



Western and Southern Area Planning Committee

Date: Thursday, 6 May 2021
Time: 10.00 am
Venue: MS Team Live Event This meeting will be held remotely as an MS Teams Live Event [see link below]

Membership: (Quorum 6)

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.

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

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



For easy access to the Council agendas and minutes download the free public app Mod.gov for use on your iPad, Android and Windows tablet. Once downloaded select Dorset Council.

Members of the public are invited to view the proceedings of this meeting with the exception of any items listed in the exempt part of this agenda. This meeting will be held remotely as an MS Teams Live Event (see link below)

[Link to observe Western & Southern Area Planning Committee](#)

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than 8.30am on Tuesday 4 May 2021. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a councillor who is not on the Planning Committee wishes to address the committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative provided that they have notified the Democratic Services Officer by 8.30 am on Tuesday 4 May 2021.

Please note that if you submit a representation to be read out on your behalf at the committee meeting, your name and written submission will be published as part of the minutes of the meeting.

Please refer to the guide to public participation at committee meetings for general information about speaking at meetings [Guidance to Public Speaking at a Planning Committee](#) and specifically the "***Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings - effective from 20 July 2020***" included as part of this agenda (see agenda item 4 - Public Participation).

Using social media at virtual meetings

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

A G E N D A

Page No.

1 APOLOGIES

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

To receive any declarations of interest.

3 MINUTES

5 - 18

To confirm the minutes of the meeting held on 8 April 2021.

4 PUBLIC PARTICIPATION

19 - 20

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

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

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

Questions will be read out by an officer of the council and a response given by the appropriate Portfolio Holder or officer at the meeting. All questions, statements and responses will be published in full within the minutes of the meeting. **The deadline for submission of the full text of a question or statement is 8.30am on Tuesday 4 May 2021.**

5 PLANNING APPLICATIONS

To consider the applications listed below for planning permission.

- | | | |
|----------|--|---------|
| a | WP/20/00618/FUL - The Gurkha Bars and Buffet, Swannery Walk, Weymouth

Change of use of A3 restaurant to a mixed A3 restaurant and A5 hot food take-away. | 21 - 26 |
| b | WD/D/21/000089 - Lyme Regis Golf Club, Timber Hill, Lyme Regis

Erection of a fence. | 27 - 32 |

6 URGENT ITEMS

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



WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 8 APRIL 2021

Present: Cllrs Mike Barron, Dave Bolwell, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, David Shortell (Chairman), Sarah Williams, Kate Wheller and John Worth.

Also present: Cllr Jon Orrell - Dorset Council - Melcombe Regis

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

Philip Crowther (Legal Business Partner - Regulatory), Paul Hutton (Service Manager for Parking Services), Anna Lee (Service Manager for Development Management and Enforcement), Carol McKay (Senior Definitive Map Technical Officer), Elizabeth Murray (Strategic Parking Project Manager), Patrick Carpenter (Traffic Engineering Technical Officer) and Denise Hunt (Democratic Services Officer).

79. Election of Vice-Chairman for the meeting

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

Resolved: That Cllr John Worth be elected as Vice-Chairman for the meeting.

80. Apologies

Apologies for absence were received from Cllrs Louie O'Leary and Bill Pipe.

81. Declarations of Interest

Cllr Nick Ireland declared an interest in Item 6 on the agenda as a member of the Petitions Panel that had made recommendations in relation to the Park District area parking permit. He would not take part in the debate or vote on this item.

82. Minutes

The minutes of the meeting held on 9 March 2021 were confirmed as a correct record and would be signed at a future date.

83. 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.

84. Application to divert parts of Footpaths 23 and 24, Owermoigne at Lower Watercombe House

The Committee considered an application to divert parts of Footpaths 23 and 24, Owermoigne at Lower Watercombe House as shown on Drawing P205/20/1.

The Senior Definitive Map Technical Officer presented the application and recommendations and responded to technical queries. She confirmed that the current "walked route" had not been considered due to the landowner not being in favour of this option for reasons of privacy and security.

Members discussed the consequences of reopening the definitive footpath if the application was refused, as well as discounting of the "walked route" option by the landowner. There was particular concern regarding the water meadows with a request for appropriate land drainage along the proposed route.

Legal advice was provided that the committee should consider the proposal before it and whether this met the statutory legal tests rather than whether there was a better legal alternative.

Proposed by Cllr Nick Ireland, seconded by Cllr Dave Bolwell.

Decision:

That:

- a) The application to divert parts of Footpaths 23 and 24, Owermoigne at Lower Watercombe House be accepted and an order made;
- b) The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and
- c) If the Order is unopposed, or objections are withdrawn, it may be confirmed by the Council without further reference to the Committee.
- d) If objections to the Order are received and are of a similar nature to those already considered by the Committee it may be submitted to the Secretary of State for confirmation without further reference to the Committee.

Reason for Recommendations:

- a) The proposed diversion meets the legal criteria set out in the Highways Act 1980.
- b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the diversion.
- c) Accordingly, the absence of objections may be taken as acceptance that the proposed diversion is expedient and therefore Dorset Council can itself confirm the order.

In the event that objections of a similar nature to those already considered in this report are received to the order, the Committee will have already considered the objections in the light of the legal criteria and therefore it may be submitted to the Secretary of State for confirmation without further reference to the Committee.

85. Park District Area Residents Parking Permit Zones A and C

The Committee considered a proposal concerning changes to the resident parking permit in Zones A & C of the Park District Area of Weymouth, Dorset.

The Service Manager for Parking Services gave a presentation to members and three of the written statements received from members of the public were read out at the meeting. All of the written statements that were received are attached as an appendix to these minutes.

Cllr Jon Orrell - Dorset Council - Melcombe Regis, addressed the committee concerning the central issue of too many permits for the number of parking spaces in the area. He considered that the recommendations were the right balance as they gave residents the opportunity to park near their homes as well as a nearby parking area for guest house and hotel guests.

Members asked whether it would be possible to extend use of the Swannery Car Park to residents who were unable to find a space in the residential area; whether the number of electric charging points could be increased and the duration of the Covid testing area in the car park.

They were informed that a current review of parking permits sought to address the principle of use of nearby car parks by resident permit holders; that increasing the number of electric charging points would be fed back to the electric vehicle project team and that the Covid testing site would be moved to an alternative location in the Weymouth area at the start of the Summer period.

A proposal to include Lodmoor Car Park in addition to Swannery Car Park for visitors staying in guesthouses and hotels in the permit area was supported by the Committee.

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

Decision: That having considered the representations received, in response to public advertisement, that the Committee be recommended to support the proposed changes to the Park District area residents parking permit zones A and C as follows:

i) That establishments within the Zones A & C areas of Weymouth identified as Hotels, Guest Houses, Holiday Homes and Air B & B's be provided with a like for like allocation of permits (should they wish to purchase them) for the Swannery Car Park and Lodmoor Car Park. Guests visiting these establishments will still be able to park outside the property to drop off their

luggage and check-in before receiving a permit and re-positioning their vehicle into the Swannery Car Park.

ii) That all residential establishments be restricted to a maximum of 2 permits per household. All units in Houses of multiple occupation (HMOs) would need to be considered individually for the purpose of allocation.

iii) That residential properties with private driveways be excluded from the scheme or set at a maximum of one, subject to point ii) being agreed.

iv) That the one-hour maximum wait is confined only to the periods between 9am – 6pm, thereby allowing visitors to businesses to continue, with residents only and no one-hour wait between the hours of 6pm and 9am.

Reason for Decisions: To increase available parking spaces for residents who live in the Park District resident parking permit zones A and C area. It is considered that the benefits of the scheme outweigh the potential impacts on local businesses, from continuing with 1-hour wait bays and providing car parking for holiday accommodation guests at the Swannery Car Park at no extra cost.

86. **Urgent items**

There were no urgent items.

Duration of meeting: 10.00 - 11.25 am

Chairman

.....

Western & Southern Area Planning Committee - 8 April 2021 Written Submissions

Application to divert parts of Footpaths 23 and 24, Owermoigne at Lower Watercombe House

Ralph Holmes, Open Spaces Society

The Open Spaces Society has three main concerns about the application to divert footpaths 23 and 24 at Lower Watercombe House.

Our first main concern is that all the diverted paths would be on water meadows. If the diversions were onto good quality well drained grassland it could be a very attractive option for walkers, but most water meadows get wet and potentially muddy in rainier spells, especially between October and March. It is certainly clear from the species of plants growing and the way livestock's feet have sunk into the mud that these water meadows get wet. To make matters worse, most of the diversion being suggested runs immediately next to the drainage ditch in the lowest parts of the fields. It is fully accepted that Dorset Council will not confirm the order until the applicant has carried out improvements to the drainage and surface of the proposed route, but will Dorset Council's limited budget be able to pay for the upkeep of these in say 5 or 10 years time?

Our second main concern is the very important safety issue of having to walk through fields with livestock including bulls. 75% of the current route is fenced and completely free of livestock. The remaining 25% is relatively safe as the field there is relatively wide and livestock can easily disperse. In contrast 100% of the proposed route goes through open fields with the possibility of livestock. Of particular concern is the extremely worrying safety issue walking north towards point C. Here the field narrows considerably and livestock could get funneled into this area and panic as walkers approach.

Our third main concern is the loss of visual amenity from the proposed routes. The current route of path 24 is particularly attractive, especially alongside the lake. From the proposed diversion it is not possible to see this. Instead it is simply walking across a fairly uninteresting field. The views from the current route of path 23 are also very good ones across open meadows with woodland in the background. The proposed route of path 23 passes very close to Hope Wood. It is true that Hope Wood is a

very interesting and attractive SNCI. Not only is it impossible to enter it, but it is almost completely impossible to even see the wood. Good views of it are blocked by the very uninteresting vegetation alongside the proposed path. In addition there is a ditch and a barbed wire fence. The Open Spaces Society agrees that there should be some diversion of path 24 near Lower Watercombe House. The route actually being used is a good compromise, but we would be happy to consider other routes, eg nearer the lake.

Park District area residents parking permit zones A and C

Karen and Martin James

This planning application is already outdated due to Covid. Now that the public are unable to travel abroad at this current time, Weymouth will be more popular and demand for holiday stays and day visitors will increase. Putting more strain on the Swannery Car Park. The reduction in Public transport due to Covid and government advice to travel in your vehicles has not been taken into account with this consultation.

Guest Houses actually located in the Park District (Zone A) will be at a business disadvantage as a number of Seafront Hotels have car parks for a number of guest cars and an abundance of permits to use at the swannery, or located nearer to the Swannery Car Park on a better, safer walking route than those located in Zone A. Guest Houses have been discriminated against as other businesses in the Park District that are still entitled to parking in the residential zone. Without car spacing the Park District, there is still a potential of 131 spaces wasted. This will still be an issue as not being addressed, so the Council are happy to waste spaces than create spaces.

The congestion of The Esplanade and King Street is a massive problem during the summer season, as a resident of the Park District, drivers will use the Park District as a cut through to avoid this congestion and therefore by pushing more traffic in that direction the problem will just be worse in both areas. The Swannery is the favoured car park for day visitors and there will not be enough spaces for guest house visitors in peak demand times, the Council will need to offer permit holder spaces or use of the permit in other Council car parks or divert day visitors to Lodmoor and Beach car parks to avoid no parking being available for holiday guests. Currently the Covid Testing site is taking up many much needed spaces. The most important point is safety, due to high increase in ASB over the last 12 months in the area, that until the planned Dorset Council ideas for the train station area have come to fruition, asking guests to walk past ASB hot spots, drug dealing, street drinkers will have a detrimental impact on our reviews for our businesses and Weymouth's reputation. As a local resident, I would not walk from my guest house to The Swannery Car Park after dark and I do not feel comfortable asking our guests to do so. This decision to take away parking for guest houses in the Park District will possibly increase the number of HMO's making the area more deprived, yet would increase the number of residential permits required!

Mr & Mrs Edmondson

I have owned a small family run guest house called "the marjune" on Lennox street, since 1995. We have had many loyal customers returning year after year. We even managed to maintain some custom through 2020 during the corona virus pandemic. However, I am writing to you today to highlight my concerns with the removal of parking permits for guest houses in the park district. I feel that this will impact our trade to a point where we cannot continue to operate.

A few years ago, Zone C started to be allowed to park in Zone A. Which is quite unfair as some hotels in zone C have their own car parks. The parking permit system used to work well. but now they seem to sell far more permits than cars could feasibly park in the area. It is our feeling that parking in the area could be resolved in a way which is less detrimental to our trade.

1 Sell less visitor permits some years back we were allocated one permit per 2 rooms. it worked; A zone was just for A zone. not with C zone included.

Instead of on street parking, our guests will be told to park on the swannery car park, which for a healthy adult is around a 20-minute walk from our guest house. For our elderly guests this will be unfeasible and no doubt will influence them to go on holiday elsewhere. Also, the loss of smaller guest houses will no doubt impact the trade of the remaining local pubs and restaurants.

A lack of local business trade and fewer family run guest houses will no doubt contribute towards the further decline in the local area. As a small guest house, we are already forced to compete with many large guest houses who have their own car parks. Taking away our parking permits will make staying with us impractical and unwelcoming to most travellers.

Teresa & Mark Bowers

When the report makes assumptions & omits addressing the following highlighted (Not all) pertinent reasons for the increased competition in parking we fear little will be gained:

2012 parking policy changes created the problem as it significantly reduced the then availability of parking within the zones.

The required need to be satisfied that the permit applicant is a resident and the owner of the vehicle, Mi Permit does not. Airbnb owners can use this loop hole, registering their own cars to their Airbnb property in the Park District and then changing the registration weekly for guests.

Severe lack of compliance & enforcement.

The over issuing of permits by Dorset Council to businesses that were unable to provide the basic information required, a copy of business rates and room plan, has been a factor to the demand of parking in the area.

Poor parking is one of the main problems within the Park District, spacing the bays would help significantly, yet this has not even been considered. This will still be a problem as not addressed Example: bay that can accommodate 4 cars easily parking poorly means only 3 cars can park, with 526? Spaces available parking this way potentially means 131 spaces are lost?

Until these are addressed, the strain will remain as the opportunity to continue the above will be increased.

To use the impact of Covid-19 that was not present at the time as a defence for recommendations is shameful, as is not recognising the provision of accommodation during this time by Guest Houses for Key/Critical workers that benefits Weymouth residents & vital work programmes at an affordable rate (they don't receive even half of £87+ allowance) and assuming no significant impact is wrong.

How can something be reviewed that may impact on future stringent restrictions , when most of the issues that have led to the parking complaints have not & continue not to be addressed as it is left unmeasurable , in turn this reads like a threat. Had the changes from the 2012 parking policy & later introduction of Mi Permit been reviewed then we would not be where we are now. However to help, future policy should

not allocate any permits to brown site conversions that do not provide adequate onsite parking.

Pleased to learn that priority at The Swannery will be given to Guest House permits, does this translate into allocated spaces per permit? If not, further parking options (with permit) should the Swannery be full are needed for avoidance of demand in unrestricted areas.

Guest Houses are not operationally the same as large hotels/lets therefore the impact is different.

Nick and Caroline

We feel that the two main causes to the issue of parking in Zones A&C have not been covered in your report.

1. The parking policy made in 2012 made significant changes to the original scheme (introduced in early 2000's which had worked well). Under the new policy Residents were able to buy unlimited permits, the allocation for Hotels and Guesthouses remained the same, (1 permit for 3 rooms for seafront properties) with the exception of those with car parks who were previously ineligible.

2. The introduction of Mipermit caused two significant issues:

- V5 documents were no longer checked meaning residents' permits can be purchased for vehicles not registered to an address in the park district.
- Enforcement became almost impossible for parking attendants due to the time taken to check each car.

In section 6.15 of brief holders report it states that 'audit work has been completed to establish if permits were issued erroneously' however it does not disclose the method and depth of the checks or the results of this audit. Communication with and regard for Hoteliers has been poor throughout this process. The Community Centre who have been involved throughout the history of the scheme and will be aware of the changes, sought to blame and exclude accommodation providers from the outset. Completing the petition by calling door to door but missing out properties deemed to be the cause of the problem.

The following factors conspired to mean that by the time the consultation took place the decision had already been made:

- The preclusion of the Hoteliers and Guesthouses from the petition, discussion around the parking issues and any possible resolution.
- The secretive manner in which the petition was collected, support garnered and opinion swayed.
- The wording of the consultation which directed participants to the solution to their problems.
- Hoteliers and Guesthouses are in the minority and were an easy target we feel we were not able to get involved.
-

The wording of the letter from parking services dated 14/12/2020 led people to believe that the matter had been agreed and was now closed. This has led to fewer objections being submitted and the issues that would have been raised not covered in this report.

Smaller hotels and guesthouses with a small number of permits who have been part of the scheme since it was introduced are furthest from the car park and will feel the biggest negative impact on their businesses. The distance to the Swannery will impact on infirm guests, not eligible for blue badges and will stop many from rebooking.

We would welcome the opportunity for an open honest discussion with all parties to find a resolution that works for all.
The Seaham supported by WHGLA

Neil Wale

Following recent proposals to change the issuing of car parking permits for the Park District Guesthouses, I would like to put forward a strong objection to this.

As a key business owner based on Lennox Street I must state that this will have a detrimental impact to my business and will cause me loss of custom. A key selling point when visiting the area is to be able to safely park where you are staying. This monetary loss, coupled on top of Covid lockdown losses would mean we would potentially have to close down, having a further detrimental impact on a struggling area.

I feel the impact on guest safety and property would also be huge; the recent increase in anti social behavior means walking through the Park District is not a safe thing to do especially at varied hours when guests arrive night and day and cars being parked at the Swannery will be easy target for burglary and vandalism as it is an unsecured area. Any incidents, once made public, will have a lasting negative on Weymouth's Tourism

Industry. The 10-15 minute walk is unpractical for elderly, those with young families, mobility problems and other disability issues, meaning we are forced into being inaccessible for all guests.

A proposal such as this will also add to the congestion in the area; and anyone who lives here already knows The Esplanade, Queen Street, King Street and Radipole Park Drive are already an issue. This will also pose possible health risk to families, children and the beach area, due to air pollution for traffic jams.

The problem we have, have been increased when large hotels were given huge amount of permits (even those with car parks) to park in Zone A & C. Those with no other parking options should have been the only Guesthouse / Hotels who were given any permits in the zone and I suggest that to ease permit issues hotels with parking have permit options revoked. AirBnB's are not included or self catering holiday homes in the Public Notice, therefore is it just Guest Houses / Hotels that are losing permits?

This does not seem like a fair proposal for all.

During the main summer months and weekends if no spaces are available at the Swannery due to day visitors, where do our guests park? Any other options for parking are so much further out that people would not be willing to walk the distance back to the Guesthouse - another reason not to book to stay meaning loss in income.

Peter Howarth

This is the 3rd time ,once at a council meeting and twice in writing .

I am still of the same opinion. The obvious problem is the council issuing around 700 permits for 500 spaces ,also allowing households to have too many permits .And perhaps allowing the large Hotels on the Seafront to have permits when they have either built on their carparks or us them as beer gardens or suchlike.

As is have said in every communication before , if the Council were to paint bays at the correct length of a parking space instead of carrying on parking so badly and inconsiderately, i think there would be at least 10% more spaces, leaving 6of 8 feet either end of their car is downright rude , they should be made to take their test again.

Shirley James

I am Shirley James, secretary at the Park Community Centre in Melcombe Regis. I was at the Petition Panel meeting on the 22nd January 2019. In principal we felt the Business and Hotel permits available, but only in Town Centre Car Parks and the sliding scale of charges for permits will improve the parking for people in the area.

It has been difficult to say how it has been working for 3 reasons.

1. Lockdowns and semi lockdowns.
2. More cars static by day, due to working at home.
3. We haven't had the usual summer experience.

Even so people in the area are more positive about parking than when we had the Petition.

I feel a better time to assess outcomes would be in the Autumn when a semblance of normality may have been possible. We would be willing to help with that.

Thank you all for your time, our experience with the petition was very positive.

Clifford Gallagher

The town of Weymouth is very dependent on tourism and a great deal of B&Bs are located in this area. Myself and my wife have conversed with a few other owners and strongly believe that completely getting rid of parking permits for our guests was not really the solution to the problem. We are all residents here and want to operate in harmony with other local home owners. Perhaps offering permits limited to 50% of a guest house's capacity would have been a better option.

Speaking from my own personal perspective and having run the Cornubia Guest House for the past couple of years, I carried on in a similar vein to the previous owners and inherited a lot of their regular clientele, of which the vast majority would be considered senior citizens. This is why I feel that the Swannery Car Park is not the ideal location for them to park.

I shall look forward to hearing the final proposals from the meeting on 6th April.

This page is intentionally left blank

Dorset Council

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

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

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

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the committee.
2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am two working days prior to the date of the committee – i.e. for a committee meeting on a Wednesday written statements must be received by 8.30am on the Monday. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the committee agenda. The agendas for each meeting can be found on the Dorset Council website

[Dorset Council Committee List](#)

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

This page is intentionally left blank

Application Number:	WP/20/00618/FUL
Site address:	THE GURKHA BARS AND BUFFET, SWANNERY WALK, WEYMOUTH, DT4 7TY
Proposal:	Change of use of A3 restaurant to a mixed A3 restaurant and A5 hot food take-away
Applicant name:	Mr. Gurung
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Hope and Cllr Taylor

1.0 The application is being brought to committee for determination as it relates to land owned by the Council.

2.0 Summary of recommendation: GRANT subject to conditions.

3.0 Reason for the recommendation: The proposal is to make permanent a change of use to allow take-away sales, which is currently permitted development on a temporary basis. The principle of the change is considered acceptable with regard to local policies for town centre development and the national planning policy framework and it is not considered that the proposal would give rise to harmful impacts upon the amenity of neighbours or the public.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The proposal would make permanent a change which is currently permitted development on a temporary basis and would be acceptable in principle.
Impact on amenity	The proposal would not give rise to harmful impacts.

5.0 Description of Site

5.1 The site is located on the waterfront at the western edge of Weymouth Town Centre, to the western side of Commercial Road. The site comprises a jetty which has been clad to give it the appearance of a moored boat and which comprises a simple single storey building with pitched roof and gable ends and an entrance hallway projecting from the north eastern elevation of the site. The building is in use as a restaurant.

5.2 The site is located on the edge of Weymouth town centre and its immediate context comprises a car park and a glasshouse to the north east of the site. There is a late twentieth century apartment block to the north and to the south is The Swannery, which comprises the southern end of Radipole lake. The site is within the Weymouth Town Centre Conservation Area.

6.0 Description of Development

- 6.2 The proposal is for the change of use of the building from a restaurant to allow for takeaway sales in addition to the restaurant use. The application does not propose any physical changes to the building itself.

7.0 Relevant Planning History

Application Number	Proposal	Decision	Decision Date
WP/19/00396/FUL	Provision of sand bags to site decking area to south east of building	Withdrawn	14/01/2020
WP/18/00394/FUL	Formation of concreted areas to front & rear of building	Withdrawn	07/03/2019
01/00135/FUL	Kitchen extension to include storage	Withdrawn	15/05/2001
00/00587/FUL	Erection of pergola and canvas awning	Granted	05/02/2001
97/00563/FUL	Installation of calor gas tank	Withdrawn	11/08/1998
97/00573/ADV	Three floodlit signs	Granted	31/12/1997
94/00383/COU	Extensions and change of use to cafe restaurant and entertainment use plus provision of jetties and boating facilities	Granted	29/03/1995
94/00334/COU	Change of use from amusements to cafe/restaurant outlet (temporary)	Granted	21/06/1994
94/00118/DEMC	Demolition of timber amusement centre building	Granted	24/03/1994
91/00253/HIST	Amendment to condition 2 of planning permission reference 4/90/736T.	Granted	17/07/1991
90/00736/TEMP	Continued use as amusement arcade	Granted	30/05/1991
90/00527/TEMP	Continued use as amusement arcade	Granted	10/10/1990

8.0 List of Constraints

- Inside Defined Development Boundary
- Flood risk zone 2 and 3.
- Within the Weymouth Town Centre Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

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

Consultees

Technical services – No objection or further comment to make.

Environmental Health – No comment

Highways – No Objection

Weymouth Town Council - It was noted that the application is for a change of use from a restaurant to a restaurant and takeaway. Members voted unanimously in favour of submitting a comment of no objection subject to waste disposal and collection being available close to the location.

Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Relevant Policies

West Dorset Weymouth & Portland Neighbourhood Plan 2015

10.1 So far as this application is concerned, the following policies are considered relevant;

- SUS2 – Distribution of Development
- ENV4 – Heritage assets
- ENV5 – Flood risk
- ENV16 – Amenity
- ECON4 – Retail and Town Centre Development
- WEY1 – Weymouth town centre strategy
- WEY2 – Town centre core and commercial road area

National planning policy framework

10.2 So far as this application is concerned, the following sections and paragraphs are considered relevant.

- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 14. Meeting the challenge of climate change, flooding and coastal change.
- 16. Conserving and enhancing the historic environment

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

Other material considerations

- Weymouth Town Centre Masterplan SPD
- Weymouth Town Centre Conservation Area Character Appraisal

11.0 Human rights

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

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

12.0 Public Sector Equalities Duty

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

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

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

13.0 Financial benefits

Support for established business within Weymouth town centre.

14.0 Climate Implications

None

15.0 Planning Assessment

Principle of development

15.1 The proposal is for a change of use of the existing building to allow for take-away sales alongside the extant use as a restaurant. The proposed change of use is currently permitted development under Schedule 2, Part 3 Class DA of the Town and Country Planning (General Permitted Development)(England) Order 2015. The change of use under current permitted development rights is however only a temporary right which would expire on 23 March 2022.

15.2 This application would essentially allow for the change of use to occur on a permanent basis, in turn allowing flexibility for the business on an ongoing basis. It is considered that the proposal would be acceptable in accordance with the aims of policy WEY2 and ECON4 of the Local Plan and Paragraph 85 of the national planning policy framework.

Impact upon amenity

15.3 The proposal would not result in any additional impact from the site by way of odour or noise from extraction equipment as it would simply utilise the existing kitchen facilities.

15.4 While there is potential for the change to give rise to additional activity levels and vehicle movements, the site is adjacent to an existing large public carpark and a busy junction in a town centre location. The closest residential receptors are located over 70m from the site. A condition is proposed to control the hours of opening in order to prevent against the potential for late night noise and disturbance.

15.5 It is noted that the town council's support was given subject to waste disposal and collection being available close to the site. Waste bins are available in the vicinity of the site and the restaurant has commercial waste collection.

16.0 Conclusion

- 16.1 The proposal is to make permanent a change of use to allow take-away sales, which is currently permitted development on a temporary basis. The principle of the change is considered acceptable with regard to local policies for town centre development and the national planning policy framework and it is not considered that the proposal would give rise to harmful impacts upon the amenity of neighbours or the public.

17.0 Recommendation

Grant subject to the following conditions.

Conditions:

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

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

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

Location Plan - TQRQM20310105311949

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

3. The premises shall not be used for the purposes hereby permitted before 10:00 or after 23:59 on any day.

Reason: To safeguard the character and amenity of the area and living conditions of surrounding residential properties.

Informative Notes:

1. Informative: 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.

This page is intentionally left blank

Application Number:	WD/D/21/000089
Site address:	Lyme Regis Golf Club Timber Hill Lyme Regis Dorset DT7 3HQ
Proposal:	Erection of a fence
Applicant name:	Mr Goff
Case Officer:	Emma Telford
Ward Member(s):	Cllr Christopher

1.0 This application has been referred to planning committee as it has been submitted on behalf of the Council.

2.0 Summary of recommendation:

Grant, subject to conditions.

3.0 Reason for the recommendation:

- The proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	The erection of a fence is considered acceptable.
Visual Amenity, the Area of Outstanding Natural Beauty and Heritage Coast	It would not have a significant adverse impact on the visual amenities of the site nor would it harm the character, special qualities or natural beauty of the Dorset AONB or the Heritage Coast.
Residential Amenity	It would not have significant adverse impact on the living conditions of occupiers of residential properties.
Highway Safety	It is not considered to compromise road safety.
Land Instability	It is not considered to impact on the stability of the area.

5.0 Description of Site

The application site is within the existing Lyme Regis golf club, on the north-east boundary. To the north of the site is the coppice and to the south the golf course. The application property is located outside of a defined development boundary, it is

within the area of outstanding natural beauty and heritage coast. The site is also located within a slope instability zone.

6.0 Description of Development

The proposal is for the erection of a fence, the fence would be positioned 2m from the site boundary and would be 106m long. It would be located between the golf course and the new England Coast Path to comply with the health and safety to stop stray golf balls from hitting users of the path. The fence would be chain link in a dark green colour and would be 2.45m high.

7.0 Relevant Planning History

WD/D/18/000856 – Erection of fence – Granted – 18/06/2018

8.0 List of Constraints

Outside of the DDB

Heritage Coast

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

Slope Instability Zone

9.0 Consultations

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

Consultees

- 1. Natural England** – No comments to make on this application.
- 2. Dorset AONB Partnership** - The proposed fence is required to facilitate an improved routing of the Coast Path. Furthermore, I note that a similar fence has previously been approved by the local authority in the same location. The latest application amends the design of the fence and again proposes this be coloured green. Overall, I can see no grounds for objecting to the proposal, given the wider objectives which it will serve. Concerning the proposed colour, I would suggest that a dark green colour may be suitable. Whereas the last application was amended to be coloured black, I have some concerns that the relatively close spacing of the mesh may result in this colour being quite perceptible, contrasting with the surrounding golf course and woodland. Black, or dark grey, is often preferred where a structure is relatively visually permeable and is seen in the distance, helping it to blend into the background. However, on this occasion, the users of the coast path will commonly not be viewing the fence from a distance and users of the golf course will see the fence with a foreground of the fairway and a backdrop of woodland, making dark green a more favourable option, in my opinion.
- 3. Charmouth Parish Council** – No objection as this is seen as a worthwhile provision on the grounds of safety to the public.
- 4. Lyme Regis Town Council** - It was recommended that this application be approved as there were no planning reasons to warrant its objection.

Representations received

No third party comments were received in response to the application.

10.0 Relevant Policies

West Dorset, Weymouth & Portland Local Plan

ENV 1 – Landscape, Seascape and Sites of Geological Interest

ENV 7 – Coastal Erosion and Land Instability

ENV 10 – The Landscape and Townscape Setting

ENV 16 – Amenity

SUS 2 Distribution of Development

National Planning Policy Framework

2 . Achieving sustainable development

4 . Decision-making

15 . Conserving and enhancing the natural environment

Other material considerations

Design and Sustainable Development Planning Guidelines (2009)

Dorset Area of Outstanding Natural Beauty: A Framework for the Future AONB
Management Plan 2014 – 2019

West Dorset Landscape Character Assessment 2009

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

13.0 Financial benefits

None.

14.0 Planning Assessment

Principle of development

The proposal involves the erection of a 106m long fence between the existing golf course and the new footpath to comply with the health and safety implications of the new England Coast path. A fence was approved under the application WD/D/18/000856 in the same location however the current application amends the design and size of the fence.

Visual Amenity, Area of Outstanding Natural Beauty (AONB) and Heritage Coast

The application site is located within the AONB and Heritage Coast. The proposal is for the erection of a fence that would be 106m long. The proposed fence would be viewed in the context of the golf course and would have the backdrop of the trees to the north. A similar fence was approved under the application WD/D/18/000856 in the same location but of a different design. The AONB Landscape Planning Officer was consulted on the application and held no objections given the wider objectives which it will serve. In relation to the colour of the fence the AONB Landscape Officer set out that the users of the coast path will commonly not be viewing the fence from a distance and users of the golf course would see the fence with a foreground of the fairway and a backdrop of woodland making a dark green a more favourable option. In response to these comments the applicant set out that the fence would be in the colour RAL 6005 – Moss Green, a dark green colour. A condition would be placed on any approval granted to be carried out in a dark green colour. The proposed fence would not have a significant adverse impact on the visual amenities of the site nor would it harm the character, special qualities or natural beauty of the Dorset AONB or the Heritage Coast.

Residential Amenity

The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties. The proposal is for the erection of a 106m long fence along the boundary of the golf course and is considered to be located sufficient distance away from neighbouring properties.

Highway Safety

The proposal involves the erection of a 106m long fence between the existing golf course and the new footpath and is not considered to compromise road safety.

Land Instability

The application site is located within land instability zones 2 and 3. However, the proposal involves the erection of a fence and therefore is not considered to impact on the stability of the area.

15.0 Conclusion

The application involves the erection of a fence between the golf course and the new footpath. It is considered that the proposal has an acceptable impact on the area of outstanding natural beauty, heritage coast, neighbouring amenity, highway safety and land stability.

16.0 Recommendation

Grant, subject to conditions:

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

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

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

Location Plan 1 received 13/01/2021

Location Plan 2 received 13/01/2021

Block Plan Scale 1:500 received 13/01/2021

Proposed Elevation & Cross Section Plan received 13/01/2021

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

- 3) The fence hereby approved shall be finished in a dark green colour.

Reason: In the interest of visual amenity.

This page is intentionally left blank