



Western and Southern Area Planning Committee

Date: Thursday, 2 December 2021
Time: 10.00 am
Venue: MS Team Live Event This meeting will be held remotely as an MS Teams Live Event [see links below]

Membership: (Quorum 6)

Dave Bolwell, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, Paul Kimber, Bill Pipe (Vice-Chairman), David Shortell (Chairman), Sarah Williams, Kate Wheller and John Worth

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

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



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

In accordance with the decision taken by Full Council on 4 May 2021, this informal meeting will take place virtually. Decisions will be made by the appropriate officer following a 'minded to' decision by members of the committee.

This meeting will be held remotely as an MS Teams Live Event (see links below).

[Link to watch the meeting at 10am](#)

[Link to watch the meeting at 2pm](#)

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 Tuesday 30 November 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 8.30am on Tuesday 30 November 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

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1 APOLOGIES

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

To disclose any pecuniary, other registerable or non-registerable interest as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

3 PUBLIC PARTICIPATION

7 - 8

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 30 November 2021.**

4 PLANNING APPLICATIONS

To consider the applications listed below for planning permission.

- | | | |
|----------|--|---------|
| a | P/FUL/2021/03959 - Weymouth Connect, 5 Grosvenor Road, Weymouth, DT4 7QL | 9 - 16 |
| | Installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure. | |
| b | P/FUL/2021/02076 - Marsh Sports Complex, Knightsdale Road, Weymouth, DT4 0HS | 17 - 24 |
| | Construction of a temporary compound comprising of a kiosk unit to house data exchange for telecommunications (Jurassic Fibre) including concrete slab for placement, and 1.8 metre high steel palisade perimeter fencing. | |
| c | P/FUL/2021/00928 - Land adjacent Buckland House, Buckland House Lane, Buckland Rippers, Weymouth, DT3 4FT | 25 - 34 |
| | Use of land as camping site from 15th May to 30th June only. | |
| d | P/FUL/2021/02048 - Land adjacent 423 Chickerell Road, Chickerell, DT3 4DG | 35 - 50 |
| | Erect 1 dwelling. | |

COMMITTEE BREAKS FOR LUNCH 1.00PM TO 2.00PM

- | | | |
|----------|---|----------|
| e | P/OUT/2021/01128 - Land East of the Paddocks, Mosterton, DT8 3HQ | 51 - 72 |
| | Outline application for the erection of up to 9 dwellings and access. | |
| f | WP/19/00993/OUT - Land at Beverley Road, Weymouth | 73 - 92 |
| | Outline application for the erection of 17 dwellings with associated access. | |
| g | WP/20/00944/FUL - 35 Easton Road, Portland, DT5 1BS | 93 - 110 |
| | Change of use from bed and breakfast accommodation and conversion to 3 residential dwellings. Erection of detached garage and erection of 3 bedroomed bungalow. | |

5 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.

6 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

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Dorset Council

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

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

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

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

[Dorset Council Committee List](#)

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

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Application Reference:	P/FUL/2021/03959
Site Location:	Weymouth Connect, 5 Grosvenor Road, Weymouth, DT4 7QL
Proposal:	Installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure
Applicant:	Dorset Council - Assets and Property
Case Officer:	Mr Huw Williams
Ward Member[s]:	Councillor Pete Barrow (Radipole Ward) Councillor David Gray (Radipole Ward)
Background Papers:	The application, the plans and further information about the application may be inspected by entering the application reference at https://planning.dorsetcouncil.gov.uk/ .
<p>Reason Referred to Committee: The application is made by Dorset Council in relation to land owned by Dorset Council and is reported to Committee in accordance with Dorset Council's constitution.</p>	

1. Recommendation

- 1.1 That the Committee would be minded to grant planning permission subject to the conditions set out in paragraph 13.1 below and recommends that the Head of Planning determines the application accordingly.

2. Reason for Recommendation

- 2.1 The recommendation is made taking account of:
- (i) information submitted in support of the application;
 - (ii) the development plan;
 - (iii) national planning policy and guidance; and
 - (iv) other material planning considerations set out in this report.
- 2.2 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.3 The application has been duly made and has been the subject of appropriate publicity and consultation affording those consulted on the application and the public adequate opportunity to make representations about the application.
- 2.4 The proposal is for an appropriate and sustainable form of development which is in general accordance with the development plan and national planning policy. No objections have been raised in representations made about the application and it is considered that there are no social, environmental, economic or other considerations either warranting or necessitating the determination of the application other than in accordance with the development plan.

3. Summary of Main Issues

Issue	Conclusion
Principle of Development	Supported by both national and local planning policy and acceptable.
Environmental Impact	In accordance with the environmental policies of the development plan.

4. Description of Site

- 4.1 The Application Site is shown edged red on the submitted application Location Plan (Drawing Number 02) and comprises approximately 0.27 ha of previously developed land situated on the eastern side of Grosvenor Road in the Melcombe Regis area of Weymouth and which includes the Weymouth Connect adult day care centre.
- 4.2 The day care centre is a contemporary building with single and two storey components which are set back from the road frontage behind hard-surfaced parking and service areas.
- 4.3 The surrounding area is residential in character.
- 4.4 To the north of the Application Site are large semi-detached residential properties, whilst to the south are a number of purpose-built apartment blocks. To the west of the Application Site, on the opposite side of Grosvenor Road, are large detached and semi-detached houses and some period properties that have been converted into apartments. To the east of the Application Site, is a mix of residential and commercial properties fronting Dorchester Road.

5. Description of the Proposed Development

- 5.1 Planning permission is sought for the installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure.
- 5.2 A total of 94 panels each measuring 996mm x 1689 mm would be installed in 4 arrays on western and southern facing roof slopes including the principle roof slope facing Grosvenor Road.
- 5.3 Each panel would be of a monocrystalline (all black), half-cell design with a black frame and white backsheet.

6. Relevant Planning History

- 6.1 Submission of the application follows informal pre-application discussions regarding the proposal.

7. Policy Framework, Designations and Constraints

- 7.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with an application for planning permission the authority shall have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) a post-examination draft neighbourhood development plan, so far as material to the application,
- (c) any local finance considerations, so far as material to the application, and
- (d) any other material considerations.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Development Plan

7.3 The Application Site is located entirely within the designated Weymouth Neighbourhood Area for which there is no made neighbourhood plan and no post-examination draft neighbourhood development plan, but wherein the development plan includes the [West Dorset, Weymouth & Portland Adopted Local Plan 2015](#) ('the Adopted Local Plan').

7.4 The proposals map of the Adopted Local Plan show the Application Site located:

- (i) within the Weymouth Urban Area; and
- (ii) within the designated Lodmoor Hill Conservation Area,

and not subject to any site specific policies or land use allocations.

7.5 Having regard to location and nature of the proposed development, the most relevant policies of the Adopted Local Plan are:

- INT1. Presumption in Favour of Sustainable Development;
- SUS2. Distribution of Development;
- ENV1. Landscape, Seascape and Sites of Geological Interest;
- ENV2. Wildlife and Habitats;
- ENV4. Heritage Assets;
- ENV10. The Landscape and Townscape Setting;
- ENV12. The Design and Positioning of Buildings;
- ENV13. Achieving High Levels of Environmental Performance;
- ENV16. Amenity; and
- COM11. Renewable Energy Development.

Local Finance Considerations

7.6 For the purposes of section 70(2) "local finance consideration" means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

7.7 To be material to the determination of an application of planning permission, a local finance consideration must have the potential to help make development acceptable in planning terms.

7.8 Funding for the installation of the proposed solar panels has been secured under the Government's Public Sector Decarbonisation Scheme. However, as such grant

funding is not provided in order to make development acceptable in planning terms, so the potential receipt of grant funding is not material to the determination of the application.

- 7.9 The Community Infrastructure Levy (CIL) operates in the former Borough of Weymouth and Portland, but the proposed development is not of a form liable to CIL.

Other Material Considerations

- 7.10 The term “any other material considerations” is broad in scope, a material consideration being any matter which is relevant to making the planning decision in question. In relation to planning policy, the term encompasses national planning policy and guidance; supplementary planning documents and guidance; emerging planning policy and other policy pronouncements such as ministerial statements. Account may also be taken of other policy and/or position statements

National Planning Policy and National Planning Practice Guidance

- 7.11 The National Planning Policy Framework (‘the NPPF’) sets out the Government’s planning policies for England and is material to the determination of all applications for planning permission in England.

- 7.12 The NPPF includes policy on a range of relevant matters including:

- Achieving Sustainable development – paragraphs 7-14;
- Decision making – paragraphs 38-59;
- Meeting the challenge of climate change, flooding and coastal change – paragraphs 152-173;
- Conserving and enhancing the natural environment – paragraphs 174-188; and
- Conserving and enhancing the historic environment – paragraphs 189-208.

- 7.13 National Planning Practice Guidance (NPPG) and other statements of national planning policy fall to be read in conjunction with the NPPF.

Emerging Planning Policy

- 7.14 The Dorset Council Local Plan Options Consultation took place between January and March 2021.

- 7.15 Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given)
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

7.16 Being at a very early stage of preparation, the Consultation Draft Local Plan should be accorded very limited weight in decision making.

8. Consultation Response

8.1 Dorset Council Ward Members

No response received.

8.2 Weymouth Town Council

No objection.

8.3 Dorset Council Conservation and Design Officer

No response received.

9. Publicity and Other Representations

9.1 The application was advertised by site notice displayed on 22 October 2021. No representations have been received relating to the application.

10. Human Rights

10.1 The Human Rights Act 1998 imposes an obligation on public authorities not to act incompatibly with the European Convention on Human Rights. The articles/protocols of particular relevance are:

- (i) Article 6 - Right to a fair trial;
- (ii) Article 8 - Right to respect for private and family life; and
- (iii) The First Protocol, Article 1 - Protection of Property.

10.2 The recommendation is based on adopted development plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

11. Public Sector Equalities Duty

11.1 Section 149 of the Equalities Act 2010 (as amended) provides that in the exercise of its functions a public authority must have due regard to the need to:

- (i) eliminate discrimination, victimisation and any other conduct that is prohibited by or under the Act;
- (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2 Commonly referred to as 'the Public Sector Equalities Duty', the relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage.

11.3 Having considered the information provided by the applicant and the prevailing planning context, I am satisfied that the proposed development would have no material impact on individuals or identifiable groups with protected characteristics.

12. Appraisal

12.1 The main issues in the determination of the application relate to:

- (i) the acceptability in principle of the proposed development;
- (ii) the environmental implications of the proposed development including its impact on the character and appearance of the Lodmoor Hill Conservation Area and on the amenities of neighbouring occupiers.

Principle of Development

12.2 The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7) and that for decision making this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11c).

12.3 Paragraph 152 of the NPPF provides that:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

12.4 Paragraph 158 of the NPPF provides that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable.

12.5 The proposed arrays would provide a combined a generation capacity of approximately 33 kilowatts, which equates to a saving of approximately 7,200 kg of CO² per annum.

12.6 Policy INT1 of the Adopted Local Plan provides that there will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area.

12.7 The Application Site comprises previously developed land within an urban area wherein Policy SUS2 of the Adopted Local Plan provides that residential, employment and other development to meet the needs of the local area will normally be permitted.

12.8 Policy COM11 of the Adopted Local Plan provides that proposals for generating heat or electricity from renewable energy sources (other than wind energy) will be allowed

wherever possible providing that the benefits of the development, such as the contribution towards renewable energy targets, significantly outweigh any harm.

- 12.9 Policy COM11 further states that permission will only be granted provided:
- any adverse impacts on the local landscape, townscape or areas of historical interest can be satisfactorily assimilated;
 - the proposal minimises harm to residential amenity by virtue of noise, vibration, overshadowing, flicker, or other detrimental emissions, during construction, its operation and decommissioning;
 - adverse impacts upon designated wildlife sites, nature conservation interests, and biodiversity are satisfactorily mitigated.
- 12.10 Accordingly, there is no in principle objection to the proposed development.

Environmental Impact

- 12.11 The proposed development would involve the installation of manufactured solar panels on a contemporary building within the Lodmoor Hill Conservation Area wherein special attention must be paid to the desirability of preserving or enhancing the character and appearance of the designated area.
- 12.12 The application is supported by a detailed Heritage Statement which considers the impact of the proposed development on the building's setting and on the significance of heritage assets in its vicinity, finding no consequent harm to either designated or non-designated assets.
- 12.13 Having regard to the details of the design proposals and to the information provided in the submitted Heritage Statement, I am satisfied that the addition of the proposed solar panels and associated infrastructure would not detract from either the character or the appearance of the Application Site or its setting.
- 12.14 The proposal is to install panels designed and manufactured to maximise light absorption with low levels of reflectivity such that any material impact on surrounding occupiers in consequence of solar glare is unlikely.
- 12.15 There are a number of recorded bat roosts within the near vicinity of the Application Site but no roosts recorded within the Application Site itself. Where present, installation of solar panels can impact on bat roosts, but all bats and their roosts are fully protected by the Wildlife and Countryside Act 1981 Act and related regulations such that no harm to biodiversity interests is anticipated.
- 12.16 The application proposal is therefore considered to be in accordance with the environmental policies of the development plan.

Conclusion

- 12.17 The application proposal is in general accordance with the development plan and there are no material considerations warranting determination of the application other than in accordance with the development plan. Accordingly, planning permission can and should be granted.

13. Details for Inclusion in Decision Notice

13.1 Recommended Planning Conditions

(1) Time Limit – Commencement of Development

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).

(2) Development in Accordance with Approved Plans and Drawings

The development hereby permitted shall be carried out in accordance with the following plans and drawings submitted in support of the application for planning permission:

- (i) Drawing Number 01 dated 25/08/2021 and titled SIE PLAN;
- (ii) Drawing Number 02 dated 25/08/2021 and titled LOCATION PLAN;
- (iii) Drawing Number 03 dated 25/08/2021 and titled ROOF PLAN;
- (iv) Drawing Number 05 dated 25/08/2021 and titled PROPOSED ELEVATIONS.

Reason: To regulate the development having regard to Policies ENV1, ENV4, ENV10, ENV12, ENV13 and COM7 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

13.2 Informative Notes to be Included on Decision Notice

(1) Statement of Positive Involvement

In accordance with the National Planning Policy Framework, as the local planning authority, Dorset Council takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the applicant/agent in a positive and proactive manner by providing a pre-application advice service.

(2) Further Information

Further information relating to this decision may be viewed online through the application webpages accessible by entering the application details at <https://planning.dorsetcouncil.gov.uk/>.

Report Prepared By: Huw Williams MRTPI - Lead Project Officer
Economic Growth and Infrastructure, Dorset Council

Application Number:	P/FUL/2021/02076
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Marsh Sports Complex Full Site Weymouth Outdoor Education Centre Knightsdale Road Weymouth DT4 0HS
Proposal:	Construction of a temporary compound comprising of a kiosk unit to house data exchange for telecommunications (Jurassic Fibre) including concrete slab for placement, and 1.8 metre high steel palisade perimeter fencing.
Applicant name:	Daniel Langworthy-Smith – Jurassic Fibre
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Hope and Cllr Taylor

1.0 The reason this application is being brought before the planning committee is the application relates to Council-owned land.

2.0 Summary of recommendation: That the Committee would be minded to grant planning permission subject to the conditions set out in the report and recommends that the Head of Planning determines the application accordingly.

3.0 Reason for the recommendation: as set out in para 16.1 at end

- The provision of high speed broadband infrastructure is supported by policy COM10 and the NPPF.
- Although functional in appearance the development would not result in harm to the character of the area and would be experienced in the context of existing infrastructure.
- Although in an area of surface water flood risk the nature of the development is such that it would not result in increased risk to life or safety and would deliver wider sustainability benefits.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is considered acceptable as it would support the provision of high speed internet access which is explicitly supported by policy COM10.
Scale, design, impact on character and appearance	The development would have a functional appearance but would be painted to limit its impact so far as possible and would be viewed in the context of Wessex Water infrastructure to the south of the site.

Flood risk	The site is located in flood zone 1 (low risk) but is in an area at risk of flooding. Due to the nature of the development, it would not give rise to increased risk and would deliver wider sustainability benefits.
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5.0 Description of Site

- 5.1 The application site comprises a roughly rectangular area of land on the south western side of Newstead Road at the junction with Knightsale Road and Wardcliffe Road. The site occupies an area of incidental green space. There are Wessex water pumping stations immediately to the south and west of the site and a pedestrian foot bridge crossing Newstead Road to the east as part of the Rodwell Trail. There is a public footpath to the western boundary of the site which runs south from Newstead Road to emerge on Chickerell Road.
- 5.2 The site is set slightly higher than the road, and is largely level, with ground levels rising steeply to the south east due to the presence of the former railway embankment.

6.0 Description of Development

- 6.1 The proposal comprises the siting of a kiosk which will house data exchange equipment for telecommunications – specifically fibre broadband being installed by Jurassic Fibre. The kiosk will be constructed from steel and will be sited on a concrete slab. The kiosk will sit behind 1.8m high steel palisade perimeter fencing. The kiosk will sit above an underground chamber and there will be a separate galvanized power post unit.
- 6.2 The kiosk has been described by the applicant as temporary, although it has been confirmed that it is intended to be on the site for at least 15 years.
- 6.3 The kiosk will be constructed from steel which is to be powder coated in a green colour.

7.0 Relevant Planning History

- 7.2 There is no planning history for the site itself. However, land immediately to the south of the site is occupied by a pumping station operated by Wessex Water, which was granted consent in 2010 under reference 10/00624/FUL

8.0 List of Constraints

- Risk of Surface Water Flooding
- SSSI: Radipole Lake
- Footpath S1/97

9.0 Consultations

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

Consultees

1. **Weymouth Town Council** – This application has been considered by members of the Planning and Licencing Committee. The Council has no objection to the proposals.
2. **Westham Ward** – No comments received.
3. **Scottish And Southern Energy** – No comments received.
4. **DC – Highways** – No objection subject to a condition requiring the agreement of a construction method statement prior to the commencement of development.

Representations received

9.2 No third party representations have been received in respect of this proposal.

10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan

10.1 So far as this application is concerned the following policies are considered to be relevant:

- INT1 – Presumption in favour of sustainable development
- ENV5 – Flood risk
- ENV10 – The landscape and townscape setting
- ENV12 – The design and positioning of buildings
- SUS2 – Distribution of development
- COM10 – The provision of utilities service infrastructure

Other Material considerations

National Planning Policy Framework

10.2 So far as this application is concerned the following sections are considered to be relevant:

- 1. Achieving sustainable development
- 6. Building a strong, competitive economy
- 10. Supporting high quality communications
- 14. Meeting the challenge of climate change, flooding and coastal change

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. In this instance It is not considered that the proposals would affect persons with protected characteristics. The proposal has the potential to improve outcomes for persons with protected characteristics by widening availability of high speed internet access.

13.0 Financial benefits

13.1 The proposal would not deliver any direct financial benefits. The proposal would provide general support to businesses by allowing for greater availability of high speed internet access.

14.0 Climate Implications

14.1 The proposal would lead to increased CO₂ emissions through the operation of the equipment within the structure.

15.0 Planning Assessment

Principle of development

15.1 The site is located within the Defined Development Boundary of Weymouth and is not within a conservation area or subject to any other site specific designations. The site is undeveloped, comprising an area of incidental grassland to the southwest of Newstead Road. The provision of infrastructure to support communications is supported by policy COM10 of the adopted local plan , provided that the development will not be unduly detrimental to the appearance of the locality and there is a demonstrable need for the technology.

15.2 The supporting text for the policy at paragraph 6.6.5 of the Local Plan also highlights that delivering superfast broadband is a key priority both in terms of the capacity and coverage of the network. The proposal would contribute to achieving that aim by

allowing the expansion of fibre broadband. It is therefore considered that the proposal is acceptable in principle.

Scale, design and impact on character and appearance

- 15.3 The kiosk would be functional in its appearance, being a pre-fabricated structure with a separate structure providing a power connection, concrete hardstanding and steel palisade fencing for security. It is proposed that the kiosk be painted a dark green colour which would help to reduce its prominence in the street scene. The kiosk would also be read in the context of the existing Wessex Water pumping station infrastructure which sits immediately to the south and which establishes a semi-industrial character for the immediate setting of the site.
- 15.4 The area of greenspace on which the development would be sited does not serve any particular function or purpose and makes a limited contribution to local character. It is not therefore considered that the proposal would result in an unduly harmful impact upon the character of the area.

Flood risk

- 15.5 The site is in an area which has been identified as being at risk of surface water flooding at 1 in 100 year annual event probability and 1 in 1000 year annual event probability. The site is not however located in areas identified as being at risk of flooding from rivers or the sea. The nature of the proposal as communications infrastructure is such that the structure would largely be unmanned and would not therefore lead to additional risk to life or safety in the event of a flood, and it is considered that the proposal would deliver wider sustainability benefits in supporting the provision of high speed internet infrastructure.

16.0 Conclusion

- 16.1 The proposal for a simple and functional building would facilitate the provision of high speed fibre broadband within Weymouth which is supported by local plan policy COM10 and the NPPF. The siting of the building is such that it would not be considered harmful to the character of the area and although located in an area of surface water flood risk, the nature of the development is such that there would not be any increased risk to life or safety and the proposal would deliver sustainability benefits.

17.0 Recommendation

That the Committee would be minded to grant planning permission subject to the conditions set out in the report and recommends that the Head of Planning determines the application accordingly.

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:

Site location plan – JFL 110.01

Proposed Block Plan – JFL.110.102

Compound Plan – JFL.110.001

Compound Elevations – JFL.110.002

Kiosk Elevations – JFL.110.003

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

3. Prior to commencement of development hereby approved a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include details of:

- the parking of vehicles of site operatives and visitors

- loading and unloading of plant and materials

- storage of plant and materials used in constructing the development

- arrangements for a safe working space to separate construction working with passing the highway users to ensure their safety is not compromised or obstructed during works

- arrangements to ensure that the adjacent highway and street furniture are not damaged and if any damage is incurred it is reinstated as per the Highway Authority's specification.

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

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

4. Prior to development above ground level, precise details of the colour and finish of the kiosk and fencing shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such details as have been agreed and shall be retained as such thereafter.

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

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.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

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

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Application Number:	P/FUL/2021/00928
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Adjacent Buckland House Buckland House Lane Buckland Ripers Weymouth DT3 4FT
Proposal:	Use of land as camping site from 15th May to 30th June only
Applicant name:	Higher Moor Farm
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Jean Dunseith, Cllr John Worth.

1.0 The application is being considered by the committee at the request of the Ward Councillor and because the recommendation is contrary to the view of the town council.

1.0 Summary of recommendation:

Recommendation A: That the committee be minded to delegate authority to the Head of Planning to grant planning permission subject to the completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure a financial contribution of £1932.28 to mitigation and avoidance measures for the Chesil and Fleet and subject to conditions and that the Head of Planning determines the application accordingly.

Recommendation B: That the committee be minded to refuse permission for the reasons set out below if the agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the Head of Planning and that the Head of Planning determine the application accordingly:

3.0 Reason for the recommendation: as set out in para 16.1 at end:

- The principle of development is acceptable as an extension to an existing campsite.
- The additional proposed camping period would not give rise to significant additional impacts in respect of landscape, highways or residential amenity.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of camping on this site is established and the extension of the camping season is considered acceptable.

Biodiversity	The impact of camping uses on the site would not give rise to additional impacts beyond the existing campsite use, for which mitigation has been secured.
Highways	The proposal utilises an existing access and it is not considered that the proposal would result in unacceptable impacts.
Landscape and Visual Impact	The additional impacts associated with the use would be limited due to their temporary nature and existing screening of the site. A condition is proposed to prevent use by caravans.
Amenity	Due to the significant distance of the campsite from the nearest residential properties and the limited additional period of camping applied for it is not considered that the proposal would result in significant adverse impacts on the living conditions of neighbours.
Habitats	The site is located within 5km of Chesil and The Fleet where additional likely significant effects from recreational pressures cannot be ruled out. Mitigation will be secured through a financial contribution.

5.0 Description of Site

- 5.1 The application site is a piece of land located immediately to the north of the access road leading to Buckland House. The land is currently used as a campsite, under planning consent ref WD/D/18/002905. The site is mainly laid to grass with a post and rail fence in the central portion of the site, and electrical hook ups for the camping pitches. There is a toilet block located to the western edge of the site.
- 5.2 The site is accessed from an existing access on Nottingham Lane. The site lies outside of the defined development boundary and is to the north of the village of Buckland Rippers. The access to the site lies on a high point with the land falling away gently to the north. The land to the south, which is within the applicant's ownership falls away more steeply towards Buckland Rippers.

6.0 Description of Development

- 6.1 The proposal seeks to extend the camping season on the site from 15 May to 30 June, resulting in a camping season which would run from 15 May to 31 August.

7.0 Relevant Planning History

Application Number	Description of development	Decision	Decision Date
WD/D/20/001703	Use of land to site toilet/shower block and erection of decking and steps (retrospective)	Granted	27/01/2021

WD/D/19/002872	Use of land as camping site during July and August only (Variation of Conditions 1 & 4 of Planning Approval WD/D/18/002905)	Withdrawn	17/06/2020
WD/D/18/002905	Use of land as camping site during July and August only	Granted	10/07/2019
WD/D/18/000360	Change of use of land for camping site including the stationing of 8 shepherds huts (6 one bed units & 2 no. toilet/shower units)	Withdrawn	25/06/2018

8.0 List of Constraints

SNCI - Buckland Ripers Meadow

Landscape Character area - South Dorset Ridge and Vale

Land Outside DDBs

Footpath S16/10;

Minerals and Waste Safeguarding Area

9.0 Consultations

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

Consultees

1. Rights of Way Officer – No objection to the proposed development as shown in the plans accompanying the application. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.

2. Highways – No objection

3. Chickerell Town Council – Recommend refusal of this application on the following grounds:-

Disturbance to the wildlife during bird breeding season.

The Town Council would also like to comment that as approval has already been given for a temporary campsite from July to September they feel that residents should be given time to enjoy peace and quiet during part of the summer months. They also note that the toilet block has not yet been painted green.

4. Dorset Wildlife Trust – Concern raised in respect of survey work indicated in approved BMEP which doesn't appear to have been carried out.

5. Site licensing – No comments received.

6. Office of Rail Regulation – No comments received.

7. Chickerell Ward (Cllr Dunseith) – This site was original granted permission for a seasonal site during July and August. The site lays within a residential area and the operation causes disruption to the lives of the residents. This includes noise and cooking smells. To grant an extension beyond those already approved would further disrupt the tranquillity of this rural hamlet. On these grounds I strongly object.

8. Minerals & Waste Policy – No comments received.

9. Environment Agency – No comments received.

10. Coastal risk management – No objection

11. Natural Environment Team – No objection due to previous agreement of a BMP for the site. Following discussion with DWT, recommended that an update visit be undertaken.

Representations received

Total - Objections	Total - No Objections	Total - Comments
15	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Within the objections received, the following issues have been raised:

- History of applicant breaching planning controls in respect of activities on the site.
- Traffic congestion.
- Increased risk of accidents.
- Amenity from visibility of tents.
- Development in an unauthorised area.
- Noise from camping activities.
- Smell from BBQs / outdoor cooking.
- Light pollution.
- Litter.

- Lack of covid-19 precautions.
- Biodiversity impacts.
- Landscape and amenity impacts from additional usage.

It is noted that several of the comments refer to alleged or actual breaches of planning control which relate to previous applications on the site, to activities and works on land outside of the planning application boundary and to non-compliance with other legislation. The council's enforcement team is aware of those issues and is addressing them through its own processes. While those matters are noted this application relates solely to the proposed extension to the camping period within the planning application boundary and is therefore considered as such. Where material planning issues are raised these are addressed in the following sections of the report.

Compliance with other legislation, including Covid-19 restrictions which were previously in place, fall outside of the scope of the planning system.

10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan

So far as this application is concerned the following policies are considered relevant:

- INT1 – Presumption in favour of sustainable development
- ENV1 – Landscape, Seascape and Sites of Geological Interest
- ENV2 – Wildlife and habitats
- ENV16 – Amenity
- SUS2 – Distribution of development
- ECON7- Camping and caravanning sites

Chickerell Neighbourhood Plan

Following a local referendum, the Chickerell Neighbourhood Plan was 'made' on 22 June 2021 and therefore forms part of the development plan. So far as this application is concerned the following policies and sections are considered to be relevant:

- Policy CNP10 – Locally Valued Landscape north and east of Chickerell Village.

National Planning Policy Framework

So far as this application is concerned the following sections of the National Planning Policy Framework are considered to be relevant:

- Paragraph38: 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.

- Section 6 – Building a strong, competitive economy
- Section 15 – Conserving and enhancing the natural environment

Other material considerations

West Dorset Landscape Character Assessment

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. In this instance it is not considered that there would be any disadvantage to persons with protected characteristics. It is noted that the campsite provides facilities for the disabled (which have been secured through separate planning consents).

13.0 Financial benefits

13.1 There would be no direct financial benefits to the Council but the proposal would support an established business and the wider tourist industry in the area.

14.0 Climate Implications

14.1 Additional CO₂ emissions arising from additional vehicles and camping activities during the extended camping season.

15.0 Planning Assessment

Principle of development

- 15.1 The proposal seeks to extend the camping season of the existing campsite to include the period from 15 May to 30 June. The existing site has consent for camping in July and August. Therefore, the proposal would result in a continuous camping season running from 15 May until the end of August.
- 15.2 The site is located outside of any defined development boundary. However, Policy SUS2 of the Local Plan lists tourism, recreational or leisure related development as forms of development which are acceptable in principle outside in these locations, providing that this would not conflict with other policies. During 2020 the site has already been operating for the period currently applied for, under temporary permitted development rights which allow for the use of land for camping for up to 56 days.
- 15.3 Policy ECON7 allows for the creation of new and the expansion or intensification of existing camping sites, where they are in keeping with the rural character and would form part of a long term plan to improve the quality and appearance of accommodation. All proposals are subject to the requirement that they would not result in a significant adverse impact on the distinctive characteristics of the areas landscape, heritage and built environment. The proposal will represent a relatively modest extension of the permitted camping season and would not result in an intensification or expansion of the site by provision of additional camping pitches to those previously approved, or expansion of camping outside of the area previously permitted. It is also evident that the applicant has recently invested in the site, through the creation of electrical hook-ups for individual pitches and through the provision of a new toilet block (which has been subject of separate planning consent). It is therefore considered that the proposal meets the requirements of policy ECON7 in respect of existing camping sites.

Biodiversity

- 15.4 Initial comments from Natural England noted the lack of a biodiversity plan. However, a Biodiversity Plan was agreed pursuant to the previous planning consent for the shorter camping season which the current application would also be subject to. In a consultation response Dorset Wildlife Trust raised concern in respect of monitoring of the nearby SNCI. In order to overcome this concern it was agreed that a further confirmation would be sought from the applicant's ecologist that the additional camping period proposed would not undermine the agreed BP. This has now been received and it is therefore considered that the additional camping period would avoid harm to biodiversity.

Highways

- 15.5 Access to the site is via an existing and established access point which already serves the consented landscape. The highways authority considers that the proposal would not give rise to material harm to the highways network and does not raise any objection to the proposal.

Landscape and visual impact

- 15.6 The landscape and visual impacts associated with the proposal are limited to the additional camping period taking place between May and June and would be equivalent to those already experienced for the remainder of the consented season. The site is bounded by existing mature hedgerows to the north, east and west which offer an effective visual screen, albeit offering glimpsed views of the site from the road. While the southern boundary of the application site is currently open, the topography of the site is such that visibility from the south is limited as the majority of the camping area lies over the brow of a hill. It is not considered that the additional camping period proposed would give rise to harm to the landscape or unacceptable visual impacts.
- 15.7 Conditions imposed on the original consent for the campsite limit it to tented camping only with no caravans, in the interests of visual amenity. It would be appropriate to impose the same restriction on the additional camping period.

Amenity

- 15.8 Concern has been raised in respect of the impact of the proposed use on amenity of residents of Buckland Rippers with particular concern being raised in respect of noise and odour from cooking. These matters were considered fully in the earlier planning application to establish the campsite wherein the council's environmental health team was consulted and concluded that due to the significant separation of the nearest residential properties from the site, there would not be an unacceptable impact upon amenity.
- 15.9 Aside from Buckland House, which is the Applicant's home, the nearest property to the campsite is Holly Brow, Church Lane, which is approximately 75m from the campsite, while all other properties are over 100m from the campsite. It is also the case that none of the neighbouring dwellings share a boundary with the property.
- 15.10 Although the proposal would result in a longer camping period than had previously been consented it is not considered that this would result in significant adverse impacts upon the living conditions of neighbours.

Habitats

- 15.11 The site is located within 5km of Chesil and the Fleet which is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. Within 5km of the designated site, likely significant effects resulting from additional recreational pressures cannot be ruled out. A package of avoidance and mitigation measures has been agreed with Natural England which are sufficient to allow an appropriate assessment to conclude that likely significant effects can be avoided.
- 15.12 Financial contributions towards the mitigation would ordinarily be funded from the council's CIL pot. However, as the development would not be CIL liable a planning obligation to secure a financial contribution towards mitigation would be required prior to the grant of planning permission. The contribution required is based upon the number of pitches and the occupancy period with the cost of providing mitigation measures equating to £340.79 per camping pitch.

15.13 The site provides a total of 45 pitches open for an additional 46 days per year (12.6% of the year). The total contribution required is therefore $(340.79 \times 45) \times 12.6\% = \pounds 1,932.28$. The contribution would be secured via a legal agreement.

16.0 Conclusion

16.1 The application seeks to extend the camping season for the already established campsite. There would be no change to the number of pitches or the physical size of the site. The proposal is considered to comply with local plan policy ECON7. It is also considered acceptable in relation to visual amenity, residential amenity, highways safety and biodiversity.

17.0 Recommendation

Recommendation A: That the committee be minded to delegate authority to the Head of Planning to grant planning permission subject to the completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure a financial contribution of $\pounds 1932.28$ to mitigation and avoidance measures for the Chesil and Fleet and subject to conditions and that the Head of Planning determines the application accordingly.

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:

Site Plan - 17/154/01 Rev A

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

3. The site shall be used for tented camping only and not for motorhomes or caravans. Tents shall only be erected on the land between 15th May and 1st September, inclusive, in any one year.

REASON: For the avoidance of doubt and in the interests of the visual amenities of the locality.

4. The development hereby approved shall be carried out and maintained in accordance with the approved Biodiversity Mitigation & Enhancement Plan signed by D. Carpendale and dated 7/11/2018, and agreed by the Natural Environment Team on 28/11/2018, unless a subsequent variation is agreed in writing with the Council.

REASON: To ensure the adequate protection of a species and its habitat protected by law that exists on the site.

5. There shall be no external lighting of the site, including the toilet block granted consent under planning application WD/D/20/001703 outside of the camping period hereby approved of 15th May and 1st September, inclusive in any one year.

Reason: To protect the amenity of neighbouring residents and the landscape character.

Informative Notes:

1. National Planning Policy Framework Statement

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

offering a pre-application advice service, and

as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

Recommendation B: That the committee be minded to refuse permission for the reasons set out below if the agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the Head of Planning and that the Head of Planning determine the application accordingly:

1. The site is located within 5km of Chesil and The Fleet European Habitats Sites where an Appropriate Assessment has concluded that significant effects from additional recreational pressures cannot be ruled out. In the absence of a financial contribution to Strategic Avoidance and Mitigation Measures to mitigate the impacts of the development, the proposal would have an unacceptable affect on these sites and would be contrary to policy ENV2 of the West Dorset Weymouth and Portland Local Plan and section 15 of the National Planning Policy Framework.

Application Number:	P/FUL/2021/02048
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Adjacent 423 Chickerell Road Chickerell DT3 4DG
Proposal:	Erect 1no. dwelling
Applicant name:	Mr Craig Pile
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Jean Dunseith, Cllr John Worth.

- 1.0** Taking account of representations made during the course of the consideration of the application, the Head of Service considered that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.
- 2.0** **Summary of recommendation:** That the Committee would be minded to grant planning permission subject to the conditions set out in the report and recommends that the Head of Planning determines the application accordingly.
- 3.0** **Reason for the recommendation:** as set out in paras 16.1 – 16.4 at end:
- The council is currently unable to demonstrate a 5 year housing land supply.
 - Paragraph 11 of the National Planning Policy Framework sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise or doing so would result in significant and demonstrable harm.
 - The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
 - There is not considered to be any harm to neighbouring residential amenity.
 - The proposal would not give rise to any highways concerns.
 - Likely significant effects on habitats sites will be mitigated through contributions to mitigation secured via CIL.
 - There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The council is currently unable to demonstrate a 5 year housing land supply, meaning the presumption in favour of sustainable development applies. Although the site is located outside of the defined development boundary it is sustainably located and planning consent has previously been granted for a dwelling on this site.
Character and appearance	The proposal would relate well to the surrounding area and would not be out of character in the locality.
Impact on amenity	The proposal would not result in any harmful impacts by way of overlooking, overbearing, loss of light or noise and disturbance.
Highways	The proposal would not result in any unacceptable impacts on the highways network.
Habitats sites	The site is located within 5km of Chesil and The Fleet where concern has been raised in respect of additional recreational pressures arising from new dwellings. Mitigation measures have been agreed with natural England and funding towards these will be taken from the council's CIL pot. An appropriate assessment has therefore concluded that likely significant effects will be mitigated.

5.0 Description of Site

- 5.1 The application site comprises an undeveloped rectangular parcel of land located to the southern side of Chickerell Road. There are no buildings on the site and there are no trees or other planting. The ground levels fall gently from north to south and continue to fall away further to the south, approaching the coast.
- 5.2 The site is located on the edge of Chickerell. There is sporadic residential development lining the southern side of Chickerell Road and extending to the west and east. Immediately to the west is a detached mid 20th century dwellinghouse. The land immediately to the east is currently vacant, although planning consent is in place for the construction of a chalet style property on the site. Development on the southern side of Chickerell Road is generally characterised by a mix of 1 and 2 storey detached dwellings set back from the road with driveways. Several of the properties on the southern side of the road have garages in front of the property either as a detached structure or integrated into the house.
- 5.3 On the opposite side of the road, development densities are higher, comprising more modern estate development, including a terrace of properties which back

onto Chickerell Road. There is a mix of building styles evident and no consistent building form or palette of materials in evidence.

6.0 Description of Development

- 6.1 The proposal comprises the construction of a new detached dwellinghouse on the currently vacant site. The dwelling would be 2 storeys in scale, with a reduced eaves line to the western side of the site and gabled front and rear elevations. A garage would be incorporated to the front elevation of the building. The house would be set in from the eastern and western boundaries by approximately 1.2m to either side of the plot, with the upper floor stepping further away from the eastern boundary. The front elevation would sit broadly in line with the fronts of properties either side of the site.
- 6.2 The dwelling would have three storeys of accommodation comprising a ground floor with the garage, hall, open plan kitchen and dining space, an office and separate living room. The first floor comprises four double bedrooms, the master bedroom having an ensuite and dressing room, as well as a family bathroom and a storage cupboard. The dwelling will also have a basement level with a separate dining and sitting area and a sunken courtyard, with bridge over and a garden store.
- 6.3 The proposal is contemporary in appearance and detailing but retains traditional building proportions. Access is to be taken from an existing access onto the southern side of Chickerell Road. The front of the property is to be predominantly laid to hardstanding with space for landscaping on the boundary.

7.0 Relevant Planning History

Application Number	Location	Proposal	Decision	Decision Date
WD/D/17/001646	LAND ADJACENT, 423 CHICKERELL ROAD, CHICKERELL	Erect chalet bungalow and garage with access.	Granted	05/09/2017
WD/D/17/001044	LAND ADJACENT, 423 CHICKERELL ROAD, CHICKERELL	Amendment to Planning Permission reference WD/D/16/000541 - alterations to elevations, materials, roof pitch, porch added, garage moved off boundary wall	Refused	16/05/2017
WD/D/16/000541	LAND ADJACENT 423 CHICKERELL ROAD, CHICKERELL ROAD, CHICKERELL	Erect chalet bungalow & garage	Granted	13/07/2016
WD/D/15/001123	Land adj 425 CHICKERELL ROAD, CHICKERELL,	Erect 1 new dwelling	Granted	13/07/2015

	WEYMOUTH, DT3 4DG			
WD/D/14/002912	425 CHICKERELL ROAD, CHICKERELL, WEYMOUTH, DT3 4DG	Construct bungalow with garage and access	Granted	16/01/2015
WD/D/14/001824	LAND ADJACENT 423 CHICKERELL ROAD, CHICKERELL ROAD, CHICKERELL	Pre-application consultation - construction of dwelling		13/08/2014
WD/D/14/000211	LAND ADJACENT 423 CHICKERELL ROAD, CHICKERELL ROAD, CHICKERELL	Pre-Application Consultation - development of a dwelling on the site		04/02/2014

8.0 List of Constraints

Land Outside DDBs

Landscape Character; Urban area; Chickerell

NE - SSSI impact risk zone;

NE - SSSI: Chesil & The Fleet ; - Distance: 413.85m

9.0 Consultations

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

Consultees

Natural England – Concurs with the conclusion of the Appropriate Assessment that likely significant effects on Chesil & The Fleet can be avoided through mitigation.

DC - Highways – No objection. Condition recommended in respect of vehicle access construction.

Chickerell Town Council – Objection

Although the previous application was granted we would like to point out that it is beyond the development boundary and contrary to the Chickerell Neighbourhood Plan. There is an urgent need to protect the heritage coast from urban sprawl.

Chickerell Town Council also feels that the site is very tight with the development squeezed into the plot which would have an adverse impact on the neighbourhood.

Representations received

9.2 No third party representations have been received.

10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan

10.1 The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV10- The landscape and townscape setting
- ENV12- The design and positioning of buildings
- ENV16- Amenity
- SUS2- Distribution of development
- HOUS6 - Other residential development outside DDB's
- COM7- Creating a safe & efficient transport network
- COM9 - Parking provision

Neighbourhood Plans

10.2 Chickerell Neighbourhood Plan 2019-2036 (made 22/06/2021). The following sections and policies of the neighbourhood plan are considered relevant to the proposal:

- CNP6 – Land at Budmouth Academy Weymouth
- CNP11 – General design principles

Other Material Considerations

10.3 Supplementary Planning Documents/Guidance for Southern/Western Area:

- WDDC Design & Sustainable Development Planning Guidelines (2009)
- Landscape Character Assessment February 2009 (West Dorset)

10.4 National Planning Policy Framework: Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

10.5 Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...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.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage

Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

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. The proposals incorporate design elements that would allow for access by persons with protected characteristics, including level access thresholds to provide access through the ground floor.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
CIL Contributions	£38,695 (including indexation).

14.0 Climate Implications

14.1 The dwelling would lead to additional CO₂ emissions from heating and electricity usage.

15.0 Planning Assessment

Principle of development

- 15.1 The site is located outside of the defined development boundary where, in accordance with policy SUS2 of the Local Plan, development would ordinarily be strictly controlled. However, in this instance planning consent has previously been granted for the construction of a dwelling on the site, and planning permission also exists for the construction of a dwelling on adjacent land.
- 15.2 The council is currently unable to demonstrate a 5 year supply of land for housing delivery and as such relevant development plan policies are considered out of date. In such circumstances, paragraph 11(d) of the National Planning Policy Framework indicates that planning permission should be granted unless:
- i. The application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 15.3 Paragraph 14 of the NPPF goes on to state that in situations where the presumption in favour of sustainable development applies, the adverse impact of allowing development conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits provided that all of the following apply:
- a) The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) The local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer); and
 - d) The local planning authority's housing delivery test was at least 45% of that required over the previous three years.
- 15.4 In this case, points a, c and d are met. However, the made Chickerell Neighbourhood Plan does not include any policies or allocations specifically to meet its identified housing requirement. As such any conflict with the neighbourhood plan is not in itself sufficient to significantly and demonstrably outweigh the benefits of granting planning permission.

- 15.5 The application site does form part of a wider area which is identified in the neighbourhood plan as being safeguarded for the future expansion and community sports provision associated with the neighbouring Budmouth Academy Weymouth. The application site however forms a relatively small part of the overall safeguarded area and it is not considered that the development of this site would significantly prejudice the ability to deliver those uses on the remainder of the site.
- 15.6 The planning history of the site and neighbouring sites is also of particular relevance to the proposals. Planning permission was granted for the construction of a dwelling on the site in September 2017. Although that consent has now lapsed and therefore does not form a material fall-back position, the local plan policies applicable at that time were the same as at present. While a new version of the National Planning Policy Framework has subsequently been published that has not resulted in a significant change in the policies of relevance to this application. While the Chickerell Neighbourhood Plan has subsequently been adopted, with the exception of the policies relating to Budmouth Academy Weymouth, discussed above, the Neighbourhood Plan does not introduce any additional policies which would indicate that planning permission should now be refused.
- 15.7 In addition to the planning history for the site itself, planning consent has also been granted for the construction of a dwelling on adjacent land. That consent remaining extant at present. Therefore, not only would the site sit alongside existing residential development, further dwellings are expected to be constructed and would be experienced as a continuation of the existing development along the southern side of Chickerell Road.
- 15.8 In this instance, taking into account the planning history of the site and neighbouring plots, it is not considered that the specific policies related to in paragraph 11(d)(i) would provide a clear reason for refusing planning permission as the site is not affected by the policies listed in footnote 7 of the NPPF, those being the policies for which paragraph 11(d)(i) applies. It is not considered that the grant of planning permission would give rise to significant or demonstrable harm that would outweigh the benefits associated with the provision of a sustainably located new dwelling in the context of existing housing on the southern side of Chickerell road on a site where planning consent has previously been granted for a similar development, at a time when the council is unable to demonstrate a 5 year supply of housing sites. Therefore the principle of development is considered, on balance, to be acceptable.

Character and appearance

- 15.9 The previously consented scheme for the site was for a chalet bungalow with a separate detached garage to the front of the site. That approval was largely

traditional in appearance. The proposed scheme adopts a more contemporary design approach with a gabled front elevation and an integrated garage projecting from the front of the dwelling. While the overall height of the proposal would be greater than the previous approval, the reorientation of the ridge allows for the opening of a gap in the roofscape.

- 15.10 The overall scale of the proposed dwelling is similar to that of other properties in the vicinity and would mediate between the existing property to the east and the consented building to the west. Although the dwelling would be more overtly contemporary in its detailing than the previously approved scheme, it would not be an inappropriate addition to the street scene, would add visual interest and help to raise design quality locally.
- 15.11 While the garage would be a relatively prominent feature, it would not be as prominent as the garage on the previously approved scheme, being set back into the site. Garages on the frontage of buildings are also established as a feature of the locality.
- 15.12 The comments of the town council have referred to the development being cramped. However, the footprint of the building would be set further from the site boundaries than the previously approved scheme and would be comparable to the plot coverage of development in the vicinity. Although the proposed dwelling is larger than that which was previously approved it is not considered that this increase would lead to an overall cramped development in this case.

Amenity

- 15.13 Owing to the orientation of the building and its relationship with neighbouring properties, it is not considered that the proposal would give rise to harmful impacts upon amenity. There are no properties directly to the rear of the property and to the front the nearest properties are on the opposite side of Chickerell Road, where the relationship is in fact with the rear elevations of properties on Elizabeth Way., which would be approximately 35m away. The dwelling would not have any side facing windows above ground floor level so there would not be any potential for harmful overlooking while the roof orientation and siting avoids concerns in respect of overbearing.

Highways

- 15.14 Access to the site will be taken from the southern side of Chickerell Road. The Highway Authority has reviewed the scheme and has confirmed that it has no objection to the proposal, subject to the imposition of a condition requiring the construction of the first 5m of the access to be in accordance with details to be agreed, prior to the occupation of the development.

Habitats

- 15.15 The application will result in one additional dwelling approx. 0.75km to the north of the Chesil and the Fleet European site.
- 15.16 Natural England, the Appropriate Nature Conservation Body as defined by the Conservation of Habitats and Species Regulations (2017), have previously raised concerns about recreational pressure affecting the integrity of the Chesil and the Fleet European Site.
- 15.17 Natural England cited evidence on the excess recreational use of the Chesil and the Fleet European Site, including:
- 'Chesil Beach 2019 Recreational Activity Strategy', Footprint Ecology (2019) (ref: 549); and
 - Supplementary Advice for Conservation Objectives (SACO) for the Chesil Beach and the Fleet SPA, Natural England (2019).
- 15.18 The Footprint Ecology report confirms that there is currently an unacceptable level of existing recreational pressure at Chesil Beach and the Fleet which is likely to be compromising the integrity of the SAC site features. There are concerns that the trampling of habitats and species by people are resulting in adverse effects on the features of the SAC designation.
- 15.19 The SACO identified significant concerns regarding recreational pressures on the features of the site, in particular Little Tern, which is in unfavourable condition with the target of restoring the population numbers to those upon designation. Recreational pressure, particularly from dog walkers and water sports during the winter period, is thought to be having an adverse effecting the over-wintering birds of the SPA.
- 15.20 Natural England have also raised concerns about air quality upon the Chesil and the Fleet European site as a result of additional vehicular movements from the increase in local population.
- 15.21 Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area.
- 15.22 In the interim period, prior to evidence being gathered and a strategy being adopted, Natural England have suggested that a potential approach is for the local authority to consider interim measures. This would allow planning applications to be determined in the shorter term, prior to a more permanent strategy being adopted.
- 15.23 Natural England have provided a series of measures which they consider likely to provide the mitigation necessary to avoid the unacceptable impacts upon the Chesil and the Fleet European Site in the interim period.

- 15.24 Natural England have also estimated the costs of these measures to be £191,673 per year (Appendix B), which over the period to 2038 equates to a total cost of £3,450,114.
- 15.25 Anticipated housing supply within 5km of the Chesil and the Fleet over the period to 2038 = 6,904 dwellings. Cost charge per dwelling is therefore £3,450,114 / 6,904 = £499.73. The funding to deliver these measures will be taken from Dorset Council's CIL pot.
- 15.26 Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European sites, an Appropriate Assessment was undertaken by Dorset Council as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive.
- 15.27 The Appropriate Assessment concluded that in light of the mitigation provided, there will be no adverse effect on the integrity of the designated sites.

Planning balance

- 15.28 Although the site is located outside of the defined development boundary where development would ordinarily be strictly controlled, the council is currently unable to demonstrate a 5 year supply of deliverable housing sites. The 'tilted balance' established by paragraph 11(d) of the NPPF therefore applies, which states that planning permission should be granted unless specific policies of the framework indicate permission should be refused or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 15.29 The site is not affected by the specific policies referred to in the framework which indicate that development should be restricted. It has been assessed that the scheme would be acceptable in terms of its character and appearance, impact on neighbours, highways and would avoid harm to habitats sites. In the absence of any other impacts related to the scheme the planning balance therefore weighs in favour of granting planning permission.

16.0 Conclusion

- 16.1 The application site lies outside of the defined development boundary for Chickerell. However the site is considered to be sustainably located, planning permission has previously been granted for the construction of a new dwelling on the site and the council is currently unable to demonstrate a 5 year housing land supply meaning the presumption in favour of development applies. It is not considered that the proposal would result in significant and demonstrable harm to outweigh the benefits and the development would not result in conflicts with specific policies of the NPPF which would indicate that planning permission should be refused.
- 16.2 The contemporary design of the proposal would relate well to neighbouring properties, both existing and for which extant consent exists and the proposal

would be appropriate to the overall character of the area without representing overdevelopment.

16.3 The proposal would not give rise to unacceptable impacts on the amenity of neighbouring properties by way of overlooking, overbearing noise and disturbance or loss of light. The proposal is acceptable in highways terms. Likely significant effects on Habitats Sites will be mitigated through CIL.

16.4 There are not considered to be any other material planning considerations which would warrant refusal of this application.

17.0 Recommendation: That the Committee would be minded to grant planning permission subject to the conditions set out in the report and recommends that the Head of Planning determines the application accordingly.

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 - DGA P 01

Proposed Ground Floor Plan - DGA P 05

Proposed first floor basement plan - DGA P 06

Proposed Roof Plan - DGA P 07

Proposed Site Plan - DGA P 08

Proposed Elevations (front) - DGA P 09

Proposed Elevations (side) - DGA P 10

Proposed Elevations (rear) - DGA P 11

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

3. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. Before the development is occupied or utilised the first 5.0 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle

crossing - see the informative note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority).

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and /or deposited onto the adjacent carriageway causing a safety hazard.

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

Reason: To ensure risks from contamination are minimised.

6. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

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 application was acceptable as submitted and no further assistance was required.

2. Street Naming and Numbering

The Council is responsible for street naming and numbering within our district. This helps to

effectively locate property for example, to deliver post or in the case of access by the emergency

services. You need to register the new or changed address by completing a form. You can find out

more and download the form from our website

www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering

3. Informative: The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at dorsetdirect@dorsetcc.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway

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

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Application Number:	P/OUT/2021/01128
Proposal:	Outline application for the erection of up to 9.no dwellings and access
Location:	Land East Of The Paddocks Mosterton DT8 3HQ
Recommendation:	Grant
Case Officer:	Emma Telford
Ward Member(s):	Cllr Knox

This application is referred to committee in line with the Scheme of Delegation consultation process at the request of the Service Manager.

1. Summary of Recommendation:

Recommendation A: That the committee be minded to delegate authority to the Head of Planning to grant, subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure an off-site affordable housing contribution based on a calculation of £345 per square meter and conditions and that the Head of Planning determine the application accordingly.

Recommendation B: That the committee be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the head of planning and that the Head of Planning determine the application accordingly.

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of a financial contribution for the off-site provision of affordable housing. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2019).

2. Reason for the Recommendation:

- Absence of 5 year housing land supply.
- The location of the development is outside of the defined development boundary but it is considered that the site should be regarded as a sustainable location.
- Nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbours.
- There are no material considerations which would warrant refusal of this application.

3. Key Planning Issues:

Issue	Conclusion
Principle of development	The location of the development is outside of the defined development boundary but it is considered that the site should be regarded as a sustainable location.
Residential Amenity	Nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbours.
Visual Amenity, Area of Outstanding Natural Beauty and Heritage Assets	Nothing to suggest at this outline stage that the proposal would be detrimental to the AONB or the visual amenity of the site and surrounding area.
Drainage	A detailed surface water management scheme condition would be placed on any approval granted.
Highway Safety	The Highways Officer considers the access is acceptable in highway safety terms.
Biodiversity	Biodiversity Plan submitted and agreed.
Right of Way	Indicative plans show 9 dwellings can be accommodated without impacting on the right of way.
Community Infrastructure Levy	CIL liable.
Affordable Housing	Financial contribution would be secured by S106 agreement.

4. Description of Site:

4.1 The application site lies on the north-eastern edge of Mosterton adjacent to existing properties of the Paddocks to the west and Chedington Lane to the south. The site currently consists of agricultural land with the existing access off Chedington Lane. There are residential properties to the south and west with open countryside on the other boundaries. A right of way runs from Chedington Lane through the site and out into the open countryside beyond.

4.2 The application site lies outside of the defined development boundary for Mosterton. The site lies within the Area of Outstanding Natural Beauty (AONB) and is also within the setting of the grade II listed buildings Corner Ways which is positioned on Chedington Lane and Cranford Cottage on Bowes Lane.

5. Description of Proposal:

5.1 This application seeks outline permission for the erection of up to 9 dwellings with all matters reserved apart from access. The site would be accessed off the existing residential development of The Paddocks. Indicative plans have been submitted to

show how 9 dwellings could be accommodated within the site. The indicative plans also show an attenuation pond in the south-east corner and additional planting in the north-east corner on the opposite side of the right of way from the proposed dwellings.

6. Relevant Planning History:

WD/D/20/000393 Decision: Withdrawn Decision Date: 17/05/2021

Outline application for the erection of up to 40no. dwellings & associated vehicular access

7. Relevant Constraints:

Outside defined development boundary

Area of Outstanding Natural Beauty

Right of Way

8. Consultations:

8.1 Highways – *It is understood that the application is outline and only covers the access arrangements. The Highway Authority considers the access is acceptable in highway safety terms. It is important to note that the indicative layout will require alteration and is not agreed at this stage.*

The Highway Authority recommends the following condition(s) if minded to grant:

Outline estate road construction (adopted or private)

Notwithstanding the information shown on the plans approved by this application, no development must commence until precise details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority.

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

INFORMATIVE NOTE: Development team

The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.

8.2 Building Control – *No comments.*

8.3 Tree Officer – *The boundaries of the plot are enclosed with native hedging on the north, south and west boundaries with the east boundary being stock fencing, there is a public right of way running parallel to the east boundary. These hedges are an important screen to the site and are to be retained through out and post development.*

Some maintenance of the hedges is required to make into formal hedges. Enclosing the east boundary with new native hedging will be required.

Tree planting is shown on site plan, tree planting within the site and within the current and new planted hedgerows is required.

The only mature trees at the site are situated in the north west corner, a group of mature hedgerow ash trees and on the north boundary there is a mature hedgerow oak.

No tree or landscaping information has been submitted to support this application.

There are Tree Preservation Orders protecting the trees in the north east corner, the plot is not within a Conservation Area.

Tree protection plan required to ensure hedges and trees are not affected by construction activities.

Landscaping plan showing locations of any new trees and hedging is required to be submitted.

RECOMMENDATIONS

Unable to determine due to lack of required information.

Arboricultural Method Statement - Prior to Further decision on this application, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing.

b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012).

c) a schedule of tree work conforming to BS3998.

d) details of the area for storage of materials, concrete mixing and any bonfires; e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility

f) details of any no-dig specification for all works within the root protection area for retained trees

g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

Prior to Further decision on this application, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. Detailed landscape plan to provide details of tree and hedge planting throughout the site. Details to include species and planting method. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

The above documents are to be supplied and approved prior to any further decision being made on the development, this is to ensure that all tree protection measures are appropriate for the site.

8.4 Housing Enabling Team – The site lies within the Dorset AONB on land outside the defined development boundary. Although appraised as a SHLAA site in 2018, it lies outside the defined development boundary and is therefore a rural exception site which, according to the Local Plan, should be available to provide for 100% affordable housing. While the housing register demonstrates that there is a significant need for quality affordable family housing in the west area of Dorset, the community of Mosterton has reached capacity for affordable homes. Two recent developments in the village have provided in the region of 46 affordable homes, which is a significant number to be built in a settlement with a population of approximately 600. In addition, Mosterton is only 3 miles away from Beaminster which currently has developments in progress set to provide over 60 new affordable homes. If granted permission, an affordable contribution will be expected from the development of this scheme.

8.5 Mosterton Parish Council – Mosterton Parish Council objects to this outline planning application. There is no planned development of the infrastructure of Mosterton, a village which is poorly served by public transport and has little by way of employment opportunities within the village or walking distance, making the development unsustainable.

Properties near to the proposed development site are already experiencing flooding as a result of surface water run-off, and this will only increase with additional development.

The mains sewerage system for the village has been operating above capacity for a number of years, causing issues with back flow.

The village school is already unable to offer places to children living in the village in some year groups, and is almost full across the board, with no increase in provision likely in the near future. The village has seen a large amount of development in recent years, with no additional investment in the infrastructure.

Whilst Mosterton Parish Council acknowledges that the village plan indicates the village is open to developments of up to 10 properties, there is a significant concern that an outline application for 9 properties, will change into a subsequent full application for significantly more properties, bearing in mind that the original application submitted for this site, Application number WD/D/20/000393 was for 40 dwellings.

8.6 In response to the comments of the Tree Officer a Tree Survey and Arboricultural Impact Assessment was submitted. The Tree Officer was re-consulted on the application and made the following further comments:

8.7 Tree Officer - *Applicant has supplied Tree Survey and Arboricultural Impact Assessment (AIA) to support this outline application, at this stage the supplied information will be sufficient to support the proposed development.*

Recommendation

Arboricultural Method Statement - Prior to Further decision on this application, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing.*
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012).*
- c) a schedule of tree work conforming to BS3998.*
- d) details of the area for storage of materials, concrete mixing and any bonfires.*
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility*
- f) details of any no-dig specification for all works within the root protection area for retained trees*
- g) details of the supervision to be carried out by the developers tree specialist.*

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

Prior to Further decision on this application, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. Detailed landscape plan to provide details of tree and hedge planting throughout the site. Details to include species and planting method. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

9. Representations:

9.1 Eleven responses have been received in response to the application, ten of which are objecting to the application for the reasons set out below and one response was a comment on the scheme.

- The footpath should be properly fenced and maintained.
- Will the development lead to mission creep?
- Adverse effects on biodiversity and ecology of the site.
- Is there capacity for the pipes and system to cope with more houses for both run off and sewerage?
- School has been at or very close to capacity for a few years now.
- Extra homes will put pressure on the school and exclude children who are in the catchment area.
- Additional cars will put huge pressure on Chedington Lane which is not designed for a lot of traffic .
- Chedington Lane is prone to flooding.
- Field is not suitable for building.
- Site is within area of outstanding natural beauty.
- Drainage in Chedington Lane is not sufficiently up to date.
- Proposed dwellings will significantly overlook number 10 The Paddocks and reduce privacy – property should be changed to bungalow to mitigate the issue.
- Proposed dwellings if two storey would be overbearing.
- Village does not have the infrastructure to deal with further housing or local need.
- Recent and acceleration of housing is putting strain on infrastructure.
- Road entrance will put pressure on a fast road.

- Will alter the quiet and safe close, the Paddocks.
 - Application site is located outside of the defined development boundary.
 - Development will be pre-cursor for more where the plan clearly retains an access way through to the remaining land.
 - Bus service is not at all regular and is much reduced – poor access to the neighbouring towns.
 - New occupiers will be reliant on cars.
 - Beyond the village shop and occasional pop up post office in the village hall residents will need to travel outside of the village for most things including work.
 - Pedestrian and vehicular access from the Paddocks is poor – already a lot of on-street parking.
 - On-street parking reducing the entrance to the Paddocks to a single lane.
 - Road crossing point is unsafe.
 - Proposed development is in a village with few facilities, poor public transport, little employment and which is split by a fast A road.
 - Vehicles approach the village at excessive speed from the north.
 - For a considerable distance there is no pathway on the roadside.
 - Pedestrians must cross the busy A3066 twice or walk in the road.
 - Site is a field used for grazing animals, its habitat includes a diverse range of wild animals including deer, badgers, foxes etc as well as a diverse range of bird life all of which will be destroyed.
 - Development will add to the flood risk.
 - Pond will need a maintenance agreement to keep it operational otherwise it will fill in like others elsewhere.
- Support the position of the flood pond

10. Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage Assets
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV12 - The design and positioning of buildings

- ENV16 - Amenity
- HOUS1 - Affordable housing
- SUS2 - Distribution of development
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

Other Material Considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Supplementary Planning Documents/Guidance for Southern/Western Area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...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.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
- The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering the impact of proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

National Planning Practice Guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11. 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. Public Sector Equalities Duty:

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED. This application is for outline permission and the layout of the scheme is a reserved matter however the indicative details show how dwellings with parking adjacent to them can be provided.

13. Financial Benefits:

Material Considerations:

Employment created during construction phase
 Spending in local economy by residents of up to 9 dwellings

Non-Material Considerations:

Contributions to Council Tax Revenue
 New Homes Bonus
 Community Infrastructure Levy
 Affordable Housing Financial Contribution

14. Climate Implications:

The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would be used as a result of the production of the building materials and during the construction process. When occupied the dwelling would generate vehicular movements releasing carbon monoxide. Heat escape from the dwelling would contribute to greenhouse gases. However, it should be noted that modern building regulations would help minimise such heat release. A balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

A Sustainability/Green Energy Statement was submitted as part of the application and sets out a series of guiding principles for sustainable design and construction that will be explored as part of any detailed design.

15. Planning Assessment:

Principle of Development:

15.1 Mosterton is a settlement with a defined development boundary (DDB) in the adopted Local Plan. The spatial strategy in the Local Plan is set out in Policy SUS2. This has a three-tiered approach, with the main towns of Weymouth and Dorchester as the highest priority locations for new development and elsewhere in the market and coastal towns of Beaminster, Bridport, Lyme Regis, Sherborne, the village of Crossways and Portland at the second tier of the hierarchy. Policy SUS2 also advises that development outside of Defined Development Boundaries will be “strictly controlled” and limited to the exceptions listed in bullet point iii) of the policy. This includes affordable housing, but not open market housing. Therefore the provision of open market housing on the site is contrary to SUS2 as it lies outside of the DDB for Mosterton.

15.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications. The Council’s policies in the adopted Local Plan follows the approach of the presumption in favour of sustainable development. The Council cannot currently demonstrate a five year housing land supply for the West Dorset, Weymouth & Portland plan area and is at a position of 4.93 years. Therefore, the relevant policies for the supply of housing should not be considered up-to-date. This invokes NPPF paragraph 11, d) which states, *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or

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

15.3 The site is located outside of the DDB for Mosterton although the site is located adjacent to the DDB. However, Mosterton is identified with a DDB and as such can be considered, in terms of the spatial strategy for the distribution of development, to be a sustainable location. Since the village is considered, in general terms, to be a sustainable location and the proposed development site is relatively well located to the village and its facilities which include the village hall, shop, pub and primary school, the development of this site with housing could be considered to be a ‘reasonable opportunity’ to improve the short term housing land supply position. Given the above in the circumstances, it is considered that the site should be regarded as a sustainable location for further development. The assessment of the merits of the scheme against the remaining policies of the Local Plan is set out in the following section of the report. NPPF footnote 7 states that:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

15.4 The application site is located within the designated Dorset Area of Outstanding Natural Beauty and therefore para 11 d) i) of the NPPF is applicable in this instance. The impact of the proposal on the AONB will be considered in the following section of this report.

15.2 Residential Amenity:

15.5 The proposed development involves the erection of up to 9 dwellings accessed off The Paddocks. Third party concerns have been raised regarding the impact on of the proposed development on the properties of The Paddocks. As part of the application indicative plans have been provided to show how 9 dwellings could be accommodated on the site. The indicative plans show that adequate spacing between properties, boundary treatments and orientation of the proposed properties can be provided so as not to result in an adverse impact on neighbouring properties. The proposed fenestration details are not known at this outline stage and would be considered as part of any reserved matters application. The proposed development would be accessed off The Paddocks which would result in increased movements on this road however the increase would be for up to 9 dwellings which would not be a uncommon arrangement and would not result in a significant adverse impact on neighbouring amenity. A condition would be placed on any approval granted for a Construction Management Plan for any construction vehicles accessing the site given the proximity to neighbouring dwellings. Given the above there is nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbours and policy ENV 16 of the adopted Local Plan is met.

15.3 Visual Amenity and Area of Outstanding Natural Beauty:

15.6 The application seeks outline permission for the erection of up to 9 dwellings and access to the site. The application site is located within the setting of the grade II listed buildings Corner Ways and Cranford Cottage and is located within the Dorset Area of Outstanding Natural Beauty. NPPF paragraph 177 sets out that *when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.* This application is not considered to meet the

threshold of major development as the proposal is for the erection of up to 9 dwellings in the settlement of Mosterton with a population of approximately 600 which would not result in a significant increase to the population.

15.7 Matters of detail relating to appearance, landscaping, layout and scale are reserved matters. However, the indicative site plan submitted as part of the application shows that 9 dwellings could be accommodated on the site that reflects the neighbouring development of The Paddocks. An outline application WD/D/20/000393 for the erection of up to 40 dwellings on the site and adjoining land was previously withdrawn. It was considered that the proposal in its scale, form and location would not conserve and enhance the character of the AONB. In response this current application has been much reduced to 9 dwellings and the built form would not extend out past the existing right of way through the site. This reduction is considered to bring the site back in line with the existing development of The Paddocks with the existing right of way providing a clear boundary to the built form. Concerns were raised with the agent regarding the boundary of the proposed development with the right of way and that there would need to be sufficient room for native planting to provide a soft edge to the development rather than a close board fence or something similar. In response to this an indicative site plan was submitted showing that adequate hedging could be provided, and a condition would be placed on any approval granted removing permitted development rights for means of enclosure.

15.8 The application site is located within the setting of the grade II listed buildings Corner Ways and Cranford Cottage. The listed buildings are nestled in amongst existing residential development with the application site separated from the listed buildings by neighbouring development. It is considered at this outline stage that the development of up to 9 dwellings could be acceptable and would not lead to substantial harm to the setting of the listed properties. The proposal would therefore lead to less than substantial harm to the significance of the listed properties Corner Ways and Cranford Cottage. NPPF para 202 sets out that *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*. In this case the harm needs to be weighed against the provision of 9 dwellings and a financial contribution for affordable housing. These public benefits are considered to outweigh the less than substantial harm to the heritage assets. Given all of the above there is also nothing to suggest at this outline stage that the proposal would be detrimental to the AONB or the visual amenity of the site and surrounding area.

15.4 Drainage:

15.9 The proposed development is for up to 9 dwellings and as part of the application a Drainage Strategy and indicative site plan showing an attenuation pond in the south-east corner of the site was submitted. The submitted information was discussed with the

Flood Risk Management Team at a surgery meeting and it was considered that appropriate drainage of the site could be undertaken and a condition for a detailed surface water management scheme for the site was recommended and would be placed on any approval granted.

15.5 Highway Safety:

15.10 This application seeks outline permission with access for the erection of up to 9 dwellings. The proposed access would be located off The Paddocks and indicative plans show parking for each of the properties. Highway safety concerns have been raised by third parties including the increase in vehicles from the development and in relation to the location of the proposed access. Highways were consulted on the application and considered that the proposed access was acceptable in highway safety terms. They also advised that the layout for the proposed dwellings shown on the indicative plans will require some alteration however they are indicative and this would be a consideration for any reserved matters stage. The Highways Officer recommended an outline estate road construction condition which would be placed on any approval granted.

15.11 NPPF para 112(e) sets out that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. A condition would be placed on any approval granted for a scheme for car charging to be submitted.

15.6 Biodiversity:

15.12 The proposed development involves the erection of up to 9 dwellings on a site currently used for agriculture. A Biodiversity Plan (BP) was submitted alongside a Certificate of Approval from the Natural Environment Team and it is considered that the proposal will have no adverse impact on biodiversity interests. The mitigation in the BP includes the provision of bird boxes, bat boxes, bee bricks, new tree planting and meadow planting. A condition would be placed on any approval granted for the development to be carried out in accordance with the agreed BP.

15.13 There are mature trees situated in the north west corner, a group of mature hedgerow ash trees and on the north boundary there is a mature oak. There is a Tree Preservation Order protecting the trees in the north east corner. The Tree Officer was consulted on the application and set out that prior to a decision being made on the application an Arboricultural Method Statement was required. In response this information was submitted and the Trees Officer was reconsulted who considered that the information supplied was sufficient at this stage. A condition would be added on any approval granted for a Arboricultural Method Statement and a soft landscaping scheme to be submitted.

15.7 Right of Way:

15.14 A right of way runs from Chedington Lane through the site and out into the open countryside beyond. The submitted site plan is indicative but it does show how 9 dwellings could be accommodated on the site without impacting on the right of way. An informative would be placed on any approval granted setting out that the right of way needs to be kept open and unobstructed.

15.8 Community Infrastructure Levy:

15.15 The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate.

15.16 The development proposal is CIL liable. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning permission is granted.

15.9 Affordable Housing:

15.17 The application site lies outside of the DDB and therefore in accordance with the local plan policies should first be considered as an affordable housing exception site. However, given the Councils lack of five year housing land supply as set out in 15.1 of this report market housing has been considered acceptable on the site. Para 64 of the NPPF sets out the following:

Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

15.18 The proposed development is for the erection of 9 dwellings which falls just under the threshold for major development however it is located within the AONB and therefore is considered as a designated rural area. Therefore, as the proposed development is for more than 5 dwellings affordable housing would be sought. The Housing Enabling Team were consulted on the application and set out that while the housing register demonstrates that there is a significant need for quality affordable family housing in the west area of Dorset, the community of Mosterton has reached capacity for affordable homes. Two recent developments in Mosterton have provided in the region of 46 affordable homes. In addition, Mosterton is in close proximity to Beaminster- which has developments in progress set to provide over 60 new affordable

homes. There is still however a significant need for more affordable housing across the plan area and therefore in this case if permission was granted for this scheme a financial contribution would be sought. To comply with local plan policy HOUS 1, 35% affordable units would be required which when based on 9 units would equate to 3.15 units. As the requirement is for a financial contribution the full amount required to deliver an equivalent affordable home will not be sought but rather an amount broadly equivalent to the average level of public sector subsidy required to deliver an equivalent affordable home in the plan area. This level of subsidy is equivalent to £345 per square meter. The level of contribution therefore will be based on this calculation and the formula would be included in the S106 agreement in order to calculate the exact contribution based on the floor areas of the scheme prior to commencement.

16. Conclusion:

16.1 The applicant is seeking outline permission for the erection of up to 9 dwellings. The location is considered to be sustainable given its location close to the DDB for Mosterton and its facilities. The Council cannot currently demonstrate a 5 year housing land supply, therefore the provisions of paragraph 11 d) of the NPPF are relevant. In this case, the balance of consideration leans towards approval as the benefits outweigh any adverse impacts and there are insufficient material considerations which warrant a recommendation of refusal of this application.

16.2 At this outline stage the proposal is considered acceptable in relation to visual amenity, setting of heritage assets and the AONB, residential amenity, drainage, highway safety, biodiversity, right of way and affordable housing.

17. Recommendation:

Recommendation A: That the committee be minded to delegate authority to the Head of Planning to grant, subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure an off-site affordable housing contribution based on a calculation of £345 per square meter and conditions and that the Head of Planning determine the application accordingly.:

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

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

2. Application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

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

Location Plan – drawing number 3947-BB-XX-XXX-XX-A-201 B

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

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, walls or gates or other means of enclosure permitted by Class A of Schedule 2, Part 2 of the 2015 Order shall be erected around the curtilage of any dwelling house other than those agreed as part of any subsequent reserved matters permission.

Reason: In the interests of visual amenity.

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

- Construction vehicle details (number, size, type and frequency of movement)
- A programme of construction works and anticipated deliveries
- Timings of deliveries
- A framework for managing abnormal loads
- Contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- Wheel cleaning facilities
- Vehicle cleaning facilities
- Temporary traffic management measures where necessary
- Details of construction lighting
- Hours of construction

- Location of loading/unloading and storage of plant, waste or debris and construction materials
- Dust suppression details
- Noise reduction measures
- Details of where contact details will be displayed on site for members of the public and any notifications to adjacent residents

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and neighbouring residential properties.

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

Reason: To prevent the increased risk of flooding.

8. No development shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system 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.

9. Notwithstanding the information shown on the plans approved by this application, no development must commence until precise details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority.

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

10. No development above damp proof course level shall take place until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted and approved in writing with the local planning authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in

accordance with such details as have been approved by the Local Planning Authority including the timetable for implementation.

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

11. No development above Damp Proof Course (DPC) level shall be commenced until a timetable for the implementation of the measures of the Biodiversity Plan has been submitted and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed timetable and the approved Biodiversity Plan, signed by Julian Perrett and dated 27/05/2021, and agreed by the Natural Environment Team on 27/05/2021, unless a subsequent variation is agreed in writing with the Council.

Reason: In the interests of biodiversity mitigation and enhancement.

12. No development shall take place until an Arboricultural Method Statement providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development has been submitted to and agreed in writing by the Local Planning Authority. The method statement must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing.
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012).
- c) a schedule of tree work conforming to BS3998.
- d) details of the area for storage of materials, concrete mixing and any bonfires.
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility
- f) details of any no-dig specification for all works within the root protection area for retained trees
- g) details of the supervision to be carried out by the developers tree specialist.

The agreed protective fencing shall be erected prior to the commencement of development and thereafter, all works must be carried out in accordance with the agreed method statement.

Reason: To ensure the trees and hedges worthy of retention on-site will not be damaged prior to or during the construction works.

13. No development above Damp Proof Course (DPC) level shall be commenced until a soft landscaping and planting plan has been submitted to and agreed in writing by the

Local Planning Authority. The approved scheme shall be implemented in full during the planting season November-March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include a detailed landscape plan to provide details of tree and hedge planting throughout the site, details of species and planting method and provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

Informatives:

- 1) NPPF
- 2) Outline – CIL
- 3) S106
- 4) Right of Way
- 5) Development Team
- 6) Biodiversity Plan
- 7) Street Name and Numbering

Recommendation B: That the committee be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the head of planning and that the Head of Planning determine the application accordingly:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of a financial contribution for the off-site provision of affordable housing. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2019).

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Application Number:	WP/19/00993/OUT
Proposal:	Outline application for the erection of 17no. dwellings with associated access
Location:	LAND AT, BEVERLEY ROAD, WEYMOUTH
Recommendation:	Grant
Case Officer:	Emma Telford
Ward Member(s):	Cllr Ferrari and Cllr O'Leary

This application has been referred to planning committee in accordance with the constitution as Dorset Council are the landowner.

1. Summary of recommendation:

Recommendation A: That the Committee would be minded to delegate to the Head of Planning to grant, subject to conditions and 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 provision of an affordable housing financial contribution of £31,565.00 index linked, a financial contribution of £4128.00 for woodland compensation and a financial contribution of £15,120.00 for slow worm translocation.

And recommends that the Head of Planning determines the application accordingly.

Recommendation B: That the committee would be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning and that the Head of Planning determine the application accordingly:

1) In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of the affordable housing financial contribution for off-site provision. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2021).

2) In the absence of a satisfactory completed S106 agreement the scheme fails to provide adequate compensatory biodiversity/nature conservation measures through the provision of a financial contribution for woodland compensation and financial contribution for the translocation of slow worms. Hence the scheme is contrary to policy

ENV 2 of the West Dorset, Weymouth and Portland Local Plan and Section 15 of the National Planning Policy Framework (2021).

2. Reason for the Recommendation:

- The site is located within the defined development boundary and is considered to be sustainable.
- There is nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbouring properties.
- There are no material considerations which would warrant refusal of this application.

3. Key Planning Issues:

Issue	Conclusion
Principle of development	The application site is located within defined development boundary for Weymouth.
Residential Amenity	Nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbours.
Visual Amenity	Nothing to suggest at this outline stage that the proposal would be detrimental to the visual amenity of the site and surrounding area.
Flooding & Drainage	Flood Risk Management Team raised no objections subject to conditions.
Highway Safety	Highways raised no objection.
Biodiversity	Biodiversity Plan agreed. Financial contributions for off-site compensation and slow worm translocation to be secured by legal agreement.
Community Infrastructure Levy	CIL liable.
Affordable Housing	Financial contribution to be secured by legal agreement.

4. Description of Site:

4.1 The application site is located just to the south of the A353, Littlemoor Road. The site is situated amongst existing residential development with Beverly Road to the south, Pemberton Close to the east and Nuthatch Close to the north. A path runs along the western edge linking Beverley Road to The Doves. The site is undeveloped but overgrown and slopes from the highest point at Beverley Road at the southern boundary down to the northern boundary.

4.2 The application site is located within the defined development boundary for Weymouth.

5. Description of Proposal:

5.1 This application seeks outline consent to erect 17 dwellings with all matters reserved apart from access. The site would be accessed off Beverley Road. Indicative plans have been submitted to show how 17 dwellings could be accommodated within the site. The indicative plans also show the clearing and provision of the drainage basin adjacent to the northern boundary of the site.

6. Relevant Planning History:

86/00679/HIST Decision: GRA Decision Date: 15/12/1986 Erection Of 14 Houses And 77 Flats

7. Relevant Constraints:

Within the defined development boundary
Area Susceptible to Surface Water Flooding

8. Consultations:

8.1 Weymouth Town Council – The Council welcomes the proposal for new housing and has no objection.

8.2 Technical Services - This greenfield site is located within EA flood zone 1 – low probability of fluvial flooding. However, the EA's surface water flood risk maps do indicate that a large part of the site is at risk of surface water flooding - some of it high risk - although I am unaware of any specific flood incidents at that location. Given the size of the development, the FRM team in their role as LLFA have been consulted regards the surface water management proposals for the site and I suggest you refer to their comments.

8.3 Trees Officer - The only trees of any particular visual merit at this site are located towards the south west corner and are shown for retention. There are a number of smaller trees within the area but overall, their size and overall condition is not of any significance.

There is the potential to plant further trees within the strip of land between Beverley Road and the proposed access road and possibly, to the rear (north side) of the proposed development. Considering this, it would be appropriate in this instance for a landscaping scheme to be submitted.

8.4 Highways – The proposed steps between the upper and lower levels are unacceptable on their own as they will fail to meet the needs of the Equalities Act as some of the residents parking for the upper level will no doubt be located down here. It is over a 230m detour by the footway along the Beverley Road and then Pemberton

Road which itself in its current form with full height kerbs is unsuitable for wheelchairs taking the form of a dated service road for access to residents parking only and with no dropped kerbs.

Furthermore the following minor issue now needs resolving:

ii) The turning space for the end parking bay No. 15 which is unusually constrained by the bevelled internal corner opposite this parking bay which is considered too unnecessarily tight and should either be amended or proven to work.

Subject to the above being resolved it would have NO OBJECTION, subject to conditions and informatives.

8.5 Flood Risk Management Team – The applicant has demonstrated how the existing storage offered by the basin will not be compromised by the development. They have also committed to clearing the existing 1980s SuDs basin which is overgrown and in a poor condition. The basin as proposed, however, will not conform entirely to CIRIA C753 standards. As a result, the applicant has proposed various mitigation measures. The visual appearance and impact of these fences, is best assessed by others, however, we would comment as follows:

- The documents provided offer some reassurance as to how the hazards posed by the basin can be managed and mitigated. However, a written risk assessment should be submitted which quantifies this risk in terms of likelihood and impact before and after implementation of the mitigation measures.
- It would be useful to have this for the situation as is vs that proposed with the mitigation measures in place.

The risk assessment should be undertaken by a suitably qualified consultant and accord with design duties under CDM regulations.

In principle, however, we accept that the mitigation measures are likely to prove acceptable once quantified. We will need for the above to be submitted before we can formalise this position, however, and withdraw our current objection, subject to conditions.

As we have already stated, landscaping issues lie outside of our expertise and statutory remit, however, we offer the following, on a discretionary basis, for your consideration:

- Whilst the proposals and mitigation measures appear technically achievable, the resultant layout will include a large attenuation basin with fencing and gates added to regulate access. This is not an ideal approach to SuDS delivery, where open drainage features should offer a large degree of multifunctionality. The level of biodiversity, water storage and treatment will remain the same, however, the level of amenity and accessibility offered is minimal – due in main to the Health & Safety issues raised because of the basin's design. It is appreciated that the current greenspace offers little by way of public amenity due to poor levels of access and

maintenance, however, in our view, development of the site should seek to improve upon this, however:

- i) It is important to remember that attenuation features are often designed for relatively low probability flood events, such that basins rarely use their full design capacity. When carefully designed, therefore, SuDS features can often function as public open spaces and;
 - ii) If the amount of existing storage is necessary for attenuating inflows into the current basin, then enhancing the accessibility of the SuDS feature and its appearance will be difficult and the health & safety measures proposed will likely be required and the application should be assessed on its merits. However, the land grab required by the existing basin (and subsequent H&S requirements) have only been assessed in a limited way at this stage, by considering the maximum possible water level on site, based on the downstream footpath level.
- In flood risk and drainage terms, therefore, the storage allowed for represents a worse-case scenario. It demonstrates no worsening, by taking a conservative approach to assessing the flood risk posed by the basin, however, there is a risk that extensive health & safety mitigation measures, as well as a large area of land will be taken up by a basin that very rarely, if ever fills to the precautionary levels considered.
 - We therefore, recommended that further, more detailed consideration of required storage volumes be assessed at Reserved Matters stage. If, subsequent to this, analysis reveals that storage volumes can be reduced (whilst still allowing for sufficient attenuation from the surrounding catchment), then a revised layout should be submitted which offers a safer and more accessible morphology – potentially without the H&S mitigation measures proposed.

Re-consultation:

8.6 Highways - The revised site plan addresses the concerns previously expressed. Hence, the Highway Authority has NO OBJECTION, subject to informatives and the following conditions:

Turning and parking construction

Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number ASP.18.127.002 Rev L must have been constructed.

Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

Vehicle access construction

Before the development is occupied or utilised the first 15.00 metres of the vehicle

access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

8.7 Flood Risk Management Team – The further documents submitted, along with the various clarifications and decisions conveyed to us from a planning perspective, mean that we now withdraw our earlier Holding Objection, subject to the conditions and informatives at the end of this letter being included on any permission granted.

Whilst we are willing to recommend conditions at this time, we would draw your attention to our previous comments.

You have determined that the visual impact based on the mitigation measures presented and landscaping works are acceptable (albeit contrary to another consultee's advice) and have clarified that as a result, a condition for further study at planning application stage cannot be supported. It is assumed therefore, that the planning authority are willing to accept the potential risk of an over engineered storage area and the various mitigation measures which may result.

Given your clarification that the suggested condition would not meet relevant planning tests, we withdraw our previous suggestion for a condition in respect of further modelling, but strongly advise that appropriate wording be added as an informative.

Further study in respect of the basin size may suggest that the storage allowed for could be reduced, thereby potentially enabling improved landscaping and reduced H&S mitigation measures. This in turn may reduce constructions costs and make the development more viable from an economic perspective.

As usual, the applicant will need to provide a detailed design and maintenance strategy and clear the currently overgrown SuDS feature within their site boundary. To ensure that the above elements are properly considered, we recommend conditions be attached to any permission granted.

9. Representations:

9.1 Five comments were received in response to the application, objecting to the proposed development for the reason summarised below:

- Detrimental effect on the environment.
- Loss of biodiversity - site is a haven for a lot of birds and other wildlife.
- Site would be an eye sore.
- Loss of green site, replaced with concrete.
- Loss of mature trees which are home to many species.
- Destruction of land is final it cannot be replaced.

- Concern regarding climate change, preservation of mature trees has got to be a top priority.
- Already massive development planned for this area, north of Littlemoor Road building on small patches is unnecessary.
- Site is part of the green infrastructure network.
- Site is also a drainage area having a flood culvert at its base built in to alleviate flooding to homes.
- Building on the site will create greater risk of flooding to surrounding properties.
- Flora and fauna needs proper assessment.
- Impact on the privacy and light of the existing neighbouring properties.
- Area is already quite crowded and this site gives the community the benefit of a natural space providing breathing space for both people and nature.
- Impact on air quality and carbon based pollution.
- No affordable housing.
- Littlemoor has already taken a large share of extra homes with no extra infrastructure put in to make allowance for this.
- Additional strain on the facilities and services.
- No employment opportunities for future residents.
- Slow worms on the site which are an endangered species.
- Stream can get very deep.
- Overdevelopment of the site.
- Potential for roosting bats at the site.
- Concerns regarding birds on and near the site including sparrows.
- Evidence of hedgehogs and brown hares near to the site.
- Close proximity to the Lorton Valley Nature Park.
- Concerns over lighting of the scheme on biodiversity.

9.2 Comments were received regarding the proposal impacting on house prices in the area however this is not a material planning consideration and therefore will not be considered as part of this application.

10. Relevant Policies:

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Adopted West Dorset and Weymouth & Portland Local Plan:

The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV12 - The design and positioning of buildings
- ENV13 - Achieving high levels of environmental performance
- ENV16 - Amenity
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- HOUS1 - Affordable housing
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision
- COM10 - The provision of utilities service infrastructure

Neighbourhood Plans

Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making.

Other Material Considerations

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...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.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'

11. 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. Public Sector Equalities Duty:

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED. This application is for outline permission and the layout of the scheme is a reserved matter however the indicative details show how dwellings with parking adjacent to them can be provided.

13. Financial Benefits:

Material Considerations	
Employment created during construction phase	Not known
Spending in local economy by residents of 17 dwellings	Not known

Non-Material Considerations	
Contribution to Council Tax Revenue	Not known
New Homes Bonus	Not known
CIL	Not known
Affordable Housing Contribution	£31,565.00

14. Climate Implications:

14.1 The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would be used as a result of the production of the building materials and during the construction process. When occupied the development would generate vehicular movements releasing carbon monoxide. However, it should be noted that modern building regulations would help minimise such heat release. A balance has to be struck between providing housing to meet needs versus conserving natural resources and

minimising energy use. This application site is located within the DDB for Weymouth which is considered to be a sustainable location.

15. Planning Assessment:

Principle of development

15.1 This application seeks outline consent for the erection of 17 dwellings. In terms of the principle of development the site lies within the defined development boundary (DDB) for Weymouth. Policy SUS2 of the adopted local plan seeks to direct development to the main settlements and to “strictly control” development outside DDBs, “having particular regard to the need for the protection of the countryside and environmental constraints”. Given the location of the site inside the DDB with good access to amenities the principle of the application is acceptable. It would also be seen in the wider context of the surrounding development. The development would also further assist in the lack of five-year housing supply, the Council currently has 4.93 years of supply across the West Dorset and Weymouth local plan area and therefore cannot currently demonstrate a five-year supply of deliverable housing sites. Given the above, the proposal in principle is considered acceptable subject to site specific criteria and compliance with other policies in the local plan all of which are considered below.

Residential Amenity

15.2 The proposed development involves the erection of 17 dwellings on the land adjacent to Beverley Road surrounded by existing residential development on all sides. Third party concerns have been raised regarding the impact on of the proposal on light and privacy of the adjoining neighbours. As part of the application indicative plans were submitted to show how 17 dwellings could be accommodated on the site. The indicative plans show that adequate spacing between properties, boundary treatments and orientation of the proposed properties can be provided so as not to result in an adverse impact on neighbouring properties. The proposed fenestration details are not known at this outline stage and would be considered as part of any reserved matters application. Given the above there is nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbours and policy ENV 16 of the adopted Local Plan is met.

Visual Amenity

15.3 The applications seeks outline permission for the erection of 17 dwellings and access to the site. Matters of detail relating to appearance, landscaping, layout and scale are reserved matters. However, the indicative site plan submitted as part of the applications shows that 17 dwellings could be accommodated on the site. The site is surrounded by residential development on all four sides and would be viewed in relation to the wider built environment. Given the above there is nothing to suggest at this

outline stage that the proposal would be detrimental to the visual amenity of the site and surrounding area.

Flooding & Drainage

15.4 The application site is located within flood zone 1, however the area does fall within an area susceptible to surface water flooding. The Flood Risk Management Team were consulted on the application and objected to the proposals until the potential need for a sequential test had been addressed. It was not considered that a sequential test was required in this case as the proposed built development can be accommodated outside of the area at risk from surface water flooding. The Flood Risk Management Team considered that the poorly maintained depression on the site appeared to form an attenuation feature which was part of the SuDs corridor for the surrounding development. In response to the comments received further information was submitted and the Flood Risk Team reconsulted. It was considered that the applicant had demonstrated that the existing storage offered by the basin would not be compromised by the development and also committed to clearing the existing basin which is overgrown. The basin as proposed, however, would not conform entirely to CIRIA C753 standards and therefore a risk assessment was required alongside details of any mitigation measures proposed. In response a SuDS Risk Assessment Revision 1.0, dated 17th March 2021 was submitted which showed how the basin with different means of fencing, signage and hedging would pass the risk assessment. The Flood Risk Management Team withdrew their holding objection subject to conditions and informatives which would be placed on any approval granted.

15.5 The proposed mitigation measures required to make the basin 'safe' also have visual impacts which need to be considered. Initially an indicative site plan was shown with fencing around the basin including along the indicative parking and existing path to the side of the site. It was considered that this would result in a poor quality of development. In response to these comments the risk assessment, as mentioned previously, was submitted. This risk assessment shows the use of post and rail fencing with hedging behind which passed the risk assessment but also showed that a scheme could be produced that would also be considered acceptable in visual amenity terms.

Highway Safety

15.6 This application seeks outline consent for the erection of 17 dwellings with access off Beverley Road and Pemberton Close. Indicative plans have been submitted which show how parking for the properties could be arranged within the site. Highways were consulted on the applications and raised some concerns. In response to the comments a revised site plan was submitted which highways considered addresses the concerns previously expressed and raised no objections subject to turning and parking and vehicle access conditions. The vehicle access condition would be placed on any

approval granted. The turning and parking condition is not considered necessary at this outline stage as the layout of the scheme is a reserved matter.

15.7 NPPF para 112 sets out that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. A condition would be placed on any approval granted for a scheme for car charging to be submitted.

Biodiversity

15.8 This application seeks outline consent for the erection of 17 dwellings with associated access. The site is currently undeveloped and overgrown with vegetation. Concerns were raised by third parties regarding the loss of biodiversity on the site. An Ecological Assessment and Biodiversity Plan (BP) were submitted as part of the application. The submitted BP included mitigation measures like the translocation of slow worms to an area nearby in the Lorton Valley and planting. The BP also included off-site compensation of £4128.00 calculated via the Dorset Biodiversity Compensation Framework to be paid for the loss of woodland, the contribution will go towards woodland/scrub management within the Lorton Valley. The BP also includes net gain measures of bat blocks, bee bricks and sparrow terraces, swift boxes or house martin cups. A certificate of approval for the BP was issued by the Natural Environment Team. A condition would be placed on any approval granted for the development to be carried out in accordance with the agreed BP and a timetable for the works (condition 12). The off-site compensation would be secured by legal agreement.

15.9 In relation to the translocation of the slow worms, this would be carried out by the Dorset Wildlife Trust but covered by a financial contribution from the developer and secured by a legal agreement. In discussion with the Dorset Wildlife Trust it was considered that a contribution for the translocation of 20 slow worms was considered acceptable as it was estimated up to 20 individuals present on the site. This equated to a financial contribution of £15,120.00 (20 x £756) which would be required as part of the legal agreement which also stipulate that the slow worms must be translocated before development can start on the site.

15.10 Concerns were raised by third parties regarding the impact on trees on the site. The Trees Officer was consulted and considered that the only trees of any particular merit are those located towards the south west corner which are shown for retention. There are a number of smaller trees within the area but overall, their size and overall condition is not of any significance. As layout is a reserved matter the site plan showing the retention of these trees is only indicative. Therefore more detailed consideration of trees to be protected would need to be considered at reserved matters stage so a condition would be placed on any approval granted for a tree protection plan to be submitted as part of the reserved matters to reflect the submitted layout. The Tree

Officer also considered that there is the potential to plant further trees within the strip of land between Beverley Road and the proposed access road and therefore considered a landscaping scheme should be submitted. Therefore a landscaping scheme condition shall be placed on any approval granted.

Community Infrastructure Levy

15.11 The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate.

15.12 The development proposal is CIL liable. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning permission is granted.

Affordable Housing

15.13 Para 63 of the NPPF states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Major development for housing is defined in the NPPF as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The proposed development exceeds this threshold and therefore local plan policy HOUS1 applies. As the application site is in Weymouth it requires 35% of the development to be for affordable housing which would equate to 5.95 units.

15.14 Local Plan policy HOUS 1 sets out that *applicants seeking to justify a lower level of affordable housing provision will be expected to provide an assessment of viability*. A viability report was submitted as part of the application which set out the viability pressure on the site is generated by a combination of relatively low sales values in this area coupled with significant abnormal costs to deal with the levels across the site requiring cut and fill earthworks and retaining structures. The submitted viability report was considered by the District Valuer (DVS) who concluded that the scheme could provide 1 shared ownership unit or alternatively a financial contribution of £42,978 towards off-site affordable housing whilst remaining viable. This was considered by the Housing Enabling Team who considered that a financial contribution would be more appropriate as it would be put towards rented homes in the area for which there is greater need but also that it would be difficult to find an organisation to take on just one affordable unit if provided on the application site.

15.15 Since the viability report was considered, more information has been supplied regarding biodiversity and slow worms on the site. A further financial contribution is required to translocate the slow worms from the site of £15,120. The DVS considered that this financial contribution would impact on the viability and the affordable housing contribution that could be provided. Therefore, in light of the contribution for the slow worm translocation it was considered that an affordable housing contribution of £31,565 would be financially viable. The contribution would be secured by legal agreement.

16. Conclusion:

16.1 The applicant is seeking outline permission for the erection of 17 dwellings. The application site is located within the DDB and is therefore considered to comply with Local Plan policy SUS 2 and is considered acceptable in principle.

16.2 At this outline stage the proposal is considered acceptable in relation to visual amenity, residential amenity, drainage, highway safety, biodiversity and affordable housing.

17. Recommendation:

Recommendation A: That the Committee would be minded to delegate to the Head of Planning to grant, subject to conditions and 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 provision of an affordable housing financial contribution of £31,565.00 index linked, a financial contribution of £4128.00 for woodland compensation and a financial contribution of £15,120.00 for slow worm translocation.

And recommends that the Head of Planning determines the application accordingly.

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

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

2) Application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

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

Location and Block Plan – drawing number ASP.18.127.001

Proposed Access Arrangements – drawing number ASP.18.127.003 A

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

5) No development above Damp Proof Course (DPC) level shall be commenced until a soft landscaping and planting has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November-March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include a detailed landscape plan to provide details of tree and hedge planting throughout the site, details of species and planting method and provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

6) The landscaping works to be approved under Condition 1 shall include a tree and hedging protection plan showing the trees and hedging to be retained and fully safeguarded during the course of site works and building operations. No works shall commence until all trees to be protected shall be protected from damage for the duration of works in accordance with BS 5837:2005 or any new standard that may be in force at the time that development commences. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s). Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.

7) The layout details to be approved under Condition 1 shall include a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The submitted scheme shall include a timetable for implementation of the works. Thereafter the surface water scheme shall be fully implemented in accordance with the submitted details and the timetable.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

8) The layout details to be approved under Condition 1 shall include details of maintenance & management of both the proposed and existing surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the local planning authority. The approved 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.

9) No development shall take place until a scheme for all existing on-site drainage features, which serve the surrounding Littlemoor development to be cleared of overgrowth and brought back to their original design standard submitted to and approved in writing by the local planning authority. Inlets and outlets should be cleared, and headwalls repaired as necessary to the satisfaction of the Local Planning Authority. The scheme shall be implemented prior to first occupation of the development and photographic evidence shall be submitted and agreed by the Local Planning Authority. The drainage features shall be maintained as such thereafter.

Reason: To ensure correct functioning of the existing SuDS basin and proposed drainage infrastructure.

10) Before the development is first occupied or utilised the first 15.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must be laid out and constructed to a specification which shall have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

11) No development above damp proof course level shall take place until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted and approved in writing with the local planning authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority including the timetable for implementation.

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

12) No development above damp proof course level shall be commenced until a timetable for the implementation of the measures of the Biodiversity Plan has been submitted and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed timetable and the approved Biodiversity Plan, signed by Alex Haigh and dated 10/08/2021 and agreed by the Natural Environment Team on 13/08/2021, unless a subsequent variation is agreed in writing with the Council.

Reason: In the interests of biodiversity mitigation and enhancement.

Informatives:

1) NPPF

2) S106

3) CIL – Outline

4) Biodiversity Plan

5) House Name & Numbering

6) Surface Water Basin – The Flood Risk Management Team advised that further study in respect of the basin size may suggest that the storage allowed for could be reduced, thereby potentially enabling improved landscaping and reduced H&S mitigation measures.

7) Dorset Highways - The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with

Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

8) Privately managed estate roads - As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

Recommendation B: That the committee would be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning and that the Head of Planning determine the application accordingly:

1) In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of the affordable housing financial contribution for off-site provision. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2021).

2) In the absence of a satisfactory completed S106 agreement the scheme fails to provide adequate compensatory biodiversity/nature conservation measures through the provision of a financial contribution for woodland compensation and financial contribution for the translocation of slow worms. Hence the scheme is contrary to policy ENV 2 of the West Dorset, Weymouth and Portland Local Plan and Section 15 of the National Planning Policy Framework (2021).

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1.0

Application Number: WP/20/00944

Site address: 35 Easton Street Portland, DT5 1BS

Proposal: Change of use from bed and breakfast accommodation and conversion to 3 no. residential dwellings. Erection of detached garage and erection of 3 bedroomed bungalow.

Applicant name: Mr and Mrs Cullum

Case Officer: Jo Riley

Ward Member(s): Cllr Cocking, Cllr Hughes, Cllr Kimber.

Taking account of representations made during the course of the consideration of the application, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

2.0

Summary of Recommendation: That the Committee be minded to GRANT planning permission subject to conditions and that the Head of Planning determines the application accordingly.

3.0

Reason for the recommendation:

- Addition to housing land supply which is currently evidenced at 4.93 years (below the 5 year supply required under the NPPF (2021)).
- Paragraph 11d of the National Planning Policy Framework (NPPF) provides that where the local planning authority cannot demonstrate a five year housing supply, permission should be granted development unless specific policies in the NPPF provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The loss of business use is considered acceptable based on evidence submitted.
- There is not considered to be any significant harm to neighbouring residential amenity or amenity of potential occupiers.
- There is no harm presented to the Conservation Area or setting of other designated & non designated heritage assets in accordance with the NPPF (2021).
- There are no highways safety issues.
- There are no material considerations which would warrant refusal of this application.

4.0

Planning issues

Issue	Conclusion
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Principle of development	Given its location within the DDB, this scheme complies with sustainable development criteria under policy INT1 of the West Dorset, Weymouth & Portland Local Plan 2015. Even though the Council cannot evidence a five year housing land supply (NPPF 2021) and therefore, housing supply policies are to be treated as outdated for the purposes of decision taking, this scheme would still comply with the distribution of development as set out under policy SUS2 of the West Dorset, Weymouth & Portland Local Plan 2015. Furthermore, given that it is not considered a larger guesthouse and the employment level (part time cleaner) is restricted, it is considered that the scheme does comply with policy ECON6 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policies No. Port/EN6 and Port/BE1 of the Portland Neighbourhood Plan June 2021.
Scale, design, impact on character and appearance	Modest bungalow design prevents dominance and overlooking. Additions to former pub building sympathetic extensions not out of character with other extensions.
Impact on amenity	No direct loss of privacy to neighbours either side from windows. New dwelling separated by gardens and garages to prevent direct overlooking from main building.
Impact on landscape or heritage assets	The development is situated in the Easton Conservation area. It is considered that no harm will be caused to the importance of conservation area by the proposed development. It is located amongst rear gardens, small and large outbuildings and other dwellings built behind street facing properties, that all add to its discreet location.

	<p>Backland development acceptable to the character of the Conservation Area. The site is contained with high boundary walls and would not be visible in the wider landscape.</p> <p>No harm to former public house, considered to be a non -designated heritage asset as well as in the CA, in design terms or rear additions. The important frontage would not be harmed.</p>
Economic benefits	<p>Loss of guesthouse negative but small scale and not prevented under the West Dorset, Weymouth & Portland Local Plan 2015. Very limited loss of employment. Short term construction employment gain and CIL contributions will apply.</p>
Access and Parking	<p>Parking levels acceptable in sustainable location within the DDB. Uses existing side gate and access. No highway objections.</p>

5.0 **Description of Site**

5.1 The site is the former public house known as the New Inn, Easton Street, Portland. Its last use was a guest house following change of use from public house. The proposal relates to the main building and land at the rear. It is within the DDB for Portland and Portland Conservation Area. The site is bordered by residential properties on all elevations other than the main street frontage facing east.

6.0 **Description of Development**

6.1 The proposal is to convert the guest house to three dwellings comprising 2 x two bed houses (plots 1 & 2) and 1 x three bed house (plot 3) with associated gardens. This involves the addition of a two-storey rear wing (to plots 1 & 2), front dormers and rear rooflights, enlargements of existing single storey flat roof extension (to plot 3), removal of flat roof elements and railings on the main building as well as other fenestration changes. There would be a three-bay detached garage to the rear of the main building servicing plots 1, 2 & 3. Within the grounds towards the rear west boundary a single storey two bedroomed bungalow (plot 4) is proposed with associated garden. Vehicular access for the

properties will be provided by the existing side access. Hard landscaping & soft landscaping will also be incorporated.

7.0 Relevant Planning History

7.1 WP/18/00302/FUL scheme for the erection of three terraced cottages in the rear grounds refused for the following reasons:

1. *The scale and siting of the proposed dwelling would represent overdevelopment in this location, resulting in a cramped footprint with insufficient garden sizes for potential occupiers. The proposal is therefore contrary to Policies ENV10 and ENV12 of the Local Plan.*
2. *The proposed design would be overbearing and allow overlooking to neighbouring properties in particular to No. 29 Easton Street. The proposal would be contrary to Policy ENV16 of the Local Plan and Section 12 of the NPPF.*
3. *The proposed vehicular access onto Easton Street would have insufficient visibility for emerging vehicles and cause conflict with pedestrians. The proposal is contrary to Policy COM7 of the Local Plan.*

A subsequent appeal was dismissed dated 6th January 2020 (APP/P1235/W/19/3227154). The pertinent points from the appeal decision are:

- The proposal for 3 houses would project unduly beyond the front elevation of No. 29. At two full storeys plus dormers in the roof with an imposing gable end the proposal would create a dominating and oppressive feature that would have an overbearing effect on the outlook of No. 29 from both front garden and from rooms with a rear aspect, this with the existing neighbouring garage would enclose the space to an unacceptable extent accentuating the oppressive effect on the neighbouring outside space.
- The proposal would not have an overbearing impact on neighbouring outlook in relation to No. 29's side window.
- The gap of less than 5m from first floor windows from the proposed dwellings would result in unacceptable invasion of privacy of No. 29's garden areas.
- There would be no additional noise and disturbance over and above that which would previously occur from the public house.
- The depth of 5m for the proposed gardens for 3 bedroomed houses would be inadequate for future needs of occupiers.
- The Conservation Area derives its significance from the historic fabric and detailing of building frontages, the linear street layout and Easton Square.
- There is already a random arrangement of many backland structures and high walls which erode any open setting behind Easton Street.
- The dwellings in the backland location would not appear wholly inconsistent with the immediate environs and would readily assimilate into the

surroundings. The important part of the Conservation Area would be preserved.

- The existence of the front bay window would make pedestrians take a wide route along the pavement from the proposed access. Pedestrians would be alert to cars coming out of the access and the safety of pedestrians would not be harmed.
- The proposed would be in a sustainable location and add to the housing land supply and would be an efficient use of underused land and have a design and use of materials that is consistent with other dwellings so there are benefits but the amenity of existing and proposed occupiers is not acceptable.

NOTE: Prior to 2011, the entire first floor of the New Inn was Managers private residential accommodation.

8.0 List of Constraints

Inside DDB

Easton Conservation Area

Weymouth and Portland Area Boundaries

9.0 Consultations

9.1 Portland Town Council – object to this application. There are concerns over development at the rear of the property due to overlooking of neighbouring properties. We object to the change of use of commercial property and to the loss of tourist accommodation and the employment and benefit to the local economy that goes along with it. There are also serious concerns regarding highway safety issues because of sightlines being blocked by the bay windows. We request that this application is heard by committee.

9.2 Cllr Kimber Ward Member and Portland Town Council member – I request this application is refused on the following grounds: The development cuts across a busy pathway that will be a danger to pedestrians walking along the pathway in a busy shopping centre and will be dangerous given the number of homes to be built. Other homes on the site will lose their privacy and will be overlooked. This is further backland development and I consider difficult for emergency services to deal with. The development overlooks other homes, causing loss of privacy.

9.3 Conservation officer – I have some concerns regarding the impact of the proposal on the character of the conservation area. However, with regard to the previous appeal decision I have only raised the issue relating to the changes to the frontage building. The work to the rear of the building is well thought through and removes some poor quality flat roofed additions. These are replaced with more contextual pitched roof extensions which enhance its appearance in the Conservation Area. To the front a number of new windows and a door are inserted and dormers to the roof are altered. These add elements which alter the main

frontage proportions of the property and alteration of the dormers erode this further. It is felt that this work needs rethinking by reducing the number of additional window changes to this important frontage, and maybe considering other options. For example, the change to the left hand side sit close to the bay and addition first floor window upsets the proportional balance of the front. A revision to these aspects to address this concern is suggested. As a previously much larger building and central parking arrangement was felt acceptable, I have not raised detailed comments with regard to this aspect of the scheme. The design of both these aspects have improved from the previously submitted application with regard to their impact on the character and appearance of the Conservation Area.

Amended plans have been received and the frontage issues have been addressed.

9.4 Highways – I refer to the previous planning application WP/18/00302/FUL and the Inspectors appeal decision in particular the Inspectors comment on the use of the narrow private access to the highway. Concerns about conflicts of emerging vehicles and passing pedestrians are noted but so was the pedestrian desire line that is pushed over 1m away from the building line by the projecting bay window along the back of the main footway. The Planning Inspector supported this view. The highway authority therefore has no objection subject to a condition that the turning and parking is constructed before occupation.

9.5 Economic Development Officer via surgery – This is not considered to be a large guesthouse or provide significant employment, no objection.

9.6 Building Control – The new dwelling can have a sprinkler system if needed. Both the conversion dwellings & new dwelling can be reached from the street by emergency services.

9.7 Representations –

9 reps:

Support: will not restrict views

Will be less vehicles than when it was a pub

Preferable to previous scheme

Will support local business from new families.

Premises lends itself to conversion

Access is no different to others in the street.

Objections: Harm to highway safety from driving over pavement

Overlooking from rear windows in house
Is crammed into a small space.

10.0 Relevant Policies

10.1 West Dorset, Weymouth and Portland Local Plan 2015

INT1 Presumption in favour of sustainable development
ENV1 Landscape, seascape and sites of other geological interest
ENV2 Wildlife and habitats
ENV4 Heritage Assets
ENV10 The landscape and townscape setting
ENV12 The design and positioning of buildings
ENV15 Effective and appropriate use of land
ENV16 Amenity
ECON6 – Protecting of employment sites
SUS2 Distribution of development
COM7 Creating a safe and efficient transport network
COM9 Parking provision
COM10 The provision of utilities service infrastructure CILL
HOUS3 Open market housing mix

10.2 Other material considerations

Weymouth and Portland Urban Design SPG 2002
SPG2 – Listed Buildings and Conservation Areas
Landscape character assessment (Weymouth and Portland)

Portland Neighbourhood Plan (made 2021)
Port/EN7 Design and character
Port/HS1 Housing mix
Port/EN4 Heritage assets
Port/EN6 DDBs
Port/BE1 Business and employment

Appraisal of the Conservation Areas of Portland 2017:

Easton Street -

Easton represents the Tophill tradition of a cluster of dwellings around ponds and wells situated along the spine of the island and essential to agriculture. By 1810, a settlement pattern recognisable today is established with buildings following a linear arrangement, closely aligned to the edge of pavement. The houses occupy narrow frontages with long gardens for growing food. The buildings tend to be of varying heights with only one exceeding three storey in any of the three sub-areas, this being Moorfield Veterinary Surgery at 38 Easton Street.

Easton Square and Easton Street – dwellings generally of two and three storeys some with attics with three storey terraces. They date from late 18th century and first half of the 19th century. Some have had third storey added. All are constructed of stone. Houses often have outbuildings which comprise ancillary long extensions’.

Important local buildings:

New Inn, Boutique Hotel, 35 is probably late C17, but much altered, long low profile, stone chimney stacks, hipped dormers, painted ashlar.

10.3 National Planning Policy Framework 2021

Paragraph 11, presumption in favour of sustainable development.

Section 4 Decision taking

Section 5 Delivering a sufficient supply of homes

Section 6 Building a strong competitive economy

Section 11 Making effective use of land

Section 12 Achieving well designed places

Section 14 meeting the challenges of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment.

Section 16 Conserving and enhancing the historic environment.

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

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.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering

the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

13.0

Financial benefits

What	Amount / value
Non material considerations	
CIL Contributions	The proposal would be CIL Liable and payable on commencement.

14.0

Climate Implications

14.1 Energy would be used as a result of the production of the building materials and during the construction process of the new dwelling and garages. However, that is inevitable when building new homes and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use. The re-use of existing materials would be used as much as possible. The conversion of an existing building is more sustainable than a new build.

14.2 The garages could easily contain electric charging points.

14.3 The development is considered to be in a sustainable location on a bus route, close to schools and employment and other local facilities hence its close relationship with the DDB.

14.4 Policy ENV13 advises that new buildings are expected to achieve high standards of environmental performance. The new building would meet modern building control standards. The proposed properties to limit environmental impact and improve efficiency will be designed to include the following:

- orientated to avoid excess levels of solar gain, east to west.
- retain a dominance of conversion of existing buildings in lieu of new build, to reduce the use of cement-based products through use of existing masonry walls.
- utilise renewables such as Air Sourced Heat Pumps, MVHR, Photovoltaic Panels, Heat Banks etc.
- utilise grey water drainage systems
- as a standard, utilise high levels of insulation over and above Building Regulation standards to ensure the highest levels of energy efficiency
- extensive constructional detailing to ensure new properties obtain high standards of air tightness
- use locally sourced stone thus reducing transportation
- use of local labor and plant thus reducing transportation

15.0 Planning Assessment

15.1 Principle:

The site is within the DDB and complies with Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan. The Council has a lack of housing land supply (currently evidenced at 4.93 years) and this proposal will add to five year housing land supply as required by the NPPF 2021. The building to be converted was formerly a Public House prior to being used as a guest house; the land to the rear was former pub/guesthouse garden; this scheme is effectively proposing an element of backland development. The Planning Inspector when determining WP/18/00302/FUL paragraph 33 acknowledges that this site is located in an existing built up area with good accessibility to various modes of transport, services and facilities and the general thrust of national policy seeks to boost housing provision. They accepted that this would be an efficient use of underused land at the back of the guesthouse and would have a design and use of materials that is consistent with other dwellings. The principle of development in this site is therefore acceptable subject to compliance with other policies in the Local Plan.

15.2 With regard to the local members comments about access for emergency services, backland development of this nature is common along Easton Street. There is a side vehicular access the same width as that serving properties at the rear No. 27 and 29. The dwellings within the former guesthouse would be easily reached from the side or street. The new bungalow would likely have a sprinkler system as standard given the distance of the driveway which is approximately 43m and the fire service require 45m. This is a matter for building control to address but they raise no concerns over emergency service access.

15.3 The loss of employment was not a consideration under the appeal decision as the guesthouse would remain which provided some public benefit. Since then the guesthouse is vacant having not been viable and lost trade with COVID. The applicants have put in some justification for the loss to evidence it's no longer viable. They have provided estate details of marketing and having discussed the loss of employment issue with the economic development officer, this was seen to be a reasonable attempt for a sale. The economic development officer has also pointed out that the loss of employment from the current situation is minimal, probably a part time cleaner as it is currently used as air B&B (where bookings are secured online). The guesthouse had 5 rooms and provided some benefit to the community and tourists, but this is not considered to be a large guesthouse and has not been let as a guesthouse per se for at least 2 years. Criteria 4.5.15 (pre-text to policy ECON6) of the West Dorset, Weymouth & Portland Local Plan 2015 provides a guide that a larger guesthouse means approximately 6 bedrooms. Policy ECON6 part III) prevents the loss of hotels and larger guesthouses. Given the small scale of the guesthouse and that the main benefit to the community was

the previous public house which has already been lost, the loss of the guesthouse is regrettable but the proposal would not warrant a refusal on that basis alone.

15.4 Residential Amenity:

The harm to living conditions of existing and future residents was one of the reasons the previous proposal was refused, and appeal dismissed in 2018. That scheme was for backland housing of two storey dwellings with dormers in the roof and considered to have a detrimental impact on the living conditions of No. 29 East Street. This proposal has moved location away from the western boundary so that the back of the proposed bungalow is closer to the front of No 29 and has reduced in height from two full storeys with rooms in the roof to a chalet style of one storey with rooms in the roof with rooflights at the rear only and one dormer to the front. The kitchen is an irregular outshot with doors facing inwards to the garden. There are no windows at first floor level to allow direct overlooking to the side window of No. 29. The Rooflights are designed to only allow light in and not easily accessible views outwards. A hedge is the proposed boundary treatment which would prevent views across into the extended garden of No. 29.

15.5 Another element of the previous scheme falling was short was because it had limited outdoor space for potential occupiers. This scheme provides an adequate private garden for the chalet bungalow and rear garden space for the three dwellings created through the conversion and extensions at the rear of the former pub/guesthouse. Each of those gardens would be enclosed and have usable outdoor space. There would be some overlooking from first floors to gardens below from bedrooms, but this is not out of character with terrace housing in Easton Street or in the general area. The proposal is considered to comply with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015) in these respects.

15.6 Impact to the character and appearance of the Easton Conservation Area:

The site is within the Easton Conservation Area, a designated heritage asset. The Council has a duty under section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and/or appearance of the Conservation Area when determining the application. Paragraph 199 of the NPPF also requires that great weight be given to the conservation of designated heritage assets when considering the impact of proposed development on the significance of such assets. The New Inn (its former Public House name) is listed in the Easton Conservation Area appraisal as a locally important building although it is not a designated listed building. It is therefore considered a non-designated heritage in its own right. Paragraph 203 of the NPPF requires decision makers to balance the scale of any harm or loss caused by the proposed development against the significance of the heritage asset.

15.7 The important aspect of the Easton Conservation area is set out in the CA appraisal as *'Easton Square and Easton Street – dwellings generally of two and*

three storeys some with attics with three storey terraces. They date from late 18th century and first half of the 19th century. Some have had third storey added. All are constructed of stone. Houses often have outbuildings which comprise ancillary long extensions'. The extensions to the rear of the main pub building are subservient and allow the main terrace style frontage to remain. They would consolidate existing clutter and ad hoc extensions added for the public house. The Conservation Officer does not object to the proposal and advises that the extensions are more contextual pitched roof extensions which enhance its appearance in the conservation area. The changes to the front elevation retain the important character in the conservation area and the proposal passes the tests as set out in Part 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 and represents no harm to the significance of a heritage asset or non-designated heritage asset. As such there is no need to consider the public benefits of the proposal.

15.8 It should also be noted that the Inspector considered that the area derives its significance from the historic fabric and detailing of building frontages. The rear is already characterised by random back-land outbuildings, dwellings, garages in contrast to Easton Streets frontages and the area was not devoid of buildings and enclosures the previous housing scheme would be similar to back-land properties and acceptable in context with the area.

15.9 In light of the appeal decision where the Inspector did not raise concern with the character of the conservation area being harmed by backland development stating that *'I consider that the proposed dwellings at this backland location would not appear wholly inconsistent with the immediate environs and would readily assimilate into the surroundings. In doing so I consider that the aspects of the PCA that contribute towards its importance would be preserved and no harm to its significance would be incurred. Besides, the proposal would be consistent with the character and appearance of the area more generally, irrespective of the sensitivity of this particular context. The proposal would preserve the character and appearance of the PCA. It would therefore accord with Policy ENV4 of the LP on heritage as well as the more general design and layout provisions of Policy ENV10 and ENV12 of the LP. The proposal would also comply with the Framework which requires heritage assets to be conserved in a manner appropriate to their significance.'*

15.10 The Conservation Officer comments that *'I conclude that the proposal to the frontage of the building to be harmful to the character and appearance of the Easton Conservation Area. My judgement under the NPPF is a finding of less than substantial harm to the character and appearance of the conservation area and this gives rise to a strong presumption against planning permission being granted. It is felt this would have a detrimental impact upon the building within the Easton Conservation Area. While set out as less than substantial harm, it is felt that the significance is medium, for the reasons*

given above. The National Planning Policy Framework requires that any such harm be assessed against any public benefits that would be part of a planning balance.'

15.11 The harm that the conservation officer noted was to the front of the building due to changes to fenestration and these elements have been amended from the originally submitted scheme. It is also noted that the works to the rear of the former public house did not receive an objection from the conservation officer. It is therefore concluded that with the amendments secured on this current scheme and the comments from the previous appeal Inspector; the scheme overall would have **no harm** to designated & non-designated heritage assets. The proposal complies with Part 16 of the NPPF. In addition, the proposal passes the test as set out in section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 in that it preserves the character & appearance of the Easton Conservation Area.

15.12 Parking and Highways:

No objections are received from the Highways team. Comments have been received about the use of the access at the side of the public house and that this would be dangerous to pedestrians. The Planning Inspector of the 2018 appeal did not consider the pedestrian impact to be harmful. The traffic entering or exiting the site would be in a forward gear as there is turning space. Pedestrians walking along Easton Street are used to entrances at the side of properties, those leading to No.27 and No. 29 Easton Street are a case in point. Pedestrians would generally walk away from close to the entrance to avoid the projecting ground floor window and therefore have ample view of vehicles coming out of the entrance. The parking provision and turning areas are acceptable for the number of dwellings in this highly sustainable location on Portland.

16.0 Developers contribution:

The proposal is CIL liable. This is confirmed on commencement. It is private market housing and falls below the threshold for affordable housing.

17.0 Conclusion

The proposal for a conversion of the guest house to three dwellings, and the additional rear dwelling is acceptable given its sustainable location within the DDB, addition to housing land supply it will provide, its accordance with the plot pattern and built form of the area, acceptable amenity impact, acceptable highway safety impact and the acceptable evidence submitted in regards to loss of the business. It results in **no harm** to designated & non-designated heritage assets. The proposal complies with Part 16 of the NPPF paragraphs 199 to 208. In addition, the proposal passes the test as set out in Part 72 of the Planning (Listed Building and Conservation Areas Act) 1990 in that it preserves the character & appearance of the Easton Conservation Area.

18.0 RECOMMENDATION

That the Committee be minded to GRANT permission subject to conditions and that the Head of Planning determines the application accordingly.

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 2023-01

Site Plan 2023-03A

Floor plans and elevations Plots 1, 2, 3 2023-04A

Floor Plans Elevations Plot 4 2023-05

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

3. Notwithstanding the provision of Schedule 2, Part 1 Classes A and B of the Town and Country (General Permitted Development Order) 1995 or any order revoking or re-enacting that Order with or without modification, no enlargement shall be carried out to the bungalow without a further application for planning permission being approved.

Reason: In the interests of maintaining the character of the conservation area.

4. Before the detached dwelling and garages hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

5. Before the commencement of development unless otherwise agreed by the Local Planning Authority, full details of hard and soft landscaping (including boundary treatments, finished floor levels, hard surfacing materials and maintenance arrangements for the soft landscaping) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme of implementation that shall have first been agreed in writing by the Local Planning Authority.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

6. The soft landscaping shall be maintained in accordance with the details agreed under condition No. 5 and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

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

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

8. All new windows and external doors in the development (including frames) shall be of timber and set in reveal to a depth of at least 90mm. The external surfaces of the windows shall be finished and retained white, or such other colour as shall first have been approved in writing by the Local Planning Authority. The dormers shall be painted the same colour as existing. Thereafter, all windows & external doors shall be retained as agreed in perpetuity.

Reason: To protect the external appearance of the building.

9. All new and replacement roof lights shall be top hung with vertical glazing bar(s) and fitted flush to the roof plane.

Reason: To preserve or enhance the character and appearance of the heritage asset.

10. Prior to the commencement of any development hereby approved, above damp course level, details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details and retained in perpetuity.

Reason: In the interests of the amenities of the area

11. Notwithstanding the provision of Schedule 2, Part 1 Classes A and B of the Town and Country (General Permitted Development Order) 1995 or any order revoking or re-enacting that Order with or without modification, no windows or

doors shall be inserted on the south elevation of Plot 3 at ground floor without a further application for planning permission being approved

Reason: In the interests of neighbouring amenity.

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 enlargement(s) of the detached dwellinghouse hereby approved, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

Informatives

a) 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.

- b) This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
- c) The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with **Section 184 of the Highways Act 1980**. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
- d) If consent were given as part of obtaining the Section 184 licence all statutory undertakers must be consulted and their requirements acted upon. British Telecom may require their chamber in footway in front of the

access to be relocated for which sufficient time and resource must be allowed. The cost of this could be considerable.

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