



# Western and Southern Area Planning Committee

**Date:** Thursday, 16 November 2023  
**Time:** 10.00 am  
**Venue:** Council Chamber, County Hall, Dorchester, DT1 1XJ

## Members (Quorum 6)

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

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

For more information about this agenda please contact Democratic Services  
Meeting Contact 01305 224710

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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## Agenda

Item	Pages
<b>1. APOLOGIES</b>	
To receive any apologies for absence	
<b>2. DECLARATIONS OF INTEREST</b>	
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. MINUTES** 5 - 18

To confirm the minutes of the meeting held on 19 October 2023.

**4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee. [Guide to Public Speaking at Planning Committee](#).

The deadline for notifying a request to speak is 8.30am on Tuesday 14 November 2023.

**5. PLANNING APPLICATIONS**

To consider the applications listed below for planning permission.

- |    |  |         |
|----|--|---------|
| a) | Application P/HOU/2023/03923 Hardy House, Castle Road, Portland, Dorset, DT5 1AU<br>Conversion of existing hostel accommodation into 5 No. residential flats. Install solar panels.  | 19 - 32 |
| b) | Application P/FUL/2023/04322 Weymouth Harbour, Weymouth, Dorset, DT4 8AJ<br>Removal and reinstatement of railing to Harbour Wall 4 to facilitate permitted development works to Repair, refurbish, and maintain harbour Walls 4 and 4i including raising of the capping beam to improve level of flood protection. | 33 - 44 |
| c) | Application P/HOU/2023/04785 3 Pump Cottages, West Road, Bridport, Dorset, DT6 6AE<br>Retain and alter ancillary building.   | 45 - 56 |
| d) | Application P/FUL/2023/03561 Store off 'Entry', Brandy Row, Portland, Chiswell, DT5 1AP<br>Form new roof structure, (remove remnants of existing) and covering together with reinstatement of entrance door and side window within existing opening.   | 57 - 66 |
| e) | Application P/HOU/2023/04779 48 West Allington, Bridport, DT6 5BH<br>Install Solar Thermal Panels.   | 67 - 82 |
| f) | Application P/LBC/2023/04780 48 West Allington, Bridport, DT6 5BH<br>Install Roof Mounted Solar Thermal Panels.  | 83 - 94 |

**6. URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.

**7. 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.

**There is no exempt business scheduled for this meeting.**

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## WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY 19 OCTOBER 2023

**Present:** Cllrs Jean Dunseith (Vice-Chairman), Kelvin Clayton, Susan Cocking, Nick Ireland, Louie O'Leary, Bill Pipe, Kate Wheller (Left the meeting at 11:56), Sarah Williams and Belinda Ridout

**Present remotely:** Cllr Paul Kimber

**Apologies:** Cllrs David Shortell, Dave Bolwell, Paul Kimber and John Worth

**Also present:** Cllr David Walsh

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

Ann Collins (Area Manager – Western and Southern Team), Joshua Kennedy (Apprentice Democratic Services Officer), Jo Langrish-Merritt (Planning Officer), Charlotte Loveridge (Planning Officer), Hannah Massey (Lawyer - Regulatory), Elaine Tibble (Senior Democratic Services Officer), Katrina Trevett (Development Management Team Leader) and Thomas Whild (Senior Planning Officer)

#### 44. **Apologies**

Apologies for absence were received from Cllrs Bolwell, Kimber, Shortell and Worth.

Cllr Kimber attended the meeting online but did not take part in the proceedings.

Cllr Ridout attended as a substitute for Cllr Shortell.

#### 45. **Declarations of Interest**

Cllr O'Leary declared a disclosable pecuniary interest in item 5b because he knew the owner of the land, he left the room for the duration of that item.

Cllr Williams declared that she was unable to fully view the application site of item 5a during an independent site visit and withdrew from the meeting during consideration of the item.

Cllr Cocking declared that she had been able to conduct a site visit independently and would take part in the debate and vote for item 5a.

#### 46. **Minutes**

The minutes of the meeting held on 7 September 2023 were confirmed and signed.

47. **Registration for public speaking and statements**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion

48. **Planning Applications**

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

49. **Application P/FUL/2023/00384 Highlands End Holiday Park, Highlands End, Eype, DT6 6AR**

Cllrs Dunseith, Wheller, Ireland, Pipe and Clayton had attended the site visit to the application site and Cllr Cocking had done so independently and so were all able to participate in the deliberation of this item. Cllrs Ridout, O’Leary and Wheller did not participate in this item.

The Senior Planning Officer presented the application for the installation of 300 ground mounted photovoltaic panels to provide carbon free electricity for a holiday park. This application had been deferred at the September meeting to allow members undertake a site visit.

The location of the application site was shown to members and the nearby footpaths and bridleways were outlined on the map. The application site fell within the Dorset AONB, the Eype Conservation area and the West Dorset Heritage Coast designation area.

The application consisted of 300 photovoltaic panels, which would provide 298 mWh of renewable electricity per year for the nearby holiday park. Members were also shown the proposed landscaping plan, which included hedging along the boundaries of the site and orchard planting.

The Senior Planning Officer explained that the provision of renewable energy was supported by policies in both local and national planning frameworks and there was not considered to be an impact on amenity or a loss of biodiversity from the development.

The landscape impacts of the application were highlighted to the committee. Due to the site being located within the AONB and West Dorset Heritage Coast the proposal had been assessed as having a detrimental impact on the surrounding landscape. The applicant had also failed to demonstrate that there were no other alternative sites that would have been suitable for this development that wouldn’t have the same detrimental landscape impacts.

Members were shown photographs from the various viewpoints that were covered during the site visit to the application site. This included views from the site, nearby footpaths and the surrounding area, to demonstrate the visual impact of the development on the landscape.

Public representations were heard from Ms Froy, Mr Ashford and Ms Boyze, who spoke in opposition to the application. They stated that the development would have a harmful impact on the surrounding landscape, in particular the nearby St Peters Church, a non-designated heritage asset. They also expressed concern at the failure to find another suitable site for the development and that the location of the site would result in harm to the AONB and Eype Conservation area. Mr Cox, the applicant, spoke in support of the application, stating that the planting would mitigate the visual impact of the development and the renewable energy that would be generated was a significant benefit.

In response to questions from members, the Senior Planning Officer provided the following responses.

- The West Dorset Heritage Coast is an additional designation area that applies to the application site, alongside the AONB and Eype Conservation area designations.
- The additional report that was submitted late, does not impact the recommendation within the report and any evidence submitted before the decision has been made should be considered by the committee.
- St Peters Church was considered by planning authority to be a non-designated heritage asset.

Several members expressed that they felt that minimal harm to the surrounding landscape was caused by the development and that the benefits of increased production of renewable energy outweighed any harm that was caused.

Having undertaken a site visit, one member considered that the proposal would cause minimal harm to the Eype Conservation Area and St. Peters Church and minimal visual impact to the heritage coast and the conservation area. In their opinion, these minimal levels of harm were outweighed by the benefits of renewable energy generation.

As members were minded to approve the application, the meeting adjourned at 10:59 and resumed at 11:11 in order for officers to provide conditions for the application.

Cllr O'Leary left the Council Chamber at 11:11.

The Development Management Area Manager presented the revised conditions to grant the application to the committee.

Proposed by Cllr Clayton and seconded by Cllr Pipe.

Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to planning conditions the detailed wording of which shall have first been agreed in writing by the vice-chair of the Southern and Western Planning Committee (acting as chairman at today's meeting). These conditions are outlined in the appendix to these minutes.

Cllr Williams returned to the Council Chamber at 11:20.

50. **Application P/RES/2023/03059 Land To The Rear Of 34-36A Canberra Road Weymouth**

The Planning Officer presented the reserved matters application for the erection of 4 dwellings following the grant of Outline planning permission and explained that the committee were only considering appearance and landscaping for this application.

Members were shown a map with the location of the site outlined, as well as a site plan showing the arrangement of the four proposed dwellings. An amended plan had been provided by the agent, which contained additional cycle storage for each property and improved access including ramps for two dwellings.

The elevation plan and landscaping plan was shown to members, this included planting to mitigate the loss of trees from the construction of the development. A photograph, showing the access to the site from an existing paved parking area was also provided.

The Planning Officer explained that the appearance of the development would be in keeping with the surrounding area and the landscaping proposal would offset the loss of vegetation from clearing the existing plot of land.

Members felt the application was acceptable and posed no issues.

Proposed by Cllr Ireland and seconded by Cllr Wheller.

Decision: That the application be granted subject to conditions set out in the appendix of these minutes.

Cllr O'Leary returned to the Council Chamber at 11:34.

Cllr Wheller left the meeting at 11:56.

51. **Application P/FUL/2023/01319 Bonscombe Farm Bonscombe Lane Shipton Gorge Dorset DT6 4LJ**

The Planning Officer presented the application for the conversion and change of use of an existing agricultural building to holiday let accommodation. Members were shown the location of the application site on a map and the access road to the site. An aerial view of the site was also provided to demonstrate the remote and rural location of the application site. It was explained that the site fell within the Dorset AONB and the Powerstock Hills Landscape Character Area, which was associated with tranquillity, remoteness and dark skies.

A plan of the existing agricultural building was shown, as well as photographs of the existing building, which was not considered to have any visual or architectural merit. The site plan of the proposed development was also provided, showing the holiday let and surrounding area including hard standing for parking and bin storage and a decking area.



The Planning Officer explained the application was not considered to enhance the character of the area and due to its isolated location it would cause harm to the Dorset AONB, while the economic benefits were limited. It was also questioned whether the building was suitable for conversion, due to the poor condition of the existing building and the significant work required to convert it into holiday accommodation.

Public representation was received from Ms Benedict, the applicant, who spoke in favour of the application, emphasising the importance that the economic benefits would have on the viability of the nearby farm. In addition, the local Parish Council was in support of the development, as well as the local Ward Member and there had been no objections to the application.

Several members felt that the application provided important economic benefits in supporting a local business and therefore had merit, they also felt that the impact on the AONB and surrounding area would be minimal, provided there was no external lighting on the property.

Meeting adjourned at 12:09 and resumed at 12:26 for officers to provide conditions should the application be approved.

The Development Management Area Manager presented the revised conditions to grant permission for the application to members.

Proposed by Cllr Ireland and seconded by Cllr Pipe.

Decision: That authority be delegated to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 agreement to tie the development to the agricultural holding such that they cannot be sold separately and subject to planning conditions, the detailed wording of which shall have been first agreed by the vice-chair (acting today as the chairman). These conditions are outlined in the appendix to these minutes.

**52. Application P/HOU/2023/03047 73 Woolcombe Road, Portland, DT5 2JA**

The Development Management Team Leader presented the application for the erection of a single storey front extension and bike shed. The location of the site within Portland was shown to members on a map of the area and the boundary of the site was highlighted. It was explained that the application was partially retrospective, because the shed had already been erected, however the extension had not.

A photograph of the property and existing shed was shown to members and it was explained that a 2 meter high wall had been erected around the shed, however this fell within permitted development and was not part of the application. Photographs of neighbouring properties were also provided, showing similar single storey front extensions and sheds, meaning the application would be in keeping with the surrounding area.

The application site was within the Defined Development Boundary and the design of the development and impact on visual amenity were considered to be acceptable.

In response to a question from one member, the Development Management Team Leader explained that there were no limitations on the size or construction materials of the shed and it was the committees duty to decide whether the scale and appearance were acceptable.

Proposed by Cllr Pipe and seconded by Cllr O'Leary.

Decision: That permission be granted subject to the conditions set out in the appendix to these minutes.

**53. Urgent items**

There were no urgent items.

**54. Exempt Business**

There was no exempt business.

**55. Update Sheet**

**Decision List**

**Duration of meeting:** 10.00 am - 12.45 pm

**Chairman**

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## Western & Southern Area Planning Committee 19 October 2023 Decision List

**Application:** P/FUL/2023/00384

**Site Address:** Highlands End Holiday Park Highlands End Eype DT6 6AR

**Proposal:** Installation 300 ground mounted photovoltaic (Solar Panels) to provide carbon free electricity for Park.

**Recommendation:** Refuse.

**Decision:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to planning conditions the detailed wording of which shall have first been agreed in writing by the vice-chair of the Southern and Western Planning Committee (acting as chairman at today's meeting) to cover the following matters:

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. Approved plans list.
3. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on xxx must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

4. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:
- construction vehicle details (number, size, type and frequency of movement)
  - a programme of construction works and anticipated deliveries
  - timings of deliveries so as to avoid, where possible, peak traffic periods
  - a framework for managing abnormal loads
  - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
  - wheel cleaning facilities
  - vehicle cleaning facilities
  - Inspection of the highways serving the site (by the developer (or his contractor) and DorsetHighways) prior to work commencing and at regular, agreed intervals during the construction phase
  - a scheme of appropriate signing of vehicle route to the site
  - a route plan for all contractors and suppliers to be advised on
  - temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway. This information is required prior to commencement of the development due to ensure that construction traffic is appropriately managed throughout the course of the development.

5. Prior to the commencement of any development hereby approved, 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. 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. and thereafter shall be maintained and replaced in accordance with the approved scheme for 5 years following the completion of the approved landscaping scheme.

Reason: To ensure the adequate landscaping of the site to mitigate the impacts of the development upon the landscape and Dorset Area of Outstanding Natural Beauty. This information is required prior to

commencement as landscape and visual impacts will begin from the commencement of works.

6. The solar panel installation hereby approved shall be removed from the site in its entirety and the site shall be restored to agricultural land by XX, that being 40 years from the date of this planning consent.

Reason: To ensure the long term protection of the landscape.

7. No flood lighting or security lighting shall be installed until details of a scheme to control glare or stray lighting has been submitted to and approved in writing by the local planning authority; the scheme shall include timings of use of the artificial lights, shielding and angle of the head to reduce glare and light intrusion on land that it is not owned by the development as appropriate. Thereafter the lighting shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

### **Informative Notes:**

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/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. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

3. The applicant is reminded of their responsibility to submit photographic evidence of compliance with the Biodiversity Plan or LEMP to Dorset Natural Environment Team in order to comply fully with requirements of condition 3.

**Application:** P/RES/2023/03059

**Site Address:** Land To The Rear Of 34-36A Canberra Road Weymouth

**Proposal:** Erection of 4no. dwellings (reserved matters application to determine appearance and landscaping following the grant of Outline planning permission number WP/20/00015/OUT)

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted subject to the following conditions.

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

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

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

Location plan and site plan 20.01 RevC

Site Plan floor plan and elevations 16/241/001 Rev B

Drainage scheme 2305/77/001 RevA

3. The external materials to be used for the walls and roof shall be as stated on the approved drawing 16/241/001 RevB and as detailed in the submitted Design and Access statement 16/241/DAS

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

4. The soft landscaping works detailed on approved drawing 16/241/001 Rev B must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details 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.

5. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) (ref. DBAP23238NH) certified by the Dorset Council Natural Environment Team on 20th September 2023 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

### **Informatives:**

#### **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.

**2. INFORMATIVE NOTE: 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.

**3. INFORMATIVE NOTE: Electric vehicle charging points** The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

**4. INFORMATIVE NOTE: Biodiversity plan**

The applicant is reminded of their responsibility to submit photographic evidence of compliance with the Biodiversity Plan or LEMP to Dorset Natural Environment Team in order to comply fully with requirements of condition 6.

**5. INFORMATIVE NOTE: Cycle Provision**

The applicant is reminded that appropriate cycle parking provision should be made within the application site to encourage sustainable modes of transport. The proposed cycle parking provision must be constructed to a suitable standard, prior to the development being occupied, maintained thereafter and kept free from obstruction.

**Application:** P/FUL/2023/01319

**Site Address:** Bonscombe Farm, Bonscombe Lane, Shipton Gorge, Dorset, DT6 4LJ

**Proposal:** Conversion and change of use of an existing agricultural building to holiday let accommodation.

**Recommendation:** Refuse planning permission.

**Decision:** Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 agreement to tie the development to the agricultural holding such that they cannot be sold separately and subject to planning conditions, the detailed wording of which shall have been first agreed by the vice-chair (acting today as the chairman), to cover the following matters:

1. 3 year implementation
2. Plans list
3. This permission is for conversion and not for rebuild – submission of method statement for conversion works to enable building to be converted and not rebuilt.
4. Holiday accommodation use only and register to be kept of those staying.



5. Approval of material samples.
6. Remove pd rights for new windows, opening and rooflights, extensions and outbuildings.
7. No external lighting.
8. Implementation of biodiversity mitigation plan.
9. Submission and implementation of landscaping scheme and maintenance.
10. Provision of turning and parking area prior to first occupation.
11. Details of proposed boundary treatments including materials and height – to be retained as approved thereafter.

**Application:** P/HOU/2023/03047

**Site Address:** 73 Woolcombe Road Portland DT5 2JA

**Proposal:** Erect single storey front extension and bike shed to the side.

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted subject to the following conditions.

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

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

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

Location Plan PP-12118855v1

Proposed elevations / floor / site plans: Drawing No. 2904:507/001 A

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed in the south elevation of the shed/garage building hereby approved.

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

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<b>Application Number:</b>	P/FUL/2023/03923
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Hardy House Castle Road Portland Dorset DT5 1AU
<b>Proposal:</b>	Conversion of existing hostel accommodation into 5 No. residential flats. Install solar panels.
<b>Applicant name:</b>	Dorset Council (Assets and Property)
<b>Case Officer:</b>	Shanta Parsons
<b>Ward Member(s):</b>	Cllrs Cocking, Hughes & Kimber

**1.0** In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council owns the application site.

**2.0 Summary of recommendation:**

Grant subject to planning conditions.

**3.0 Reason for the recommendation:**

- 3.1 The proposed development would provide 5 dwellings in a sustainable location. It is considered that in this instance, the benefits of the provision of housing, outweighs the loss of hostel accommodation given that there is no realistic prospect of the youth hostel being brought back into use and there is other existing hostel accommodation provision on Portland. It is considered therefore, that the proposal accords with policy ECON6 of the West Dorset and Weymouth & Portland Local Plan (2015).
- 3.2 The development would result in less than substantial harm on the building which is considered to be a non-designated heritage asset and would not adversely impact on the character of the Conservation Area in accordance with policies ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 and Section 16 of the NPPF (2023). The identified less than substantial harm would be outweighed by the provision of an additional 5 units of accommodation in a sustainable location in this instance and the provision of the rooflight is required for safety reasons.
- 3.3 The proposal would have no adverse impact on residential amenity and accords with policy ENV16 of the West Dorset, Weymouth and Portland Local Plan 2015.
- 3.4 The proposal would have no adverse impact on highway safety and accords with policies ENV16, COM7 and COM9 of the West Dorset, Weymouth and Portland Local Plan 2015.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	<p>The site is located within the defined development boundary and is within a predominantly residential area where applications for change of use/conversion to residential units are generally supported in accordance with policy SUS2 of the West Dorset, Weymouth &amp; Portland Local Plan (2015).</p> <p>It is considered that in this instance, the benefits of the provision of housing outweighs the loss of hostel accommodation given that there is no realistic prospect of the youth hostel being brought back into use and given that there are several other hostels in the wider vicinity that provide hostel tourism accommodation, including Portland Outdoor Centre in Castletown (72 Beds) and The Bunker House in Fortuneswell (18 beds). As such, whilst the proposal does conflict with Policy ECON6 of the West Dorset, Weymouth and Portland Local Plan 2015 it is considered that the public benefit of providing additional housing in a sustainable location outweighs that conflict, having regard also to other existing provision of hostel accommodation within the vicinity of the site.</p>
Scale, design, impact on character and appearance	The limited alterations to the external features of the building would have limited impact to the existing building no adverse impact on the wider area. As such, the scheme complies with policy ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015).
Impact on landscape or heritage assets	Hardy House is surrounded by built development when taking in long distance views of the site and therefore, is not distinguishable in the wider landscape. The modest changes to building will have a neutral impact on the landscape in accordance with policy ENV1 of the West Dorset, Weymouth & Portland Local Plan (2015).

	<p>The rooflight on the south east roof slope will have limited impact on the pleasing roofscape, resulting in less than substantial harm. However, this is outweighed by the safety benefits to the occupants of this non-designated heritage asset and the provision of 5 units of accommodation in a sustainable location and is acceptable in the Underhill Conservation Area (designated heritage asset) in accordance with policy ENV4 of the West Dorset, Weymouth &amp; Portland Local Plan (2015) and Section 16 of the NPPF (2021).</p>
Access and Parking	<p>Appropriate levels of access, parking and turning would be provided so as to have no adverse impact on highway safety given the large curtilage size and provision currently in place. As such, the scheme accords with policies COM7 and COM9 of the West Dorset, Weymouth &amp; Portland Local Plan (2015).</p>
Impact on amenity	<p>The use as residential units would have no adverse impact on amenity of future occupants nor existing local residents given there is a good level of external amenity space provided as well as the distance of the new flats to the nearest neighbouring property and limited external change to the building overall. As such, the scheme accords with policy ENV16 of the West Dorset, Weymouth &amp; Portland Local Plan (2015).</p>

## 5.0 Description of Site

- 5.1 The site is located within the defined development boundary, Underhill Conservation Area and within the 5km Chesil & Fleet SPA/SAC/RAMSAR recreational protection zone. It is also within the area of archaeological interest that covers all of Portland and the lowest surface water flood risk zone (1:1000).
- 5.2 Hardy House itself is a large locally important building (non-designated heritage asset), having formerly been a Royal Navy Admirals home. It comprises a 28 bed youth hostel currently with a large parking and turning area to the west/south and a large grassed area to the rear (east). It is set back from Castle Road within its large plot, situated prominently on the slope and is surrounded by built development. To the north is the Portland Community hospital and to the east, south and west are residential properties.

## 6.0 Description of Development

6.1 The proposal seeks to convert the 28-bed hostel to 5 self-contained flats. The external alterations proposed include the provision of a ramped wheelchair access to the front of the building, replacement of the existing double entrance door with a single door within the existing opening and the insertion of a roof light in the rear elevation. The proposal has been amended during the consideration of the application deleting the solar panels on the rear elevation.

Internally, the layout would be re-configured to provide:

- 2 two-bed flats on the ground floor
- A one-bed flat and a two bed flat on the first floor
- A one-bed flat on the second floor

There would be no alteration to the access or the parking arrangement which includes an access off Foylebank Way and a relatively large, tarmacked parking area and turning area that can accommodate space for at least 6 cars.

## 7.0 Relevant Planning History

98/00623/COU - Decision: GRA - Decision Date: 03/02/1999

Conversion and extension of former MoD Police Station into youth hostel

## 8.0 List of Constraints

Underhill Conservation Area

Important Local Building

Landscape Character area; Limestone Plateau

Area of Archaeological Potential

Defined Development Boundary

Neighbourhood Plan Name: Portland NP; Status 'Made' 22/06/202

SGN - Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 0

Risk of Surface Water Flooding Extent 1 in 1000

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 336.56

Wildlife Present: West European Hedgehog; - Distance: 0

## 9.0 Consultations

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

### Consultees

1. **Planning Policy Officer-** Portland Neighbourhood Plan recognises the importance of tourism and seeks to encourage more visitors. It identifies a lack of visitor accommodation as a constraint on growth and refers to research carried out in 2016 which draws attention to a reported deficit in

terms of amongst other forms of accommodation, hostel/ bunkhouse accommodation operations.

2. **Highways** – no objection - Recommend conditions regarding turning and parking area and provision of cycle parking.
3. **Environmental Assessment Team**- no objection - In terms of Chesil and Fleet recreational pressure, there is a net loss of residential units, and no mitigation is required.
4. **Conservation Officers** – no objection - The building is not Listed nor are there any neighbouring Listed buildings. The site is located within the Underhill Conservation Area.

Hardy House is a substantial detached building located in an elevated position to the east of Castle Road.

Upon consideration of the submitted documentation it is considered that the proposals do not have a detrimental impact on the setting or distinctiveness of the Conservation Area.

5. **Trees** - no objections to the proposal subject to the standard condition being applied - Tree & Hedgerow protection - Pre Commencement
6. **Portland Town Council** – supports on the understanding that priority will be given to families with a local connection.
7. **Cllr Kimber** - -supports. Would like to see this looked at by the Planning committee.

#### **Representations received**

None received.

### **10.0 Duties**

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.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **11.0 Relevant Policies**

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

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
- ENV 12 - The design and positioning of buildings
- ENV 16 - Amenity
- SUS2 - Distribution of development
- ECON6 - Built tourist accommodation
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

**Portland Neighbourhood Plan 2017 to 2031 (made 22/06/2021):**

- Policy No. Port/ST1 Sustainable Tourism Development
- Policy No. Port/EN4 Local Heritage Assets
- Policy No. Port/EN6 Defined Development Boundaries
- Policy No. Port/EN7 Design and Character
- Policy No. Port/TR3 Reducing Parking Problems
- Policy No. PORT/HS1 Housing Mix

**National Planning Policy Framework (2021 & 2023):**

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.

Other 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 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 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 173). 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 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).

### **Other material considerations**

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

*Conservation Area Appraisals:*

Portland (Grove, Easton, Reforne, Straits, Wakeham, Underhill and Weston of Portland) adopted November 2014

Appraisal of the Conservation Areas of Portland 2017

## **12.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

### **13.0 Public Sector Equalities Duty**

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The applicant states that it will adhere to accessibility legislation (i.e. Inclusive Mobility) which would include the pedestrian access onto Castle Road as well as providing a ramped access into the building. The design proposals provide for a safe and suitable access to the application site and well-located parking.

### **14.0 Financial benefits**

None that are relevant material considerations.

### **15.0 Environmental Implications**

Conversion works and construction of the ramped access may involve the use of plant, machinery and vehicles. These will generate emissions including greenhouse gases. However, this has to be balanced against the benefits of providing homes . The works would include insulation and secondary glazing and would be carried out to building control standards which ensure thermal efficiency and overall improvements for the environment.

### **16.0 Planning Assessment**

Principle of Development and loss of tourism use:

- 16.1 The site is located within the development boundary and a predominantly residential area where applications for change of use/conversion to residential units are generally supported in accordance with policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and EN6 of the Portland Neighbourhood Plan.
- 16.2 Hardy House was previously used as a 28-bed youth hostel which has not been used as such since the start of the pandemic and it is understood that during the pandemic it was used as emergency covid accommodation and then, subsequently

used to provide support to unhoused residents within the Dorset Council area. The agent states that due to the re-structuring of the Youth Hostel Association (YHA) nationally, the Youth Hostel Association are no longer interested in running Hardy House as a Youth Hostel and have relinquished the tenancy agreement with Dorset Council. Therefore, this proposal is put forward by Dorset Council (the landowners) to seek to change the use of Hardy House to five flats to provide accommodation for houseless families as a way of making best use of the property now the tourism function by the YHA has ceased.

16.3 Policy ECON6 of the West Dorset, Weymouth & Portland Local Plan (2015) seeks to resist the loss of hotels and larger guesthouses unless it can be demonstrated that the tourist function is no longer viable and that there is no market for the business as a going concern. The planning policy team has confirmed that policy ECON6 does relate to hostels.

ECON6 states:

*“Applicants will be required to demonstrate that real effort has been made to retain the tourist accommodation. Evidence submitted should typically include:*

- Reasons why there is no longer a market for the premises in its tourist function;*
- Details of how the property has been marketed, the length of time that the marketing was active and any changes during this period, the asking price, the level of interest generated and any offers received;*
- In the case of a reduction in size, the economic impact on the ongoing viability of the business. “*

16.4 The planning policy officers refer to the Portland Neighbourhood Plan, in their response, which recognises the importance of tourism and seeks to encourage more visitors. They state: “While section 13 of the plan recognises the potential for the development of green and sustainable tourism it also identifies a lack of visitor accommodation as a constraint on growth (paragraph 13.2) and the supporting text to Neighbourhood Plan Policy No. Port/ST1 (Sustainable Tourism Development) (paragraph 13.11) draws attention to a reported deficit:

*“Recent research (2016) remarked that Portland had: very little serviced accommodation, no provision in terms of touring caravan and camping sites, only one small 5-star holiday park, a small supply of self-catering accommodation and only three hostel/ bunkhouse accommodation operations. The resulting action plan recommended, in particular, redressing the lack of “suitable accommodation for activity visitors, particularly in terms of a lack of provision for camping, and the potential for camping pods as an accommodation offer that would appeal to this market.” The planning policy officer says that “The 2016 study referred to by the Neighbourhood Plan is the Western Growth Corridor Study, Hotel Solutions. The proposition identified by the study was to develop Portland as an outdoor activity hub and I believe the matrix for Portland under the heading ‘what needs to happen’ listed among other things camp site, camping pods, hostel/bunkhouse, self-catering.”*

16.5 While a YHA hostel isn't a typical hotel or guesthouse, it does serve as tourism accommodation. In this case, the applicant/agent states that there is no likelihood that the Youth Hostel Association would take on the running of this building. The reason for the proposed development is to help meet the Council's key cabinet commitment of housing for local people utilising what would otherwise be an empty building. The Housing Enabling Team Leader advises that this states "We will build on our investment in council owned temporary accommodation to substantially reduce the dependence on bed and breakfast for those who are homeless and need short-term accommodation". According to the officer there are currently 18 families in Bed and Breakfast Accommodation in Dorset whilst their homelessness assessment is carried out. 7 of these have been in Bed and Breakfast for more than 6 weeks. Government guidance states families should not be in Bed and Breakfast accommodation for longer than 6 weeks. The Dorset Housing Register has 5191 active applications, of which around 650 have declared a local connection to Weymouth and Portland. This indicates that there will be a long-term need for accommodation of the type being provided by Hardy House. Hardy House will provide temporary accommodation for 5 families whilst their homeless situation is assessed rather than being placed in Bed and Breakfast accommodation and the provision will be managed by Dorset Council's Housing Service either directly by staff from the Council or through a contract which will be managed by the Council.

16.6 Whilst the housing is proposed to accommodate homeless people, it is not considered necessary to condition the use of the proposed housing for that purpose only given the site's location within the defined development boundary in a sustainable location where the provision of open market housing accords with the policies of the development plan. Furthermore the proposal would provide 3 x 2 bed flats and 2 x 2 bed flats in accordance with Policy HS1 of the neighbourhood plan which states that new residential development should favour small dwellings.

16.7 It is considered that in this instance, the benefits of the provision of housing would outweigh the loss of the hostel accommodation given that there is no realistic prospect of the youth hostel being brought back into use and given that there are several other hostels in the wider vicinity that provide hostel tourism accommodation, including Portland Outdoor Centre in Castletown (72 Beds) and The Bunker House (18 Beds) in Fortuneswell.

16.8 As such whilst the proposal conflicts with Policy ECON6 of the West Dorset, Weymouth and Portland Local Plan 2015, given the other hostel provision that exists in the vicinity of the site and the need for additional housing in sustainable locations it is considered that these material considerations outweigh the policy conflict.

16.9 Impact on the Character of the Area and designated/non-designated heritage assets:

The site lies within the Underhill Conservation Area and while Hardy House is not a Listed Building it forms part of a group of 'Important Buildings' with non-designated heritage asset status. The grouping comprises: Boscawen, Hardy & Rodney Houses and former hospital gatehouse plus associated boundary walls and entrances. The large gardens of Hardy, Boscawen and Rodney Houses along Castle Road are identified within the Conservation Area appraisal as 'Important open Spaces,' which

provide an “attractive setting to naval houses (Important Local Buildings), deter settlement coalescence, help retain Castletown’s historic separation.

- 16.10 The external alterations proposed include the provision of a ramped wheelchair access to the front of the building, cycle parking racks, bin store, replacement of the existing double entrance door with a single door within the existing opening and the insertion of a rooflight on the south-east facing elevation. During the consideration of the application, the proposal for solar panels has been removed from the scheme.
- 16.11 The roof light is proposed as an automatic opening vent for the stairs. This is an essential part of the fire safety strategy for the building as its purpose is to purge smoke from the stair to facilitate escape in the event of a fire.
- 16.12 It is recognised how relatively untouched the existing roofscape is and how the modern intervention of the rooflight would not preserve the historical/traditional character of that roofscape. However, the rooflight positioning has been adequately justified and as such the proposal accords with Policies ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 and Section 16 of the NPPF (2021 & 2023) and Policy No. Port/EN4 and Policy No. Port/EN7 of the Portland Neighbourhood Plan 2017 to 2031 (made 22/06/2021) given the less than substantial harm identified and given its benefits in terms of health and safety, in order to aid the provision of housing in a sustainable location.
- 16.13 Given that the large garden of the property is one of those identified in the Conservation Area Appraisal as an important open space it is considered necessary to remove permitted development rights, by means of a planning condition, for the erection of means of enclosure within the site to prevent the potential for the subdivision of the garden area for the proposed flats in the future, in the interests of the character and appearance of the Conservation Area.

16.14 Impact on Amenity:

There is an existing large grassed amenity area to the rear of the building which would remain to provide amenity area for the future occupants. Given the distances between the upper floor windows of Hardy House and the existing neighbouring residential properties and given the previous use of the building as a hostel, it is not considered that the use of Hardy House as flats would have any undue adverse impact on the existing neighbouring residents. The building is not to be extended and no third party comments have been received. As such, the proposal accords with Policy ENV16 of the West Dorset, Weymouth and Portland Local Plan 2015.

16.15 Impact on Highway Safety:

There would no alteration to the access or the parking arrangement which includes an access off Foylebank Way and a relatively large, tarmacked parking area and turning area that can accommodate space for at least 6 cars. Given the previous use of the site as a hostel and the ample provision of parking and turning, the proposal would have no adverse impact on highway safety. As such the proposal would accord with Policies COM7 and COM9 of the West Dorset, Weymouth and Portland Local Plan 2015 and Policy No. Port/TR3 of the Portland Neighbourhood Plan 2017 to 2031 (made 22/06/2021)

16.16 Other matters:

All of Portland falls within an area of archaeological interest; however, given the limited excavations overall, this scheme does not raise any concerns in this regard.

16.17 The Environmental Assessment team has confirmed that no mitigation is required for recreational impacts to the Chesil & Fleet SPA/SAC/RAMSAR site given the proposal would result in a net loss of bedspaces.

**17.0 Conclusion**

17.1 The proposed development would provide 5 dwellings in a sustainable location. It is considered that in this instance, the benefits of the provision of housing, in this case a mix of smaller units, outweighs the loss of hostel accommodation given that there is no realistic prospect of the youth hostel being brought back into use, the proximity of other existing hostel accommodation and the provision of housing within the defined development boundary. It is considered therefore, that the conflict with policy ECON6 of the West Dorset and Weymouth & Portland Local Plan (2015) is outweighed by these other material considerations.

17.2 There would be less than substantial harm to the building as a non-designated heritage asset through the insertion of the proposed rooflight but that harm would be outweighed by the safety benefits of providing the rooflight to aid a means of escape and that it would enable the provision of 5 units of accommodation in a sustainable location. It is considered that subject to conditions, the development would preserve the character of the Conservation Area in accordance with policies ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 and Section 16 of the NPPF (2021 & 2023).

17.3 The proposal would have no adverse impact on residential amenity or highway safety and accords with policies ENV16, COM7 and COM9 of the West Dorset, Weymouth and Portland Local Plan 2015 and TR3 of the Neighbourhood Plan

**18.0 Recommendation**

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

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

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

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

- 23108.01B Location & Block Plan
- 23108.08D Proposed Site Plan
- 23108.09A Proposed Ground Floor Plan

- 23108.10A Proposed First Floor Plan
- 23108.11A Proposed Second Floor Plan
- 23108.12B Proposed West & North Elevations
- 23108.13D Proposed East & South Elevations

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

3. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on the approved site plan 23108.08D to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

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.

4. Prior to the installation of the rooflight/vent in the rear (south-east) elevation, as indicated on the approved plan, a scheme showing precise details (including materials and design) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied or brought into use and shall be permanently retained thereafter.

Reason: In the interests of the character and appearance of the non-designated heritage asset.

5. The dwellings hereby approved shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority of the proposed bin store, including materials, design and height as shown on the approved site plan 23108.08D. Thereafter the bin store shall be provided in accordance with the approved details prior to first occupation of the dwellings.

Reason: In the interests of the character and appearance of the Conservation Area.

6. Before the dwellings hereby approved are first occupied the turning/manoeuvring and parking shown on the approved site plan 23108.08D shall have been completed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and be available for the purposes specified.

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

7. Before the dwellings hereby approved are first occupied the cycle parking facilities shown on the approved site plan 23108.08D shall have been completed. Thereafter, these must be maintained, kept free from obstruction and be available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to enable the use of sustainable transport modes.

8. 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 means of enclosure permitted by Class A of Schedule 2 Part 2 of the 2015 Order shall be erected or constructed.

Reason: To protect amenity and the character of the Conservation Area.

### **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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. The applicant is advised that prior to the development being brought into use it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.



## Officer Report

<b>Application Number:</b>	P/FUL/2023/04322
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Weymouth Harbour Weymouth Dorset DT4 8AJ
<b>Proposal:</b>	Removal and reinstatement of railing to Harbour Wall 4 to facilitate permitted development works to Repair, refurbish, and maintain harbour Walls 4 and 4i including raising of the capping beam to improve level of flood protection.
<b>Applicant name:</b>	Dorset Council
<b>Case Officer:</b>	Thomas Whild
<b>Ward Member(s):</b>	Cllr Hope and Cllr Taylor

- 1.0** In accordance with the Council's constitution this application is being referred to the Planning Committee as Dorset Council is both the applicant and landowner.
- 2.0 Summary of recommendation:** GRANT Subject to conditions
- 3.0 Reason for the recommendation:** The proposals are acceptable in principle and are necessary to facilitate essential repairs to Weymouth's Harbour wall and flood defences. Once complete, the works would not result in harm to the significance of heritage assets and would maintain the area's character. There would not be any unacceptable impacts in terms of flood risk or highways. The proposals are therefore considered to comply with relevant policies of the neighbourhood plan and National Planning Policy Framework.
- 4.0 Key planning issues**

Issue	Conclusion
Principle of development	The works are acceptable in principle as they are within the defined development boundary and would maintain the character of the area.
Character and impact on heritage assets	The proposals would maintain the character of the area and would not result in harm to heritage assets.
Flood Risk	The proposals would not result in increased risk of flooding or increase the population at risk of flooding.
Highways	Highways impacts would be limited to the construction period and, with appropriate management would not result in unacceptable impacts.

**5.0 Description of Site**

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- 5.1 The application site comprises part of Weymouth's Harbour Wall. The harbour has several kilometres of harbour wall. This application relates specifically to sections of the harbour wall known as Wall 4 and 4i which are located on the southern side of the inner harbour on north quay. The total length of both sections of the wall is approximately 235m and extends from Town Bridge to Westwey Road.
- 5.2 Wall 4 comprises the first 85m from Town Bridge at the eastern end of the site and comprises a combination of reinforced concrete panels with intermediate reinforced concrete king posts. Wall 4i is a stone masonry wall extending approximately 250m beyond wall 4.
- 5.3 The walls are topped with painted metal railings which comprise green painted stanchions and white horizontal railings. The railings closest to town bridge are approximately 1.3m high with ornamented octagonal stanchions and smaller intermediate stanchions. The remainder of the railings are lower, approximately 0.9m high, and are simpler in their design comprising simple cylindrical stanchions.

### **6.0 Description of Development**

- 6.1 The proposed development comprises the removal of existing railings for part of the Weymouth harbour wall and their reinstatement, set further inland with additional capping stone to provide improved flood defences. The works are required in order to facilitate urgent repairs to the harbour wall.
- 6.2 As originally submitted, the application included the works of repair to the harbour wall as well as the removal and reinstatement of railings in a separate part of the wall. However it has been subsequently confirmed that those works may be carried out under available permitted development rights and the application has therefore been amended to include only those parts of the works which require express planning consent.
- 6.3 The works for the repair of the wall itself are considered to fall under Schedule 2, Part 8 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended). That allows for development on operation land by statutory undertakers in respect of dock, pier harbour, water transport or canal or inland navigation undertakings, required-
  - a) For the purposes of shipping,
  - b) In connection with the embarking, disembarking, loading discharging or transport of passengers, livestock or goods ad a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking, or
  - c) In connection with the provision of services and facilities.
- 6.4 The works to the remaining railings are considered to comprise permitted development as due to the size of the smaller railings, their removal is not considered to comprise 'relevant demolition' in the conservation area, and being less than 1 metre they can be reinstated under permitted development rights for the erection of gates, fences walls and other means of enclosure under Schedule 2, Part

## Officer Report

2 Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

### **7.0 Relevant Planning History**

7.1 There is no relevant planning history for the site.

### **8.0 List of Constraints**

- TOWN BRIDGE listed building grade G2. HE Reference: 1313402 - Distance: 0
- Grade: II Listed Building: OLD HARBOUR HOUSE List Entry: 1148095.0; - Distance: 23.6
- Weymouth Town Centre Conservation Area
- Town Centre Areas; Weymouth
- WEY7; Westwey Road and North Quay Area; Westwey Road and North Quay Area - Distance: 0
- WEY 1; Weymouth Town Centre Strategy; Weymouth Town Centre - Distance: 0
- Defined Development Boundary; Weymouth
- Landscape Character; Urban Area; Weymouth Urban Area
- Legal Agreements S106
- Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0
- Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0
- Dorset Council Land (Freehold)
- RAMSAR: Chesil Beach & the Fleet ; - Distance: 2507.28
- Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 2487.41
- Site of Special Scientific Interest (SSSI) impact risk zone;
- Main River Consultation Zone
- FLD - Flood Zone 3 - Distance: 0
- FLD - Flood Zone 2 - Distance: 0

## Officer Report

### 9.0 Consultations

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

#### Consultees

1. **Highways** – No objection subject to condition to secure a construction method statement.
2. **Conservation Officers** – No comments received from conservation officers. County Archaeologist to indicate that a proper record of any stonework affected by the works should be made.
3. **Environment Agency** – No objection. Recommendations made in respect of percolation of water through lower sections of wall, surface water management and biodiversity.
4. **Weymouth Town Council** – Support but raise concern in respect of level of detail for the railings.
5. **Asset & Property** – No comments received.
6. **Ward councillors** – No comments received.

#### Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	2

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

9.2 In addition to the consultee responses summarised above, two comments have been received from third parties noting the potential for archaeological remains and interest to be identified through the works.

### 10.0 Duties

10.1 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.

10.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.3 Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## Officer Report

### 11.0 Relevant Policies

#### West Dorset Weymouth and Portland Local Plan 2015

11.1 So far as this application is concerned, the following policies are considered to be of relevance:

- INT1 - Presumption in favour of sustainable development
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- SUS2 - Distribution of development
- WEY1 - Weymouth town centre strategy
- WEY7 - Westwey road and North Quay area
- COM7 - Creating a safe and efficient transport network.

#### Weymouth neighbourhood plan

11.2 The Weymouth Neighbourhood Plan is currently in preparation with consultation being carried out on a pre submission version of the plan until December 2023. As the plan has not yet been through examination it can only be afforded very limited weight in the decision making process.

#### **National Planning Policy Framework:**

11.3 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.

Other 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 6 'Building a strong, competitive economy',
- 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.

## Officer Report

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 16 'Conserving and Enhancing the Historic Environment'- When considering 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**

#### Other material considerations

- **Weymouth Town Centre Conservation Area Character Appraisal.** The site is located within the Old Weymouth sub area. Attractive stone and metal bollards are noted as features which contribute to the character of the area.
- **Weymouth Town Centre Masterplan 2015.**

### **12.0 Human rights**

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

12.1 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.

### **13.0 Public Sector Equalities Duty**

13.1 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.

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13.2 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. Considering the scale and nature of the proposals it is not considered that they would have implications for persons with protected characteristics.

### 14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
None	

### 15.0 Environmental Implications

15.1 There would be some additional CO<sub>2</sub> emissions as a result of the works. However the works are necessary to facilitate urgent repairs and upgrades to the harbour wall which will improve its performance in the context of rising sea levels. In re-using the existing railings the works would contribute to minimising the use of natural resources.

### 16.0 Planning Assessment

16.1 As set out in section 6 of this report although the initial supporting documentation and drawings refer to the full extent of works to the wall including all of the repairs to the wall and the works to the full length of the railings, as these works can be carried out under permitted development rights the extent of the application has been reduced to cover only those works which fall outside of permitted development, which are the removal and reinstatement of handrails for part of the length of the sea wall.

#### Principle of development

16.2 The site, being located within the defined development boundary of Weymouth is in a location where new development is generally considered to be acceptable subject to compliance with other relevant development plan policies. The site also falls within the Weymouth Town Centre Area where policy WEY1 sets a number of aims including retaining and enhancing the area’s character, having an attractive public realm and appropriately managing flood risk. The reinstatement of the railings will ensure that the established character of this part of the waterfront is maintained.

16.3 The site falls within the Westwey Road and North Quay area to which policy WEY7 applies. That establishes the area as a focus for mixed use redevelopment. It also establishes an expectation that North Quay, which lies immediately to the south of the site, will be redeveloped in such a way that maintains an attractive frontage to the harbour. Although the proposals do not directly relate to the redevelopment of North Quay, the harbour wall and railings are a key aspect of the frontage to the harbour so the appropriate reinstatement is beneficial in achieving this policy objective.

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### Character and impact upon heritage assets

- 16.4 The proposal involves removing the existing railings to facilitate the works to repair and enhance the sea wall before reinstating the railings. The existing railings are to be stored and re-used therefore the overall appearance of them will remain unchanged once the development is completed. On being reinstated it is intended that the handrail will be inset slightly from the edge of the harbour wall. Where the railing is currently mounted directly atop the harbour wall it would, after the completion of the works be inset sitting against the back edge of the wall on the pavement. This would not be a significant change and would not therefore harm the character of the surrounding area.
- 16.5 The site is located within the Weymouth Town Centre Conservation area and is also located within the setting of a number of listed buildings including Town Bridge and Old Harbour House. In terms of the impacts of the development on these designated heritage assets and their special character, the railings are considered to contribute to both the setting of the listed buildings and to the character of the conservation area. The stanchions to the railings have an ornamented octagonal design with lower stanchions which as well as having a practical function provide visual interest and contribute to the overall maritime character of the harbour.
- 16.6 The removal of the railings would therefore result in some harm to the character of the conservation area and the setting of the listed buildings. However that harm would be temporary for the duration of the construction works. Once completed as the same railings and stanchions will be reinstated, the harm would be reversed such that the overall impact of the development would be that there would be no harm to the significance of the town centre conservation area, or to Town Bridge or Old Harbour House through impacts in their setting. A condition is recommended requiring a method statement, including a timetable of works to ensure that the works are carried out in such a way that does not damage the railings and to ensure that they are carried out in a timely manner.
- 16.7 Comments have also been received from the County Archaeologist and interested third parties in respect of the potential for items of archaeological interest to be found during works, in particular to the stonework of the walls. A condition requiring a programme of archaeological work to be secured prior to the commencement of development is therefore recommended. That recommendation was however made in respect of the original scope of the application, before it had been confirmed that a significant proportion of the works could be carried out under permitted development rights. In view of the reduced scope of the application the proposed condition would not pass the test of being relevant to the development being permitted. Therefore it does not meet the requirements of paragraph 56 of the National Planning Policy Framework in respect of the imposition of planning conditions. Nonetheless the level of archaeological interest in the area is recognised and a condition recommending the carrying out of suitable archaeological investigations is proposed.

### Flood risk

- 16.8 The site is located within flood zones 2 and 3 and areas of surface water flooding. The nature of the proposals is however such that they would not result in increased flood risk elsewhere or cause additional people to be exposed to flood risk. The



## Officer Report

development, in facilitating works to the harbour wall would contribute to managing flood risk within the town.

### Highways

- 16.9 The proposals would not result in additional access to the highway or any change to vehicle movements once complete. There would however be traffic implications during construction from vehicle movements as well as storage of materials and development activities which would to a degree encroach on the pavement. As such a construction management plan has been requested. However, as is the case with the archaeological comments, the comments were made in respect of the more extensive works which are confirmed as permitted development. Given that the works now only involve the removal and reinstatement of a handrail, it is not considered that the construction management plan condition would meet the test of being directly related to the development.

## **17.0 Conclusion**

The proposals are acceptable in principle and are necessary to facilitate essential repairs to Weymouth's Harbour wall and flood defences. Once complete, the works would not result in harm to the significance of heritage assets and would maintain the area's character. There would not be any unacceptable impacts in terms of flood risk or highways. The proposals are therefore considered to comply with relevant policies of the neighbourhood plan and National Planning Policy Framework.

## **18.0 Recommendation**

Approve subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
70093483-WSP-00-XX-DR-CV-0003 P01 Proposed General Arrangement Plan  
70093483-WSP-00-XX-DR-CV-0002 P01 Site Location Plan  
70093483-WSP-00-XX-DR-CV-0001 P01 Wall 4 and 4i Location Plan  
70093483-WSP-00-XX-DR-CV-0102 P01 Wall 4 Elevation after refurbishment  
70093483-WSP-00-XX-DR-CV-0103 P01 Wall 4 New handrail alignment  
70093483-WSP-00-XX-DR-CV-0202 P01 Wall 4i Elevation after refurbishment  
70093483-WSP-00-XX-DR-CV-0203 P01 Wall 4i Handrail alignment  
70093483-WSP-00-XX-DR-CV-0102 P02 Wall 4 Elevation after refurbishment

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

## Officer Report

3. Prior to the commencement of development, a method statement for the removal, storage and reinstatement of the railings and stanchions shall be submitted to and agreed in writing with the local planning authority. The method statement shall include a timetable for the completion of the works. The development shall be carried out strictly in accordance with such details as are agreed.

Reason: To ensure that there would not be any long term harm to the character of the Weymouth Town Centre Conservation Area or the setting of neighbouring listed buildings. This detail is required prior to the commencement of development as the method statement needs to cover all phases of the work.

### **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 applicants/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. The applicant's attention is drawn to the letter from the Environment Agency dated 10 October 2023 in respect of this application.
3. The applicant's attention is drawn to the comments of the County Archaeologist, dated 4 October 2023 with regard to the potential for features of archaeological interest to be revealed when carrying out works to the harbour wall. It is recommended that a suitable programme of archaeological investigation is discussed with the county archaeologist to ensure that features of archaeological interest potentially affected by the works are recorded.

**Officer Report**

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<b>Application Number:</b>	P/HOU/2023/04785
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/HOU/2023/04785">Planning application: P/HOU/2023/04785 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	3 Pump Cottages West Road Bridport Dorset DT6 6AE
<b>Proposal:</b>	Retain and alter ancillary building
<b>Applicant name:</b>	Mr P & Mrs S Page & Ainley
<b>Case Officer:</b>	Robert Parr
<b>Ward Member(s):</b>	Cllr Bolwell; Cllr Clayton; Cllr Williams

**1.0** In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council owns land at the application site.

**2.0 Summary of recommendation:**

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant planning permission subject to the completion of a S106 agreement to require that the works to alter the building in accordance with the approved plans are carried out within six months of the date of the planning permission and subject to planning conditions.

**3.0 Reason for the recommendation:**

- No harm to character and appearance or amenity.
- No highway concerns identified.
- No adverse impact on European Protected Site.
- There are no material considerations that would warrant refusal of this application.

**4.0 Key planning issues**

Issue	Conclusion
Principle of development	<p>Site is outside the defined development boundary but Local Plan Policy SUS2 does allow for extensions to existing buildings and therefore the principle of development may be acceptable subject to other policies in the adopted local plan.</p> <p>Outside the defined development boundary Local Plan HOUS6 allows for an extension to the original dwelling house and so subject to further assessment the principle of development of an ancillary building to the original dwelling is accepted under Policy HOUS6.</p>

Design	The design would be in keeping with the character and natural beauty of the Dorset AONB.
Highway Safety	No significant adverse impact on highway or traffic movement.
Wildlife and Habitat	Within 5km of Chesil Beach and the Fleet European Protected Site. Proposals are not considered to have a significant adverse effect on the integrity of the designated site.
Amenity	Acceptable impact.
Response to Other Issues Raised	Other issues raised have been satisfactorily addressed.

## 5.0 Description of Site

- 5.1 The application site is located approximately 1.3km west of Bridport and north of West Road (A35). No.1 Pump Cottages fronts the A35 and No.3 Pump Cottages sits behind and to the north, forming a corner plot. The existing dwellings are located in an elevated position with the land to the north falling away into the valley. The application site is made up of No.3 Pump Cottages, a communal track, part of which is Dorset Council owned land, the track leads to the other properties in the group, a gravel parking area and the existing garden of No.3 Pump Cottages. The existing cottages form part of a small enclave of buildings, which back on to open countryside. Within the garden of No.3 Pump Cottages is an existing building, which has been erected without the benefit of planning permission, located on the east side of the garden which is separated from the main dwelling by the communal track and parking area.
- 5.2 The application site is outside the Defined Development Boundary, is within the Dorset Area of Outstanding Natural Beauty, is not in a Conservation Area, is not a Listed Building and is in an area recorded as having a low probability of flooding.

## 6.0 Description of Development

- 6.1 The proposal is to alter the existing building and then use the building as ancillary accommodation in association with No.3 Pump Cottages. The proposed alterations would reduce the size of the building by removing a northern section of the building.
- 6.2 The proposed retained building would have a broadly rectangular planform and pitched roof with gable ends. The retained building would be located on sloping ground, which falls away to the north and at the northern end of the building would be French doors and windows and access would be provided by a pedestrian door retained on the west elevation of the building. The retained external wall materials would be timber cladding with a natural finish, and the shallow pitched grey Glass Reinforced Plastic roof would be replaced with a Living Green roof.

## 7.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
P/PAP/2023/00314	Proposed ancillary building	Response Given	02/08/2023
P/FUL/2022/04755	Retention of annex/holiday let	Withdrawn	01/02/2023
WD/D/14/001889	Erection of double storey side extension to 3 Pump Cottages. Removal of external store owned by Highway and construction of porch extension with pitched tiled roof.	Granted	14/10/2014

## 8.0 List of Constraints

- Dorset Council Land (a section of the shared access track on the east of the application site)
- Bridport Area Neighbourhood Plan, Adopted: 05/05/2020
- Dorset Area of Outstanding Natural Beauty: (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)
- Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet

## 9.0 Consultations

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

### Consultees

1. **Symondsburry Parish Council:** No Objection.

**Planning Comment:** The application was for a timber building that was a reduction in size from that constructed without consent. The Parish Council objected to the previous retrospective application due to considerable issues detrimentally affecting neighbours and also planning policy. The applicant then withdrew the application. The current application reduces the size of the timber building by about a third and removes the decking area with steps, however, maintains the height and basic shape. The shower area internally is removed and the toilet and washbasin area maintained. The reduction does not preclude the use of the building as Air BnB with the access and parking issues highlighted by the neighbours.

**Consideration:** The Committee noted the reduction in size of the building went some way to relieve the loss of amenity experienced by the neighbours. It was felt that the reduction in size and the removal of the timber decking and stairs made the timber building more acceptable as a garden structure. They did however note that it did not indicate that Air BnB would no longer be offered. In

addition, they noted that timber decking could be added in the future unless dealt with under this application.

**Conclusion:** The Committee noted that this was a realistic proposal although not dealing with the Air BnB issue. No Objection.

2. **Highway Authority:** The site is accessed from a private road that gains its access from the A35 which is part of the Strategic Road Network (SRN), for which National Highways are the responsible Highway Authority. As such comment on the applications suitability in highway terms is left to National Highways. This application should be referred to NATIONAL HIGHWAYS for their consideration and comment on highway matters.
3. **National Highways:** National Highways offers no objections to the development as proposed.
4. **Dorset Council Assets & Property:** No response received.
5. **Dorset Wildlife Trust:** No response received.

### **Representations received**

A total of two objections were received and in summary raise the following issues:

Comments of Objection	
Principle	- Concern over potential continued use as holiday let/Air BnB rather than ancillary accommodation.
Local Character	- Size of building not in keeping with those in surrounding area.
Scale and Density	- Building significantly larger than previous summerhouse.
Residential Amenity	- Loss of privacy due to development overlooking gardens. - Loss of light to neighbouring garden and existing greenhouse.
Highway Safety, Traffic Movement, Parking	- Existing intensification of traffic due to use as holiday accommodation.
Other Issues	- Contradictions in application as Design & Access Statement describes a dark grey GRP roof covering and a living roof covering. - Concerns raised that decking and steps could be added later and subsequently create an adverse impact on neighbour amenity through loss of privacy. - Concerns over impact of building on existing sewage and drainage system.

## **10.0 Relevant Policies**

### West Dorset Weymouth and Portland Local Plan 2015

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

- 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
- ENV 12 - The design and positioning of buildings
- ENV 16 - Amenity
- SUS2 - Distribution of development
- COM7 - Creating a safe and efficient transport network
- HOUS6 - Other residential development outside defined development boundary

### Neighbourhood Plans

#### 10.2 Bridport Area Neighbourhood Plan 2020-2036 (made 05/05/2020)

- POLICY AM2 Managing Vehicular Traffic
- POLICY L1 green Corridors, Footpaths, Surrounding Hills & Skylines
- POLICY D1 Harmonising with the Site
- POLICY D8 Contributing to the local character.

### Other Material Considerations

#### 10.3 Supplementary Planning Documents/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

### National Planning Policy Framework (2021)

#### 10.4 So far as this application is concerned the following sections and paragraphs are considered relevant;

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.

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 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 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).

## **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. The building would be used ancillary to 3 Pump Cottages and would not therefore be for any public use. Whilst the building is on sloping ground there is a door to access which involves only one step up into the building. The set of steps to the decking are proposed to be removed and there would be level access from the inside of the building to the decking.

## **13.0 Financial benefits**

13.1 There would be no direct financial benefits to Dorset Council as a result of this proposal.

#### **14.0 Environmental Implications**

14.1 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. Therefore, in accordance with habitat regulations the proposal has been screened to consider the potential impact of the development on the protected sites. The application is for an ancillary building to No.3 Pump Cottage and would therefore not create an additional residential unit or holiday accommodation. As such, there are no likely significant effects associated with this proposal on the European protected sites. As the screening process concluded that the application would have no likely significant effect on the European protected sites, the requirement for an appropriate assessment has not been triggered as set out in the Habitat RegulationS.

14.2 No other potential wildlife or habitat impacts were identified with the proposal and as such the scheme is considered to be acceptable when assessed against Local Plan Policy ENV2.

#### **15.0 Planning Assessment**

##### Principle of development

15.1 Outside the defined development boundary Local Plan Policy SUS2 sets out that development will be strictly controlled, but it does allow for extensions to existing buildings in line with their current lawful use subject to the detailed considerations of other policies in the adopted local plan.

15.2 Local Plan Policy HOUS6 allows for the extension of an existing lawful dwelling house outside the Defined Development Boundary subject to the extension being subordinate in scale and proportions to the original dwelling house and not harming the character of the locality or its landscape setting. Therefore, as the development is considered to be an extension to the original dwelling house, for ancillary use, subject to further assessment against the limitations set out in Local Plan Policy HOUS6, the principle of development is accepted under Policy HOUS6.

##### Design

15.3 The proposed building has a broadly rectangular planform and by virtue of the materials, shape and form it can be characterised as a timber chalet. The external materials of the walls are considered in keeping with the site by virtue of the timber cladding which will tone down in colour over time and gradually blend with its rural setting. Furthermore, the proposed use of a Sedum Green Roof to replace the existing grey Glass Reinforced Plastic (GRP) finished roof is considered acceptable as this will also help to blend the building into the existing landscape.

15.4 Local Plan Policy ENV1 sets out that development should be located and designed so that it does not detract from, and where reasonable enhances the local landscape character. Furthermore, Bridport Area Neighbourhood Plan Policy D8 sets out that new developments should enhance the local character and Neighbourhood Plan

Policy L1 sets out that proposals must preserve and enhance the natural beauty of the Dorset AONB by:

- a. Being located on sites that do not adversely affect the wider landscape setting;
- b. Being designed in such a way as to positively exploit the site features using form, scale materials and an architectural approach appropriate to the site context.

Neighbourhood Plan Policy L1 also sets out that proposals that do not preserve and enhance the AONB will be refused.

- 15.5 It is considered the development would not harm the character and natural beauty of the Dorset AONB by virtue of the reduced scale of the building, the materials proposed and is therefore in accordance with Local Plan Policy ENV1, ENV10 and Neighbourhood Plan Policies L1, D1 and D8.
- 15.6 As the application site is outside the defined development boundary (DDB) and the provision of an ancillary building is considered to be an extension of the existing dwelling-house, Local Plan Policy HOUS6 is applicable. Policy HOUS6 sets out that the extension of an existing lawful dwelling-house outside the DDB will be permitted provided it is subordinate in scale and proportion to the original dwelling and does not harm the character of the locality or its landscape setting. The proposed development by virtue of its scale and proportions is considered to be subordinate to the original dwelling house. Furthermore, as set out in the preceding paragraph the proposed building is not considered to harm the character of the landscape setting. Therefore, the proposed development is considered to be in accordance with Policy HOUS6.
- 15.7 The quantum of development at this site has been identified as a potential issue. It is considered that the scale and proportion of the building would not overpower and would relate positively to the existing dwelling. Furthermore, the proposed building's scale, mass and position are considered to reflect the purpose for which the building is proposed and the design of the building is considered to be acceptable and the design is in accordance with Local Plan Policy ENV12.

#### Highway Safety

- 15.8 Access and egress to the site from the highway has been considered by National Highways and they raise no objection to the development. Furthermore, it is considered that any increased movement of traffic resulting from an ancillary building is relatively minor, not significant and the cumulative impacts are unlikely to significantly alter the safety of the site. The development is therefore considered acceptable when assessed against Local Plan Policy COM7 and Neighbourhood Plan AM2.

#### Wildlife and Habitat

- 15.9 As the application site is within 5km of the Chesil Beach & the Fleet European protected site, the potential impacts on the protected site have been considered and are also covered in the Environmental Implications section of this report. It is considered that the development is acceptable when assessed against Local Plan Policy ENV2.

#### Amenity

- 15.10 Respondents have raised concerns that the development will have an adverse impact on neighbouring amenity as a result of loss of privacy and overshadowing of the adjacent greenhouse.
- 15.11 In regard to loss of privacy it is considered that the existing gardens are predominantly adjacent to the communal access track and due to the sloping nature of the garden land and the elevated position of the dwellings, there is currently an accepted degree of overlooking to the neighbouring gardens. Furthermore, there is already openness to existing boundaries and a degree of intervisibility between gardens and as such it is considered that the development would not have a significant adverse impact on privacy.
- 15.12 By virtue of the height, scale, location and orientation of the proposed development it is not considered that the development would have a significant adverse overshadowing impact in relation to the adjoining land and greenhouse and as such there would be no adverse impacts arising from loss of light.
- 15.13 The proposed use of the application site as an ancillary building would not be considered a change of use as the site would continue to be used for residential purposes under Use Class C3. As such the noise generated by the development is not considered to be significantly different to the use of the garden area by the existing residential property (No.3 Pump Cottages) and therefore would not be considered to represent development that could be considered to have a significant adverse impact on amenity due to excessive noise.
- 15.14 The existing building has been located in close proximity to the boundary with the adjoining garden and due to the falling ground contours, the building sits in an elevated position well above the boundary fence. As such the existing building presents a long section of bulky built form, which is considered to create a significant adverse overbearing impact. It is considered that the proposed reduction in length of the building would be sufficient to avoid an overbearing impact on the neighbouring garden. As such, the proposal is considered to comply with policies ENV12 and ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

#### Response to Other Issues Raised

- 15.15 A respondent raised the issue that the planning application contained contradictory information in the Design and Access Statement regarding the proposed external roof materials. This was raised with the applicant, and they have provided an amended Design and Access Statement addressing this issue.
- 15.16 The issue of the impact the ancillary building will have on the sewage and drainage system has been raised in responses received. Based on the planning history of the site it is understood that the foul sewage from the existing building would be connected to mains sewer, which is acceptable from a planning perspective and any consent required to make a connection is not considered to be a planning matter requiring further consideration.
- 15.17 The continued use of the existing and proposed building as an Air BnB holiday accommodation has been raised as an issue in the responses received. The application under consideration is for the building to be used as ancillary

accommodation and this does not include the use as a separate unit to be let for holiday accommodation. However, it is considered the proposed building in this location would not be acceptable for use as a separate unit for holiday accommodation as it would create an intensification of use that would not be in keeping with the site. Therefore, it is considered reasonable and necessary that the use of the proposed building should be restricted by a planning condition.

15.18 Concerns have been raised in the responses received that the proposed removal of the existing raised decking and steps could be re-instated later and subsequently create an adverse impact on neighbour amenity through loss of privacy. It is considered that the addition of a raised deck would not be permitted development and as such would require an application for planning permission at which time the proposal would be assessed and any adverse impact on privacy considered.

## **16.0 Conclusion**

16.1 The development has been assessed against the policies of the West Dorset, Weymouth & Portland Local Plan 2015, the Bridport Neighbourhood Plan 2020-2036, the policies of the NPPF (2021) and other material considerations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The recommendation has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

## **17.0 Recommendation**

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant planning permission subject to the completion of a S106 agreement to require that the works to alter the building in accordance with the approved plans are carried out within six months of the date of the planning permission and subject to planning conditions:

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

- Block/Roof & Location Plan – Dwg No. 22/067/10
- Proposed Floor Plan and Elevations – Dwg No. 22/067/12

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

2. The development permitted shall not be occupied or used at any time other than for purposes ancillary to the use of the residential dwelling known currently as No. 3 Pump Cottages.

Reason: The development is in an area where a separate dwelling would be contrary to the adopted local plan.

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 applicants/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.

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<b>Application Number:</b>	P/FUL/2023/03561
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2023/03561">Planning application: P/FUL/2023/03561 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	Store off 'Entry', Brandy Row, Portland Chiswell, DT5 1AP
<b>Proposal:</b>	Form new roof structure, (remove remnants of existing) and covering together with reinstatement of entrance door and side window within existing opening.
<b>Applicant name:</b>	Mr Ian Stone
<b>Case Officer:</b>	Rob Parr
<b>Ward Member(s):</b>	Cllr Cocking, Cllr Hughes and Cllr Kimber

**1.0** In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council owns land within the application site.

**2.0 Summary of recommendation:** Grant permission subject to conditions.

**3.0 Reason for the recommendation:**

- No harm to character and appearance or amenity.
- No harm to Heritage Assets.
- No highway concerns identified.
- No adverse impact on European Protected Site.
- There are no material considerations that would warrant refusal of this application.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of Development	Within Defined Development Boundary and as such principle of development is accepted.
Wildlife and habitat/Environment	No adverse impact identified.
Heritage	No harm to Heritage Assets identified.
Design	Acceptable.
Highways	No adverse impact identified.
Amenity	No adverse impact identified.

**5.0 Description of Site**

The application site is located off a passageway at the southern end of Brandy Row. Brandy Row runs parallel, and on the lee of The Chesil Beach Sea Defence Wall at the southern end of Chiswell village on Portland.

The existing walls of the building are a mix of local stone coursed ashlar and hollow concrete blockwork. There is currently no roof covering the building although remnants of timbers suggest a mono-pitch structure within the more recent past. The main

entrance to the property is off the shared access passageway that runs from Brandy Row.

The application site is within the Fortuneswell Defined Development Boundary and the Underhill Conservation Area. The site is not a Listed Building but is within the setting of a Locally Important Building. The application site is recorded as being at a low risk of flooding and is within the Chesil & The Fleet Special Area of Conservation (SAC) 5km Buffer.

## 6.0 Description of Development

The proposed development is to renovate the existing building for use as beach fisherman's store for the storage of lobster/crab pots during the winter & nets/ropes throughout the year. The proposed development includes reinstatement of the lean to roof with the external finish being corrugated galvanised steel sheeting and two corrugated translucent roof lights. The proposed development also includes the installation of a new timber door and side window in existing wall openings.

## 7.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
88/01047/TEMP	RENEWAL OF PERMISSION FOR A FISHING HUT.	Granted	12/01/1989

## 8.0 List of Constraints

Defined Development Boundary; Fortuneswell

Underhill Conservation Area

Dorset Council Land (Freehold)

Right of Way Footpaths ref: S3/2 & S3/5

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet

Natural England Designation - RAMSAR: Chesil Beach & the Fleet

Nutrient Catchment Areas

Portland Neighbourhood Plan - Status 'Made' 22/06/2021;

Area of Archaeological Potential; Portland

## 9.0 Consultations

All responses can be viewed in full on the Council's website.

**Portland Town Council** – Portland Town Council supports the application.

**Ward Councillors** – No reply.

**Highway Authority** - No objection subject to condition relating to approval of Construction Method Statement required to minimise the likely impact of construction traffic on the surrounding highway network.

**Rights of Way** - No objection.

**Assets & Property** - No reply.

**Representations received** – None.

## 10.0 Development Plan

### Relevant Policies

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

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
ENV15	-	Efficient and appropriate use of land
ENV16	-	Amenity
ECON1	-	Provision of employment
ECON3	-	Protection of other employment sites
COM7	-	Creating a safe and efficient transport network

#### Portland Neighbourhood Plan 2017-2031

Port/BE1	-	Protecting existing employment sites and premises
Port/EN4	-	Local heritage assets
Port/EN6	-	Defined development boundaries
Port/EN7	-	Design and character

### Material Considerations

#### National Planning Policy Framework (2021)

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.

Other 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 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 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 16 'Conserving and Enhancing the Historic Environment'- When considering 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).

### **Statutory Duties**

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Other Material Considerations**

**Emerging Dorset Council Local Plan:**

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

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

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

### **Supplementary Planning Document/Guidance**

Weymouth & Portland Urban Design (2002)  
Landscape Character Assessment (Weymouth & Portland)  
Appraisal of the Conservation Areas of Portland as amended 2017

## **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. It is considered that given the type and nature of the development proposed it would have no adverse impact on people with protected characteristics.

## **13.0 Financial benefits**

What	Amount/Value
Material Considerations	
None	None
Non-Material Considerations	
Potential leasehold income to Dorset Council as land owner	Not known.

## 14.0 Environmental Implications

- 14.1 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. Furthermore, the application site is within the Nutrient Catchment Area for the Chesil and Fleet where additional nutrient load from the increase in wastewater and/or the change in the land use to residential can create an impact pathway for potential negative effects on the Protected Habitat sites related to nutrient loading. Therefore, in accordance with habitat regulations the proposal has been screened to consider the potential impact of the development on the protected sites. The application is for a Beach Fisherman's Store and would therefore not create an additional residential unit or use that is considered to create additional nutrient loading. As such, there are no likely significant effects associated with this proposal on the European protected sites. As the screening process concluded that the application would have no likely significant effect on the European protected sites, the requirement for an appropriate assessment has not been triggered as set out in the Habitat Regulations.
- 14.2 No other potential wildlife or habitat impacts were identified with the proposal and as such the scheme is considered to be acceptable when assessed against Local Plan Policy ENV2.

## 15.0 Planning Assessment

### 15.1 Principle of development

The application site is located within the Defined Development Boundary where development that meets the needs of the local area will normally be permitted. The proposed development relates to an employment use and as such the principle of development is accepted under Local Plan Policy SUS2 and Neighbourhood Plan Policy Port/EN6.

### 15.2 Design

The proposed development is contained within the footprint of the existing building and as such the scale and proportion of the scheme is considered acceptable. The proposed roof appears to be a reinstatement of an original lean to roof, and the external materials proposed are in keeping with the character of the area, although the detailed colour and finish of these has not been provided and as such it is considered these would need to be controlled by an appropriate planning condition.

The proposals are considered to be an enhancement to the existing building and would potentially bring the site back into a viable employment use that is in harmony with its coastal setting. Therefore, subject to conditions the proposals are considered to be acceptable in design terms and in accordance with Local Plan Policies ENV1, ENV10, ENV12, ECON1 and ECON3 and Neighbourhood Plan Policies Port/BE1 and Port/EN7.

### 15.3 Impact on heritage assets

#### Heritage Assets

The site is located within the Chiswell area of the Underhill Conservation Area (CA) and within the setting of the Locally Important Building recorded in the 2017 Conservation Area Appraisal as the remains of C17 cottages (cambered arch) and according to the heritage statement submitted with the application, historically and locally referred to as 'Entry'.

#### Significance of heritage assets

##### ***Underhill Conservation Area***

In summary the significance of the CA is considered to be its early C19 planform, purpose-built Opes, a locally, unique way of providing floodway's during storm surges and allowing access to small, rear building groups as well as the beach, historically an area of fishermen, quarrymen, traders and their families and the large numbers of Listed Buildings and Locally Important Buildings of historic value, design and significance that provide a repository of bygone styles, fashions and materials. Furthermore, the character of the area is very much derived from this close relationship between the buildings, Chesil Beach and the sea.

##### ***Remains of C17 cottages (cambered arch)***

This Locally Important Building is considered to have significance as an historic legacy building presenting the use of local materials, architectural detailing in its archways and close relationship with Chesil Beach and the sea.

#### Potential impact to heritage assets

##### ***Underhill Conservation Area***

The proposed development would be used for a Beach Fisherman's Store that is considered to be in keeping with the character of the area that gains some of its significance from historic fishing activities related to Chesil Beach and the sea. Furthermore, the proposed materials are considered in keeping with those in the CA and as such are considered acceptable. It is considered that the proposed development would not harm the designated heritage asset but would bring the building into a viable use consistent with the CA and would positively contribute to the conservation and enhancement of the significance of the CA.

##### ***Remains of C17 cottages (cambered arch)***

The proposed development by virtue of its intended use, materials and design is not considered to harm the setting of the heritage asset and is considered to be a proposal that would enhance the setting of this Locally Important Building and better reveal its significance.

### Conclusion on impact on heritage assets

The proposals are considered to be acceptable in heritage impact terms as no harm to heritage assets has been identified and the development would conserve and enhance the heritage assets. Therefore, the application is considered to be in accordance with the NPPF, Local Plan Policy ENV4 and Neighbourhood Plan Policy Port/EN4

### **15.4 Impact on highway safety/public access**

The application does not propose any alterations or development that would alter the public highway or generate a significant increase in movement or volume of traffic. The Highway Authority has set out that it has no objection to the proposals, subject to a pre-commencement condition relating to approval of a Construction Method Statement, which the applicant has agreed to. Therefore, subject to condition it is considered that the proposed development is acceptable in highway terms and is in accordance with Local Plan Policy COM7.

### **15.5 Amenity**

The application by virtue of the proposed design and use is not considered to represent development that would cause a significant adverse impact on amenity. As such the proposals are considered acceptable when assessed against Local Plan Policy ENV16.

### **16.0 Conclusion**

The development has been assessed against the policies of the West Dorset, Weymouth & Portland Local Plan 2015, the policies of the Portland Neighbourhood Plan 2017-2031, the NPPF and other material considerations. It has been concluded that the development would accord with the development plan, and would not result in any harm that would justify refusal in the public interest. The recommendation has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

### **17.0 Recommendation**

Grant subject to conditions:

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

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

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



Location plan Dated: 21 June 2023  
Proposed Plans, Elevations & Section A-A Dwg No. 23/3/01-2 A

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 proposed external facing materials for the roof 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. Prior to installation of the external door and window, detailed drawings and specifications showing the design, construction, materials and finished external colour of the external door and window (at a scale no less than 1:10) shall be provided to the Local Planning Authority and agreed in writing. Thereafter, the development shall be carried out in accordance with the agreed details.

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

5. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include detail 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; and
- delivery, any demolition and construction working hours

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.

### **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 applicants/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.

**Informative Note: Contact Dorset Highways**

The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto: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, to ensure that the appropriate licence(s) and or permission(s) are obtained.

<b>Application Number:</b>	P/HOU/2023/04779
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/HOU/2023/04779">Planning application: P/HOU/2023/04779 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	48 West Allington, Bridport, DT6 5BH
<b>Proposal:</b>	Install Solar Thermal Panels
<b>Applicant name:</b>	Mr M Harvey
<b>Case Officer:</b>	Charlotte Loveridge
<b>Ward Member(s):</b>	Cllr Bolwell; Cllr Clayton; Cllr Williams

**1.0** The application is brought to committee following a scheme of delegation consultation and member requests that the application be determined by committee, to which the Service Manager for Development Management and Enforcement agreed.

**2.0 Summary of recommendation:**

Refuse planning permission.

**3.0 Reason for the recommendation:**

- The development would neither preserve nor enhance the character and appearance of the listed building, the setting of the listed buildings or the character and appearance of the Bridport Conservation Area.
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- Section 16 of the NPPF is clear that where proposals would result in a degree of harm (even 'less than substantial') and would not be outweighed by public benefit (or obtaining optimum viable use) that they should not be supported.

**4.0 Key planning issues**

Issue	Conclusion
Principle of development	The site lies within the Bridport Defined Development Boundary (DDB) and therefore the principle of development is supported by West Dorset, Weymouth & Portland Local Plan (2015) policy SUS2. This is subject to the development being compliant with other policies within the local plan.
Scale, design, impact on character and appearance	Although small scale, the solar thermal panels would be an incongruous feature on the

	character and appearance of the listed building and Bridport Conservation Area, contrary to Policies ENV10, ENV12 & ENV13 of the local plan
Impact on amenity	Acceptable and complies with Policy ENV16 of the local plan.
Impact on heritage assets	The proposed development creates less than substantial harm to the designated heritage assets that is not outweighed by public benefit contrary to Policy ENV4 of the local plan.
Impact on landscape	Given the small scale of the proposal it would have no impact on the wider character, special qualities and natural beauty of the Dorset Area of Outstanding Natural Beauty and complies with Policy ENV1.
Economic benefits	Negligible.

## 5.0 Description of Site

- 5.1 The application site is on the northern side of the B3162 which leads out of the centre of town on the western side of Bridport. On the southern side of the road is the West Allington Medical Centre. To the north and west of the group of villas are the modern housing developments of Allington Park with well-spaced detached dwellings and the higher density West Mead (late 1990s). Beyond the medical centre is the area of land allocated for the Foundry Lea development at Vearse Farm.
- 5.2 The application site comprises an elegant, 2-storey stuccoed villa dating to 1836-7. It was listed Grade II in September 1975 and is one of a group of four very similar villas on the north side of West Allington. All were likely designed by the same architect, John Knight of Lyme Regis.
- 5.3 The list description for the building is as follows:

*1. 5191 WEST ALLINGTON (North Side)  
No 48 (Avalon) SY 4593 7/23  
II GV*

*2. 1836-7. Builder: John Knight of Lyme Regis. Stucco. Low pitch hipped slate roof, wide eaves with glazing bars. 2 sashes with glazing bars on 1st floor. Late C19 ashlar bays on ground floor. Nos 46-52 appear to have been part of the same development (c.f. Nos 2-10 [even] East Road, and Nos 48-56 [even] West Bay Road).*

*No 42, Magdalen Almshouses and Nos 46 to 52 (even) form a group.  
Listing NGR: SY4588293055*

5.4 The list description interestingly refers to the group of similar villas located on the far eastern end of East Street which appear to have been part of the same development. The villas therefore form a deliberately planned entrance into the historic settlement of Bridport from the east and west directions. The villas on East

Street are sited on the southern side of the road offering a clear juxtaposition to those on West Street, positioned on the north side of the road.

5.5 The villas sit within generous plots, are set back from the road and feature semi-enclosed front gardens (mostly altered to driveways/parking provision) and large rear gardens. Collectively, these white painted villas provide an attractive entrance into Bridport, reflecting a prosperous era of the town's past. This is reinforced by the original owners of the villas such as at, Ivydene (No:46) having been built for Harriet Colfox, a member of a locally important family with links to the town since 1280.

5.6 The buildings fall within the western edge of Bridport Conservation Area, Sub Area 2 which includes East and West Streets. The villas are 'gateway' buildings to the east-west entrances into the town and as the submitted Heritage Statement states, they 'essentially remain true to their original design and construction'. The lack of incremental harmful alterations to the villas presents a very 'complete' and cohesive group of buildings, with their appearance today, being very alike to their appearance post construction.

## 6.0 Description of Development

The installation of 2no. roof mounted solar thermal panels on the front (southern) roof elevation.

## 7.0 Relevant Planning History

**1/D/08/001213** - Decision: REF - Decision Date: 10/10/2008  
Install two solar collectors on south-facing roof

*Reason for refusal for 1/D/08/001213: -*

*The position of the dwelling in relation to the highway emphasises the visual prominence of its south elevation. Therefore, the solar panels by virtue of their overly large scale, prominent positioning on the south elevation and overall modern appearance forms a visually incongruous feature that is harmful to the historic character and appearance of both the Grade II listed building and the group as a whole. As such, the retention of the solar panel is contrary to policies SA19 of the West Dorset District Local Plan, Environment Policy Q of the Bournemouth, Dorset & Poole Structure Plan and policy EN3 of RPG 10 (South West).*

**1/D/11/000471** (Full) - Decision: REF - Decision Date: 19/10/2011  
Install 2 solar collectors on south facing roof (*Dismissed at Appeal*  
*APP/F1230/A/12/2168129 - 12/06/2012*)

**1/D/11/000472** (LBC) - Decision: REF - Decision Date: 19/10/2011  
Install 2 solar collectors on south facing roof (*Dismissed at Appeal*  
*APP/F1230/E/12/2168131 - 12/06/2012*)

*Reasons for refusal for 1/D/11/000471 & 1/D/11/000472:*

*The proposed solar panels, by virtue of their position on the principal roof slope of the dwellinghouse, their projection from the plane of the roof and their reflective qualities, would be of a modern appearance that is not considered to be sympathetic to the historic character of the property. The solar panels would appear visually prominent and dominant on the front roof slope of this Grade II listed building, adversely affecting the setting of the adjoining listed buildings. Furthermore, they would neither preserve or enhance the character and appearance of the conservation area. As such, this proposal would be contrary to policies SA19, SA20, SA21 and DA7 of the West Dorset District Local Plan (adopted 2006), Policy a and h of the Design and Sustainable Development Planning Guidelines (adopted 2009), Environment Policy Q of the Bournemouth, Dorset & Poole Structure Plan (2000) and policy HE1, HE7, HE9 and HE10 of PPS5 - Planning and the historic environment, and its accompanying best practice guide.*

*Planning Inspectorate's concluding paragraph to dismiss appeals:  
"For the reasons given above and having regard to all other matters raised, including the effect of the medical centre opposite on the conservation area, I find that the benefits to a low carbon economy would not outweigh the harm to the listed building and the conservation area and I therefore conclude that both appeals should be dismissed."*

**P/LBC/2023/04780** - Decision: *Not yet determined* - Decision Date: *Not yet determined*

Install Solar Thermal Panels

## **8.0 List of Constraints**

Grade: II Listed Building: ALLINGTON LODGE (No.52) List Entry: 1228570.0; - Distance: 20.93

Grade: II Listed Building: DRAYTON LODGE (No.50) List Entry: 1279465.0; - Distance: 6.82

Grade: II Listed Building: AVALON (No.48) List Entry: 1228568.0; - Distance: 0

Grade: II Listed Building: IVYDENE (No.46) List Entry: 1228567.0; - Distance: 5.34

Application is within BRIDPORT CONSERVATION AREA

Defined Development Boundary; Bridport - Distance: 0

Area of Outstanding Natural Beauty (AONB); Dorset - Distance: 0

Neighbourhood Plan Area: Bridport Area NP; Status 'Made' 05/05/2020; - Distance: 0

Right of Way: Footpath W1/30; - Distance: 39.83 (*starts between 83 & 85 West Allington on southern side of the road and goes south to Magdalen Lane and across fields*)

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

Within the Bridport Conservation Area: (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

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

## 9.0 Consultations

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

### Consultees

1. **Rights of Way Officer** - No response

2. **Conservation Officers** - Refuse

The development would neither preserve nor enhance the character of the listed building, the setting of the neighbouring buildings or the character and appearance of Bridport Conservation Area; and would not be outweighed by public benefit.

3. **Bridport Town Council** - Strongly support

- NPPF para 202, less than substantial harm to the significance of a designated heritage asset is justified by the benefits proposed.
- NPPF para 152, the proposals support transition to a low carbon future.
- NPPF para 8, meets objective of providing homes “to meet the needs of present and future generations.”
- NPPF para 189, provides for heritage assets to be conserved in a manner appropriate to their significance. The significance of the HA is not damaged by the proposed development.
- Local Plan ENV4, justified by the public benefit derived from the energy efficiency outweighs the impact on the listed building.
- Urge Dorset Council to cater for Bridport’s future environment, and to recognise the inevitability of modest adaptations such as this being accepted as absolutely necessary.

4. **Ramblers Association** - No response

### Representations received

Total - Objections	Total - No Objections	Total - Comments
0	1	0

- The four houses on the north side of West Allington represent a handsome frontage.
- This is a very modest proposal with only two panels in the middle of the slate roof.
- Will be hard to see even from the south pavement.
- The balance of decision should be on making the house adapted to the needs of the 21st century, using renewable energy to lower cost and carbon footprint.

## 10.0 Duties

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had 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.

## 11.0 Relevant Policies

### Development Plan 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
ENV10	- The landscape and townscape setting
ENV12	- The design and positioning of buildings
ENV13	- Achieving High Levels of Environmental Performance
ENV16	- Amenity
SUS2	- Distribution Of Development

### **Made Neighbourhood Plans**

Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020)

Policy CC1 – Publicising Carbon Footprint

Policy CC3 – Environmental Performance

Policy HT2 – Public Realm



Policy D8 – Contributing to the local character  
Policy D9 – Environmental performance

### **National Planning Policy Framework (2023):**

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.

Other 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 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 173). 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 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).

## **Other material considerations**

### All of Dorset:

Dorset AONB Landscape Character Assessment  
Dorset AONB Management Plan 2019-2024

### Supplementary Planning Documents/Guidance For West Dorset Area: WDDC Design & Sustainable Development Planning Guidelines (2009)

4. Utilities Infrastructure Requirements
- 4.8 How can I produce renewable energy?

Landscape Character Assessment February 2009 (West Dorset)

### Bridport Conservation Area Appraisal - adopted January 2003 (reviewed October 2010)

Sub-Area 8: West Allington

*Key buildings, important building groups and features: Nos. 46-52, all 1840-ish, stuccoed villas with porches, conservatories and Greek details.*

*Two central building groups on either side of West Allington (Nos. 18-34 & 43-71), together form an important larger group.*

### Historic England: Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency (June 2018)

### Historic England: Energy Efficiency and Historic Buildings: Solar Electric (Photovoltaics) (Nov 2018)

### CPRE Ensuring Place-Responsive Design for Solar Photovoltaics on Buildings (Oct 2016)

## **12.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **13.0 Public Sector Equalities Duty**

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

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. It is considered that the installation of solar roof panels would have no impact on those with protected characteristics.

#### **14.0 Financial benefits**

No relevant considerations.

#### **15.0 Environmental Implications**

The renewable energy would contribute to the government’s aim of moving towards a low carbon economy. However, no information has been provided to suggest that this could not be achieved by other forms of renewable energy or that the collectors could not be located elsewhere on the property where they would not harm its special interest or the character and appearance of the conservation area.

#### **16.0 Planning Assessment**

##### Principle of Development

16.1 The site lies within the Defined Development Boundary of Bridport where development that meets the needs of the local area will normally be permitted, and as such the principle of development is accepted under local plan policy SUS2.

##### Scale, design, impact on character and appearance

16.2 Although small scale, the solar thermal panels would be an incongruous feature on the character and appearance of the listed building and Bridport Conservation Area.

16.3 ENV10 requires that: *i) All development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness.*

*Development should be informed by the character of the site and its surroundings.*

This proposal is not considered to be informed by the character of the site and its surroundings. The group of four listed buildings Nos.46-52 West Allington, form a distinctive group of villas of the same age which have maintained their relatively unspoilt facades, and incremental erosion of the quality of this group of buildings would occur if such alterations were permitted.

16.4 ENV12 states that development will only be permitted where the siting, alignment, scale, mass and materials used complements and respects the character of the surrounding area or would actively improve the legibility or reinforce the sense of place. The proposal would not be in harmony with the adjoining buildings or the area as a whole; and would not conserve or enhance the quality of the architecture of these buildings and would also mean that it would lose some of the architectural elegance, symmetry, rhythm and richness of detail that No.48 West Allington has as

a stand alone building, but also as part of the group of four villas. The materials of the proposed panels would not be sympathetic to the building and would not achieve a visual enhancement to either the building or surrounding area.

16.5 The supporting text to ENV13 (Achieving high levels of environmental performance) at 2.6.15 states that *“The installation of solar panels or photovoltaics within the curtilage of a listed building may also be possible, provided that these would not be irreversibly damage the historic fabric of the building, and that the impact on the listed building, including views of the building, would be limited. The roofscape, together with the location and design of the panels, including choice of materials, colours, specification etc, will all have a bearing on the potential impact.”*

16.6 The previous dismissed appeal by the Planning Inspectorate following the refusal of the same proposal back in 2011 stated at para. 7:  
*“I acknowledge that the collectors would provide renewable energy and so contribute to the government’s aim of moving towards a low carbon economy (Framework paragraph 11). On the other hand, I have no information to suggest that this could not be achieved by other forms of renewable energy or that the collectors could not be located elsewhere on the property where they would not harm its special interest or the character and appearance of the conservation area.”*

16.7 Despite this, the applicant has not provided any information or evidence that any other potential forms of renewable energy have been investigated or that they could not be installed elsewhere within the curtilage of the property, in a location which may overcome the issues.

16.8 The impact on the views of the building, with the alterations to the roofscape would not be acceptable.

16.9 A third party comment has been submitted in support of the proposal on the basis that the balance of the carbon footprint and renewable energy outweighs the preservation of the architectural heritage of the town given the modest proposal; plus strong support has been received from Bridport Town Council that considers that the justification for the “harm” to the significance of the heritage asset has been met in order to meet Bridport’s ‘net zero’ carbon ambition.

16.10 Whilst the panels would make a contribution to the provision of renewable energy and respond to the climate emergency, the contribution they would make is so insignificant as to not outweigh the adverse impacts that would arise on the character and appearance of the host property and the wider area. Furthermore, the council’s view is that the applicant has not demonstrated that they have investigated any other forms of renewable energy that would conserve and protect the special interest and character of the listed building and the conservation area.

16.11 As such the scale, design, impact on character and appearance are considered to be contrary to local plan policies ENV10, ENV12 and ENV13.

16.12 It would also be contrary to Bridport Area Neighbourhood Plan (2020) Policy D9 c) for Environmental Performance that supports using *“...southerly facing roof slopes for solar thermal and/or photovoltaic installations, where possible integrated*

into the roof design,” and also importantly states “...subject to the appropriate level of heritage and conservation assessment.”

#### Impact on amenity

16.13 The potential impact on neighbouring amenity would be considered to be acceptable as it would not create any significant adverse effects and would therefore comply with local plan policy ENV16.

#### Impact on heritage assets

16.14 The submitted Heritage Statement provides no detail on the significance of the heritage assets or the impact of the proposals on that significance. The submission is a repeat of previous applications with the minimum of information provided. This includes a lack of any specifications of the solar panels, any detailed plans, sections, photos, or scope of works schedule (to include method of fixing). A Heritage Statement should help inform proposals, with the benefit of HER research, it is clear from the submission that this has not occurred. Despite previous advice, the requirement for solar panels appears to supersede any understanding of the adverse impact that they would have on the character and integrity of the listed building and its setting.

16.15 NPPF para. 199 requires that ‘great weight’ be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require ‘clear and convincing justification’.

16.16 The proposals will result in the following harmful impacts on the significance of identified heritage assets:

- One of the primary features of the listed building (and its immediate neighbours) is the unadorned, shallow slate roof. None have been altered and all are visible from vantage points to the south, east and west. The introduction of two large projecting solar panels on the most prominent, front roof slope will detrimentally alter the seamless appearance of the roof, altering not only the front elevation of the building but also the cohesiveness & symmetry of the villas as a group.
- Aside from their physical presence, the glass finish of the panels will become more prominent by virtue of the sun’s reflection. At worst, the panels will glare white when hit directly from the sun, contrasting markedly against the dark grey slate of the roof covering and that of the neighbours. This impact would detract from the special architectural qualities of the building, drawing focus to the utilitarian fixtures on the roof and result in broader harmful impact to the historic character of the Conservation Area and setting of the neighbouring listed buildings.
- Whilst described in the application as ‘temporary’ the fixtures would have a life span of at least 10 years, if not more. As technologies evolve, it is likely that at the end of their life, they would be replaced with other/similar fixtures. It is considered therefore that the adverse impact would become permanent, and this contradicts the NPPF’s requirement for Local Authorities to give ‘great weight’ to the *conservation* of heritage assets.

- The installation of solar panels requires associated alterations which are not referred to within the submitted applications:
  - A primary consideration is the loading implications of the solar panels on the historic roof structure. No information has been provided on the weight of the panels or on the condition/age of the timber roof structure. As a minimum, the application should contain a structural engineer's assessment of the roof, which should contain photographs and recommendations of any reinforcement/significant repairs required to accommodate the weight of the panels.
  - The panels require fixing to the rafters. Without any condition assessment or structural report, it is impossible to understand what the impact would be on the rafters and whether they can sustain numerous large screw holes along with the weight of the new fixtures.
  - The panels will require cables leading from the exterior of the roof to the interior of the building at ground floor. The location of the cabling, its visual appearance and the loss of historic fabric required to accommodate the cable(s) has not been specified within the application. The location of the associated internal power box and any other associated fixtures is unknown. This lack of information presents uncertainty on the cumulative harm of all these 'extras' on the character, integrity and appearance of the Listed Building.

16.17 In response to paragraph 200 of the NPPF, which states that any harm should require 'clear and convincing justification', the application states that the impact of the panels will be 'insignificant' and as such, the only justification provided is the desire to maximise on solar energy for the provision of heating water within the property.

16.18 This term, 'insignificant' was also used in the identical applications submitted in 2011, (Reference No's: 1/D/11/000472 & 1/D/11/000471). Both applications were refused, and the subsequent appeal was dismissed by the Planning Inspectorate. An earlier application, No: 1/D/08/00123 for the same, installation of 2 solar panels to the front southern roof slope was also refused for the harmful impact that the development would create. The systematic objection of 7 accredited professionals (including the planning case officers) to the proposals reflects an overall agreement that the Solar panels would create a very harmful impact on the listed building and its setting. As such, the term 'insignificant' is not considered to appropriately reflect the level of harm and to reiterate, the development would present an extremely harmful impact on the character, appearance and integrity of the Listed Building, the setting of neighbouring Listed Buildings and to the character and appearance of the Conservation Area.

16.19 The previously submitted applications were criticised for the lack of any clear and convincing justification and it was advised in 2011 that:

*"the owners consider less harmful methods of energy saving such as improved insulation in the roof and between floor boards; installing secondary glazing/shutters/thicker curtains to windows; draft stripping all windows and*

*doors; installing an A-rated combi-boiler or even wood-chip boiler if possible; ground mounting one or two PV panels in the garden etc.”*

16.20 The current applications provide no information as to what other energy saving or generating works have been undertaken and if not, why not. Solar panels appear to be considered as the only solution, despite the previous Conservation Officer’s advice and the applicant being guided towards Historic England’s Guidance Notes which counters this view. The submitted applications provide no reference to national guidance provided by Historic England (or National and Local Planning Policies) and this further adds to the impression that no other alternative solutions have been considered.

#### National & Local Guidance:

16.21 As the governing body for the protection of our historic environment in England, Historic England has published the following guidance documents for the benefit of all guardians responsible for the protection of our historic environment: “Energy Efficiency and Historic Buildings: Solar Electric Photovoltaics” (2018), “Generating Energy in your Home” (2022), “Renewable Energy: (2021), “Low and Zero Carbon Technologies” (2023). The broad message from these Guidance Notes is that solar panels can be permissible on Listed Buildings if the following conditions are met:

- The panels should be installed in a low-key, discreet way.
- The installation should be easy to reverse.
- The panels should be located as discreetly as possible, avoiding principal roof elevations unless they are not visible.
- The panels must not be installed on a building that is within the grounds of a listed building or on a site designated as a scheduled monument.
- If your property is in a conservation area, or in a World Heritage Site, panels must not be fitted to a wall which fronts a highway.
- The installation of the panels would not result in undue harm to the historic fabric of the building.

16.22 Dorset Council has recently drafted and consulted on its own guidance document: Listed Buildings – What you can do for Climate Change. Whilst this has yet to be formally adopted, it offers further (less harmful) options and advice to owners of Listed Buildings/Heritage Assets at a local level.

16.23 Technical Guidance on Solar Panels states that South facing roof slopes may be the best location for panels, however east and west facing roof slopes can also be used. Whilst energy in-put may be reduced, this can be countered by micro-inverters or an optimising device. The recessed entrance wing sited to the west elevation would provide a far more discreet position for solar panels. The restricted view of this roof slope means there would be no undue harm on the overall character of the listed building, on the setting of the neighbouring listed buildings, or on the character and appearance of the Conservation Area. The submitted applications do not provide any information as to whether this alternative location (or ground mounted in the garden) has been considered.

16.24 Recent Appeal decisions support the national and local approach to solar panels. Appeal Reference: APP/F1230/Y/17/3181173 Carpenters, Chetnole (2018) is such an example.

#### Impact on landscape

16.25 Given the small scale of the proposal, the impact on the wider character, special qualities and natural beauty of the Dorset Area of Outstanding Natural Beauty would be acceptable.

#### Economic benefits

16.26 Whilst there may be personal economic benefits through the proposal, these would not be a public benefit and as such do not outweigh the harm resulting from the proposal.

### **17.0 Conclusion**

For the reasons provided, the development would neither preserve nor enhance the character and appearance of the listed building, the setting of neighbouring listed buildings or the character and appearance of Bridport Conservation Area. The NPPF is clear that where proposals would result in any degree of harm, (even 'less than substantial') and would not be outweighed by public benefit (or obtaining optimum viable use), that they should not be supported. The applicant has not provided any information or evidence that other potential forms of renewable energy have been investigated that could be installed elsewhere within the curtilage of the property that might overcome these issues.

### **18.0 Recommendation**

REFUSE for the following reason:

No.48 West Allington is a Grade II listed building within the Bridport Conservation Area, and also forms a group value with Nos.46–52 West Allington as 1830s stuccoed villas. The building's position relative to the highway and its setting within the plot emphasises the visual prominence of its south elevation. The proposed solar panels, by virtue of their position on the principal roof slope of the dwellinghouse, their projection from the plane of the roof and their reflective qualities, would be of an incongruous appearance that is not considered to be sympathetic to the special architectural or historic character of the property. The solar panels would appear visually prominent and dominant on the front roof slope of this Grade II listed building further adversely affecting the setting of the adjoining listed buildings. Furthermore, they would neither preserve or enhance the character and appearance of the conservation area. No evidence has been put forward to suggest that other forms of renewable energy located elsewhere on the property have been explored. The potential social and economic benefits of the proposals do not outweigh the identified harm and as such, this proposal is contrary to policies ENV4, ENV10, ENV12 & ENV13 of the West Dorset, Weymouth and Portland Local Plan (2015); Section 2 (para.11), Sections 12 & 15 and Section 16 (paragraphs 194-208) of the National Planning Policy Framework (2023); and Historic England guidance on Energy Efficiency and Historic Buildings (2018). The Bridport Area Neighbourhood Plan (2020) does not have a policy relating to Designated Heritage Assets as it



acknowledges that they are protected under both national and Local Plan policies; however, the proposal is contrary to Policy D9 c) for Environmental Performance in relation to appropriate heritage and conservation assessment.

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<b>Application Number:</b>	P/LBC/2023/04780
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/LBC/2023/04780">Planning application: P/LBC/2023/04780 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	48 West Allington, Bridport, DT6 5BH
<b>Proposal:</b>	Install Roof Mounted Solar Thermal Panels
<b>Applicant name:</b>	Mr M Harvey
<b>Case Officer:</b>	Charlotte Loveridge
<b>Ward Member(s):</b>	Cllr Bolwell; Cllr Clayton; Cllr Williams

**1.0** The application is brought to committee following a scheme of delegation consultation and member requests that the application be determined by committee, to which the Service Manager for Development Management and Enforcement agreed.

**2.0 Summary of recommendation:**

Refuse listed building consent.

**3.0 Reason for the recommendation:**

- The development would neither preserve nor enhance the character and appearance of the listed building, the setting of the listed buildings or the character and appearance of the Bridport Conservation Area.
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- Section 16 of the NPPF is clear that where proposals would result in a degree of harm (even 'less than substantial') and would not be outweighed by public benefit (or obtaining optimum viable use) that they should not be supported.

**4.0 Key planning issues**

Issue	Conclusion
Impact on heritage assets	The proposed development creates less than substantial harm that is not outweighed by public benefit.

**5.0 Description of Site**

**5.1** The application site is on the northern side of the B3162 which leads out of the centre of town on the western side of Bridport. On the southern side of the road is the West Allington Medical Centre. To the north and west of the group of villas are the modern housing developments Allington Park with well spaced detached dwellings and the higher density West Mead (late 1990s). Beyond the medical centre is the area of land allocated for the Foundry Lea development at Vearse Farm.

5.2 The application site comprises an elegant, 2-storey stuccoed villa dating to 1836-7. It was listed Grade II in September 1975 and is one of a group of four very similar villas on the north side of West Allington. All were likely designed by the same architect, John Knight of Lyme Regis.

5.3 The list description for the building is as follows:

*1. 5191 WEST ALLINGTON (North Side)  
No 48 (Avalon) SY 4593 7/23  
II GV*

*2. 1836-7. Builder: John Knight of Lyme Regis. Stucco. Low pitch hipped slate roof, wide eaves with glazing bars. 2 sashes with glazing bars on 1st floor. Late C19 ashlar bays on ground floor. Nos 46-52 appear to have been part of the same development (c.f. Nos 2-10 [even] East Road, and Nos 48-56 [even] West Bay Road).*

*No 42, Magdalen Almshouses and Nos 46 to 52 (even) form a group.  
Listing NGR: SY4588293055*

5.4 The list description interestingly refers to the group of similar villas located on the far eastern end of East Street which appear to have been part of the same development. The villas therefore form a deliberately planned entrance into the historic settlement of Bridport from the east and west directions. The villas on East Street are sited on the southern side of the road offering a clear juxtaposition to those on West Street, positioned on the north side of the road.

5.5 The villas sit within generous plots, are set back from the road and feature semi-enclosed front gardens (mostly altered to driveways/parking provision) and large rear gardens. Collectively, these white painted villas provide an attractive entrance into Bridport, reflecting a prosperous era of the town's past. This is reinforced by the original owners of the villas such as at, Ivydene (No:46) having been built for Harriet Colfox, a member of a locally important family with links to the town since 1280.

5.6 The buildings fall within the western edge of Bridport Conservation Area, Sub Area 2 which includes East and West Streets. The villas are 'gateway' buildings to the east-west entrances into the town and as the submitted Heritage Statement states, they 'essentially remain true to their original design and construction'. The lack of incremental harmful alterations to the villas presents a very 'complete' and cohesive group of buildings, with their appearance today, being very alike to their appearance post construction.

## **6.0 Description of Development**

The installation of 2no. roof mounted solar thermal panels on the front (southern) roof elevation.

## **7.0 Relevant Planning History**

**1/D/08/001213** - Decision: REF - Decision Date: 10/10/2008  
Install two solar collectors on south-facing roof

*Reason for refusal for 1/D/08/001213:*

*The position of the dwelling in relation to the highway emphasises the visual prominence of its south elevation. Therefore, the solar panels by virtue of their overly large scale, prominent positioning on the south elevation and overall modern appearance forms a visually incongruous feature that is harmful to the historic character and appearance of both the Grade II listed building and the group as a whole. As such, the retention of the solar panel is contrary to policies SA19 of the West Dorset District Local Plan, Environment Policy Q of the Bournemouth, Dorset & Poole Structure Plan and policy EN3 of RPG 10 (South West).*

**1/D/11/000471** (Full) - Decision: REF - Decision Date: 19/10/2011  
Install 2 solar collectors on south facing roof (*Dismissed at Appeal*  
APP/F1230/A/12/2168129 - 12/06/2012)

**1/D/11/000472** (LBC) - Decision: REF - Decision Date: 19/10/2011  
Install 2 solar collectors on south facing roof (*Dismissed at Appeal*  
APP/F1230/E/12/2168131 - 12/06/2012)

*Reason for refusal for 1/D/11/000471 & 1/D/11/000472:*

*The proposed solar panels, by virtue of their position on the principal roof slope of the dwellinghouse, their projection from the plane of the roof and their reflective qualities, would be of a modern appearance that is not considered to be sympathetic to the historic character of the property. The solar panels would appear visually prominent and dominant on the front roof slope of this Grade II listed building, adversely affecting the setting of the adjoining listed buildings. Furthermore they would neither preserve or enhance the character and appearance of the conservation area. As such, this proposal would be contrary to policies SA19, SA20, SA21 and DA7 of the West Dorset District Local Plan (adopted 2006), Policy a and h of the Design and Sustainable Development Planning Guidelines (adopted 2009), Environment Policy Q of the Bournemouth, Dorset & Poole Structure Plan (2000) and policy HE1, HE7, HE9 and HE10 of PPS5 - Planning and the historic environment, and its accompanying best practice guide.*

*Planning Inspectorate's concluding paragraph to dismiss appeals:*

*"For the reasons given above and having regard to all other matters raised, including the effect of the medical centre opposite on the conservation area, I find that the benefits to a low carbon economy would not outweigh the harm to the listed building and the conservation area and I therefore conclude that both appeals should be dismissed."*

**P/HOU/2023/04779** - Decision: *Not yet determined* - Decision Date: *Not yet determined*  
Install Solar Thermal Panels

## **8.0 List of Constraints**

Grade: II Listed Building: ALLINGTON LODGE (No.52) List Entry: 1228570.0; -  
Distance: 20.93

Grade: II Listed Building: DRAYTON LODGE (No.50) List Entry: 1279465.0; -  
Distance: 6.82

Grade: II Listed Building: AVALON (No.48) List Entry: 1228568.0; - Distance: 0

Grade: II Listed Building: IVYDENE (No.46) List Entry: 1228567.0; - Distance: 5.34

Application is within BRIDPORT CONSERVATION AREA - Distance: 0

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

Within the Bridport Conservation Area: (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

## 9.0 Consultations

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

### Consultees

1. **Rights of Way Officer** - No response

2. **Conservation Officers** - Refuse

The development would neither preserve nor enhance the character of the listed building, the setting of the neighbouring buildings or the character and appearance of Bridport Conservation Area; and would not be outweighed by public benefit.

3. **Bridport Town Council** - Strongly support

- NPPF para 202, less than substantial harm to the significance of a designated heritage asset is justified by the benefits proposed.
- NPPF para 152, the proposals support transition to a low carbon future.
- NPPF para 8, meets objective of providing homes “to meet the needs of present and future generations.”
- NPPF para 189, provides for heritage assets to be conserved in a manner appropriate to their significance. The significance of the HA is not damaged by the proposed development.
- Local Plan ENV4, justified by the public benefit derived from the energy efficiency outweighs the impact on the listed building.
- Urge Dorset Council to cater for Bridport’s future environment, and to recognise the inevitability of modest adaptations such as this being accepted as absolutely necessary.

4. **Ramblers Association** - No response

## **Representations received**

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
0	0	0

### **10.0 Duties**

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had 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.

### **11.0 Relevant Policies**

#### **Development Plan 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
- ENV4 - Heritage assets

Policy ENV 5: Historic Environment of the Emerging Dorset Local Plan

##### **Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020)**

- Policy CC1 – Publicising Carbon Footprint
- Policy CC3 – Environmental Performance
- Policy HT1 – Non-designated Heritage Assets
- Policy HT2 – Public Realm
- Policy D8 – Contributing to the local character
- Policy D9 – Environmental performance

##### **National Planning Policy Framework (2023):**

In determining the proposals due consideration has been given to Section 16 (Paragraphs 194 - 208) of the NPPF and the associated National Planning Practice Guidance.

##### **Other material considerations**

Sections 66 & 72 of the Listed Building and Conservation Areas Act 1990 Act

Supplementary Planning Documents/Guidance For West Dorset Area:  
WDDC Design & Sustainable Development Planning Guidelines (2009)

4. Utilities Infrastructure Requirements

4.8 How can I produce renewable energy?

Bridport Conservation Area Appraisal - adopted January 2003 (reviewed October 2010)

Sub-Area 8: West Allington

*Key buildings, important building groups and features: Nos. 46-52, all 1840-ish, stuccoed villas with porches, conservatories and Greek details.*

*Two central building groups on either side of West Allington (Nos. 18-34 & 43-71), together form an important larger group.*

Supplementary Planning Documents/Guidance:

Historic England: Advice Notes 2: Making Changes to Heritage Assets

Historic England: Conservation Principles, Policies and Guidance

Historic England: Good Practice Advice Note 3: Setting of Heritage Assets

Historic England: Good Practice advice Note 2: Managing Significance in Decision Taking

Historic England: Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency (June 2018)

Historic England: Energy Efficiency and Historic Buildings: Solar Electric (Photovoltaics) (Nov 2018)

## 12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## 13.0 Public Sector Equalities Duty

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

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



Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. It is considered that the installation of solar roof panels would have no impact on those with protected characteristics.

#### **14.0 Financial benefits**

No relevant considerations.

#### **15.0 Environmental Implications**

The renewable energy would contribute to the government’s aim of moving towards a low carbon economy. However, no information has been provided to suggest that this could not be achieved by other forms of renewable energy or that the collectors could not be located elsewhere on the property where they would not harm its special interest or the character and appearance of the conservation area.

#### **16.0 Impact on heritage assets**

16.1 The submitted Heritage Statement provides no detail on the significance of the heritage assets or the impact of the proposals on that significance. The submission is a repeat of previous applications with the minimum of information provided. This includes a lack of any specifications of the solar panels, any detailed plans, sections, photos, or scope of works schedule (to include method of fixing). A Heritage Statement should help inform proposals, with the benefit of HER research, it is clear from the submission that this has not occurred. Despite previous advice, the requirement for solar panels appears to supersede any understanding of the adverse impact that they would have on the character and integrity of the listed building and its setting.

16.2 NPPF para. 199 requires that ‘great weight’ be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require ‘clear and convincing justification’.

16.3 The proposals will result in the following harmful impacts on the significance of identified heritage assets:

- One of the primary features of the listed building (and its immediate neighbours) is the unadorned, shallow slate roof. None have been altered and all are visible from vantage points to the south, east and west. The introduction of two large projecting solar panels on the most prominent, front roof slope will detrimentally alter the seamless appearance of the roof, altering not only the front elevation of the building but also the cohesiveness & symmetry of the villas as a group.
- Aside from their physical presence, the glass finish of the panels will become more prominent by virtue of the sun’s reflection. At worst, the panels will glare white when hit directly from the sun, contrasting markedly against the dark grey slate of the roof covering and that of the neighbours. This impact would detract from the special architectural qualities of the building, drawing focus to the utilitarian fixtures on the roof and result in broader harmful impact to

the historic character of the Conservation Area and setting of the neighbouring listed buildings.

- Whilst described in the application as ‘temporary’ the fixtures would have a life span of at least 10 years, if not more. As technologies evolve, it is likely that at the end of their life, they would be replaced with other/similar fixtures. It is considered therefore that the adverse impact would become permanent, and this contradicts the NPPF’s requirement for Local Authorities to give ‘great weight’ to the *conservation* of heritage assets.
- The installation of solar panels requires associated alterations which are not referred to within the submitted applications:
  - A primary consideration is the loading implications of the solar panels on the historic roof structure. No information has been provided on the weight of the panels or on the condition/age of the timber roof structure. As a minimum, the application should contain a structural engineer’s assessment of the roof, which should contain photographs and recommendations of any reinforcement/significant repairs required to accommodate the weight of the panels.
  - The panels require fixing to the rafters. Without any condition assessment or structural report, it is impossible to understand what the impact would be on the rafters and whether they can sustain numerous large screw holes along with the weight of the new fixtures.
  - The panels will require cables leading from the exterior of the roof to the interior of the building at ground floor. The location of the cabling, its visual appearance and the loss of historic fabric required to accommodate the cable(s) has not been specified within the application. The location of the associated internal power box and any other associated fixtures is unknown. This lack of information presents uncertainty on the cumulative harm of all these ‘extras’ on the character, integrity and appearance of the Listed Building.

16.3 In response to paragraph 200 of the NPPF, which states that any harm should require ‘clear and convincing justification’, the application states that the impact of the panels will be ‘insignificant’ and as such, the only justification provided is the desire to maximise on solar energy for the provision of heating water within the property.

16.4 This term, ‘insignificant’ was also used in the identical applications submitted in 2011, (Reference No’s: 1/D/11/000472 & 1/D/11/000471). Both applications were refused, and the subsequent appeal was dismissed by the Planning Inspectorate. An earlier application, No: 1/D/08/00123 for the same, installation of 2 solar panels to the front southern roof slope was also refused for the harmful impact that the development would create. The systematic objection of 7 accredited professionals (including the planning case officers) to the proposals reflects an overall agreement that the Solar panels would create a very harmful impact on the listed building and its setting. As such, the term ‘insignificant’ is not considered to appropriately reflect the level of harm and to reiterate, the development would present an extremely harmful impact on the character, appearance and integrity of the Listed Building, the setting of neighbouring Listed Buildings and to the character and appearance of the Conservation Area.

16.5 The previously submitted applications were criticised for the lack of any clear and convincing justification and it was advised in 2011 that:

*“the owners consider less harmful methods of energy saving such as improved insulation in the roof and between floor boards; installing secondary glazing/shutters/thicker curtains to windows; draft stripping all windows and doors; installing an A-rated combi-boiler or even wood-chip boiler if possible; ground mounting one or two PV panels in the garden etc.”*

The current applications provide no information as to what other energy saving or generating works have been undertaken and if not, why not. Solar panels appear to be considered as the only solution, despite the previous Conservation Officer’s advice and the applicant being guided towards Historic England’s Guidance Notes which counters this view. The submitted applications provide no reference to national guidance provided by Historic England (or National and Local Planning Policies) and this further adds to the impression that no other alternative solutions have been considered.

National & Local Guidance:

16.6 As the governing body for the protection of our historic environment in England, Historic England has published the following guidance documents for the benefit of all guardians responsible for the protection of our historic environment: “Energy Efficiency and Historic Buildings: Solar Electric Photovoltaics” (2018), “Generating Energy in your Home” (2022), “Renewable Energy: (2021), “Low and Zero Carbon Technologies” (2023). The broad message from these Guidance Notes is that solar panels can be permissible on Listed Buildings if the following conditions are met:

- The panels should be installed in a low-key, discreet way.
- The installation should be easy to reverse.
- The panels should be located as discreetly as possible, avoiding principal roof elevations unless they are not visible.
- The panels must not be installed on a building that is within the grounds of a listed building or on a site designated as a scheduled monument.
- If your property is in a conservation area, or in a World Heritage Site, panels must not be fitted to a wall which fronts a highway.
- The installation of the panels would not result in undue harm to the historic fabric of the building.

16.7 Dorset Council has recently drafted and consulted on its own guidance document: Listed Buildings – What you can do for Climate Change. Whilst this has yet to be formally adopted, it offers further (less harmful) options and advice to owners of Listed Buildings/Heritage Assets at a local level.

16.8 Technical Guidance on Solar Panels states that South facing roof slopes may be the best location for panels, however east and west facing roof slopes can also be used. Whilst energy in-put may be reduced, this can be countered by micro-inverters or an optimising device. The recessed entrance wing sited to the west

elevation would provide a far more discreet position for solar panels. The restricted view of this roof slope means there would be no undue harm on the overall character of the listed building, on the setting of the neighbouring listed buildings, or on the character and appearance of the Conservation Area. The submitted applications do not provide any information as to whether this alternative location (or ground mounted in the garden) has been considered.

16.9 Recent Appeal decisions support the national and local approach to solar panels. Appeal Reference: APP/F1230/Y/17/3181173 Carpenters, Chetnole (2018) is such an example.

16.10 Dorset Council fully acknowledges the climate & ecological emergency and as such, provides considerable information on what we can all do to help reverse the effects of climate change within the 'Protecting our natural environment, climate and ecology' pages of its website. This reinforces the many options that individuals have – the installation of solar panels (and double glazing) are not the only ones.

16.11 Consideration should be given to the inherent sustainability of historic buildings. The local, natural materials of their construction, their ability to be upgraded sensitively and the longevity of their lifespan compared to modern methods of construction is something to be recognised. Furthermore, this needs to be balanced against harmful modern technologies that destroy the very character and interest of our historic environment.

16.12 The over-whelming majority of buildings in Bridport are unlisted and as such, owners can proceed with energy saving/generation alterations without applying for permission. Only 2% of the nation's building stock is listed and that should also be recognised as a community benefit and something to be preserved and conserved for future generations to enjoy. If lost, it will be lost forever.

### **Public Benefits / Balanced Judgement (NPPF, paras. 201-203)**

It is acknowledged that solar panels do generate energy and for the individuals who benefit, there is a personal gain. The NPPF makes it clear that in determining proposals we need to weigh up any 'less than significant' harm caused by a development against any public benefits that may outweigh that harm including, where appropriate, securing any optimum viable use (Policy 202). Whilst the panels would make a contribution to the provision of renewable energy and respond to the climate emergency, the contribution they would make is so insignificant as to not outweigh the adverse impacts that would arise on the character and appearance of the host property and the wider area.

Many people wish to live in historic settlements and within historic buildings, because of their rich architectural character and connection to the past. They provide an attractive environment that appeals to visitors and helps keep the local economy strong. This is identified as a key priority within the Bridport Neighbourhood Plan, which also recognises that the historic character of Bridport and the surrounding area is one of its key attributes, worthy of preservation. It quotes the Bridport Conservation Area Appraisal and supports the overall message, which places a high value on the

different character areas of the town and the historic buildings and structures that make it such a unique and special settlement.

Importantly, individual applications can only be assessed on their own merits and not in any broader sense of 'what might be' if other listed building owners apply to do the same kind of work. Furthermore, the council's view is that the applicant has not demonstrated that they have investigated any other forms of renewable energy that would conserve and protect the special interest and character of the listed building and the conservation area.

## **17.0 Conclusion**

For the reasons provided, the development would neither preserve nor enhance the character and appearance of the listed building, the setting of neighbouring listed buildings or the character and appearance of Bridport Conservation Area. The NPPF is clear that where proposals would result in any degree of harm, (even 'less than substantial') and would not be outweighed by public benefit (or obtaining optimum viable use), that they should not be supported. The applicant has not provided any information or evidence that any other potential forms of renewable energy have been investigated that could be installed elsewhere within the curtilage of the property that might overcome these issues.

## **18.0 Recommendation**

REFUSE listed building consent for the following reason:

No.48 West Allington is a Grade II listed building within the Bridport Conservation Area, and also forms a group value with Nos.46–52 West Allington as 1830s stuccoed villas. The building's position relative to the highway and its setting within the plot emphasises the visual prominence of its south elevation. The proposed solar panels, by virtue of their position on the principal roof slope of the dwellinghouse, their projection from the plane of the roof and their reflective qualities, would be of an incongruous appearance that is not considered to be sympathetic to the special architectural or historic character of the property. The solar panels would appear visually prominent and dominant on the front roof slope of this Grade II listed building further adversely affecting the setting of the adjoining listed buildings. Furthermore, they would neither preserve or enhance the character and appearance of the conservation area. No evidence has been put forward to suggest that other forms of renewable energy located elsewhere on the property have been explored. The potential social and economic benefits of the proposals do not outweigh the harm and as such, this proposal would be contrary to policy ENV4 of the West Dorset Weymouth and Portland Local Plan; Section 16 (Paragraphs 194-208) of the National Planning Policy Framework (2023); and Historic England guidance on Energy Efficiency and Historic Buildings (2018). The Bridport Area Neighbourhood Plan (2020) does not have a policy relating to Designated Heritage Assets as it acknowledges that they are protected under both national and Local Plan policies; however, the proposal is contrary to Policy D9 c) for Environmental Performance in relation to appropriate heritage and conservation assessment.

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