

# Public Document Pack



## DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY 8 OCTOBER 2020

A recording of the meeting can be found on the committee page by using the following link:- [Link to committee page](#)

**Present:** Cllrs Mike Barron, Dave Bolwell, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, Bill Pipe (Vice-Chairman), David Shortell (Chairman), Sarah Williams, Kate Wheller and John Worth

**Also present:** Cllr David Walsh (Portfolio Holder - Planning) and Cllr Tony Alford

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

Bob Burden (Senior Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Colin Graham (Engineer (Development Liaison) Highways), Teresa Rabbets (Housing Enabling Officer), Darren Rogers (Enforcement Manager), John Shaw (Planning Officer), Guy Tetley (Engineer (Development Liaison)), Emma Telford (Senior Planning Officer), Allison Sharpe (Business Support Officer), Anita Skelson (Technical Support Officer), Huw Williams (Lead Project Officer - Corporate Projects) and Denise Hunt (Democratic Services Officer).

**13. Apologies**

No apologies for absence were received at the meeting.

**14. Declarations of Interest**

The following declarations were made at the meeting:-

Councillor Dave Bolwell declared that he had spoken against application WD/D/19/003186 - Homestead Farm, Main Street, Bothenhampton at a previous meeting of the committee.

He had taken legal advice and had not predetermined Item 6 - Update Report - Potential Enforcement Action, Homestead Farm, Main Street, Bothenhampton as the report specifically related to enforcement action. He would therefore consider the report with an open mind. and take part in the debate on this item.

Councillor Susan Cocking declared that she had previously declared that she had pre-determined Application WP/20/00306/OBL - Redundant Buildings, Broadcroft, Quarry, Bumpers Lane, Portland, DT5 1HY at the meeting on 10 September 2020 as a member of Portland Town Council Planning Committee. However, she had taken legal advice and had not predetermined

Application 5e - Report to Committee to Modify a Planning Permission under Section 97 of the Town and Country Planning Act 1990 and would approach consideration of this report with an open mind.

15. **Minutes**

The minutes of the meeting held on 10 September 2020 were confirmed.

16. **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.

17. **Planning Applications**

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

18. **WP/19/00480/OUT - Marsh Road Garage, Marsh Road, Weymouth, DT4 8JD**

The Committee considered an outline application to demolish existing buildings and erect 20 flats with parking and associated works.

The Senior Planning Officer gave a presentation of the site within the Defined Development Boundary (DDB) for Weymouth including photos of the site in relation to the surrounding area, an indicative site plan showing how 20 flats could be accommodated with 16 parking spaces and amenity space; indicative elevations showing 2.5 storeys that included accommodation within the roof space and indicative street scene.

The 1 bed flats ranged between 37 and 46.5sq metres which was within the standard of a minimum of 37sq metres with a shower room and 39sq metres with a bathroom.

The key planning issues were outlined including:-

- principle of development
- residential / visual amenity
- highway safety
- affordable housing
- flooding

Concerns regarding flooding had resulted in the submission of an amended Flood Risk Assessment and Drainage Strategy and was now considered to be acceptable.

Comments made by the Highways Officer had resulted in 2 additional parking spaces. He also advised of a single recorded injury incident in the area as a result of a rear end shunt before the junction with Newstead / Marsh Road.

Some members raised concerns in relation to overdevelopment of the site; the mass of the building compared with the terraced housing; non-compliance with Local Plan policy ECON3; land stability at the rear of the site which bordered the Rodwell Trail and the decrease in amenity space due to the additional parking spaces which was considered to be insufficient for 20 flats and impact on parking congestion in the area.

Other members were mindful of the need for smaller properties, encouraging use of brownfield sites, high density accommodation and use of public transport in urban areas.

Clarification was sought on the views of Weymouth Town Council and the Senior Planning Officer advised that although not originally opposed to the scheme, Weymouth Town Council had lodged an objection when re-consulted on the amended plans.

She confirmed that the Environment Agency, Wessex Water and the Flood Risk Management Team were content with the proposal and that, in her view, non-compliance with Local Plan policy ECON3 was outweighed by the lack of 5 year housing land supply and that the site was surrounded by residential development with good transport links.

Further to a question in relation to the affordable housing contribution, it was confirmed that the Section 106 Agreement included a clause that would allow a viability assessment to be resubmitted should the number of properties alter as part of a reserved matters application.

Proposed by Councillor Susan Cocking, seconded by Councillor John Worth.

**Decision:**

**(A)** That authority be delegated to the Head of Planning to grant, subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- The provision of an off-site affordable housing contribution of £5,772

and subject to the conditions (and their reasons) outlined in the appendix to these minutes.

**(B)** Refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the head of planning:

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

19. **WD/D/20/000597 - Land West of, 5 Chapel Lane, Maiden Newton**

The Committee considered an application to demolish existing outbuildings and erect 2 three bedroom detached houses with parking.

Members were given a presentation including an aerial photo demonstrating the mixture of orientation and style of buildings in the area; a proposed site plan with 2 parking spaces for each dwelling; a plan of the proposed dwellings within the street scene; elevations and floor plans, photos showing the access onto Chapel Lane, Old Chapel building and the garage to be demolished. The site was within the DDB and Area of Outstanding Natural Beauty (AONB), and for the most part outside the Conservation Area.

The key planning issues were outlined and members were advised of amendments to the wording of conditions that had been included on the update sheet circulated to members prior to the meeting.

The Technical Officer read out the written representations received in accordance with the public speaking protocol which are attached as an appendix to these minutes.

Councillor Tony Alford - Dorset Council, Eggardon Ward, addressed the committee, saying that the development was not visually attractive and not built on the principles of safety and inclusivity. He drew attention to the failure of the proposal to meet NPPF paragraphs 28 and 110 in addition to local plan policies.

The following points were made by officers further to comments made during public participation:-

- no loss of privacy as the large first floor front windows looked out onto parking and Chapel Lane and rear windows into the garden areas.
- that the development met national space standards
- technical services considered the proposal to discharge water to be acceptable with a request for a condition for a surface water management plan to be submitted.
- car parking spaces had been widened to 3 metres to enable a vehicle to turn sooner out of a space.
- a third smaller bedroom was served by roof lights.

Proposed by Councillor Bill Pipe, seconded by Councillor Kate Wheller.

**Decision:** That the application be approved subject to the conditions (as amended in the update sheet) outlined in the appendix to these minutes.

20. **WD/D/19/001514 - West Coombe, Smishops Lane, Loders, Bridport DT6 3SA**

The Committee considered an application to demolish an agricultural barn and erect a detached dwelling and garage.

Members were given a presentation of the 0.4 hectares site outside of the Lodders DDB and within the Conservation Area. The proposed building was on a smaller footprint with minimal visibility of the site due to trees.

The key planning issues were highlighted including:-

- principle of development
- design, appearance and impact on the character of the area and AONB
- no undue impact on Uploaders and Lodders Conservation Area
- no undue impact on agricultural enterprise

The barns had not been used for 15 years and this was considered to be a sustainable location due to its proximity to village amenities including a school and public house.

The Technical Officer read out the public written representations which are attached as an appendix to these minutes.

Cllr Alford addressed the committee saying that, in his view, the report recommendation had been favourable due to the site being surrounded by trees and that this might change in future. The proposal was for a new build outside the DDB that did not comply with Local Plan policies SUS2 and SUS3 in relation to accommodation purposed for local needs, rural worker homes and affordable housing. The NPPF also made clear the avoidance of building isolated homes in the countryside with a preference for proposals that enhanced the vitality of local communities. It also contravened the Lodders Neighbourhood Plan that was a living, working document despite being more than 2 years old.

Responding to comments made during public participation, the Planning Officer confirmed the following points:-

- an additional home would add to the vitality of the village in allowing a family to move in and reach facilities in the village on foot.
- a condition for a tree plan had been included with replacement tree planting if necessary. Tree Preservation Orders could also be considered in the longer term.

Members asked about the mobile home on the site and were informed that this had been subject to an application for a temporary worker's dwelling in 1989, although it had been used for agricultural storage during the past 15 years. It was confirmed that the mobile home would be used during the construction and thereafter removed.

Councillor Nick Ireland commented that this was a further example of the DDB being ignored and that the proposal was not compliant with rule E5 of the Lodders Neighbourhood Plan approved in July 2016. It also contravened Local Plan policies SUS2 and SUS4. He felt that the benefits were not sufficient to override these policies in order to approve an application for a single dwelling due to the lack of the 5 year housing land supply. He proposed refusal of the application which was seconded by Councillor Kelvin Clayton.

Members referred to paragraph 16.4 and 16.5 of the report, highlighting that the Loders Neighbourhood Plan was over 2 years old which affected its relevance with regard to the proposed scheme.

Despite the application being outside the DDB and contrary to the Loders Neighbourhood Plan, the proposal was considered to be a sustainable development due to its proximity to the village facilities and that the Loders Neighbourhood Plan had not specified development sites.

With the agreement of the proposer and seconder, the proposal to refuse the application was reluctantly withdrawn.

Proposed by Councillor Bill Pipe, seconded by Councillor David Shortell.

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

21. **WP/20/00361/OBL - Land South of Louviers Road, Weymouth**

The Committee considered a report concerning the modification of planning obligations on Section 106 Agreement dated 20 December 2018 (original planning approval WP/17/00832/FUL).

The Senior Planning Officer outlined the report that sought to remove the requirement for reinvestment of receipts in the local area, stating that the mix and tenure of the 40 affordable units would not change as a result of the alteration of the Section 106 Agreement.

Councillor Louie O'Leary stated that the development which was in his ward was well advanced and he had concerns about a clause preventing the reinvestment of social housing in the area. He proposed refusal of the recommendation.

This was supported by Councillor Kate Wheller who, whilst acknowledging that the Council may have benefitted from this clause in the past, was concerned that the proposal appeared to be giving up an opportunity for further investment when there was a significant need for affordable housing in the local area.

Members were advised that neither the NPPF nor Policy HOUS1 required reinvestment in the local area and therefore there was no policy basis upon which to draft a reason for refusal. The Housing Enabling Officer stated that this type of clause was expected by Registered Providers and did not necessarily mean that the area would lose out on future investment. The new developer could also be viewed as a welcome addition to the area.

Following this advice, Councillor Kate Wheller reluctantly withdrew her support for refusal of the proposal.

Proposed by Councillor Bill Pipe, seconded by Councillor Dave Bolwell

**Decision:** That authority be delegated to the nominated officer to modify the S106 agreement dated 20 December 2018, to

- modify mortgagee in possession clauses by changing the definition of charge and paras 10.1 to 10.3 of schedule 3 in line with the Securitisation Working Groups standard mortgage in possession clause;

- and seek deletion of para 12 of Schedule 3 indicating they cannot be bound to reinvest in the same local authority area.

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

A vote to continue the meeting was taken in accordance with Part 2, Paragraph 8.1 of the Council's Constitution.

**Decision:** That the meeting be extended to allow the business of the meeting to be concluded.

**23. Report to Committee to Modify a Planning Permission under Section 97 of the Town and Country Planning Act 1990 for the planning consent WP/14/00330/OUT, WP/16/00388/VOC and WP/19/00184/VOC**

The Senior Planning Officer advised that a report to remove the affordable housing obligation due to viability arising from the costs of unforeseen contamination of the site had been considered at the meeting on 10 September 2020. A number of the properties had been sold and others were currently being marketed.

The proposed modification related to public and environmental protection by preventing works that would compromise the capping systems across the site to prevent the risk of asbestos fibres in the soil from being released into the air as recommended by WPA Contaminated Land Consultants

A summary of correspondence received from a representative of Betterment properties had been included in a second update sheet circulated to members prior to the meeting that included a comment that an Article 4 direction would be more appropriate.

However, the Council's Legal Department considered that modifying the planning permission under Section 97 of the Town and Country Planning Act 1990 to include the proposed new condition would be more appropriate. If approved a notice would be served on all relevant parties and confirmed by the Secretary of State.

Councillor Susan Cocking stated that it was important to protect residents from contamination as more development took place on reclaimed land.

Members drew attention to the original conditions granted as part of the outline planning application and the covenants between the developer and

homeowner at a time and questioned why it had taken a long time to suggest the report's proposal in order to safeguard owners' interests.

The Senior Planning Officer advised that this had come to light since occupation of the properties and that owners could be compensated for any loss of value to the properties. The same enforcement process would be used as with any condition to require the owner to submit a planning application for works below 1m in depth.

Proposed by Councillor Susan Cocking, seconded by Councillor John Worth.

**Decision:** That Members agree to the modifying of the outline planning permission WP/14/00330/OUT and WP/16/00388/VOC and to include the condition in respect of WP/19/00184/VOC (if subsequently granted) by imposing the following new condition on such permissions:

No groundworks shall take place at a depth more than 1.0m below ground level of all buildings of the development or at a depth more than 0.60m below ground level for all private gardens, all privately owned external areas and all other areas of soft landscaping and groundworks shall not compromise the high visibility membrane present 1.0m below ground level of all buildings and 0.60m below ground level for all private garden areas, all privately owned external areas and all other areas of soft landscaping. For the avoidance of doubt this restriction shall apply to any works permitted pursuant to Article 3 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 as amended or any Order which replaces the same.

Reason for Decision

To protect the health of the persons living at the properties.

24. **Update Report - Potential Enforcement Action, Homestead Farm, Main Street, Bothenhampton, Bridport, DT6 4BJ**

The report was presented by the Enforcement Manager who provided the same presentation that was given to the Committee at its meeting on 10 September 2020 for the benefit of newly appointed members of the committee who had joined since that time.

He referred to the update sheet containing e-mails from the applicants on 30 September and 7 October 2020 that had been circulated to members prior to the meeting. These e-mails confirmed that the site had been locked down and the keys handed back to the applicants and that the site would be available to local residents for parking during highway authority works to the high pavement. The applicants had indicated that they would submit an appeal of the committee's decision in due course.

The Enforcement Manager outlined the 3 enforcement options below in full.

Option 1 – That no enforcement action be taken at this stage.



Option 2 - That enforcement action be taken requiring demolition of the whole building - *this was not considered to be expedient as the buildings were capable of being altered to more closely match the approved building and therefore the proportionality of taking such action needed to be considered.*

Option 3 - That enforcement action be taken requiring alteration of specific elements.

The Administration Assistant read out some of the written representations in accordance with the public speaking protocol. All written representations received were circulated to the committee prior to the meeting and are attached as an appendix to these minutes.

In response to comments made during public participation, the Enforcement Manager stated that the differences of the "as built" and "as approved" schemes were marginal. However, the subjective nature of the issues had been reflected in the public comments as well as differences in views of officers and the committee. The fallback position was the original permission as granted and therefore Option 1 meant that the Planning Inspector's view could inform any enforcement action that may be appropriate and was a more defensible position for the Council going forward.

Members questioned the accuracy of the measurements provided in the report as different figures had been provided as part of the Non-Material Amendments (NMAs). They asked how the Planning Inspector would assess the accuracy of these figures when they may also be reliant on the drawings and measurements presented to them.

The Enforcement Manager confirmed that it was usual practice for planning officers to rely on measurements provided by the applicant and how this was dealt with going forward would depend on the nature of any appeal. It was not unusual for a Planning Inspector to bring measuring equipment to a site, however, if an appeal resulted in a public inquiry then the measurements would be investigated by the Council in proofs of evidence.

Members remained concerned regarding the varying measurements and further highlighted that an appeal had not yet been submitted.

Councillor Bill Pipe proposed that in the absence of a lodged appeal, that enforcement action was not taken provided that an appeal was made by 15 November 2020. This would allow for a further report to be considered by the committee at its meeting on 3 December 2020.

Proposed by Councillor Bill Pipe, seconded by Councillor Jean Dunseith.

**Decision:** That the Committee agrees not to take enforcement action providing that an appeal is made against the decision to refuse planning permission by 15 November 2020. If no appeal is made by 15 November 2020 the question of enforcement action will be reported back to the Committee at the earliest opportunity.

Reason for Decision

The Inspector's view on any subsequent planning appeal will help to inform what formal enforcement action may be appropriate, if any, particularly noting that Inspectors often give a view in their formal decision letters as to which aspects of a development they consider acceptable, and which are not. By waiting for the outcome of any planning appeal, the Council will have a more defensible position as regards to any formal enforcement action it then decides to take.

25. **WP/20/00417/TEL - Telecommunications Mast Site, Weymouth Way, Radipole, Weymouth**

The Committee considered a proposal for the installation of an 18m high monopole supporting 6 antennas, 3 equipment cabinets and ancillary development.

*Councillor John Worth left the meeting at this juncture.*

Members received a presentation on the key matters regarding the acceptability of the siting and appearance of the scheme on land to the north of Manor Roundabout, Weymouth. There were 2 existing poles of 12 metres and 15 metres in height in the wide area of highway verge rising to the north with trees and a bridleway.

The site was with the Weymouth DDB with a low risk of surface water and fluvial flooding. Distances were provided to nearby facilities including the main entrance to Radipole Primary School (250m), Radipole nature reserve (220m); Lorton Meadow (250m); Redlands Sports Centre (500m) and St Nicholas and St Laurence School further to the north. The nearest homes to the application site were in Greenway Road (30m).

The proposal was to upgrade the lower of the 2 monopoles with a higher and more substantial monopole 17metres to the west of the one to be removed. The existing 15m mast located further to the east was used by a different network operator and would be retained.

A new mast was needed to support 2, 3, 4, and 5G antennae and the desired network coverage could not be achieved without a higher mast as 5G antennae needed to be 3m above the other antennae on the mast. The pole would be wider with antennae not fully enclosed within a glass fibre shroud.

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

The Lead Project Officer advised that the update sheet circulated to members prior to the meeting included a response from the Dorset Council Highways Liaison Engineer and further representations. Some of the points raised related to health concerns that could not be considered as part of this application.

The main considerations were outlined including conformity with national and local planning policy for communications development, the adequacy of the

justification of the proposal and the provision and adequacy of other background information in support of the application.

The site was considered to be a good location for communications development and the application was supported by a Declaration of Conformity with ICNIRP Public Exposure Guidelines. Members were further advised that paragraph 116 of the NPPF 2019 stated that *"Local planning authorities must determine applications on planning grounds only. They should not seek to prevent completion between different operators, question the need for an electronic comms system, or set health safeguards different from the International Commission guidelines for public exposure."*

If the committee considered that there was a need to approve the siting and appearance of the mast, the statutory deadline was in 2 days' time.

Written representations received in accordance with the public speaking protocol were read out by the Administration Assistant and are attached as an appendix to these minutes.

In response to a question, members were advised that the acoustic fencing had been implemented as part of highways development and would not impact on this development.

Proposed by Councillor Bill Pipe, seconded by Councillor Dave Bolwell.

**Decision:** The applicant be informed that Dorset Council's prior approval as the local planning authority is not required.

#### Reason for Decision

Having regard to policy:

- (i) COM10 (The Provision of Utilities Service Infrastructure);
- (ii) ENV1 (Landscape, Seascape and Sites of Geological Interest);
- (iii) ENV2 (Wildlife and Habitats);
- (iv) ENV5 (Flood Risk);
- (v) Policy ENV10 (The Landscape and Townscape Setting); and
- (vi) ENV16 (Amenity),

of the adopted West Dorset, Weymouth and Portland Local Plan 2015 and other material considerations including national planning policy and planning practice guidance, the proposed development is considered to be in general accordance with the development plan in force in the area. Details of the siting and appearance of the proposed development have been set out within the application and would be subject to conditions set out in Class A of Part 16 of the Schedule to the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The development would not be unduly detrimental to the appearance of the locality and the applicant has demonstrated that there is a need for the technology and that all technically feasible alternatives have been explored and that the application proposal results in the least visual harm. The application is therefore in

accordance with policy COM10 of the Local Plan. The proposed development further accords with national planning policy for high quality communications set out in paragraphs 112 to 116 of the National Planning Policy Framework (February 2019). Various concerns have been expressed in representations made about the application regarding the siting and appearance of the proposed apparatus and other matters. However, having considered the impact of the development, the rights of the applicant, the general interest and the public sector equalities duty, the opinion is that the proposed development as described in the application has been adequately justified and is satisfactory and that any effect on human rights, on protected characteristics and on the character, appearance and amenities of the locality do not outweigh the authorisation and permitting of the subject development in accordance with adopted and prescribed planning principles.

**26. Appeal Decisions**

The Committee considered a report outlining appeals and appeal decisions in order to take them into account as a material consideration in the Planning Committee's future decisions.

**Noted**

**27. Urgent items**

There were no urgent items.

**28. Update Sheets**

The two update sheets are attached to these minutes.

**Appendix - Decision List**

**Duration of meeting:** 10.00 am - 4.00 pm

**Chairman**

.....

## Western & Southern Area Planning Committee - 8 October 2020

### Written Submissions

#### **WD/D/20/000597 - Land West of, 5 Chapel Lane, Maiden Newton**

##### **Johanna and Bryan Ward**

To the planning committee making the decision today about the proposed building of two 3 bedroom family houses on the land west of 5 Chapel Lane, Maiden Newton.

We are the owners and residents of 5 Chapel Lane, we bought the house 10 years ago. At this time the seller retained a large part of the garden, hoping to build one residence for her own use. This obviously did not happen and now this planning application for two 3 bedroom family houses has been submitted for your consideration.

I would just like to reiterate that this was a private garden belonging to the house we now own and live in. The garden was big but not large enough to fit two houses plus gardens in! One of these houses will be built right on the boundary with our garden, meaning it will shade over a large part of our garden. As a large part of our garden will potentially sit between our house and the proposed new house we will not get any sunlight at all in this area! So if this proposed planning gets the go ahead we will not only lose our privacy but also a lot of sunlight in our garden!

Chapel Lane is a small private lane, and the building of two houses on this piece of land, once the old garden of our house will be a serious case of over development. I would urge the committee to take our view into consideration as we at number 5 will be the most severely affected.

Thank you for your attention and consideration.

##### **Sara Lane and Brian Longhurst**

Further to my previous correspondence regarding this proposed development, and in summary, I would like to register my objection to it in its current form.

The planning application represents an inappropriate over development of a small plot which is surrounded by residential properties, all of which will suffer some degree of loss of privacy due to being overlooked. The access road is an unadopted, unmade track which is maintained by the residents of Chapel Lane, and numerous construction vehicles will cause serious deterioration, especially if the weather is wet, the cost of which needs to be considered. There is also no room for the parking of construction vehicles in the lane, without blocking access for the residents.

In our opinion, as residents who will be affected by this proposed development, a one single storey dwelling would be a much more appropriate building for this site, reducing the impact of loss of privacy, and construction traffic. Thank you for your consideration of these points.

## **Maiden Newton Parish Council**

Maiden Newton Parish Council object to the development on the basis that the two houses, as designed, are too much for the site and that one house would fit much better. Two houses could have as many as 6 cars needing parking spaces and there is only room for 4. There is very limited off and on street parking in this area which could cause congestion. The Highways Officer draws attention to the fact that this site faces onto the narrowest part of Chapel Lane, which at this point is a 5m wide private road with no pavement. The houses will have to be moved further back into the plots to allow for workable parking spaces. The houses themselves are very cramped, especially upstairs where the loft space is incorporated into the bedrooms: all will have sloping ceilings and part of the upstairs lighting comes from velux windows. The boundary line between plots 1 and 2 is the wall of house 1. We note, from the amended plans, that option 1 of the Highways Engineer's comments, which required the widening of each parking space to 3.0m with a minimum of 5.0m clearance from the northern edge of the road has been adopted. As the road is a private road there is concern about how parking, turning etc would affect the other households and disruption when constructing the properties.

Drainage would be a problem as, during heavy rain, it floods in front of the two garages. This would need to be addressed. There is concern that if the water was fixed at the site, the water would then run down Chapel Lane onto the Church Road causing problems along the road up towards the church by the war memorial which also can flood in heavy rain.

## **Giles Moir (Agent)**

This statement is provided on behalf of the applicants, Northshore Companies Ltd, supporting the Officer's recommendation that the application be approved.

As set out in the Officer's report the proposal seeks permission to demolish the existing outbuildings on the site and erect 2, 3 bedroom, detached family houses. The applicant, having worked proactively with Officers to respond to the comments raised during the determination of the application is pleased to see that the application has been recommended for approval.

The site is within the identified settlement boundary of Maiden Newton, enjoying good access to local services and amenities which are within walking distance for future occupants. The proposal will make a meaningful contribution to the Council's 5 year housing land supply, providing two family homes, both of which have off road parking and garden areas.

It is noted that the Parish Council have objected to the application, one of the concerns relating to highway safety and the proposal causing congestion. Amended plans were submitted by the applicant to address concerns raised in relation to highway safety providing improved access to the parking spaces. The Council's Highway Officer has confirmed that the amended plans are acceptable and has not raised an objection to the application.

With regard to flood risk, the site is within flood zone 1, being the area with the lowest risk of flooding. The Council's Technical Services have not raised an objection to the proposed soakaway solution.

The two detached properties have a traditional, pitched roof, design with a feature, arch, window in the front gable. The properties are 1.5 storeys in height, with accommodation provided within the roof space. The lowered eaves line of the units reflects the scale of the adjacent properties. The proposal includes decorative barge boards for the gables and porch, stone cills and headers for the windows and feature brickwork to the side of the windows.

The established settlement pattern for Chapel Lane consists of a variety of plot widths and depths and includes detached, semi-detached and terraced units. There is no regularly defined spacing between the existing properties and existing properties also have varied orientations. As such there is no regularity in the settlement pattern for the proposal to follow.

The proposed layout ensures that there is adequate spacing between the proposed units so that the proposal does not appear cramped within the street scene and provides landscaping to Chapel Lane. There is a clear gap of circa 1.5m between the properties, which provides visual separation. The layout of the proposal which has a north – south outlook ensures that there is no overlooking to adjacent properties.

In conclusion, the applicant ask that Councillors support the Officer's recommendation and approve the application.

## **WD/D/19/001514 - West Coombe, Smishops Lane, Loders, Bridport DT6 3SA**

### **Diane May**

I am a resident of Loders and was a member of the Steering Group set up to prepare the Loders Neighbourhood Plan which was 'made' by West Dorset Council in July 2016. I am writing in defence of the policies of the Loders Neighbourhood Plan and the Council's Local Plan. I fully support the comments and objections made by Cllr Aldford and Loders Parish Council.

I note this is the second report to Planning Committee from the officer. The first report was prepared without there being any apparent consultation with the Dorset AONB and the Council's conservation officer.

The proposal is to demolish an agricultural barn (extended in 2003) and build a non-descript three bedroom house on farmland at Westcombe. The barn appears to be redundant simply because of an intention to develop the farmland, despite there being a temporary building on the site used for farm storage.

The proposal lies in a conservation area, AONB and is outside the agreed development boundary. **It is directly contrary to policies of the Loders Neighbourhood Plan and the Local Plan.** LNP Policy E5 defines a Development Boundary for new building in Loders to safeguard the historic linear character of the settlement. The conservation area designation aims to safeguard the valued landscape setting of the Village. Policy SUS2 of the adopted local plan aims to "strictly control" development outside DDBs, "having particular regard to the need for the protection of the countryside and environmental constraints".

The proposal is unrelated to the historic character of the village; its location and design will do nothing to protect and enhance the valued, historic landscape setting and will offer nothing to meeting local housing need. There is no benefit or 'net gain' to be had by approving this application.

The Council's failure to secure a 5 year land supply for housing means the Neighbourhood Plan and Local Plan policies are to be regarded as 'out of date'- enabling developers and their agents to override policies which have been the subject of wide consultation and took years to develop. My comments do not arise from 'nimbyism' but concern for the **proper stewardship of valued assets**.

Dorset Council is letting us all down. There has been no liaison/feedback between Parish Councils and Dorset Council on its failure to demonstrate a 5 year housing land supply and the implications for development plan policies; there appears to be no 'guiding hand' - in the form of published guidance or supervision - to provide clear management of the development process and related applications to assist the community, developers or their agents.



## Loders Parish Council

This application involves the removal of a barn for the erection of a 3-bedroom house and re-designating more than .5 hectare of ancient agricultural land, in open countryside, to residential use,

The isolated barn is sited in the middle of a large natural amphitheatre of ancient open grazing land steeply rising to lynchets at the top of Waddon Hill, which cradles Loders village below, providing an important feature of the village setting. The Conservation Area boundary was extended in 2007 to include this site for its historic strip lynchets, an agricultural use of land feature going back to prehistoric times.

The site is also within the AONB and outside Loders DDB. **NPPF 15 Conserving and enhancing the natural environment** is therefore a relevant policy.

This requires that *“Planning policies and decisions should contribute to and enhance the natural and local environment by ... protecting and enhancing valued landscapes ... (in a manner commensurate with their statutory status ...in the development plan)” (170 a)*

It states that *“Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.” (170 d).*

There is no evidence offered in either the applicant’s submission or the planning officer’s report to demonstrate that this development will “contribute to or enhance the natural and local environment” and therefore comply with NPPG 15

Resting their case on its low visual impact, Conservation and AONB officers state only that the development would “not harm the appearance of the AONB or the Conservation Area,” making no mention of whether it would “contribute to or enhance the natural or local environment.”

Beyond listing NPPF 15 as a relevant policy the Planning Officer does not examine this application in relation to it anywhere else in his report. No evidence is offered to support that it complies with NPPF 15 and “contributes to or enhances the natural and local environment”.

The Planning Authority’s recommendation for approval is centred on the NPPF 11 requirement for presumption in favour of sustainable development in planning decision-making, even more so where local plans are classified as out-of-date, as currently in Dorset.

But NPPF 11 also allows for developments to be refused where other NPPF policies apply that *“protect areas or assets of particular importance”* and *“provide a clear reason for refusing the development proposed” (11d)*

NPPF 15 is such a policy and applies here. This proposal offers no evidence that this development will “contribute to or enhance the natural and local environment”.

This failure to comply with NPPF policy 15 provides clear grounds for refusal.

## **Update Report - Potential Enforcement Action, Homestead Farm, Main Street, Bothenhampton, Bridport, DT6 4BJ**

### **Rachael Styles**

I very much welcome the Planning Committee's unanimous decision on 12 August to refuse planning permission for the development at Homestead Farm in Bothenhampton.

I welcome too that the Committee is considering enforcement action against the development, and thank the Committee for offering me the chance to comment.

I very much hope such enforcement action can be taken now, and not again deferred.

After expert assessments commissioned by local residents, the Council noted back in April 2019 that the development was not being built in accordance with the original planning permission. As the Committee noted, it is too high, too near the road, is overbearing and wholly unsympathetic with its surroundings, particularly as it lies amongst listed buildings and at the heart of a small, historic village.

The owners were told by the Council at the time, in April 2019, that any further work would be at their own risk (this important point is not mentioned in the Case Officer's recent Update Report). They nevertheless continued with the development. Normal building work continues even today (1 October).

This is not the first opportunity the Council has had to take enforcement action. The Update Report states that an enforcement investigation was opened back in January 2019. The Council chose to defer enforcement action when the Non-Material Amendments were refused in October 2019.

Given the length of time action has been under consideration, and given the fact that this is a building in a sensitive location which has contravened planning regulations for well over a year, and which has caused a great deal of upset for many residents, enforcement action is long overdue. Further unnecessary delays would not be in anyone's interest. Enforcement action now would avoid this, enabling any appeals to be heard together rather than one after the other.

Action is also arguably necessary in order to restore both the planning system's integrity and residents' battered confidence in it.

## **Mike Best**

This is a written submission in relation to Item 6, Potential Enforcement Action, Homestead Farm, Main Street, Bothenhampton DT6 4BJ

Having read the update report regarding potential enforcement action I am concerned that any action at this stage would be a misuse of process. It is normal to wait for the outcome of the appeal process before issuing an enforcement notice. There is an appeal underway and there is an arguable case for the building to be retained despite the refusal to give planning permission, given the planning officers' positive recommendation at the committee meeting on 12th August. Because of this I think that enforcement action would be premature. It also seems to me that the applicant could pursue costs against the council for unreasonable behaviour if this enforcement is granted.

I was surprised that retrospective planning permission was refused, and feel that the reasons given by the planning committee for refusal could be seen as partisan rather than objective. I hope very much that the appeal will be allowed to run its course, giving the applicant time to formulate an appeal and to make full use of independent experts.

I hope that the Portfolio Holder for Planning will bear these points in mind.

I am a Bothenhampton resident (I have lived here for 20 years) and believe that it is important for this to be resolved fairly as well as expeditiously. It seems to me that the applicant has worked hard to address the concerns of local residents in good faith.

## **Simon Brody**

In the light of the unanimous refusal of the current application, it would be easy, but not reasonable, to recommend that the current building be demolished and replaced with what was given permission in 2018.

May I suggest, as a compromise, that works are carried out which at least get us back to the spirit of the original permission.

The over-heights are material. It would be practicable, because of the structural steel framing, to remove the roofs of the wings and glazed winter garden. They could be replaced with flat roofs set at eaves level which would still maintain some semblance of headroom in the ground floor spaces. Maybe an aside, but we would get rid of the rusty crinkly tin roof. If the Applicant wishes to retain pitched roofs the useable ground floor space would reduce by about 50%, and there could be no access onto the balconies.

I still maintain that the drive is dangerously steep. I suggest that a narrow driveway be taken down between the garage and Village Hall, at the pre-existing ground levels, such that the garage can be accessed from the south side. The as built driveway could be infilled, top soiled and re-planted with an apple orchard, which would hide the lowered east wing – as the original photo montages imply.

The area between the west wing and road could also be planted with apple trees, which would help to conceal the lowered west wing as well.

The road frontage is very relevant. In hindsight the barn could have been re-built to exactly the same dimensions as the original – it had been well surveyed, using easily available Forest Marble stone. I think the barn should be re-built in its entirety to match the original, as should the roadside dry stone wall – there using low grade Forest Marble stone.

The landscaping needs a really good look at as well. We can see people, cars, machinery and buildings which we could never see before, because ground levels have been raised. This is not a problem for us but the residents in Duck Street must have their privacy seriously compromised.

I recommend that enforcement action is initiated now. To simply advise the Applicant that they proceed at risk has not been sufficient.

## **Sarah Butcher**

Following the planning committee's very welcome decision not to grant planning permission to the building constructed at Homestead Farm, Bothenhampton, I would like to urge the committee to take enforcement action at the earliest opportunity.

That the planning officer involved in this project is recommending against enforcement at this stage is unsurprising. The officer concerned has appeared persistently unwilling to take action and has compelled villagers to invest their own money in surveyors' reports proving the existence of planning infringements evident to the naked eye. Even the report submitted by the officer to this committee in August contained inaccuracies that favoured the owners and their agents, stating that the excess height of 'bedroom cottage' was 0.68m, despite a previous acknowledgement by the owner's own planning consultant that building was 0.89m over-height (a report commissioned by the village suggests the height excess is actually closer to 1.34m over-height). Villagers have understandably, therefore, lost confidence in the planning department's ability or willingness to act in their interest.

If enforcement action against Homestead Farm is delayed, it will not be for the first time. After very considerable expense of both time and money by Bothenhampton residents fighting for recognition that this building does not adhere to plans since February 2019, the planning department finally ruled against the height and width infringements in October 2019. One year on, nothing has changed. - Work has continued apace, with no indication that the owners have any intention of remediating the damage they have done to the centre of this historic village.

In section 6.10 of his report recommending against immediate enforcement, Mr Rogers suggests that demolition "would not be expedient" and that the building is "capable of being altered" to "more closely match the approved building." However, it is unclear how this could be achieved without removing entire floors to lower the heights in line with the permission originally granted. Moreover, even if whole floors were removed it would do little to address the fact that the building has been constructed too close to the road and of materials unsympathetic to its surroundings (What, for example, has become, of the original stone used in the ancient wall that is a key feature of the village?).

In short, the continuation of this structure undermines respect for and the integrity of the planning department. The owners and architects have persisted in finishing it off (indoor cinema installers have been seen in attendance in the past month) irrespective of the potential for enforcement action to be taken. They appear to feel they can act with impunity. Further delaying enforcement action would appear to vindicate them in this.

## **Dr Meriel and Dr Trevor Powell**

As residents of the High Pavement opposite the Homestead Farm site, we wish to voice our disillusionment with the planning department's handling of the matter which has been long drawn out, expensive for the villagers moneywise to contest the mistakes, and psychologically, considerably upsetting when we really just want to get on with our lives.

We reiterate that the new build at the centre of the old village, is completely out of keeping with the character of this historic beautiful place. Our house is listed and we would not dream of breaking tradition, flouting regulations in place for a good reason, and spoiling such an attractive spot. Yet the new build is vast and has been built far higher than the original plans, and too near the road with the wrong materials. We have repeated this so many times, but it has fallen on the deaf ears of those owners or people in power who are at a financial advantage, who think they can buy their way out of flouting the law.

I hope enforcement of the decision to stop building will be carried out with immediate effect, as work has continued on opposite with absolutely no reduction in the number of builders' vehicles entering and leaving the site each day. It just feels like either a complete breakdown of the planning system, or a deliberate and wanton disregard of the protections that are supposed to be in place to prevent such an injustice, or blatant disrespect for ordinary people's values of cooperation, honesty and justice.

## **Allan and Jane Read**

We live directly opposite the main entrance to Homestead Farm and have witnessed the demolition of the derelict farmhouse and rebuilding at first hand. Whilst there has been the inevitable vehicle noise and mess associated with any building site, the builders have always been friendly and well organised and there has never been loud music and shouting often associated with building sites.

Mr and Mrs Hughes went out of their way at the start of the project to explain what they were intending to do at the site, took on board comments and adapted their plans to accommodate where ever possible They worked closely with the Dorset County planners to achieve a compromise between their needs and the planners requirements. Despite the problems with roof heights the County Planners recommended the building to be completed. Indeed we were shocked when the Planning Committee turned down the recent amended application given the Planning Department's backing.

We do not consider the building, unfinished as it is, to be out of place. It looks like a farm house with outbuildings, which is what it was, and with planting and landscaping at the front and the wall rebuilt would quickly become and established part of the village. We find it difficult to understand why such a fuss is being made over it.

Since the planning application was turned down Mr and Mrs Hughes have been working to "winterproof" the house to prevent water or cold from damaging the structure, and are now in the process of closing the site down. With no more building work possible they have again worked with Dorset Council to offer parking to those residents of the village who will be affected by the rebuilding of the wall opposite the site - a thoughtful and generous gesture.

We feel that Mr and Mrs Hughes have been treated unfairly by some residents of the village, and that they should be given appropriate time to put together an appeal without being steamrollered.

We have lived opposite a building site for over two years now. Unless the committee approves the completion of the house we will have to live with a building site and all that entails for many more months/years to come, depending on what is decided. Please can we have completion of the building work soon.

## **Peter Walker**

Homestead Farm as presently constructed is satisfactory.

## **Simon and Julie Wood**

As direct neighbours with the longest common boundary to Homestead Farm, we have a clear view of the rear elevation, and are very happy with the appearance of the house. Whilst we understand the main objection to the build is the height of the front elevation, given the fact that the completion of the house is only a matter of weeks away, we feel that the build should be accepted as it currently stands.

In addition the Hughes' have been very considerate in the design of the building; from the lower positioning of the garage, the sedum roof, the mature planting at the front of the house, to the materials used in its construction.

The site has been run efficiently and the building contractors extremely thoughtful and understanding to the village and its occupants, ensuring deliveries were kept to a suitable time thereby ensuring minimum disruption.

Finally, we have lived in Bothenhampton at Manor Farm for almost 30 years and have seen many alterations and additions to the village over that time, some we've liked and many others not. However as members of a village community, and one we like to think of accepting of others and charitable, we understand change is inevitable. Whilst not everyone agrees with the style or size of Homestead Farm, it is a matter of personal opinion and surely only down to choice of the owners.

For us it is indeed a welcome change in comparison to the building that stood on that site before. Quaint as it was, it was also dilapidated and an eyesore in the midst of the village. And rather Homestead Farm than the cluster of houses that were proposed for that site prior to the current build.

We feel strongly that the Hughes' should be given time to formulate an appeal and have the opportunity for a considered and fair judgement on their application, made by an independent and qualified team of people.

## **David and Beverley Capewell**

Regarding the development of Homestead Farm, we would like to express our disappointment regarding the ongoing planning issues. We live next door to the site, at Ab Antiquo, and have for the last two years endured noise and dust from the builders and contractors. While this is to be expected with any house building or development it is endured knowing there is an end date. We would like the building work to be quickly completed without further delay.



## **Pat Brody**

Whilst I fully understand the reasons for the Planning Officer's recommendation of Option 1, as a local resident who supported the original Application, but object very strongly to approval of the as built structure, I would commend Option 3.

The arguments and reasons for objection to the as built structure have already been made and supported in the Committee's decision on 13th August 2020.

However, I would like to state that my support of the original Application was based on all the documentation submitted during early December 2017 to early January 2018. I spoke in support at the Parish Council Meeting. That documentation included drawings and a statement in the Design and Access and Heritage Statement that "Existing ridge line of farmhouse retained". All other building heights and proposed perspectives as drawn were related to that known ridge line. In January 2019 when viewed from our property it was obvious that the building heights, lengths of the various elements and relationship to one another were not "As Approved" and I registered my concern with WDDC. At that time only groundworks and the steel frame had been erected. In April 2019 there was a meeting between the Architect and WDDC Planning Department, including a Conservation Officer, to discuss the overheight construction in breach of the Planning Approval. At the meeting the Architect was asked to submit an application for the change in height and was warned at that time that they proceeded with any further construction at their own risk. The application for change in height was eventually made under WD/D/19/002277/NMA in September 2019.

Legal necessity and protection of the Council's risk to liability may well be expedient, but watching the building deviate from what was approved (including witnessing 3 noncompliant dormer windows constructed and then demolished) move me to commend Option 3. This has been a very sorry episode in the village and a serious erosion of confidence in the Planning process. The residents need closure on this as quickly as possible.

## **Robin Carter**

As a resident of Bothenhampton I wish to register my dismay regarding the Planning Enforcement Manager's report to counsellors. In the report he recommends that no enforcement action should be taken at this stage.

I would like to ask Counsellors to be resolute in forwarding their former declaration. They realised that there was a gross breach of planning regulations and they acted honourably in refusing permission for further work on the building. It seems however that the developer is again progressing the project beyond essential protective work, continuing to push every legal control beyond its bounds.

In the present political climate where authorities are sometimes struggling to maintain their authority and credibility I would like to ask Councillors to ahead with immediate limited enforcement.

## **Andy Partridge (Agent) on behalf of Mr and Mrs Hughes**

Thank you for allowing us to make representations to the committee against enforcement action.

We are appealing against the decision. We have now instructed heritage and ecological experts, as well as other experts and have clear directions to submit the appeal quickly. It is not in our clients' interests to delay matters.

Despite the complexity of the design, the case is straight forward. The Council has granted planning permission for a replacement dwelling. This sets the benchmark of what the Council considers acceptable within the conservation area. The issue therefore is whether the change between the approved plans and the as built development is acceptable. Officers (and statutory consultees) came to a different conclusion to the Council. This difference of opinion illustrates the matter is not conclusive but more delicately nuanced.

The appeal will determine whether the scheme as built is acceptable or not. In the event, that the appeal is dismissed it should also determine which elements are harmful and which are not. It will therefore establish what, if any, degree of harm exists. It will therefore provide clarification of (and we hope and end) to the issue.

We do recognise the strength of feeling that the development has aroused and that was very much made plain at committee which culminated in the refusal of the application. Since then the only work undertaken (with the agreement of officers) was to make the building weathertight and put it in a static state, aside from a request by a resident to finish the frontage wall to allow the street sign for Duck Street to be put back up. We accept this has been done entirely at risk. All work has now ceased on site, pending the outcome of the appeal.

Mr and Mrs Hughes have, though, offered to make the site available for residents to park their cars at their own risk, while work is being carried out by the Council to repair the High Pavement. This will be subject to agreement with the Council.

Enforcement action by the Council is discretionary. The Council should only issue an enforcement notice where it is expedient to do so under Section 172 of the Town and Country Planning Act 1990 (as amended). We feel that in the above circumstances that it would not be expedient to do so, and moreover that it would be premature to do so before the appeal is determined.

## **WP/20/00417/TEL - Telecommunications Mast Site, Weymouth Way, Radipole, Weymouth**

### **Mary Jordan-Winter**

1. The proposed 18m high 5G monopole, by reason of its increased height and bulk, would have a significant harmful visual impact on the surrounding area. In addition, the proposed cabinets will have a cluttered appearance and detract from the open character of the area. The key characteristic of the locality of the proposed application site is its openness, as the gateway to Weymouth.
2. This application was passed by Weymouth Town Council even though there was missing documentation and no consultation or correspondence with environmental groups and residents. Local residents are most unhappy about this lack of consultation. The only notification appears to be a planning notice pinned to a lamp post, partially hidden from view near the cycle/public footpath off Greenway Road towards Two Mile Copse.
3. As a popular tourist destination, Weymouth council encourages cycling, walking and outdoor pursuits across the town, which will result in an increase of traffic to this very busy area, uncomfortably close to the site of the proposed 5G monopole. The proposed site, adjacent to the public footpath, is close to many residential houses, Morrison's supermarket and a light industrial area.
4. Radipole Primary School is in the vicinity, yet consultation was deemed not applicable, the documentation citing 'No schools nearby'. Along the Dorchester Road is a nursery, special needs school, St Nicholas and St Lawrence Primary School and Wey Valley Academy. A large number of students pass this roundabout twice daily, either on foot, bicycle, car or bus. This is concerning as exposure to RFs-EMFs has now been determined by scientists to be detrimental to health and wellbeing, particularly for children and young people.
5. Regarding ICNIRP certification. No such ICNIRP certificate exists. ICNIRP neither endorse nor produce a certificate for submission with any planning application. Their website says categorically that ICNIRP: *"Does not provide or issue certificates to verify the safety of any device or installation"*. Thus, any telecoms company or their contractors submitting an 'ICNIRP certificate' with a planning application before a local authority are falsifying safety assurances and committing a fraudulent act.
6. As a new technology, 5G goes far beyond a straightforward planning discussion. As Councillors, you need to carefully consider your Duty of Care to the community and environment when reaching any decision and must act in the best interest of the people.
7. Please reject this application and invoke the Precautionary Principle until such time as independent research proves 5G to be safe.

## Roma Harding

1. Regarding the implementation of 5G technology, have any adverse health or environmental considerations been taken into account, as documented by peer reviewed science?
2. There are currently **two** existing 11.7m structures on the proposed site. The application is to replace one existing structure with a new 5G 18m high monopole. No mention is made in the documentation or plan to the second 11.7m structure. What is to happen to this second existing structure needs to be clarified. The proposed 18m monopole and cabinets will have an extremely detrimental impact on visual amenity and will not *“be sympathetically designed and camouflaged.”*
3. At the Weymouth Town Council meeting on 28 July, one of the councillors quoted in part from the World Health Organisation (WHO): *“... no adverse health effect has been causally linked with exposure to wireless technologies.”* The rest of this statement was omitted, which misled those present. The WHO statement continues: *“... so far, only a few studies have been carried out at the frequencies to be used by 5G.”*
4. It should be borne in mind that WHO and ICNIRP guidelines, are just that, guidelines, and not safety standards. WHO relies on ICNIRP for its guidelines, which do not constitute legislation or law. A disclaimer on ICNIRP’s website states, ICNIRP *“does not guarantee the correctness, reliability, or completeness of the information and views published.”*
5. Although planning does not consider the health effects regarding 5G technology, it should be acknowledged that 5G is classified by WHO as a ‘possible’ carcinogen (2B).
6. Regarding technical performance specifications, none have been provided to identify the power density and frequency emissions of the equipment at various bandwidths. These are required by NPPF. The applicant also omits to declare compliance with ISO standards. Will this information be requested?
7. The application site is located within a SSSI Risk Assessment Zone. Have Risk Assessments regarding 5G technology been carried out, and if so, by whom? Assessments relevant to this application in accordance with SSSI Impact Risk Zones are required for:
  - a) *“Large non residential developments outside existing settlements/urban areas ....”*
  - b) *“Residential development of 50 units or more.”*
  - c) *“Any development that could cause air pollution.”* This includes 5G frequencies.
8. I appeal to your conscience to consider your responsibilities of Duty of Care. Weymouth should not be a test ground for this untested and uninsurable new technology. Please reject this planning application and invoke The Precautionary Principle until such time as independent research concludes 5G technology to be safe.

## **Vicky Parsons (Agent)**

The existing site is being upgraded in order to provide 5G coverage to the surrounding area, where there is currently no such provision, in line with the Government's aspirations for the UK to be the world leader in 5G. The existing mast is not capable of being upgraded to provide 5G as the new technology would not be able to fit in the existing column, and because the signal attenuation of 5G is greater, the radio frequency is higher, which requires a taller height to clear nearby urban clutter and trees. This is the most sensitive design which will be able to provide the latest 5G technologies to the area. It remains a simple, functional, vertical structure and will be able to assimilate with the other linear structures in the streetscene. 5G will provide faster, more reliable network coverage to this area, and has social and economic benefits for local residents and visitors, and supports growth in productivity, efficiency and labour force participation across the whole economy.

The proposed installation meets NPPF requirements in relation to health. An ICNIRP certificate has been submitted with the application and therefore health matters should not be considered further in the determination of this application in line with Paragraph 116 of the NPPF.

Matt Warman MP highlighted in a keynote speech at Connected Britain 2020 on 23rd September 2020 that he fully supports the Government's work with the telecoms industry to bring 5G into the area and the importance of good quality communications, which most had first hand experience of the value of during lockdown, when it was a lifeline to many to keep in touch with friends and family, and to allow working from home. Without the operators work to continually invest in upgrading sites, customers will be increasingly unable to use their handheld devices for the purposes in which they were purchased, whenever and wherever they are for whatever reason, as demand on the network increases and capacity to deal with it reduces. Without 5G, this part of Weymouth will fall further behind the rest of the country and lose out from the well documented social and economic benefits that next generation connectivity brings.

In addition to the support from central Government, the 5G RuralDorset initiative provides support for next generation mobile infrastructure within Dorset. Although this particular mast will not form part of the trial, it will allow for this area of Weymouth to benefit from the advantages of a faster, more reliable network. A letter from Matt Warman was also submitted as part of the application detailing the advantages of 5G in relation to superfast broadband, which is an issue at the forefront of the 5G RuralDorset initiative.

This page is intentionally left blank

## Planning Committee – Update Sheet

Application Ref.	Address	Agenda ref.	Page no.
WP/19/00480/OUT	Marsh Road Garage, Marsh Road, Weymouth, DT4 8JD	5a	23 - 46
<p><b>Summary of Email received from agent:</b></p> <ul style="list-style-type: none"> <li>-The applicant has worked with the planning officer to produce a scheme and provide supporting evidence which is now acceptable.</li> <li>- The Town Council’s holding objection has been overcome.</li> <li>- No highways objection and no other significant constraints on the site.</li> <li>- The LPA cannot prove a 5 year housing supply and site is within settlement boundary.</li> <li>- Outline application but indicative plans show what could be achieved on the site.</li> <li>- All planning guidance points to higher density development in this close proximity to the town centre.</li> <li>- It will remove commercial buildings that fail to add to the character of the area.</li> <li>- No issues with overlooking or loss of privacy.</li> <li>- The applicant agrees with the suggested conditions of your officer.</li> </ul>			
WD/D/20/000597	Land West of, 5 Chapel Lane, Maiden Newton	Item 5b	47 - 60
<p><b>Condition 3:</b></p> <p>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 <u>approved</u>.</p> <p>REASON: To ensure a satisfactory visual appearance of the development.</p> <p><b>Condition 6:</b></p> <p>Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plan, <u>drawing number 9294/100 F</u> must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.</p> <p>REASON: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.</p> <p><b>Condition 8:</b></p> <p>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 <u>approved</u> details and timetable for implementation.</p>			

REASON: To prevent the increased risk of flooding.			
<b>Enforcement Report</b>	<b>Homestead Farm Bothenhampton - WD/D/19/003186</b>	<b>Item 6</b>	<b>91 - 168</b>
<p><b>Update(s):</b></p> <p><b>Email received from applicants agent dated 30<sup>th</sup> Sept stating :</b></p> <p><i>As discussed, we are endeavouring to shut the site down as soon as possible. We have encountered some delays, primarily getting the approved foul and stormwater drainage connected to the mains and obtaining the sign-off from Wessex Water for them. This has now been completed.</i></p> <p><i>The site is now nearly ready for shutdown with the main outstanding item being the lime render to the farmhouse and the scaffolding required to carry this out. Fitting lime render is weather dependent, so we hope that this and the taking down of the scaffolding will be completed at the latest by early week commencing the 5th October 2020 though we hope it will be sooner. Also, a resident of Duck Street requested that the Duck Street road sign be re-fitted prior to shut down. To enable that, we had to rebuild 1.5m of the demolished boundary stone wall, so that the sign could be fitted and we could put the security fence behind it.</i></p> <p><i>The architect will be meeting on Wednesday 7th October so that the contractor can handover the keys and site to Mr &amp; Mrs Hughes and the site will then be formally shut down. Should this date slip, we will inform you immediately with a revised site shut down date and the reason why it has slipped. The only access to the site after that will be for landscape maintenance, basic building maintenance, collecting any post and site security subject to the pending appeal.</i></p> <p><b>Email received from applicants agent dated 7<sup>th</sup> Oct stating :</b></p> <p><i>I am writing to confirm that the keys have been handed back to Mr and Mrs Hughes and the site has been formally shutdown. Access, however, will be required from time to time to manage the house and garden.</i></p> <p><i>As discussed, the site will be made available to residents to park on site, while the highway authority carry out repairs to the High Pavement.</i></p> <p><i>I would be grateful if you would pass these comments on to Committee.</i></p>			
<b>WP/20/00417/TEL</b>	<b>Telecommunications Mast Site, Weymouth Way, Radipole, Weymouth</b>	<b>Item 7</b>	<b>169 - 188</b>
<b>Corrections to Report:</b>			



Section 9.4 of published report incorrectly indicates that no response had been received from the Dorset Council's Highways Liaison Engineer. This should have indicated:

"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."

**Further Representations and Written Statements:**

Two written statements opposing the recommendation and 1 written statement supporting the recommendation have been received pursuant to the public participation protocol. In addition, two further representations objecting to the application have been received, the first indicating that the solid facts presented in representations to the application should be cause to think twice before embarking on a course of action which all evidence shows will damage, possibly irredeemably, the environment and physical well-being of all inhabitants of Weymouth, not only those who live and work in nearby vicinity, but also all those who pass through area. The representation further implores the Committee to invoke the precautionary principle and states that:

*".... many of us who are convinced by the mountains of evidence available are experiencing great mental anguish, even terror, at the prospect of being bathed 24/7 in waves of destructive, life threatening forces. We cannot understand why you would wish to subject yourselves, your families and your friends to this when you have the power at the moment to save them.*

*Instead, I would implore you to join the ever increasing numbers of nations, cities and towns across the world who have put the brakes on this headlong drive into disaster. Surely enough doubt must have been raised in your minds to be unable to put your hands on your hearts and say you KNOW this is harmless?"*

The second representation restates points submitted in an earlier representation relating primarily to potential health effects and the state of scientific knowledge on 5G exposure. The respondent asks that the precautionary principle be invoked and that the application be refused.

**No Change to Recommendation.**

This page is intentionally left blank

## Planning Committee – Update Sheet - Additional

Application Ref.	Address	Agenda ref.	Page no.
Section 97 report	Bumpers Lane, Portland	5e	85 - 90
Update(s):			
Email received from Betterment Properties' representative:			
<ul style="list-style-type: none"><li>- The report makes no reference to Section 98 of the Act.</li><li>- Do not see how a condition helps as gardening is not development. How does anybody enforce on something like gardening?</li><li>- Article 4 is not limited to visual amenity.</li><li>- There is no reference in the report to it being expedient to modify the permission. Considers it to not be expedient as Betterment Properties have put covenants in the sales deeds.</li><li>- It's putting sales at jeopardy.</li></ul>			

This page is intentionally left blank

**APPLICATION NUMBER:** [WP/19/00480/OUT](#)

**APPLICATION SITE:** Marsh Road Garage, Marsh Road, Weymouth DT4 8JD

**PROPOSAL:** Demolish existing buildings and erect 20no. flats with parking and associated works (Outline);

**DECISION:**

**A: Delegate authority to the Head of Planning to grant, subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:**

The provision of an off-site affordable housing contribution of £5,772 together with the following conditions (and their reasons):

1. Before any development is commenced details of 'reserved matters' (that is any matters in respect of which details have not been given in the application and which concern the layout, scale, appearance, access or landscaping) shall be submitted to the Local Planning Authority for its approval.

REASON: This condition is required to be imposed by the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

2. Application for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990 (as amended).

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

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

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

Location Plan - Drawing Number received on 08/01/2020

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

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

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

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

- Hours of demolition
- Hours of operation
- Start up and movement of vehicles / equipment etc will be limited to 30 minutes prior to the hours of demolition or construction only.
- Location for loading/unloading and storage of plant, waste or debris and construction materials;
- Activities which may give rise to dust shall be controlled, as far as practicable, to minimise dust emissions. This must include controlling dust from regularly trafficked road areas. Dust suppression may be achieved using water and locating equipment and machinery, away from residential areas.
- At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided to Environmental Health in order for contact to be made should complaints be received.
- Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Protection must be informed if this occurs.
- Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc, made in as part of the determination of this application.
- Letter drops to adjacent residents in close proximity should be considered as part of the Demolition / Construction phase to give a minimum of 48 hours' notice of any exceptional activities proposed.
- Parking of vehicle of site operative and visitors (including measures taken to ensure satisfactory access and movement of existing occupiers of neighbouring properties during construction);
- Routes of construction traffic;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles.

REASON: In the interest of neighbouring amenity.

7. Prior to the installation of any plant or machinery, a noise assessment of the plant or machinery shall be submitted to and agreed in writing by the Local Planning Authority. The assessment shall indicate noise levels from the plant or machinery, existing background noise levels and any attenuation that may be required. The assessment shall also include details of any proposed mitigation required. Thereafter, the development shall proceed in accordance with the agreed details.

REASON: In the interest of neighbouring amenity.

8. 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 providing clarification of how drainage is to be managed during construction and a timetable for implementation, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the approved details including the timetable for implementation.

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

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

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

10. The development hereby approved shall be carried out in accordance with the mitigation measures, including the finished floor levels, of the Flood Risk Assessment and Drainage Strategy, dated 30 January 2020, unless a subsequent variation is first agreed in writing by the Local Planning Authority.

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

11. The units shall not be first occupied until flood warning and emergency evacuation procedure notices shall have been erected in accordance with numbers, positions and with wording which shall have first been agreed in writing with the Local Planning Authority. Thereafter, the notices shall be retained on site in accordance with the agreed details and shall be kept legible and clear of obstruction.

REASON: To ensure that residents of the site are aware that the area is at risk of flooding, and the emergency evacuation procedure and route(s) to be used during flood events.

12. Prior to the commencement of development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources pathways and receptors and potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site.
3. The site investigation results and the detailed risk assessment (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby approved first comes in to use or is occupied. Within 4 weeks of the completion of the remediation strategy a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure potential land contamination is addressed.

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

REASON: To ensure risks from contamination are minimised.



Informatives:

#### 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

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

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>

#### Community Infrastructure Levy

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

**B:** Refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the head of planning:

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

**APPLICATION NUMBER:** [WD/D/20/000597](#)

**APPLICATION SITE:** Land West of, 5 Chapel Lane, Maiden Newton

**PROPOSAL:** Demolish existing outbuildings and erect 2 no 3 bedroom detached houses with parking.

**DECISION:** Grant 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:

Plot 2 Floor plans and Elevations - Drawing Number 9294/102 B received on 06/03/2020

Plot 1 Floor plans and Elevations - Drawing Number 9294/101 C received on 27/04/2020

Location, Block & Site Plans - Drawing Number 9294/100 F received on 15/09/2020

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

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

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

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no alteration(s) of the dwellings hereby approved, permitted by Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

REASON: In the interest of residential amenity.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no enlargement(s) of the dwellings hereby approved, permitted by Class A of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

REASON: In the interest of residential amenity.

6) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the roof light serving the east elevation of both dwellings hereby approved shall be permanently glazed and maintained thereafter with obscured glass of a minimum obscuration of level 3 before the dwellings are first brought into use.

REASON: To protect amenity and privacy.

7) Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans, drawing number 9294/100 F must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

8) 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 approved details and timetable for implementation.

Reason: To prevent the increased risk of flooding.

Informatives:

1) NPPF

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

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

**APPLICATION NUMBER:** [WD/D/19/001514](#)

**APPLICATION SITE:** West Coombe, Smishops Lane, Loders, Bridport, DT6 3SA.

**PROPOSAL:** Demolish agricultural barn and erect detached dwelling and garage.

**DECISION:** Grant subject to the following conditions

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

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

3 Prior to development above damp proof course level, details and samples of all external facing materials for the walls, including the mix, colour, finish and extent of the pointing to be used, and roofs 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 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 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 thereafter be carried out in accordance with the approved details.

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

6 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.

7 No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated and maintained operated in accordance with the approved details.

Reason: To avoid adverse impacts to the dark night skies special quality of the AONB.

## 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).

**APPLICATION NUMBER:** [WP/20/00361/OBL](#)

**APPLICATION SITE:** Land South of Louviers Road, Weymouth

**PROPOSAL:** Modification of planning obligations on Section 106 Agreement dated 20 December 2018 (original planning approval WP/17/00832/FUL)

**DECISION:**

Delegate authority to the nominated officer to modify the S106 agreement dated 20 December 2018, to

- modify mortgagee in possession clauses by changing the definition of charge and paras 10.1 to 10.3 of schedule 3 in line with the Securitisation Working Groups standard mortgage in possession clause,
- and seek deletion of para 12 of Schedule 3 indicating they cannot be bound to reinvest in the same local authority area.

**Report to Committee to Modify a Planning Permission under Section 97 of the Town and Country Planning Act 1990 for the planning consent WP/14/00330/OUT, WP/16/00388/VOC and WP/19/00184/VOC**

**DECISION:**

That Members agree to the modifying of the outline planning permission WP/14/00330/OUT and WP/16/00388/VOC and to include the condition in respect of WP/19/00184/VOC, if planning permission is subsequently granted, by imposing the following new condition on such permissions:

No groundworks shall take place at a depth more than 1.0m below ground level of all buildings of the development or at a depth more than 0.60m below ground level for all private gardens, all privately owned external areas and all other areas of soft landscaping and groundworks shall not compromise the high visibility membrane present 1.0m below ground level of all buildings and 0.60m below ground level for all private garden areas, all privately owned external areas and all other areas of soft landscaping. For the avoidance of doubt this restriction shall apply to any works permitted pursuant to Article 3 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 as amended or any Order which replaces the same.

REASON: To protect the health of the persons living at the properties.