degree to economic development and job creation.

14.2 Non material considerations

- Council Tax receipts for one dwelling

15.0 Climate Implications

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

15.2 The plans show that solar panels would be added to the southern roof slope ensuring the home would benefit from a renewable electricity supply. The development would be built to current building regulation standards.

15.3 The development is also considered to be in a sustainable location, despite it being just outside the defined development boundaries of Loders. The site would be within walking distance of all the key facilities which serve the settlement.

16.0 Planning Assessment

Principle of Development

16.1 In terms of the principle of the development, the site is just outside the Defined Development Boundary (DDB) for Loders. Policy SUS2 of the adopted local plan seeks to direct development to the main settlements and to “strictly control” development outside DDBs, “having particular regard to the need for the protection of the countryside and environmental constraints”. SUS2 (iii) does allow development outside of DDBs for open market housing through the re-use of existing rural buildings, however, as the current proposal is for the replacement of an existing rural building, it is accepted that the proposal is not compliant with SUS2. Loders Parish Council has stated that the proposal is also contrary to the Loders Neighbourhood Plan Policy, E5, which sets out that “*any new buildings (other than for farming and other land-based rural businesses, or associated rural workers’ housing) and associated land (such as gardens or parking areas) should be located within this development boundary*”.

16.2 Policy SUS4 (The Replacement Of Buildings Outside Defined Development Boundaries) states “*The replacement of a building should be permitted where the existing building is of permanent and substantial construction, and its continuing use would otherwise be consistent with other policies in this plan*”; the supporting text makes clear that the continuing use can be either the existing use or an agreed alternative use. The rest of this section will show, the replacement of the existing permanent barn with an alternative use as a dwelling would be deemed sustainable development and therefore agreeable to the Local Planning Authority in a manner that would be line with the flexible provisions of the supporting text of SUS4. It is also important to note at this juncture, that the reuse of the existing agricultural building for an alternative use which SUS4 encourages is not practical in this instance as the conversion of a 400m² rural building to a house would have an incongruous appearance due to the contrast between its scale and its proposed function as a single residential property. Overall, however, it is acknowledged that SUS4 does require that the continuing use *would otherwise be consistent with other policies in this plan* and as the development is not compliant with SUS2, then it follows that the proposal also fails SUS4.

16.3 The Council cannot currently demonstrate a five-year supply of deliverable housing sites. It is stated in the last published housing supply report that the supply

is 4.83 years across the local plan area. This means that para 11 is 'engaged' and relevant policies for the supply of housing, including Policies SUS2 and SUS4, may no longer be considered to be up-to-date. Para 11 of the NPPF states:

*For **decision-taking** this means:*

(c) approving development proposals that accord with the development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

The sub-notes referred to at ⁶, and ⁷, are outlined on page 6 of the NPPF.

⁷ is of relevance and advises:

7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites...

16.6 Returning to Paragraph 11 of the NPPF, it needs to be considered whether the proposal would represent sustainable development and whether there would be any adverse impacts of granting planning consent for the proposed development that would “*significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*”.

16.7 The three dimensions to sustainable development identified in both the West Dorset and Weymouth Local Plan, the NPPF and which form the context that underpins the Loders NP are: economic, social and environmental.

16.8 In terms of performing an economic role, the additional population would help generate spending in the local community, provision of infrastructure and services. It is therefore considered the proposal would satisfy albeit to a small degree the economic dimension of sustainable development.

16.9 With regard to the social role, the provision of one additional home would make a positive albeit small contribution to the district's housing shortage. Policy H1 of the Neighbourhood Plan also supports the increase of dwellings within the village

with a target set of 10 dwellings up to 2027 and this target has yet to be reached. Whilst the site does not fall within the DDB, the site is just 20m from the DDB and is in close proximity to the centre of Loders. Key facilities would be just a short walk away with the local primary school a 2 minute walk; the public house which serves the village a 3 minute walk and the village hall only 5 minutes away on foot. These distances are shorter than would be the case from many households which fall within the DDB. In light of these factors, it would be regarded that the proposal would aid the vitality of the local community by promoting the use of local services (thereby complying with paragraph 78 of the NPPF) and could not be deemed an isolated location (thereby complying with paragraph 79 of the NPPF) and thus, satisfying the social dimension of sustainable development.

16.10 On the whole, it is deemed that the proposal would be regarded as sustainable development when assessed against economic and social criteria laid out in the Local Plan and the NPPF. As such the principle of the development at the site is considered acceptable despite being outside of the development boundary limits.

16.11 As regards the environment stand of sustainable development, the impact on areas or assets of particular importance (the site falls within the Dorset AONB) as well as the impact on the character of the immediate area and the Loders Conservation Area will be considered in the following section. Following this, matters relating to impacts on neighbouring amenity, highway safety and parking, ecology and drainage will then be reviewed. Overall, consideration is to be given to whether there would be any adverse impacts of permitting the development that would significantly and demonstrably outweigh the benefits.

Impact on the character of the area and the AONB

16.12 Policy ENV1 of the West Dorset, Weymouth & Portland Plan which aligns with Loders NP Policy E1, states that the area's exceptional landscapes and seascapes and geological interest will be protected, and development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character. Policy ENV10 and Loders Neighbourhood Plan Policy E4 are highly similar in that they seek to ensure development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. ENV12 requires development that achieves a high quality of sustainable and inclusive design. ENV15 makes clear that development should optimise the potential of the site and make efficient use of land.

16.13 The existing agricultural building has a large footprint of approximately 400m² and has dimensions 31m wide x 19m in depth and 5m in height. The dwelling and garage would in contrast have a footprint of just 125m² and would be 12m wide x 7m deep x 7.5m high. The dwelling and detached garage would be approximately 100m from Smishops Lane from which it would have no visibility or from New Street Lane, which forms the historic core of Loders. The new home and garage would be

screened by existing trees in close proximity which would be to their side and rear elevations; these trees are healthy, established though still young with heights of approximately 11-13m and set upon a raised bank. The proposed development would be further screened by a thick collection of trees to the south, outside the red line of application but within the applicant's ownership and a further line of trees to the west, again in the applicant's ownership. A Tree Plan was submitted as part of the application which showed that no trees would be removed; a condition would be added as recommended by the Council's Tree Officer to ensure all works at the site comply with the submitted Tree Plan. Though the retention of all existing trees has been confirmed, a further condition relating to hard and soft landscaping would be imposed to ensure a high quality visual appearance to the overall development. In light of the set back, enclosed nature of the site and the reduction in the footprint of built development at the site, the development would have no undue visual prominence within the wider area or the AONB. The heavily screened character of the site is the primary in change to the character of the site from the time of the previous application for a dwelling at the site in 1989 when the site was much more open than it is today.

16.14 The dwelling would be of a traditional gabled design and formed of natural materials, namely, stone, slate and timber. The design of the dwelling has been informed by local distinctiveness and includes details such as chimneys set to either end of the ridge, an open porch set to centre of a broad two storey frontage and a fenestration layout where larger window openings occupy the ground floor with smaller openings at first floor. The design, scale and use of local, natural external materials would be in-keeping with the overall traditional aesthetic and rural village location. The proposed materials would be submitted to the Local Planning Authority before use at the site and this would be secured by condition.

Impact upon the Heritage Assets:

Heritage - summary of the Development Plan and other material considerations

16.15 Policy EN4 of the West Dorset, Weymouth & Portland Plan expresses the need for the impact of development on a designated heritage asset and its setting to be thoroughly assessed against the significance of the asset. Development should conserve and where appropriate enhance the significance.

16.16 Policy EN4 takes a similar approach as the NPPF as outlined in paragraphs 189 – 202, insofar as it requires proposals to justify any harm to a heritage asset and demonstrate the overriding public benefits which would outweigh the damage to that asset or its setting. EN4 says that the greater the harm to the significance of the heritage asset, the greater justification and public benefit that will be required before the application could gain support. Significance is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

16.17 Loders Neighbourhood Plan Policy E4 emphasis the need for all proposals for built development to reflect “*the character of the Conservation Area and respects the rural character of Loders Parish*”. Loders NP policy E2 seeks to ensure that new development does not harm special landscape and historic features.

16.18 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is given to the desirability of preserving or enhancing the character and appearance conservation areas when making planning decisions. This means that significant weight should be given to any harm to the character or appearance of the conservation area.

Assessment of the proposal upon the *Uploaders and Loders Conservation Area*

16.19 The Conservation Area extends north of the ribbon development of Loders to encompass Waddon Hill, the upper slopes of which are characterised by its mix of woodland and strip lynchets (medieval earth terraces). The existing farm building sits at the bottom of this hill and is a modern, utilitarian structure which due to its functional design makes no notable contribution to the Conservation Area. The building furthermore has little visibility from wider view due to the significant screening within and to the edge of the site as already discussed. The introduction of a moderately sized dwelling to replace the large existing structure along with the retention of the heavily screened character of the site would ensure that the proposal would have no adverse impact on the character of the Conservation Area both in regard to the built form to the south or the setting of Waddon Hill to the north.

Impact on agricultural enterprise

16.20 ENV8 states that safeguarding farmland for future local food and energy crop production is an important consideration in planning.

16.21 The existing barn has been redundant for approximately 10 years with the wider farm holding farmed by local tenant farmers; the current tenant owns agricultural buildings and land directly adjacent to the holding of the applicant. The access currently utilised by the existing tenant to the surrounding farmland within the ownership of the applicant is from Waddon Way to the north-west; this access ensures there is no requirement for current or future tenants to access the farmland from the proposed site of development. The site would represent a small parcel of land removed from the wider holding and is a parcel which is not currently used as part of the agricultural enterprise. In light of these factors, it is not considered that the change of use of land from agricultural to residential would conflict with ENV8 of the Local Plan.

Impact on neighbouring amenity

16.22 ENV16 of the West Dorset, Weymouth & Portland Local Plan seeks to ensure that developments would protect the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants.

16.23 The proposed dwelling would be approximately 50m from the nearest neighbouring home 'West Coombe' and would be largely screened from it by the trees which grow to the south and east of the site. In light of these factors, it is considered that the proposal would have no undue impact on residential amenity.

Highway safety and parking

16.24 The dwelling would be served by the existing tarmacadam road that serves 'West Combe' and which joins Smishops Lane to the south. The use of the road by two dwellings would not represent undue intensification and with the removal of the agricultural buildings, the likelihood of large farm machinery utilising the road would be reduced. The proposal has been considered by the Highways Officer who expressed no objection. The access into the site would be 5.5m wide allowing vehicles to enter and leave simultaneously. The existing hardstanding at the site which sits to the front of the existing agricultural building would be retained and this with the addition of a 2 bay garage would be more than sufficient to allow vehicles to leave in forward gear while providing up to six parking spaces. The concerns of the Parish Council regarding the increased pressure on road infrastructure in and around Loders are noted, however, it is not considered that one additional dwelling would cause further undue traffic and the existing road damage highlighted is beyond the remit of a planning application for a single dwelling. Moreover, though the application form submitted confirms that 6 parking spaces would be available, it should not be taken from this that it is likely that 6 vehicles would regularly use the site considering the application is for only a 3 bedroom dwelling.

Biodiversity

16.25 Policy ENV2 of the Local Plan and Loders NP Policy E3 in a similar fashion, states that proposals that conserve or enhance biodiversity should be supported. Opportunities to incorporate and enhance biodiversity in and around developments will be encouraged. International, national and local wildlife sites must be safeguarded from development unless there is no alternative acceptable solution.

16.26 An ecological survey and Biodiversity Mitigation and Enhancement Plan (BMEP) was submitted and reviewed by the Natural Environment Team (NET). No objection was received and a Certificate of Approval was subsequently issued. The proposed development would be conditioned to be carried out in accordance with the submitted BMEP.

Flood Risk and Drainage

16.27 Policy COM10 makes clear that development will not be permitted where the problems associated with the lack of necessary utilities service infrastructure, including energy supplies, drainage, sewerage, sewage treatment and water supply, cannot be overcome. Policy ENV5 states that new development or the intensification of existing uses should be planned to avoid risk of flooding.

16.28 The new dwelling would see the disposal of sewage via a septic tank and an informative would be added to the end of this report to ensure the applicant is aware of the correct guidance in regard to the installation and use of a septic tank. The site is outside of Flood Zones 2 and 3 and is not in an area at high risk of surface water flooding; the Technical Services Team was consulted and expressed no objection. The proposal would see surface water drain away to soakaways and considering the significant reduction in the footprint of built development at the site compared to existing, it is concluded that this development would meet the requirements of ENV5.

Affordable Housing

16.29 Policy HOUS1 requires all new dwellings to make a 25% / 35% contribution towards affordable housing. National planning policy as is now set out in the NPPF 2019 establishes thresholds below which affordable housing contributions should not be sought.

16.30 In the light of changes to national policy, affordable housing contributions will not normally be sought on sites of schemes of less than 10 dwellings or with a site area of less than 0.5 ha outside designated rural areas. As this site falls below these thresholds an affordable housing contribution is not required.

CIL

16.31 The adopted charging schedule applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set at £0 per sq. m. CIL rate. The proposed development is not considered CIL liable as the dwelling would not represent an increase in Gross Internal Area (GIA) over and above the floor area of the existing barn.

17.0 Conclusion

17.1 Overall, it is considered that there are no material harmful effects that would significantly and demonstrably outweigh the social, economic and environmental benefits of the development, as detailed in the main body of the report. The proposed development is not within but is adjacent to the village DDB and has good pedestrian connectivity to the facilities on offer in Loders thereby aiding the vitality of the village. In the light of the current housing land supply position, the proposal to replace the existing agricultural building 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.

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

18. RECOMMENDATION Approve subject to the following conditions:

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

Proposed Garage Floor plans and Elevations - Drawing Number 19 039 05A received on 12/06/2019
Proposed Ground Floor plans and Elevations - 19 039 03C received on 15/06/2020
First Floor plans and Elevations - 19 039 04D received on 15/06/2020
Site Location and Block Plan - 19 039 01C received on 15/06/2020

REASON: For the avoidance of doubt and in the interests of proper planning.
- 2 K10A 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 NS Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.
- 4 NS The development hereby approved shall be carried out in full accordance with the approved Hellis Tree Consultancy Tree Plan (dated December 2019).

Reason: To ensure that trees which contribute to the character and appearance of the area, and are to be retained, are not adversely affected by the development proposals
- 5 NS No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning

Authority. The scheme shall include the following details:

- (a) size, species and positions for new trees and plants,
- (b) boundary treatments,
- (c) surfacing materials (including roadways, drives, patios and paths) and
- (d) any retained planting.
- (e) a detailed programme of implementation

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development

- 6 NS The Biodiversity Mitigation Plan (BMP) signed by the Natural Environment Team on 12/02/2020 shall be implemented in full in accordance with the specified timetables in the BMP. The dwelling shall not come into first occupation until all mitigation measures have been carried out and thereafter shall be retained in perpetuity.

Reason: To minimise impacts on biodiversity.

NOTES TO APPLICANT

1. National Planning Policy Framework Statement

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

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

In this case:

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

2. Septic tanks should only be considered if it can be clearly demonstrated that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability). Details regarding the Environment Agency's formal requirements in respect of package sewage treatment plants and septic tanks can be found at: <https://www.gov.uk/permits-you-need-for-septic-tanks>

3. The proposed use of soakaways at the site for surface water drainage must be in accordance with Building Regulations Part H (H3 - Section 3)

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1.0

Application Number – [WD/D/20/001326](#)

Site address - BREWERY BRIDGE, SKILLING HILL ROAD, BRIDPORT

Proposal - Steelwork repairs and maintenance painting, provision of anti bird perching coils and associated works

Applicant name – Dorset Council

Case Officer – Lindsay Ffello

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

This application is at committee as the applicant is Dorset Council

2.0

Summary of Recommendation: Approve subject to conditions

3.0

Reason for the recommendation:

3.1 It is considered that with the recommended conditions, that the proposal will not adversely affect the Listed Structure or setting of the surrounding Listed Buildings (Bridport Old Brewery, Maltings at Bridport Old Brewery and Former Mineral Water Plant at Bridport Old Brewery). This conclusion has been reached having regard to: (1) section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and (2) Local Plan policy.

4.0

Table of key planning issues

Issue	Conclusion
Impact on Heritage Asset	Acceptable with conditions

5.0

Description of Site

5.1 The application before you is for Listed Building consent only.

The proposal relates to a Grade II listed structure consisting of a single span road bridge (Skilling Hill Road) over the River Brit with ornamental iron parapets and 4 ashlar piers with recessed panels.

The site is located outside of the Conservation Area but in close proximity to the listed Brewery building, whose elevation with large external water wheel can be seen clearly from the bridge.

The original bridge was listed in 1975 and is dated as mid C19, however, the iron bridge deck was purportedly replaced in 1992, although no formal planning history appears to exist, with a concrete and steel tray and stone clad concrete and steel supports.

According to the Conservation Officer the side iron panels and ornamental parapets appear to be the only historic elements retained.

6.0

Description of works

6.1 The applicant states in the submitted heritage statement that the protective paint is deteriorating, the gap sealant between the concrete deck

upstands and the plate girders has failed and the rivets to the flanges of the plate girders have corroded.

6.2 The proposal is to;

- To remove by mechanical means, at least 150 external surface rivets and a number of further rivets, presently inaccessible on underside of the remaining iron structural panels.
- To remove metal brackets from metalwork.
- To clear out and clean junctions between ironwork and masonry piers and introduce joint sealant material and packing.
- To prepare and repaint all metalwork to bridge with mix of paints including polyurethane. Dark Green for the steel beams and girders, Black for the parapet and red for the parapet roundels.
- Anti bird perching coils to be provided to the bottom flanges of the plate girders and beams.

7.0 Relevant Planning History

7.1 WD/D/19/003077 (CLBP)- Repairs and painting of bridge steelwork – Withdrawn

8.0 List of Constraints

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

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

Within the Defined Development Boundary

9.0 Consultations

9.1 Historic England: *Thank you for your consultation on the above case which has now been reviewed. I can confirm that Historic England does not wish to object to these proposals.*

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

9.2 Bridport Town Council: No comment received at time of writing

9.3 Symondsbury Parish Council: *Symondsbury Parish Council have no objections to this application.*

9.4 Dorset Council Building Control: No comment received at time of writing

9.5 Dorset Council Technical Services: *With regards to this application I have no objection or further comments to make.*

9.6 Dorset Council Bridge Management Team: No comment received at time of writing

9.7 Dorset Council Conservation Officer: Support Subject to Conditions
Comments are as follows:

SUMMARY

The works are overall supported subject a condition to agree the top coat paint colours for the historic balustrading and a condition to address any additional structural works should they come to light once access to the underside is possible.

SITE DESCRIPTION/CONTEXT/SIGNIFICANCE

This is a Grade II listed structure consisting of a single span road bridge over the River Brit with ornamental iron parapets and 4 ashlar piers with recessed panels. It is located outside of the Conservation Area but in close proximity to the listed Brewery building, whose elevation with large external water wheel can be seen clearly from the bridge, so creating an aesthetically pleasing historic grouping. The original bridge was listed in 1975 and is dated as mid C19, however, the iron bridge deck was purportedly replaced in 1992, although no formal planning history appears to exist, with a concrete and steel tray and stone clad concrete and steel supports. The side iron panels and ornamental parapets appear to be the only historic elements retained.

THE PROPOSAL

- *To remove by mechanical means, at least 150 external surface rivets and a number of further rivets, presently inaccessible on underside of the remaining iron structural panels and therefore not assessed in number.*
- *To remove metal brackets from metalwork.*
- *To clear out and clean junctions between ironwork and masonry piers and introduce joint sealant material and packing.*
- *To prepare and repaint all metalwork to bridge with mix of paints including polyurethane.*
- *Other associated works beneath bridge deck.*

MAIN ISSUES

Impact on historic fabric

Impact on the significance of the heritage asset

Impact on the setting of the heritage assets

COMMENTS ON PROPOSAL

A former CPLBC was submitted for works but this was withdrawn due to it being advised that a LBC was required for the extent of works and the potential for them to affect the special character and historic interest of the listed bridge.

It is recognised that regular maintenance is required to such metal elements, in order to ensure that joints do not facilitate the ingress of moisture and affect the underlying cast ironwork. It was noted on site that there were signs of rust at some such points and minor localised “bubbling”.

The works also involve the removal of decommissioned bracketing for former services and this is supported, contributing a heritage gain.

Structural repairs are also proposed by way of replacement of an extensive number of rivets to the metal plate-work, 150no. are noted as being required to the visible surfaces but there is potential for further numbers on the underside of the bridge, which cannot be accessed until scaffold is in place.

*It has been confirmed that the rivets will be drilled out in batches and filled with domed headed fittings to match existing.
Any other works to the underside of the bridge will also not be detected until access is in place.*

As regards the paint, no lead has been detected via the analysis process and a 2 pack epoxy system, with similar matching polyurethane top coat is to be used in colours intended to match the existing (as they were originally prior to the affects of weathering). The option of a gloss or semi-gloss has been given for the finish and it is considered that the semi-gloss would be more in keeping with the historic character of the structure, the balustrading, the area of key significance following its former reconstruction in the 1990s.

ADDITIONAL GUIDANCE/POLICY CONSIDERATION

HE: Conservation Principles

BS7931: Conservation of Historic Buildings

HE: Setting of Heritage Assets

NE Advice Note 2: Making Changes to heritage Assets.

POLICY CONSIDERATION

In determining the proposals due consideration has been given to Section 16 (Paragraphs 190,192,193,194,195,196,200) of the NPPF, Section(s) 66/72 of the 1990 Act and Policy 4 of the Local Plan

CONDITIONS

N/S – Precise details of the decorative paint colour scheme for the historic metal balustrading shall to include paint colour codes cross-referenced to the related areas on P03 “Downstream Parapet” photo provided in the Heritage Statement shall be submitted and approved in writing by the LPA. All top coat paint shall be of a semi-gloss or matt finish.

Reason: to safeguard the significance of the heritage asset.

N/S – Following the construction of the access scaffold a precise scheme for any additional structural works, replacement or reinforcement required to the underside of the bridge deck or associated sections shall be submitted and approved in writing by the LPA>

Reason: to safeguard the significance of the heritage asset.

No representation were received at time of writing

10.0

Relevant Policies

10.1 National Planning Policy Framework (NPPF) 2019

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

16. Conserving and enhancing the historic environment

Decision making:

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

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

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

- ENV4. Heritage Assets

10.3 The Bridport Area Neighbourhood Plan 2020-2036 (2019)

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

- HT2 Public Realm
- D8 Contributing to the local character

10.4 Other material considerations

- WDDC SPD – Design and Sustainable Development Planning Guidelines (2009)

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

12.0 Public Sector Equalities Duty

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

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

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

13.0 Financial benefits

13.1 None

14.0 Climate Implications

14.1 None

15.0 Listed Building Assessment

15.1 Impact on Heritage Assets

15.1.1 It is recognised that regular maintenance is required on this Grade II bridge especially the metal elements in order to ensure that joints do not facilitate the ingress of moisture and affect the underlying cast ironwork.

15.1.2 It is considered that the structural repairs by the way of replacement of an extensive number of rivets to the metal plate work is acceptable as the rivets will be drilled out in batches and filled with domed headed fittings that would match existing. It is currently unknown as to what else structurally is required other than rivets to the underside of the bridge until scaffold is erected therefore it is

considered acceptable to add a condition requiring a method statement to be submitted and approved if any additional structural works are required.

15.1.3 It would appear from the plan that redundant plates and rivets are to be removed, the Conservation Officer stated in her response that these bracket were for former services and the removal of these decommissioned brackets is supported as it contributes to a heritage gain.

15.1.4 Analysis was carried out on the current paint and no lead was detected, the proposal is to use a similar polyurethane top coat with colours to match existing, prior to weathering. The option of gloss or semi-gloss has been given by the applicant for the finish of the paint, it is considered that semi-gloss would be more in keeping with the historic character of the structure. It is considered that a condition should be added to any consent with regards precise details of the colour scheme and the proposed finish.

15.1.5 No precise details and method of the fixing of the anti-bird perch coils has not been submitted, it is therefore considered that to safeguard the heritage assets that a condition should be added.

15.1.6 It is considered that with the recommended conditions, that the proposal will not adversely affect the Listed Structure or setting of the surrounding Listed Buildings (Bridport Old Brewery, Maltings at Bridport Old Brewery and Former Mineral Water Plan at Bridport Old Brewery). This conclusion has been reached having regard to: (1) section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and (2) Local Plan policy.

16.0 Conclusion

16.1 It is considered that with the recommended condition that the proposal is acceptable in relation to impact on heritage assets.

17.0 RECOMMENDATION

Approve subject to conditions;

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

Location Plan, Drawing Number BS0035_606_1, received 03rd June 2020
Surface Preparation & Painting, Drawing Number BS0035_609, received 03rd June 2020
Steelwork repairs (Listed Building Consent), Drawing Number BS0035_608, received 03rd June 2020.

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

2. The work to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

REASON: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

3. Following the construction of the access scaffold a precise scheme for any additional structural works, replacement or reinforcement required to the underside of the bridge deck or associated sections shall be submitted and approved in writing by the Local Planning Authority. Work shall then be carried out in accordance with the approved scheme.

REASON: To safeguard the significance of the heritage asset.

4. Before the proposed painting is commenced, precise details of the decorative paint colour scheme for the historic metal balustrading and bridge shall be submitted and approved in writing by the Local Planning Authority. The details should include paint colour codes cross-referenced to the related areas on P03 "Downstream Parapet" photo provided in the Heritage Statement. Work shall then be carried out in accordance with the approved details.

REASON: To safeguard the significance of the heritage asset

5. All top coat paint shall be of a semi-gloss or matt finish.

REASON: To safeguard the significance of the heritage asset.

6. Prior to attachment of the anti-bird perching coils, precise coil details and method of fixing shall be submitted to and approved in writing by the Local Planning Authority. Work shall then be carried out in accordance with the approved details.

REASON: To safeguard the significance of the heritage asset

- 1.0** Application Number – [WP/20/00307/ADV](#)
Site address - VICTORIA SQUARE ROUNDABOUT, PORTLAND
Proposal - Display of non illuminated sign (retrospective)
Applicant name – Dorset Council
Case Officer – Lindsay Flello
Ward Member(s) – Cllr S Cocking, Cllr R Hughes and Cllr P Kimber

The application is going to committee as the applicant is Dorset Council

2.0 Summary of Recommendation:

- 2.1 GRANT subject to conditions

3.0 Reason for the recommendation:

- 3.1 It is considered that the retrospective non-illuminated sign is acceptable in relation to amenity and public safety.

4.0 Table of key planning issues

Issue	Conclusion
Public Safety	Acceptable
Amenity	Acceptable

5.0 Description of Site

- 5.1 The application site is one of the first roundabout on the Isle of Portland. Victoria Square roundabout already has three sponsorship advertisement boards approved in 2012 and a groyne with a lighthouse structure in the centre of the roundabout.

6.0 Description of Development

- 6.1 The proposal is a retrospective application for a non-illuminated advert sign that welcomes people to Portland, the sign has a maximum height of approx. 2.2m with a width of 0.92m and depth of approx. 0.1m

7.0 Relevant Planning History

- 7.1 12/00774/ADV - Hamm, Coode, Victoria Square A and Victoria Square B Roundabouts, Portland Beach Road, Portland, Dorset. - Non Illuminated Sponsorship Signs – Split decision.

8.0 List of Constraints

- 8.1 Flood Zone 3 & 2
8.2 Outside the defined development boundary
8.3 Outside the Underhill Conservation Area
8.4 Archaeological importance

9.0 Consultations

Dorset Council Highways: *The Highway Authority considers that the proposals do not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION.*

Portland Town Council: Portland Town Council object to this application as it clutters the roundabout and causes a distraction. It also impacts on Portland Town Council's groundwork. We would suggest that the sign is placed at a more suitable site.

No representation received at time of writing

10.0 Relevant Policies

National Planning Policy Framework (NPPF) 2019

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

- 4. Decision-making
- 12. Achieving well designed places

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.

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

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

- ENV14 – Shop Fronts and Advertisements
- ENV16 - Amenity
- COM7 - Creating A Safe And Efficient Transport Network

4.3 Portland Neighbourhood Plan

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

- Port/EN7 Design and Character

4.4 Other material planning considerations

- Urban Design (SPG3)

11.0 **Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

12.0 **Public Sector Equalities Duty**

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

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

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

13.0 **Financial benefits**

13.1 None

14.0 **Climate Implications**

14.1 This is not an illuminated sign therefore uses no electricity.

15.0 **Planning Assessment**

15.1 As this is an application for consent to display an advertisement. Only Amenity and Public Safety can be taken into consideration.

15.1.1 Public Safety

15.1.1.1 Portland Town Council objects to this application as it clutters the roundabout and causes a distraction. However Dorset Council’s Highways department raises no objection therefore in terms of highways safety it is considered that this application is acceptable.

15.1.1.2 The advertisement is situated safely so it does not protrude within the highway danger or cause danger by being obstructive.

15.1.2 Amenity

15.1.2.1 In terms of amenity Para 132 of the NPPF states that;

'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

15.1.2.2 Victoria Square Roundabout is a large roundabout with landscaping and three sponsorship signs. Portland Town council objects to the proposal as it clutters the roundabout. However, officers considered that due to the size of the roundabout and the openness of the proposed sign that the proposal does not appear as clutter on the roundabout and does not have a cumulative negative impact on the area. It is also considered to not be overly dominant or imposing and therefore considered to be acceptable.

15.1.2.3 Given that the sign is not illuminated and is well distanced from residential properties, residential amenity is safeguarded.

16.0 Conclusion

It is considered that the retrospective non-illuminated sign is acceptable in relation to amenity and public safety and does not result in unacceptable proliferation of signage on the roundabout.

17.0 RECOMMENDATION

GRANT subject to conditions

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: In accordance with Article 14(1)(a) and Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: In accordance with Article 14(1)(a) and Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In accordance with Article 14(1)(a) and Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with Article 14(1)(a) and Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

Location Plan, received 18th May 2020

Proposed Signage, Drawing Number SK001, received 7th June 2020

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

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WP/20/00306/OBL

Redundant Buildings, Broadcroft Quarry, Bumpers Lane, Portland DT5 1HY

Modification of planning obligations on Section 106 Agreement dated 24th

June 2015 (original planning approval WP/14/00330/OUT)

Applicant name – Betterment Properties

Case Officer – Emma Telford

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

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

1.0 Summary of Recommendation:

1.1 Delegate authority to the nominated officer to modify the S106 agreement dated 24th June 2015, as varied by deeds of modification dated 28 November 2016 to:

- Remove affordable housing obligations

2.0 Reason for the recommendation:

2.1 It is considered that the proposed modification to the S106 would have an acceptable impact.

3.0 Key planning issues

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

4.0 Description of Site

4.1 The S106 agreement dated 24th June 2015 on planning approval relates to the site Redundant Buildings at, Bumpers Lane, Portland. The agreement is associated with the application WP/14/00330/OUT for the demolition of existing redundant industrial buildings and erect residential dwellings (approx. 64) including affordable housing. A subsequent application was approved under the reference WP/16/00388/VOC to enable to demolition of the redundant buildings before the submission of details of reserved matters and a supplemental agreement dated 28 November 2016 created.

4.2 Reserved matters were approved under the reference WP/17/00017/RES, approval of all reserved matters for outline approval WP/14/00330/OUT – demolition of existing redundant industrial building and erect 71 no. residential dwellings including affordable housing. An application to vary the plans list of the

reserved matters is currently under consideration under the application WP/19/00184/VOC.

4.3 The majority of the site lies outside of the defined development boundary (DDB).

5.0 Description of Proposal

5.1 This application seeks to modify the S106 agreement by removing the affordable housing obligations.

6.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
WP/14/00330/OUT	Demolition of existing redundant industrial buildings and erect residential dwellings (approx. 64) including affordable housing	Approved	24/06/2015
WP/16/00388/VOC	Demolition of existing redundant industrial buildings and erect residential dwellings (approx 64) including affordable housing - Proposed change to enable the demolition of the redundant buildings as approved under WP/14/00330/OUT before the submission of details of 'reserved matters', (condition 1), and before the commencement of any development to erect residential dwellings (conditions 4, 5, 6, 9 & 10).	Approved	22/12/2016
WP/17/00017/RES	Approval of all reserved matters for outline approval WP/14/00330/OUT - Demolition of existing redundant industrial buildings and erect 71 no. residential dwellings including affordable housing	Approved	12/09/2017
WP/17/00372/FUL	Change of use from redundant quarry depot site to nature reserve incorporating attenuation pond and associated sustainable drainage systems	Approved	12/09/2017
WP/18/00559/NMA	Amendment to planning permission WP/17/00017/RES : Removal of incorrect paragraph from condition 1 (the development hereby permitted shall be carried out in accordance with the following approved plans except in relation to drawing number 2015 33 03 Rev B where the finished floor levels shown on this drawing are revised by the provisions of condition 7)	Approved	08/08/2018

WP/19/00184/VOC	Approval of all reserved matters for outline approval WP/14/00330/OUT - Demolition of existing redundant industrial buildings and erect 71 no. residential dwellings including affordable housing - (Variation of condition 1 of planning approval WP/17/00017/RES-Plans list)	Under Consideration	-
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7.0 Relevant Constraints

Outside of Defined Development Boundary

8.0 Consultations

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

Portland Town Council – *Portland Town Council strongly object to this application as we cannot see that the developer has fully explored all of the possibilities. The developer should have been assured on viability before proceeding. Furthermore, the proposal is in contravention to the Portland Neighbourhood Plan policy HS1 – Housing supply. The neighbourhood plan now carries more material weight until we are able to hold a referendum, which has been delayed due to the Covid-19 crisis.*

9.0 Representations

9.1 No comments received at the time of report writing.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan

HOUS1 – Affordable Housing

National Planning Policy Framework

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

11.0 Human rights

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

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

12.0 Public Sector Equalities Duty

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

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

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

13.0 Financial benefits

13.1 This application would lead to a reduction in the number of affordable units provided, from 17.75 affordable homes (based on the existing S106 agreement, and comprising 17 on-site units and a financial contribution to cover the 0.75) to zero affordable homes.

14.0 Climate Implications

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

15.0 Planning Assessment

Provision of Affordable Housing

15.1 The legal agreement (s106) the subject of this application relates to the site Redundant Buildings, Broadcroft Quarry, Bumpers Lane, Portland which is the subject of outline planning permission WP/14/00330/OUT. This application seeks to modify the agreement in the following respect:

15.2 The S106 requires that 25% of the homes would be provided as affordable dwellings. The reserved matters application approved a scheme for 71 dwellings on the site and therefore the affordable housing provision would be 17.75, 17 on site affordable units and a financial contribution to cover the 0.75. This application seeks to remove this affordable housing requirement.

15.3 Local Plan policy HOUS 1, criteria iii) sets out that:

Applicants seeking to justify a lower level of affordable housing provision will be expected to provide an assessment of viability. A lower level of provision will only be permitted if there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought.

15.4 A viability report was submitted as part of this application to justify the removal of the affordable housing requirements. The site comprises a former quarry and was originally a quarry depot which included a variety of industrial buildings associated with the quarrying activities. Since the approval of planning permission, development has commenced on the site, a number of dwellings are built and the completed dwellings have been marketed. The viability report sets out that abnormal ground conditions which were not anticipated at the commencement of construction resulted in significantly increased costs. The abnormal works included the removal of contaminated soils, importation of clean soil and stone and contamination/asbestos removal and remediation. An off-site public open space contribution has been paid of £125,571.30 in accordance with the S106 agreement. The submitted viability assessment concluded that the site has a negative land value based on the proposed scheme with affordable housing as required within the S106.

15.5 The submitted viability assessment was sent to the District Valuer Services (DVS) to assess. The DVS concluded that although they adopted different inputs, the conclusion is the same that a scheme providing 25% affordable housing is not financially viable. That the scale of abnormal costs has made the site unviable for any affordable housing either on site or any off-site financial contribution. The assessment therefore shows it is not economically viable to include the provision of affordable housing, works have commenced on site and some of the properties have been completed therefore the removal of this obligation is considered acceptable.

16.0 Conclusion

16.1 It is considered that the proposed modifications to the S106 agreement would have an acceptable impact as it has been shown that a scheme providing 25% affordable housing would not be economically viable.

17.0 Recommendation

17.1 Delegate authority to the nominated officer to modify the S106 agreement dated 24th June 2015, as varied by deeds of modification dated 28 November 2016 to:

- Remove affordable housing obligations

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