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DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 2 FEBRUARY 2021

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 Paul Kimber and Cllr David Walsh (Portfolio Holder - Planning)

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

Lara Aintree (Senior Lawyer - Regulatory), Trevor Badley (Lead Project Officer (Minerals & Waste)), Penny Canning (Lead Project Officer), Ann Collins (Area Manager – Western and Southern Team), Colin Graham (Engineer (Development Liaison) Highways), Huw Williams (Lead Project Officer - Corporate Projects) and Denise Hunt (Democratic Services Officer)

61. Apologies

No apologies for absence were received at the meeting.

62. Declarations of Interest

Councillor Susan Cocking declared a non-pecuniary interest in application WP/19/00919/0UT - Royal Manor Arts College, Weston Road, Portland, DT5 2DB as she had a link to Albion Stone. She had sought legal advice and would speak only as a Ward Member and not take part in the debate or vote on this application.

Councillor Louie O'Leary declared a general interest in WP/20/00814/FUL - Mount Pleasant Park and Ride Car Park, Mercery Road, Weymouth, DT3 5FA as he had met with the Bus Shelter charity during Summer 2019. He declared that he would keep open mind during consideration of the application.

Councillor Nick Ireland declared a non-pecuniary interest in application WP/20/00814/FUL - Mount Pleasant Park and Ride Car Park, Mercery Road, Weymouth, DT3 5FA as his wife was a Trustee of The Lantern Trust.

63. Minutes

The minutes of the meeting held on 7 January 2021 were confirmed as a correct record and would be signed at a future date.

64. **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.

65. **Planning Applications**

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

66. **WP/19/00919/OUT - Royal Manor Arts College, Weston Road, Portland, DT5 2DB**

The Committee considered an outline application to demolish existing buildings and hardstanding and the development of up to 98 new homes with all matters reserved with the exception of site access.

The Lead Project Officer outlined the update sheet circulated to the Committee prior to the meeting. This contained details of additional representations as well as a list of the revised conditions. She advised that further objections had been received and outlined the nature of the objections, however, the points raised had not had a material effect on the conclusions reached in the report. Members were also alerted to an error in paragraph 16.52 of the report which should have referenced paragraphs 203-205 of the NPPF.

The Committee was shown a presentation of the application site within the settlement boundary which became redundant following the closure of Royal Manor School in 2016. Various plans were shown identifying nearby listed buildings, nature conservation sites, temporary mining consents, indicative layout and a parameter plan as well as photos of the site and its surroundings. The parameter plan differed from the indicative layout in that it excluded development in the northern area of the site. This was further to comments made by the Design and Conservation Officer who now considered the scheme to result in "less than substantial harm" that would be outweighed by the provision of housing.

The key planning points were highlighted including the principle of development; impact on mineral resources, heritage assets, nature conservation and highways; and visual and residential amenity.

Portland Town Council had lodged an objection to the number of dwellings, the impact of development on the local infrastructure and the protection of recreational facilities, the latter falling under policy PORT/CR1 in the draft Neighbourhood Plan. However, this policy did not include the application site and the former school sports facilities had been replaced by the Atlantic Academy provision and there had subsequently been no objection by Sport England on that basis.

Councillor Paul Kimber, Dorset Council Ward Member - Portland, addressed the Committee and requested that the application be deferred for one month to allow full consideration by Portland Town Council who had raised concerns regarding the level of affordable housing and the time limit for mineral extraction beneath the site.

Councillor Susan Cocking addressed the Committee as the Dorset Council Ward Member - Portland, raising concerns in relation to the future viability of the affordable housing, given the potential for unforeseen contamination costs; overdevelopment (to 86 homes had been recommended by the Urban Design Officer); a request by the housing team for less flats and more houses, the impact on the existing overstretched GP surgeries; the unacceptable level of harm to SSSI sites; mineral extraction and its contribution to the local economy as well as the outstanding issues raised in the report that required resolution in relation to mining activity.

The Senior Planning Officer responded to the points raised and highlighted that the application had been brought to Committee due to an objection by Portland Town Council. Consideration of the outline application was in relation to the number of dwellings and access to the site. Other issues raised would be considered at reserved matters stage.

It was confirmed that the application site had been excluded from the Minerals Strategy adopted in 2014 established to safeguard the stone and that officers were satisfied that there were adequate reserves of stone elsewhere. The impact on mineral resources was a material planning consideration, and the mining consents were a temporary opportunity in recognition that the site would make an important contribution to local housing need.

Members remained concerned about the ability to maintain the level of affordable housing due to unforeseen costs, land stability following the backfilling of mines, the small contributions towards both improving the health offer and in mitigation of the impact on Tout and Barrow quarries.

Proposed by Councillor Nick Ireland, seconded by Councillor Bill Pipe.

Decision:

(A) That authority be delegated to the Head of Planning to grant subject to the completion of a S106 agreement to secure the following, and the conditions contained in the update sheet and outlined in the appendix to these minutes.

- The delivery of affordable housing based on 25% of the dwellings being affordable with a tenure split of 70% rented and 30% intermediate;
- The management and maintenance of public open space;
- Payment of a financial contribution of £30,044 (to be applied on a pro rata basis) towards mitigating in full the impact on the Tout Quarries and King Barrow Quarries within the Portland Nature Park.
- Payment of a financial contribution of £7,840 towards mitigating the impact on local health services.

(B) Refuse permission, for the following reasons if the S106 legal agreement is not completed within 6 months of the committee resolution, or such extended time as agreed by the Head of Planning:

The proposed additional housing would result in an unacceptable level of harm on the Isle of Portland Site of Special Scientific Interest (SSSI) and the Isle of Portland to Studland Cliffs Special Area of Conservation (SAC), of international importance, as a consequence of the increased recreational pressure that would be generated from the development. This includes impact on the nearby local nature reserves Tout Quarry (SSSI) and Kings Barrow Quarry (SSSI and SAC). With no formal mechanism in place to secure an appropriate level of mitigation, the proposed development fails to comply with policy ENV2 of the West Dorset Weymouth and Portland Local Plan (2015), Section 15 of the National Planning Policy Framework (2019), and the Conservation of Habitat and Species Regulations (2017).

In the absence of any formal mechanism, in the form of a legal agreement, to secure affordable housing, financial or any other relevant contribution to provide new or improved community infrastructure, in particular the provision of public open space and a contribution towards healthcare, to mitigate the impacts of the development, the proposed development would be contrary to planning Policies INT1, COM1, and HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019).

67. WP/20/00814/FUL - Mount Pleasant Park and Ride Car Park, Mercy Road, Weymouth, DT3 5FA

The Committee considered an application for the temporary use of land for the stationing of mobile accommodation units for rough sleepers and associated facilities with subsequent reversion to use of the site for park and ride parking. The application was being considered by the Committee as the land was in the ownership of Dorset Council.

The Lead Project Officer - Corporate Projects presented the application submitted by The Bus Shelter charity which provided accommodation and support services in a bus located at Preston Road beach car park. This arrangement needed to be changed due to the Covid pandemic.

The Committee was shown plans and photographs of the site which was outside but close to the Defined Development Boundary for Weymouth. The site was within a low risk Flood Zone 1. Although other parts of the car park were a higher flood risk, no changes were proposed to the water management plan in place due to a membrane beneath the surface of the car park. The arrangement of the site in 2 phases was explained with funding currently in place to deliver phase 1 and currently being investigated for phase 2. All units had the appearance of shipping containers, they would not be stacked and connected to mains services.

Officers considered the extent of the temporary permission to 31 January 2028 to be appropriate for the temporary use that would allow the charity to acquire funding and continue to make an important contribution to reducing rough sleeping in Dorset in the medium to long term.

In response to questions it was confirmed that the facility was staffed 24/7, and that the lease notice period of a minimum of 3 months was anticipated in line with the lease for use of the Preston Road beach car park. Subsequent removal of the containers would be the responsibility of the charity as owner of the asset.

The Committee welcomed the scheme and highlighted that this would also provide a registered address for occupants. Members raised concerns about the lease notice period and it was explained that, this would be relayed to relevant officers as the lease was not a matter for the planning permission.

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

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

68. **Appeals Decisions**

The report was noted.

69. **Urgent items**

There were no urgent items.

70. **Update Sheet**

The update sheet is attached to these minutes.

Appendix - Decision List

Duration of meeting: 10.00 - 11.58 am

Chairman

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Planning Committee – Update Sheet

Planning Applications

| Application Ref. | Address | Agenda ref. | Page no. |
|---|-------------------------------|-------------|----------|
| WP/19/0919/OUT | Land at Royal Manor, Portland | 5a | 15-78 |
| <p>Update(s):</p> <p>Representations:</p> <p>One additional third party objection has been received. The additional representation raises no new material planning objections from those already covered in the report.</p> <p>A further representation has been received from Albian Stone raising concern regarding the content of the committee report. For the purposes of clarity, the following further comments are made:</p> <p>In particular, Albian Stone confirm that their comment suggesting housing should be delayed on site by 10-15 years, as reported under para. 16.52 of the report, relates to concerns surrounding the impact that the proposed housing in this location could have on adjacent mining activities within the Minerals Safeguarding Area (MSA), as a consequence of future restrictions to mining to protect the amenity of residents. This issue is referred to as the ‘agent of change principle’, and is a material planning matter. The matter is considered under para 16.63-16.64 of the report and the conclusions remain relevant.</p> <p>Albian Stone wish to make clear that, notwithstanding the suggested delay to safeguard all mining operations in the vicinity, actual extraction of the mineral, and backfilling, under the application site itself could occur within 3-4 years. The suggested 3-4 year period to extract and backfill the mine is considered achievable, and reflects the estimate set out by the Minerals Authority, and reported under para 16.42 of the report. The conclusions of para 16.52, that under the circumstances, a delay to the delivery of housing on the site would be unreasonable, remains relevant, but a delay of 3-4 years would have a much reduced impact than a 10-15 year delay, and this has to be considered in the planning balance.</p> <p>Albian Stone have also raised concerns regarding liability for any housing located on phase 3 where backfilling has occurred. A structural stability report has been submitted with the application considering the stability of the site, and sets out recommendations to ensure the site can be safely developed. The developer would have to comply with the conditions set out, requiring geotechnical ground investigation, stability assessment and method statements to be carried out and agreed prior to any house building taking place. It would be the responsibility of the developer to satisfy the recommendations of the geotechnical report, and if it could not be demonstrated that the land was not suitably stable, then the condition would not be discharged, preventing any house building from commencing.</p> | | | |

As set out in the report, the safeguarding of Portland Stone is a material planning consideration and the NPPF affords great weight to the extraction of minerals of local and national importance. Without prior extraction, the provision of housing in the unmined area to the south, would sterilise a finite resource, and this has to be considered in the planning balance.

Likewise, with a minimum 3-4 year delay to the delivery of much needed housing this would too have to be weighed in the planning balance, and any such delay would be out of the control of the developer. Given there is provision for Portland Stone within the MSA, and given the sites position outside of this safeguarded area, the Minerals Authority have raised no objection, and there would be no conflict with the development plan policies. The site would bring forward both affordable and open market housing, within a sustainable location, on previously developed land, and this weighs in favour of the development.

The additional representation raises no other new material planning objections from those already covered in the report.

Representation has also been received from the English Stone Forum supporting the objection by Albian Stone. The additional representation raises no new material planning objections from those already covered in the report, and those re-iterated above.

Further representation has also been received from Historic England. Whilst Historic England have not objected to the application, they have raised concern about the potential impact of the proposed development on the future supply of Portland Stone and request that due weight be given to the importance of avoiding sterilisation of the important resource.

Having reviewed the further representations made, and having weighed up the material planning considerations, the overall conclusions of the report remain relevant and the recommendation as set out in the report remains unchanged. The issues nevertheless are finely balanced and should be given due consideration.

Please note a typing error in para 16.52 which should reference paragraphs 203 and 205 of the NPPF.

Conditions:

The conditions have been revised to allow demolition works and the construction of a bat house, prior to details relating to the construction of the housing being submitted.

The conditions have also been re-worded to differentiate the different phases of development, enabling individual phases to proceed ahead of receiving full details relating to other phases.

Modifications have also been made to the plans list (condition 4), phasing requirements (condition 5), tree protection (condition 10), highways, now being split into two separate conditions reflecting the details before us (condition 17 & 18),

structural works, now being split into two separate conditions reflecting the different phases (condition 19 & 20).

An additional two conditions are proposed, condition 24 requiring a lighting strategy to be submitted, and condition 25 requiring material samples of the bat house be submitted.

The changes made to the conditions seek to better reflect the phasing of the development and seek to ensure the impacts of the development are appropriately mitigated, but otherwise are not considered to materially change the recommendation as set out in the report.

For the purposes of clarity, the complete revised list of conditions, is provided below:

1. Before any development within phase 2 and 3 is commenced, details of 'Reserved Matters' for that phase, (that is any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of the building(s) to which this permission and the application relates, or to the means of access thereto or the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the satisfactory development of the site.

2. An 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.

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 - .

Site Location Plan - 16144_RMS_L01.01

Proposed Site Access Layout – 4006/5501/SK04

Ecological Masterplan - Figure 1 Rev A

Bat House Layout and Sections - 40006-STN-00-ZZ-DR-S-1201 P1

Bat House Structural Details - 40006-STN-00-ZZ-DR-S-5001 P1

Parameter Plan - 16144_RMS_L02.03 P5

REASON: For the avoidance of doubt and to clarify the permission.

5. Details of the phasing of development shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of any reserved matters application or development on site, and the development thereafter, shall be carried out in strict accordance with those details as have been agreed.

The Phasing Plan shall:

- a. Accord with the phasing shown on drawing no. 16144_RMS_L01.01, and with the provisions set out in para 2.4.1 of the Planning Statement.
- b. Shall include a timetable of works
- c. Provide details of restoration works between development phases

REASON: To ensure the satisfactory development of the site.

6. Any application for the approval of Reserved Matters on any phase of the development, hereby approved, shall be in accordance with the following Parameter Plan submitted as part of the outline planning application:

‘Parameters Plan’ No. RMC-LHC-00-DR-UD-L02.03 Rev P5

REASON: To ensure the satisfactory development of the site; to reflect the sites sensitive position in an exposed location and within the setting of a listed building.

7. Except for the approved demolition works and associated construction of a bat house, no development shall be commenced until a strategy for the disposal of foul water drainage, relevant to that phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker:

- a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing;
- the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

8. Except for the approved demolition works and associated construction of a bat house, no development shall take place within each phase until a detailed and finalised surface water management scheme for that phase, based upon the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented and completed in full in accordance with the approved details before the development of each phase is completed. Detailed drainage designs for all phases will need to be approved on a phase-by-phase basis.

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

9. Except for the approved demolition works and associated construction of a bat house, no development shall take place until details of maintenance & management of both the surface water management scheme and any receiving system relevant to that phase, 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. Before any works commence on site a detailed Arboricultural Method Statement for the relevant phase shall be produced, submitted to and approved in writing by the Local Planning Authority. The statement shall be in accordance with Tree Protection Plan 190917-1.0-RMCP-AIA-MW and shall include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development for each phase shall thereafter proceed in strict accordance with the approved Method Statement.

REASON: To ensure thorough consideration of the impacts of development on the existing trees.

11. Except for the approved demolition works and associated construction of a bat house, no works shall commence on site until a scheme indicating the positions, design, materials and type of boundary treatment and a timetable for implementation shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details and timetable for implementation.

REASON: In the interests of the amenities of the area.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or enlarged, nor shall any means of enclosure be constructed within the land shown edged red on drawing 16144_RMS_L01.01.

REASON: To safeguard the appearance and amenity of this area in accordance with Policies ENV10, ENV11 and ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no enlargement, improvement or other alteration permitted by Class A, B, C or D of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed, other than those expressly authorised by this permission.

REASON: To safeguard the appearance and amenity of this area in accordance with Policies ENV10, ENV11 and ENV16 of the West Dorset, Weymouth and Portland Local Plan (2015) and the NPPF.

14. The development hereby permitted shall not commence until a Construction Traffic Management Plan for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include a programme of works, construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The approved Plan shall be implemented on commencement of site preparations and thereafter the development shall be carried out strictly in accordance with the approved Plan.

REASON: In the interests of road safety and Policy COM9 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

15. Before commencement of the development on each relevant phase, an investigation of the possibility of gas migration affecting the development site shall be carried out and submitted to the Local Planning Authority. The survey methods for this investigation shall first be agreed in writing with the Local Planning Authority and a copy of the results of the survey shall be submitted to the Local Planning Authority as soon as they are available. Where gas migration is confirmed, or there is evidence that migration is likely to occur, the development shall not commence until satisfactory remedial measures have been taken to control and manage the gas, to monitor the effectiveness of these measures and, where necessary, to incorporate adequate precautionary

measures in the design and construction stages. Such measures shall be submitted to and agreed in writing by the Local Planning Authority before commencement of the development and shall thereafter be implemented and retained in accordance with approved details.

REASON: In order to secure the amenity and safety of future residents in accordance with Policy ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

16. Except for the approved demolition works and associated construction of a bat house, no development shall take place until a noise report has been submitted to, and agreed in writing by, the local planning authority. The report shall contain details of background sound measurements and the effect in particular of the road upon potential dwellings at the location. The report should summarise the likely external noise impact on the dwellings and should set out potential sound attenuation measures against external noise from the main road for consideration and approval in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and maintained in accordance with the approved details.

REASON: In order to secure the amenity and safety of future residents in accordance with Policy ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

17. Before the development is occupied or utilised the highway access layout, shown on Drawing Number 4006/5501/SK04 must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

REASON: To ensure the proper and appropriate development of the site in accordance with Policy COM7 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

18. Before the development is occupied or utilised the highway details of the geometric highway layout and parking and turning areas for the relevant phase must be submitted to and agreed in writing by the Local Planning Authority. The layout, parking and turning areas shall be constructed in strict accordance with the approved details and, thereafter, must be maintained, kept free from obstruction and available for the purposes specified.

REASON: To ensure the proper and appropriate development of the site in accordance with Policy COM7 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

19. Except for the approved demolition works and associated construction of a bat house, no development shall commence within Phase 2 until a geotechnical

ground investigation report (to be carried out in accordance with best practice and the requirements of 8S5930:2015 Code of practice for ground investigations), stability assessment and method statement for Phase 2 development land, has been completed, submitted to, and agreed in writing by, the Local Planning Authority.

The geotechnical ground investigation and stability assessment should provide information on the following in order to inform the method statement for that phase:

- The distribution, thickness and geotechnical properties of the Superficial Soils and Made Ground likely to be present and the potential of gullies to be present to ground surface.
- The rock quality and assessment of rock strength.
- Re-evaluation of the stability assessments presented within the mining operator's applications using site specific rock mass characteristics to assess potential surface settlement in the event of mine roof failure.
- Record if groundwater is present at shallow depth across the site generally.

The method statement shall incorporate any mitigation measures set out in the stability assessment. It shall also require all foundation excavations to be inspected by a competent engineering geologist or geotechnical engineer to observe for evidence of gullies extending to foundation formation level. The method statement shall set out measures to deal with any such gullies, and these measures shall be implemented in the event evidence of gully extensions are identified.

The stability assessment shall also consider foundation and infrastructure design. Unless otherwise agreed, the method statement shall require the use of reinforced concrete strip or trench fill foundations for all new dwellings.

The investigation report, stability assessment and method statement shall be submitted to, and agreed in writing by, the Local Planning Authority prior to commencement of any development within that phase. The approved method statement including any mitigation measures shall be implemented prior to commencement of any building works on site, and thereafter, development shall proceed in strict accordance with the agreed details.

REASON: To ensure that living conditions of future residents are acceptable having regard to Policy ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

20. No development shall commence within Phase 3 until a geotechnical ground investigation report (to be carried out in accordance with best practice and the requirements of 8S5930:2015 Code of practice for ground investigations), stability assessment and method statement for Phase 3 development land, has

been completed, submitted to, and agreed in writing by, the Local Planning Authority.

The geotechnical ground investigation and stability assessment should provide information on the following in order to inform the method statement for that phase:

- The distribution, thickness and geotechnical properties of the Superficial Soils and Made Ground likely to be present and the potential of gullies to be present to ground surface.
- The rock quality of the cap rock above the mine together with the rock quality of the mine pillars to include assessment of rock strength.
- Re-evaluation of the stability assessments presented within the mining operator's applications using site specific rock mass characteristics to assess potential surface settlement in the event of mine roof failure into the completed backfill.
- Record if groundwater is present at shallow depth across the site generally.

The method statement shall incorporate any mitigation measures set out in the stability assessment. It shall also require all foundation excavations to be inspected by a competent engineering geologist or geotechnical engineer to observe for evidence of gullies extending to foundation formation level. The method statement shall set out measures to deal with any such gullies, and these measures shall be implemented in the event evidence of gully extensions are identified.

The stability assessment shall also consider foundation and infrastructure design. Unless otherwise agreed, the method statement shall require the use of reinforced concrete strip or trench fill foundations for all new dwellings.

The investigation report, stability assessment and method statement shall be submitted to, and agreed in writing by, the Local Planning Authority prior to commencement of any development. The approved method statement including any mitigation measures shall be implemented prior to commencement of any building works on site within that phase, and thereafter, development shall proceed in strict accordance with the agreed details.

REASON: To ensure that living conditions of future residents are acceptable having regard to Policy ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

21. Prior to the commencement of the development of each phase the following documents shall be submitted to and agreed in writing by the Local Planning Authority:

1. a 'desk study' report documenting the site history.

2. an intrusive ground investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, a programme of chemical analysis of soil and (if present) groundwater, and incorporating risk assessment.
3. if contamination is found, a remediation scheme detailing the following:
 - (a) any remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
 - (b) a detailed phasing scheme for the development and remedial works (including a time scale).
 - (c) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the relevant development phase first comes in to use or is occupied. Thereafter, the development shall proceed in strict accordance with the scheme as has been agreed.

REASON: To ensure potential land contamination is addressed, and to ensure that living conditions of future residents are acceptable having regard to Policy ENV9 and ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

22. Prior to the construction of any part of the development above damp proof course level details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, within the relevant development phase, along with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and timetable.

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

23. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Mitigation and Enhancement Plan certified by the Dorset Council Natural Environment Team on 3rd Sep 2020 must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

REASON: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

24. Prior to the installation of any lighting within each phase, a lighting strategy shall have first been submitted to, and agreed in writing by, the Local Planning

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

REASON: In the interests of safeguarding protected species.

25. Before commencement of any development, details and samples of all facing and roofing materials for the bat house shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with such details as have been agreed.

Reason: To ensure that the external appearance of the bat house is sympathetic to its locality.

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APPLICATION NUMBER: WP/19/00919/OUT

APPLICATION SITE: Royal Manor Arts College, Easton, Weston Road, Portland, DT5 2DB

BREACH OF PLANNING: Demolition of existing buildings and hardstanding and the development of up to 98 new homes with all matters reserved with the exception of site access.

DECISION:

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

- The delivery of affordable housing based on 25% of the dwellings being affordable with a tenure split of 70% rented and 30% intermediate;
- The management and maintenance of public open space;
- Payment of a financial contribution towards mitigating the impact on the Tout Quarries and King Barrow Quarries within the Portland Nature Park
- Payment of a financial contribution of £7,840 towards mitigating the impact on local health services.

And subject to the following planning conditions:

1. Before any development within phase 2 and 3 is commenced, details of 'Reserved Matters' for that phase, (that is any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of the building(s) to which this permission and the application relates, or to the means of access thereto or the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the satisfactory development of the site.

2. An 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.

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 - .

Site Location Plan - 16144_RMS_L01.01

Proposed Site Access Layout – 4006/5501/SK04

Ecological Masterplan - Figure 1 Rev A

Bat House Layout and Sections - 40006-STN-00-ZZ-DR-S-1201 P1

Bat House Structural Details - 40006-STN-00-ZZ-DR-S-5001 P1

Parameter Plan - 16144_RMS_L02.03 P5

REASON: For the avoidance of doubt and to clarify the permission.

5. Details of the phasing of development shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of any reserved matters application or development on site, and the development thereafter, shall be carried out in strict accordance with those details as have been agreed.

The Phasing Plan shall:

- a. Accord with the phasing shown on drawing no. 16144_RMS_L01.01, and with the provisions set out in para 2.4.1 of the Planning Statement.
- b. Shall include a timetable of works
- c. Provide details of restoration works between development phases

REASON: To ensure the satisfactory development of the site.

6. Any application for the approval of Reserved Matters on any phase of the development, hereby approved, shall be in accordance with the following Parameter Plan submitted as part of the outline planning application:

‘Parameters Plan’ No. RMC-LHC-00-DR-UD-L02.03 Rev P5

REASON: To ensure the satisfactory development of the site; to reflect the sites sensitive position in an exposed location and within the setting of a listed building.

7. Except for the approved demolition works and associated construction of a bat house, no development shall be commenced until a strategy for the disposal of foul water drainage, relevant to that phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker:

- a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing;
- the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

8. Except for the approved demolition works and associated construction of a bat house, no development shall take place within each phase until a detailed and finalised surface water management scheme for that phase, based upon the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented and completed in full in accordance with the approved details before the development of each phase is completed. Detailed drainage designs for all phases will need to be approved on a phase-by-phase basis.

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

9. Except for the approved demolition works and associated construction of a bat house, no development shall take place until details of maintenance & management of both the surface water management scheme and any receiving system relevant to that phase, 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. Before any works commence on site a detailed Arboricultural Method Statement for the relevant phase shall be produced, submitted to and approved in writing by the Local Planning Authority. The statement shall be in accordance with Tree Protection Plan 190917-1.0-RMCP-AIA-MW and shall include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development for each phase shall thereafter proceed in strict accordance with the approved Method Statement.

REASON: To ensure thorough consideration of the impacts of development on the existing trees.

11. Except for the approved demolition works and associated construction of a bat house, no works shall commence on site until a scheme indicating the positions, design, materials and type of boundary treatment and a timetable for implementation shall have been submitted to and approved in writing by the Local

Planning Authority. The approved scheme shall be carried out in accordance with the approved details and timetable for implementation.

REASON: In the interests of the amenities of the area.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or enlarged, nor shall any means of enclosure be constructed within the land shown edged red on drawing 16144_RMS_L01.01.

REASON: To safeguard the appearance and amenity of this area in accordance with Policies ENV10, ENV11 and ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no enlargement, improvement or other alteration permitted by Class A, B, C or D of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed, other than those expressly authorised by this permission.

REASON: To safeguard the appearance and amenity of this area in accordance with Policies ENV10, ENV11 and ENV16 of the West Dorset, Weymouth and Portland Local Plan (2015) and the NPPF.

14. The development hereby permitted shall not commence until a Construction Traffic Management Plan for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include a programme of works, construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The approved Plan shall be implemented on commencement of site preparations and thereafter the development shall be carried out strictly in accordance with the approved Plan.

REASON: In the interests of road safety and Policy COM9 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

15. Before commencement of the development on each relevant phase, an investigation of the possibility of gas migration affecting the development site shall be carried out and submitted to the Local Planning Authority. The survey methods for this investigation shall first be agreed in writing with the Local Planning Authority and a copy of the results of the survey shall be submitted to the Local Planning Authority as soon as they are available. Where gas migration is confirmed, or there is evidence that migration is likely to occur, the development shall not commence until satisfactory remedial measures have been taken to control and manage the

gas, to monitor the effectiveness of these measures and, where necessary, to incorporate adequate precautionary measures in the design and construction stages. Such measures shall be submitted to and agreed in writing by the Local Planning Authority before commencement of the development and shall thereafter be implemented and retained in accordance with approved details.

REASON: In order to secure the amenity and safety of future residents in accordance with Policy ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

16. Except for the approved demolition works and associated construction of a bat house, no development shall take place until a noise report has been submitted to, and agreed in writing by, the local planning authority. The report shall contain details of background sound measurements and the effect in particular of the road upon potential dwellings at the location. The report should summarise the likely external noise impact on the dwellings and should set out potential sound attenuation measures against external noise from the main road for consideration and approval in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and maintained in accordance with the approved details.

REASON: In order to secure the amenity and safety of future residents in accordance with Policy ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

17. Before the development is occupied or utilised the highway access layout, shown on Drawing Number 4006/5501/SK04 must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

REASON: To ensure the proper and appropriate development of the site in accordance with Policy COM7 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

18. Before the development is occupied or utilised the highway details of the geometric highway layout and parking and turning areas for the relevant phase must be submitted to and agreed in writing by the Local Planning Authority. The layout, parking and turning areas shall be constructed in strict accordance with the approved details and, thereafter, must be maintained, kept free from obstruction and available for the purposes specified.

REASON: To ensure the proper and appropriate development of the site in accordance with Policy COM7 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

19. Except for the approved demolition works and associated construction of a bat house, no development shall commence within Phase 2 until a geotechnical ground investigation report (to be carried out in accordance with best practice and the

requirements of 8S5930:2015 Code of practice for ground investigations), stability assessment and method statement for Phase 2 development land, has been completed, submitted to, and agreed in writing by, the Local Planning Authority.

The geotechnical ground investigation and stability assessment should provide information on the following in order to inform the method statement for that phase:

- The distribution, thickness and geotechnical properties of the Superficial Soils and Made Ground likely to be present and the potential of gullies to be present to ground surface.
- The rock quality and assessment of rock strength.
- Re-evaluation of the stability assessments presented within the mining operator's applications using site specific rock mass characteristics to assess potential surface settlement in the event of mine roof failure.
- Record if groundwater is present at shallow depth across the site generally.

The method statement shall incorporate any mitigation measures set out in the stability assessment. It shall also require all foundation excavations to be inspected by a competent engineering geologist or geotechnical engineer to observe for evidence of gullies extending to foundation formation level. The method statement shall set out measures to deal with any such gullies, and these measures shall be implemented in the event evidence of gully extensions are identified.

The stability assessment shall also consider foundation and infrastructure design. Unless otherwise agreed, the method statement shall require the use of reinforced concrete strip or trench fill foundations for all new dwellings.

The investigation report, stability assessment and method statement shall be submitted to, and agreed in writing by, the Local Planning Authority prior to commencement of any development within that phase. The approved method statement including any mitigation measures shall be implemented prior to commencement of any building works on site, and thereafter, development shall proceed in strict accordance with the agreed details.

REASON: To ensure that living conditions of future residents are acceptable having regard to Policy ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

20. No development shall commence within Phase 3 until a geotechnical ground investigation report (to be carried out in accordance with best practice and the requirements of 8S5930:2015 Code of practice for ground investigations), stability assessment and method statement for Phase 3 development land, has been completed, submitted to, and agreed in writing by, the Local Planning Authority.

The geotechnical ground investigation and stability assessment should provide information on the following in order to inform the method statement for that phase:

- The distribution, thickness and geotechnical properties of the Superficial Soils and Made Ground likely to be present and the potential of gullies to be present to ground surface.

- The rock quality of the cap rock above the mine together with the rock quality of the mine pillars to include assessment of rock strength.
- Re-evaluation of the stability assessments presented within the mining operator's applications using site specific rock mass characteristics to assess potential surface settlement in the event of mine roof failure into the completed backfill.
- Record if groundwater is present at shallow depth across the site generally.

The method statement shall incorporate any mitigation measures set out in the stability assessment. It shall also require all foundation excavations to be inspected by a competent engineering geologist or geotechnical engineer to observe for evidence of gullies extending to foundation formation level. The method statement shall set out measures to deal with any such gullies, and these measures shall be implemented in the event evidence of gully extensions are identified.

The stability assessment shall also consider foundation and infrastructure design. Unless otherwise agreed, the method statement shall require the use of reinforced concrete strip or trench fill foundations for all new dwellings.

The investigation report, stability assessment and method statement shall be submitted to, and agreed in writing by, the Local Planning Authority prior to commencement of any development. The approved method statement including any mitigation measures shall be implemented prior to commencement of any building works on site within that phase, and thereafter, development shall proceed in strict accordance with the agreed details.

REASON: To ensure that living conditions of future residents are acceptable having regard to Policy ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

21. Prior to the commencement of the development of each phase the following documents shall be submitted to and agreed in writing by the Local Planning Authority:

1. a 'desk study' report documenting the site history.
2. an intrusive ground investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, a programme of chemical analysis of soil and (if present) groundwater, and incorporating risk assessment.
3. if contamination is found, a remediation scheme detailing the following:
 - (a) any remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
 - (b) a detailed phasing scheme for the development and remedial works (including a time scale).
 - (c) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the relevant development phase first comes in to use or is occupied. Thereafter, the development shall proceed in strict accordance with the scheme as has been agreed.

REASON: To ensure potential land contamination is addressed, and to ensure that living conditions of future residents are acceptable having regard to Policy ENV9 and ENV16 of the West Dorset, Weymouth, and Portland Local Plan (2015) and the NPPF.

22. Prior to the construction of any part of the development above damp proof course level details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, within the relevant development phase, along with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and timetable.

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

23. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Mitigation and Enhancement Plan certified by the Dorset Council Natural Environment Team on 3rd Sep 2020 must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

REASON: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

24. Prior to the installation of any lighting within each phase, a lighting strategy shall have first been submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with such details as have been agreed.

REASON: In the interests of safeguarding protected species.

25. Before commencement of any development, details and samples of all facing and roofing materials for the bat house shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with such details as have been agreed.

Reason: To ensure that the external appearance of the bat house is sympathetic to its locality.

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED WITHIN 6 MONTHS OF THE COMMITTEE RESOLUTION OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING

1. The proposed additional housing would result in an unacceptable level of harm on the Isle of Portland Site of Special Scientific Interest (SSSI) and the Isla of Portland to Studland Cliffs Special Area of Conservation (SAC), of international importance, as a consequence of the increased recreational pressure that would be generated from the development.
2. This includes impact on the nearby local nature reserves Tout Quarry (SSSI) and Kings Barrow Quarry (SSSI and SAC). With no formal mechanism in place to secure an appropriate level of mitigation, the proposed development fails to comply with policy ENV2 of the West Dorset Weymouth and Portland Local Plan (2015), Section 15 of the National Planning Policy Framework (2019), and the Conservation of Habitat and Species Regulations (2017).
3. In the absence of any formal mechanism, in the form of a legal agreement, to secure affordable housing, financial or any other relevant contribution to provide new or improved community infrastructure, in particular the provision of public open space and a contribution towards healthcare, to mitigate the impacts of the development, the proposed development would be contrary to planning policies INT1, COM1, and HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019).

APPLICATION NUMBER: WP/20/00814/FUL

APPLICATION SITE: Mount Pleasant Park and Ride Car Park, Mercery Road, Weymouth DT3 5FA

PROPOSAL: Temporary use of land for the stationing of mobile accommodation units for rough sleepers and associated facilities with subsequent reversion to use of site for park and ride parking.

DECISION: Grant subject to the following conditions:-

Time Limit – Commencement of Development

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason

In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

Use of Land in Accordance with Proposed Arrangements

2. Use of the land edged red on the application Site Location Plan (Drawing No. 20201028_ParkRide_Layout_9C Sht 2) for the stationing of mobile accommodation units and associated ancillary facilities shall be in accordance with the arrangements detailed in the Planning Design and Access Statement dated 6th November 2020 submitted in support of the application with the accommodation units and associated facilities stationed in accordance with the indicative Site Plan (Drawing No. 20201028_ParkRide_Layout_9C Sht 1). No accommodation unit or other facility shall be stationed on top of another accommodation unit or facility.

Reason

In accordance with the application proposal and to regulate to the use of the application site in the interest of visual amenity having regard to policies ENV1 (Landscape, Seascape and Sites of Geological Interest), ENV10 (The Landscape and Townscape Setting) and ENV11 (The Pattern of Streets and Spaces) of the adopted Weymouth and Portland Local Plan 2015.

Landfill Gas Investigation and Assessment

3. Prior to the use of the application site for the stationing of mobile accommodation units, a landfill gas investigation and assessment report shall be submitted to and approved by the local planning authority and all risk mitigation and avoidance measures detailed in the approved report shall be implemented in accordance with the approved arrangements.

Reason

To ensure that appropriate risk mitigation and avoidance measures are implemented prior to the first use of the application site for the stationing of mobile accommodation units having regard to Policy ENV9 (Pollution and Contaminated Land) of the adopted Weymouth and Portland Local Plan 2015.

Implementation of Biodiversity Plan

4. The biodiversity mitigation and net gain measures set out within the Biodiversity Plan submitted in support of the application as certified by Dorset Council's Natural Environment Team on 04 December 2020 shall be implemented in accordance the certified arrangements.

Reason

To adequately mitigate biodiversity impact and to secure net gain for biodiversity having regard to policy ENV2 (Wildlife and Habitats) of the adopted Weymouth and Portland Local Plan 2015.

Limit on the Duration of the Proposed Temporary Use

5. Unless permitted to remain under a further grant of planning permission, use of the application site for the stationing of mobile accommodation units and associated ancillary facilities shall cease no later than 31st January 2028.

Reason

In limit the duration of the proposed temporary use of the application site in accordance with the application proposal.

Site Clearance

6. Within 3 months of the permanent cessation of use of the application site for the purposes of stationing mobile accommodation units and associated ancillary facilities, the application site shall be cleared of all accommodation units and associated facilities.

Reason

In the interest of visual amenity having regard to to policies ENV1 (Landscape, Seascape and Sites of Geological Interest) of the adopted Weymouth and Portland Local Plan 2015.

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