



Western and Southern Area Planning Committee

Date: Thursday, 18 April 2024
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 Joshua.kennedy@dorsetcouncil.gov.uk 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
1. APOLOGIES	
To receive any apologies for absence.	
2. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other registerable or non-registerable interest as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

3. MINUTES 5 - 34

To confirm the minutes of the meeting held on 14 March 2024.

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 16 April 2024.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

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|-----------|--|----------|
| a) | Application P/FUL/2023/06544 Lakeside Superbowl St
Nicholas Street Weymouth Dorset DT4 8AD
Demolition of existing building and restoration of the site through the construction of a temporary surface car park. | 35 - 58 |
| b) | Application P/MPO/2023/03270 Phases 2-4 Curtis Fields Land south of Chickerell Road Weymouth DT4 0TR
Modify section 106 agreement dated 17 August 2016 - Relating to Phases 2-4 at Curtis Fields (WP/14/00777/OUT) - to modify a portion of the affordable housing requirements from 30% to 26.24% following receipt of independent viability report (revised description). | 59 - 70 |
| c) | Application P/VOC/2024/01066 4 Verne Road Weymouth DT4 0RX
Renewal of permission for change of use to hostel (permanent approval requested) - Variation of condition 2 of planning permission 4/91/0110T to allow the use to apply to the land rather than the applicant. | 71 - 78 |
| d) | Application P/FUL/2024/00504 Weymouth Rugby Club
Monmouth Avenue Weymouth DT 3 5HZ
Change of use of a sector of the Rugby club car park to a cafe with seating area. | 79 - 92 |
| e) | Application P/FUL/2023/07288 Charmouth Road Park and Ride Car Park Charmouth Road Lyme Regis
Erect public toilets/cafe and form a new vehicular access.
Install ten electric vehicle charging stations. | 93 - 110 |

Mid-Meeting Break

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|----|--|--------------|
| f) | Application P/FUL/2023/07162 Land Adjacent Round Hill Coppice Mythe Hill Quarry Entrance Mapperton To Junction Twinways Lane Melplash
Retain conversion of barn to residential use. | 111 -
124 |
| g) | Application P/LBC/2024/00492 The Warwick Guest House The Warwick 9 The Esplanade Weymouth DT4 8EB
Relocation of main electricity service line cut-out board by SSEN from lower ground floor to first floor of the property adjacent to already existing electricity board. | 125 -
132 |
| h) | Application P/FUL/2023/01319 Bonscombe Farm Bonscombe Lane Shipton Gorge Dorset DT6 4LJ
Conversion and change of use of an existing agricultural building to holiday let accommodation. | 133 -
166 |
| | (The officer report from the committee meeting held on 19 October 2023 has been attached as Appendix 2 to the report) | |
| i) | Application P/FUL/2023/04091 Dower House Parnham House Parnham Beaminster DT8 3LZ

Erection new dwelling. Construct swimming pool and pool plant house. Alterations and extensions to Dower House to provide enhanced internal accommodation; part demolition including existing boiler room, utility room, conservatory, garage, walling, structures within courtyard and detached outbuilding.
Reinstatement of carriageway, gates and piers and boundary enclosure; erection of bike stores. | 167 -
208 |
| | (The officer report from the committee meeting held on 08 February 2024 has been attached as an appendix to the report) | |
| j) | Application P/HOU/2023/04785 3 Pump Cottages West Road, Bridport Dorset DT6 6AE
Retain and alter ancillary building. | 209 -
232 |

(The officer report from the committee meeting held on 16 November 2023 has been attached as an appendix to the report)

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 scheduled exempt business.



WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 14 MARCH 2024

Present: Cllrs David Shortell (Chairman), Jean Dunseith (Vice-Chairman), Kelvin Clayton, Nick Ireland, Paul Kimber, Louie O'Leary, Kate Wheller and John Worth

Apologies: Cllrs Dave Bolwell, Susan Cocking, Bill Pipe and Sarah Williams

Also present: Cllr David Walsh

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

Bob Burden (Senior Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Jane Green (Planning Officer), Joshua Kennedy (Democratic Services Officer), Matthew Pochin-Hawkes (Lead Project Officer), Elaine Tibble (Senior Democratic Services Officer) and Nicola Yeates (Conservation and Design Officer)

82. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

83. **Minutes**

The minutes of the meeting held on 08 February 2024 were confirmed and signed.

84. **Planning Applications**

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

85. **Application P/OUT/2021/05309 Land adjacent Broadmead, Broadmayne & P/FUL/2021/05255 Land adjacent Broadmead, Broadmayne**

The Lead Project Officer presented both applications P/OUT/2021/05309 and P/FUL/2021/05255, it was explained that these applications had been brought before the committee in July 2023 and September 2023 and the committee had been minded to approve both applications, however they had been brought back to committee due to new material considerations that could impact the decision that members made.

With the aid of a visual presentation, including maps and aerial photographs, the Lead Project Officer outlined the proposals and the locations of the application sites.

The material planning considerations, which had changed since the September 2023 meeting of the committee were highlighted and included a revised NPPF published in December 2023, updated Housing Delivery Test figures and a revised statutory duty for Areas of Outstanding Natural Beauty.

The updated Heads of Terms for the Section 106 was shown to members and the Case Officer highlighted the recommended changes, should the committee decide to grant permission.

Public representations were received in opposition to the applications from Mr Cady, Mr Young, Mr Spenceley, Cllr Diamond (Broadmayne Parish Council) and Cllr Tarr (Ward Member). Their objections included the view that Broadmayne was an unsuitable location for a development of this size and there was not the necessary infrastructure in place to support additional homes within Broadmayne. In addition, the application went against the NPPF and Local Plan and there was not a need for a SANG as Broadmayne was already well serviced by the countryside.

Public representations in support of the applications were received from Mr Jones, the applicant and Mr Stone (Abri Housing). They noted the increasing demand for affordable housing within Dorset and Broadmayne, highlighting a property that had become available, which had received 124 applicants from the Dorset Council Housing Register. In addition, Mr Jones explained that following comments from one member at the previous meeting, they had looked into moving the location of the SANG car park but had been advised against this change by Natural England.

In response to questions from members, the Lead Project Officer clarified that 70% of the affordable homes would be affordable rented accommodation and a further 30% would be intermediate housing and that approximately 28 dwellings in total would classify as affordable housing.

Having had the opportunity to discuss the merits of each application, several members felt that the new material considerations did not impact the decision made at the previous meeting of the committee and expressed support for both applications and the amended Section 106 Heads of Terms.

Proposed by Cllr Ireland and seconded by Cllr Wheller.

P/OUT/2021/05309 Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of S106 Agreements and the conditions set out in the appendix to these minutes.

Proposed by Cllr Ireland and seconded by Cllr Wheller.

P/FUL/2021/05255 Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement and the planning conditions as set out in the appendix to these minutes

Application P/FUL/2023/00324 Steepleton Manor, B3159 Junction A35t to Rew Manor, Winterbourne Steepleton, Dorset, DT2 9LG

- a) The Senior Planning Officer presented the application for the proposed change of use, including alterations to form 13 residential dwellings with ancillary accommodation and communal facilities. It was explained that the main reason for it being brought to the committee for determination was due to a flood risk issue that had resulted in an objection from the Environment Agency.

The location of the application site was shown to members, as well as the existing and proposed floorplans of the property. It was explained that suggestions from the Environment Agency to mitigate the impact of flooding, such as raising the floor levels, was not possible due to the property being a listed building. The flood modelling showed that the worst-case event for flooding would result in 9cm depth of flooding and this was considered to be a 1 in 100 year event.

The Senior Planning Officer highlighted the main planning issues and explained that there would be a £132,000 affordable housing contribution from the scheme.

The Legal Business Partner responded to the applicant's submission about Vacant Building Credit and advised that it in the view of officer's, having considered the submissions, it did not apply to this scheme.

Public representations were received from Mr Russel, a local resident, who supported the application, however expressed concern over increased light pollution that could impact local wildlife. Mr Bell, the agent spoke in support of the application, noting the importance of restoring an impressive local building and bringing it back into use. Cllr Tarr, the Ward member, also spoke in support of the application.

Members expressed support for the application noting that this would be a good use of the building and would help preserve it for the future.

Proposed by Cllr Ireland and seconded by Cllr Worth.

Decision:

- A)** That authority is delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to approve subject to:

1) satisfactory outcome of referral to Secretary of State (due to Environment Agency objection);

2) Completion of satisfactory section 106 agreement to secure affordable housing financial contribution (£132,173); and

3) Planning conditions (as set out in the appendix to these minutes).

B) Refuse planning permission for the reason set out below if the S106 legal agreement is not completed by 31st September 2024, or such extended time as agreed by the Head of Planning.

86. **Application P/FUL/2023/07302 4&5 Bedford Terrace, Long Bredy, DT2 9HW**

The Planning Officer presented the application for the demolition of an existing ground floor extension and erection of a ground and first floor rear extension and relocation of ancillary buildings and internal works. It was explained that this had been brought to the committee for determination due to one of the applicants being an employee of Dorset Council.

A map and aerial photograph showed the location of the application site and it was explained that it was located within the Long Bredy Conservation Area and the Dorset National Landscape.

The Planning Officer highlighted the key planning considerations of the application, as well as photographs of the dwellings and nearby properties, which had extensions.

The proposal was considered to be in accordance with objectives of policies in the Local Plan and the public benefit of providing living improvements would outweigh the less than substantial harm to the heritage assets.

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

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

87. **Application P/LBC/2023/07124 4&5 Bedford Terrace, Long Bredy, DT2 9HW**

The Planning Officer presented the Listed Building Consent application for works to the listed buildings. The two listed buildings were outlined on a map and it was explained that in addition to those, the two neighbouring properties either side were also listed.

The key considerations were highlighted by the Planning Officer and the works to the listed buildings were outlined. It was considered that the proposed works would cause less than substantial harm to the heritage assets and this was outweighed by the public benefit.

Members were in agreement that the proposal did not pose any issues.

Proposed by Cllr Clayton and seconded by Cllr Ireland.

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

88. **Application P/LBC/2023/01707 116 The Esplanade, Weymouth, DT4 7EJ**

The Conservation and Design Officer presented the application to install a ground floor WC in a Grade II listed building in Weymouth, it was explained that the application had come to the committee for determination because the application site was on Dorset Council owned land.

Members were shown photographs of the exterior of the building and the location of the site was highlighted on a map of Weymouth. The application site fell within the Weymouth Town Centre Conservation Area.

The proposed works were outlined to members and included the removal of four steps in order to install the WC, which would result in the loss of historic material and prevent the use of the stairs in the future. It was considered that the proposal would cause irreversible harm to the listed building, with limited public benefit.

In response to questions from members the Conservation and Design Officer provided the following responses:

- The applicant had not explored an alternative location for the WC within the building.
- The staircase was not currently being used by the applicants.
- This proposal would prevent future use of the staircase by any potential future tenants.

Several members expressed support for the application given the minimal harm that they believed the proposal would have on the listed building and the benefit of supporting the business in providing accessible facilities for their customers.

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

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 wording of which shall first have been agreed with the Chair of the Southern and Western Area Planning Committee.

89. **Urgent items**

There were no urgent items.

90. **Exempt Business**

There was no exempt business.

91. **Update Sheet**

Decision List

Duration of meeting: 10.00 am - 12.56 pm

Chairman

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Western & Southern Area Planning Committee 14 March 2024 Decision List

Application: P/OUT/2021/05309

Site Address: Land Adjacent Broadmead, Broadmayne

Proposal: Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only).

Recommendation: Members are requested to consider the revised material considerations and resolve whether they change the resolutions of the 7 September 2023 Western and Southern Area Planning Committee to approve planning permission subject to planning conditions and a S106 legal agreement.

Decision:

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of S106 Agreements to secure the following:

1. 36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 dwellings (35% of total dwellings) to provide a minimum of 70% social/affordable rent and a maximum of 30% intermediate affordable housing. 8 dwellings (10% of total dwellings) to intermediate affordable housing.
2. Provision of a Local Area for Play (LAPs) comprising a minimum of 100 sq. m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management of the LAP, any allotments and any other publicly accessible open spaces in perpetuity.
3. Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:
 - i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive – retaining access southbound from the A352 into Rectory Road;
 - ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;
 - iii. Alterations to the Rectory Road/Chalky Road junction – providing an improved pedestrian environment and informal crossing point with tactile paving;

- iv. Associated pedestrian improvements – tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road; and
 - v. Access only signage to Bramble Drove, which is a private road.
4. Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG management Plan.
 5. Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with the submitted Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023 or alternatively a nutrient credit-based solution subject to a Habitats Regulations Assessment and satisfactory consultation with Natural England. Off-site upgrades or credit-based solution to be provided prior to the occupation of any new dwellings. If legislation comes into force which no longer requires the proposed mitigation to be secured, members delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to amend and/or remove this planning obligation prior to completion of the S106 Agreement(s) in consultation with the Chair of the Western and Southern Planning Committee. In the event that the Section 106 Agreement(s) are completed prior to new legislation being enacted the Section 106 Agreement(s) shall include clauses to allow for revised and/or no mitigation should current requirements to achieve nutrient neutrality be amended.”

And subject to the planning conditions below:

1. 36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to intermediate affordable housing.
2. Provision of a Local Area for Play (LAPs) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management of the LAP, any allotments and any other publicly accessible open spaces in perpetuity.
3. Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:
 - i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;
 - ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;

- iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;
 - iv. Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road; and
 - v. Access only signage to Bramble Drove, which is a private road.
4. Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan.
5. Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings. If legislation comes into force which no longer requires the proposed mitigation to be secured, members delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to amend and/or remove this planning obligation prior to completion of the S106 Agreement(s) in consultation with the Chair of the Western and Southern Planning Committee. In the event that the Section 106 Agreements are completed prior to new legislation being enacted the Section 106 Agreements shall include clauses to allow for revised and/or no mitigation should current requirements to achieve nutrient neutrality be amended.

And subject to the planning conditions below:

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan P0001
 - Proposed Broadmead Site Access General Arrangement 23054-04-6 Rev B
 - Proposed Broadmead Site Access Rectory Road Junction Alterations and Footway Works 23054-04-7 Rev B

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

Approval of Reserved Matters

2. No part of the development hereby approved shall commence until details of all reserved matters (layout, scale, appearance and landscaping) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

Timescales – Reserved Matters

3. Application(s) for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

Timescales – Commencement of Development

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

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

Access, Highway Layout, Turning and Parking Areas

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

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

Visibility Splays

6. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the approved plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

Construction Traffic Management Plan

7. 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:
 - a) construction vehicle details (number, size, type and frequency of movement)
 - b) a programme of construction works and anticipated deliveries
 - c) timings of deliveries so as to avoid, where possible, peak traffic periods
 - d) a framework for managing abnormal loads

- e) contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- f) wheel cleaning facilities
- g) vehicle cleaning facilities
- h) Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- i) a scheme of appropriate signing of vehicle route to the site
- j) a route plan for all contractors and suppliers to be advised on
- k) 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.

Construction Environmental Management Plan

8. Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The CEMP must include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs

The development shall take place strictly in accordance with the approved CEMP.

Reason: To protect biodiversity during the construction phase.

Landscape and Ecological Management Plan

9. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Landscape and Ecological Management Plan (LEMP) dated 8 February 2022 and certified by the Dorset Council Natural Environment Team on 16 March 2022 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

- a) the mitigation, compensation and enhancement/net gain measures detailed in the approved LEMP have been completed in full, unless any modifications to the approved LEMP as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority; and
- b) evidence of compliance has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

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

Samples of Materials

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

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

Surface Water Management Scheme

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

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

Surface Water Maintenance and Management

12. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other

arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

Land Contamination

13. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for any necessary remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) where necessary, a detailed phasing scheme for the development and remedial works (including a time scale). 5) where necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the remediation works written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

14. Prior to the first occupation of the development a verification report to confirm that the development is fit for purpose following any remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with the latest Environment Agency guidance, currently Land Contamination Risk Management: Stage 3 Remediation and Verification (19 April 2021).

Reason: To ensure potential land contamination is addressed.

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

submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

Archaeology

16. No works shall take place until the applicant has carried out a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted by the applicant to, and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: To safeguard and/or record the archaeological interest on and around the site.

Arboricultural Method Statement

17. Prior to the commencement of any development hereby approved a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter accord with the approved Statement.

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

Minerals Safeguarding

18. Prior to commencement of development a Feasibility and Method Statement for the re-use of aggregate material raised during site preparation/construction works shall be submitted to and approved in writing by the Local Planning Authority. The Feasibility and Method Statement shall provide:
 - a. A field evaluation to establish the presence, extent and nature/quality of any underlying sand and gravel deposits;
 - b. An appraisal to determine the practicality of recovering and re-using on site, a quantity of usable material;
 - c. A Construction Management Plan detailing how the prior extraction of materials would take place, including the anticipated quantum of minerals that could be reused.

The development shall thereafter accord with the approved Feasibility and Method Statement. Within three months of the substantial completion of groundworks a report setting out the quantum of material re-used on site shall be submitted to the Local Planning Authority.

Reason: To comply with national and local policy on mineral safeguarding and to ensure that any suitable materials raised during construction are put

to their highest and best use, while minimising the need to import aggregate materials from beyond the site, in the interests of sustainability.

Lighting Strategy

19. Prior to commencement of work on the site, a lighting strategy which reflects the need to avoid harm to protected species and to minimise light spill, shall be submitted to and approved in writing by the Local Planning Authority. There shall be no lighting of the site other than in accordance with the approved strategy.

Reason: In the interests of biodiversity (and the character of the area)

Cycle Parking

20. Prior to use or occupation of development hereby approved, a scheme showing details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved facilities shall be installed and maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

Water Usage

21. Details of measures to limit the water use of the dwelling(s) in accordance with the optional requirement in regulation 36(2)(b) and the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved in writing by the Local Planning Authority before the dwellings are occupied. The submitted details shall include a water consumption calculation for each dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented prior to occupation and maintained in accordance with the approved details thereafter.

Reason: To ensure nutrient neutrality in Poole Harbour catchment in the interests of protected habitats.

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 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: This permission is subject to a agreements made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to affordable housing, play space, off-site highway improvement works, SANG provision and off-site nutrient neutrality mitigation.
3. Informative: The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.
4. Informative: The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering
5. Informative: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.
6. 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.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 14 September 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a completed Section 106 legal agreement to secure affordable housing the proposal would be contrary to Policy HOUS1 of the West Dorset, Weymouth & Portland Local Plan (2015).
2. In the absence of a completed Section 106 legal agreement to secure provision of a Suitable Alternative Natural Greenspace (SANG) the associated likely significant effects on Dorset Heathlands are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; Dorset Heathlands Planning Framework 2020-2025 SPD (2006); National Planning Policy Framework (2023) Paragraphs 180 and 186; and the provisions of the Conservation of Habitats Regulations 2017.
3. In the absence of mitigation to ensure nutrient neutrality the associated likely significant effects on Poole Harbour SSSI, SPA and Ramsar through increased nitrogen and phosphate loads are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; National Planning Policy Framework (2023) Paragraphs 180 and 186; and the provisions of the Conservation of Habitats Regulations 2017.
4. In the absence of a completed Section 106 legal agreement to secure a Local Area for Play (LAP) the proposal would be contrary to Policy COM1 of the West Dorset, Weymouth & Portland Local Plan (2015).
5. In the absence of a completed Section 106 legal agreement to secure off-site highway improvement works the proposal would be contrary to Policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015).

Application: P/FUL/2021/05255

Site Address: Land Adjacent Broadmead, Broadmayne

Proposal: Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road.

Recommendation: Members are requested to consider the revised material considerations and resolve whether they change the resolutions of the 7 September 2023 Western and Southern Area Planning Committee to approve planning permission subject to planning conditions and a S106 legal agreement.

Decision:

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms: Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution. SANG to be linked to the associated residential development (P/OUT/2021/05309).

And subject to the planning conditions below:

- 1) Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution. SANG to be linked to the associated residential development (P/OUT/2021/05309).

Planning conditions:

Time Limit

1. The development to which this permission relates must be begun not later than the expiration of five 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).

Approved Plans

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

- Location Plan (ref: 21031-P001 Rev A)
- Indicative Site Layout Proposal (ref: 21031-003 Rev D)
- Phase 1 SANG: Soft Landscape Proposals (ref: edp7097_d016e)
- Phase 2 SANG: Soft Landscape Proposals (ref: edp7097_d013f)
- Proposed Broadmead Site Access General Arrangement (ref: 23054-04-6 Rev B)

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

Arboricultural Method Statement

3. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:
 - i) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
 - ii) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
 - iii) a schedule of tree work conforming to BS3998;
 - iv) details of the area for storage of materials, concrete mixing and any bonfires;

- v) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- vi) details of any no-dig specification for all works within the root protection area for retained trees:
- vii) details of the supervision to be carried out by the developers tree specialist.

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

Access details

4. A scheme showing precise details of the access from the A352 must be submitted to and approved in writing by the Local Planning Authority prior to use of the access commencing for construction purposes. Thereafter the access shall be constructed in accordance with the approved details.

Reason: To ensure that a suitable vehicular access is provided.

Haul road details

5. A scheme showing precise details of the haul road identified on Phase 1 SANG: Soft Landscape Proposals drawing (ref: edp7097_d016e) and programme for use must be submitted to and approved in writing by the Local Planning Authority prior to construction of the haul road and use of the haul road commencing for construction purposes associated with the linked residential development to the south (ref: P/OUT/2021/05309). Thereafter the haul road shall be constructed in accordance with the approved details and maintained for the duration of the specified programme. Thereafter the haul road shall be removed.

Reason: To ensure that a suitable vehicular access is provided.

Vehicle Access Construction

6. Before the development is first utilised the first 20 metres of the vehicle access from Broadmead, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

Visibility Splays

7. Before the development hereby approved is first utilised the relevant visibility splay areas as shown on drawing 23054-04-6 Rev B must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

Minerals

8. Prior to commencement of development a Feasibility and Method Statement for the re-use of aggregate material raised during any site reparation/construction works shall be submitted to and approved in writing by the Local Planning Authority. The Feasibility and Method Statement shall provide:
 - i) A field evaluation to establish the presence, extent and nature/quality of any underlying sand and gravel deposits;
 - ii) An appraisal to determine the practicality of recovering and re-using on site, a quantity of usable material;
 - iii) A Construction Management Plan detailing how the prior extraction of materials would take place, including the anticipated quantum of minerals that could be reused.

The development shall thereafter accord with the approved Feasibility and Method Statement. Within three months of the substantial completion of groundworks a report setting out the quantum of material re-used on site shall be submitted to the Local Planning Authority.

Reason: To comply with national and local policy on mineral safeguarding and to ensure that any suitable materials raised during construction are put to their highest and best use, while minimising the need to import aggregate materials from beyond the site, in the interests of sustainability.

Archaeological Method Statement

9. No works shall take place until an Archaeological Method Statement identifying how the D-shaped enclosure (No. 1) and possible barrow (No. 2) identified at drawing KTD-DJS-Fig11 and KTD-DJS-Fig14 of the Archaeology and Heritage Assessment dated November 2021 (ref: edp7097_r002d) would be protected during the construction and operation of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall proceed in strict accordance with the approved Archaeological Method Statement.

Reason: To safeguard potential archaeological interests on the site.

Informatives

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [####] relating to phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309).

2. 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.

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

4. Informative: The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

5. Informative: Contact Dorset Highways
The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the

commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 14 September 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure the phased provision of a SANG including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309) the proposal would result in the unnecessary development of Best and Most Versatile agricultural land and is not required in the absence of associated residential development. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2023).

Application: P/FUL/2023/00324

Site Address: Steepleton Manor B3159 Junction A35t To Rew Manor Winterbourne Steepleton Dorset DT2 9LG

Proposal: Proposed change of use including alterations to form 13 residential flats with ancillary accommodation and communal facilities (red line extended to include grounds and garden of manor).

Recommendation:

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for

Development Management and Enforcement to approve subject to:

- 1) satisfactory outcome of referral to Secretary of State (due to Environment Agency objection);
- 2) Completion of satisfactory section 106 agreement to secure affordable housing financial contribution (£132,173); and
- 3) Planning conditions.

Recommendation B: Refuse planning permission for the reason set out below if the S106 legal agreement is not completed by 31st September 2024, or such extended time as agreed by the Head of Planning.

Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to approve subject to:

- 1) satisfactory outcome of referral to Secretary of State (due to Environment Agency objection);

2) Completion of satisfactory section 106 agreement to secure affordable housing financial contribution (£132,173); and

3) The following planning conditions:

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

Location and block plan 22037 PA 01B
Proposed ground floor plan 22037 PA 18E
Proposed ground floor plan 22037 PA 18F (levels)
Proposed first floor plan 22037 PA 19 E
Proposed second floor plan 22037 PA 20D
Proposed roof plan 22037 PA 21
Proposed suite 1 22037 PA 22
Proposed suite 2 22037 PA 23
Proposed suite 3 22037 PA 24
Proposed suite 4 22037 PA 25
Proposed suite 5 22037 PA 26
Proposed suite 6 22037 PA 27
Proposed suite 7 22037 PA 28
Proposed suite 8 22037 PA 29
Proposed suite 9 22037 PA 30
Proposed suite 10 22037 PA 31
Proposed suite 11 22037 PA 32
Proposed suite 12 22037 PA 33
Proposed suite 13 22037 PA 34
Proposed windows 22037 PA 35
Proposed parking plan 22037 PA 39A
Proposed stable door 22037 PA 40A

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

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

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

3. The relevant suites in the Coach House/Stables shall not first be occupied for residential use until the replacement windows and door have first been altered in accordance with the approved drawings 22037 PA 35 and 22037 PA 40A. The windows/door shall be finished in a light cream colour to match the existing unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the character of the listed building is protected.

4. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plan 22037 PA 39A. Thereafter, these areas must be permanently maintained, kept free from obstruction

and available for the purposes specified. The vehicle parking area shall be confined to the enclosed (walled) frontage courtyard area and linked courtyard area to the west only.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety and to protect the character of the conservation area.

5. The development shall be carried out and managed in accordance with the submitted GeoSmart Flood Warning and Evacuation Plan dated 17/10/23.

Reason: To ensure there are appropriate measures in place to minimise risk to occupiers.

6. The development shall be carried out in accordance with the GeoSmart Flood Risk Assessment dated 2/11/23 (excluding any landscaping/ground-raising).

Reason: To minimise flood-risk.

7. Suite 7 (Coach House) shall not be first occupied until flood prevention measures based on alterations to accommodate raised power socket locations, internally applied demountable flood barrier boards and an internal tanking membrane to the unit have first been installed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The approved measures shall be permanently retained thereafter.

Reason: To minimise flood-risk.

8. No residential unit hereby approved shall be first occupied until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible locations within the development has been submitted to and approved in writing by the local planning authority. The agreed details shall be implemented and made operational prior to first occupation of any residential unit hereby approved. Such facilities shall be retained thereafter.

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

9. Details of measures to limit the water use of the dwelling(s) in accordance with the optional requirement in regulation 36(2)(b) and the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved in writing by the Local Planning Authority before the dwellings are occupied. The submitted details shall include a water consumption calculation for each dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented prior to occupation and maintained in accordance with the approved details thereafter.

Reason: To ensure nutrient neutrality in the Poole Harbour catchment in the interests of protected habitats.

10. Prior to commencement of work on the site, a lighting scheme which reflects the need to avoid harm to protected species and to minimise light spill, shall be submitted to and approved in writing by the Local Planning Authority. There shall be no lighting of the site other than in accordance with the approved scheme.

Reason: In the interests of minimising light pollution on the character of the area and in the interests of preserving biodiversity.

OR

Refuse planning permission for the reason set out below if the S106 legal agreement is not completed by 31st September 2024, or such extended time as agreed by the Head of Planning.

1. The scheme requires an off-site affordable housing financial contribution (£132,172). In the absence of a completed S106 agreement to secure the affordable housing contribution the proposal is contrary to policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the NPPF (2023).

Application: P/FUL/2023/07302

Site Address: 4 & 5 Bedford Terrace Long Bredy DT2 9HW

Proposal: Demolition of existing rear extensions, erection of ground and first floor rear extensions. Erection and relocation of ancillary buildings. Other internal and external works and addition of modern low energy services.

Recommendation: Grant subject to conditions.

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2301_s_e-4000 - Location plan
 - 2301-s_p-1001 B Proposed Ground floor plans
 - 2301-s_p-1002 A Proposed First Floor plans
 - 2301-s_p-1003 - Proposed Roof plans
 - 2301-s_p-2001 - Proposed Front Elevations
 - 2301-s_p-2002 A Proposed Rear Elevations
 - 2301-s_p-2003 - Proposed Side Elevations
 - 2301-s_p-2004 - 4 Bedford Terrace Proposed Outbuilding
 - 2301-s_p-2005 - 5 Bedford Terrace Proposed Outbuilding
 - 2301-s_p-2006 - 5 Bedford Terrace Proposed Car port

2301-s_p-3001 A Proposed Cross section
2301-s_p-4001 - Proposed Site plan

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

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

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

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

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

4. Prior to the commencement of any development hereby approved, above damp course level, details of proposed flood mitigation measures as included in the Flood Risk Assessment dated 18 December 2023 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: In order to safeguard the accommodation from unnecessary flood risk.

5. The development hereby approved shall proceed only in accordance with the details set out in both the Arboricultural Impact Assessment and Tree Protection Plans dated 31 May 2023 for 4 Bedford Terrace and 05 June 2023 for 5 Bedford Terrace, setting out how the existing trees are to be protected and managed before, during and after development.

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

6. Before the development hereby approved is occupied or utilised for number 4 Bedford Terrace the turning/manoeuvring and parking shown on Drawing Number 2301_s_p-4001 must have been constructed for number 4 Bedford Terrace. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

7. Before the development hereby approved is occupied or utilised for number 5 Bedford Terrace the turning/manoeuvring and parking shown on Drawing Number 2301_s_p-4001 for must have been constructed for number 5 Bedford

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

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

8. 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 alteration(s) of the car port by infilling of the elevations, to serve 5 Bedford Terrace hereby approved, permitted by Class E of Schedule 2 Part 1 of the 2015 Order, shall be made.

Reason: To ensure that satisfactory on-site parking is provided in a form that allows a vehicle to freely turn within the site curtilage.

9. Within 3 months of the new outbuilding labelled “5” for 4 Bedford Terrace on Drawing no. 2301_s_p-4001 having been erected, the existing outbuilding labelled “3” on the site plan at 4 Bedford Terraced shall be demolished and removed from the site.

Reason: In the interests of visual amenity and the setting of the listed building.

10. Within 3 months of the new outbuilding labelled “5” at the eastern end of the garden of 5 Bedford Terrace on Drawing no. 2301_s_p-4001 having been erected, the existing outbuildings labelled “3” on the site plan at 5 Bedford Terraces shall be demolished and removed from the site.

Reason: In the interests of visual amenity and the setting of the listed building.

11. The Biodiversity Mitigation Plan (BMP) dated 09 January 2024 shall be implemented in full and the development carried out in accordance with the specified timetable(s) in the BMP.

Reason: To minimise impacts on biodiversity.

Informative Notes:

1. 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 11.

2. 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.

Application: P/LBC/2023/07124

Site Address: 4 & 5 Bedford Terrace Long Bredy DT2 9HW

Proposal: Demolition of existing rear extensions, erection of ground and first floor rear extensions. Erection and relocation of ancillary buildings. Other internal and external works and addition of modern low energy services.

Recommendation: Grant subject to conditions.

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

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

2301_s_e-4000 - The location plan
2301_s_p-1001 B Proposed Ground Floor plan
2301_s_p-1002 A Proposed First Floor plan
2301_s_p-1003 - Proposed Roof plan
2301_s_p-2001 - Proposed Front Elevations
2301_s_p-2002 A Proposed Rear Elevations
2301_s_p-2003 - Proposed Side Elevation
2301_s_p-2004 - 4 Bedford Terrace Proposed Outbuilding
2301_s_p-2005 - 5 Bedford Terrace Proposed Outbuilding
2301_s_p-2006 - 5 Bedford Terrace Proposed Carport
2301_s_p-3001 - Proposed Cross section
2301_s_p-4001 - Proposed Site plan

Reason: To preserve the architectural and historical qualities of the building.

3. Prior to works above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning

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

Reason: To ensure a satisfactory visual appearance of the listed building.

4. Battened sheep's wool and a lath and plaster finish will be used for the internal wall insulation rather than an adhered method as clarified by the email from the applicant dated 01 February 2024.

Reason: To protect and safeguard the fabric of the heritage asset.

5. Prior to their installation detailed drawings and specifications showing the design, colour and construction of external doors and windows (at a scale no less than 1:10) shall be submitted to the Local Planning Authority and agreed in writing. Thereafter, the works shall be carried out in accordance with the agreed details. All windows and doors shall be of timber construction.

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

6. All new and replacement rooflights shall be top hung metal Conservation rooflights with vertical glazing bar and fitted flush to the roof plane.

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

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.

Application: P/LBC/2023/01707

Site Address: 116 The Esplanade Weymouth DT4 7EJ

Proposal: Create WC on ground floor of hotel, within the back stairs

Recommendation: Refuse.

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 wording of which shall first have been agreed with the Chair of the Southern and Western Area Planning Committee.

Application Number:	P/FUL/2023/06544
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Lakeside Superbowl St Nicholas Street Weymouth Dorset DT4 8AD
Proposal:	Demolition of existing building and restoration of the site through the construction of a temporary surface car park
Applicant name:	Dorset Council
Case Officer:	Penny Canning
Ward Member(s):	Cllr Orrell

1. Reason application is going to committee

- 1.1. The application has been made by Dorset Council in relation to land that is owned by Dorset Council and is reported to committee for consideration in accordance with the requirements of the Constitution.

2. Summary of recommendation:

- 2.1. GRANT subject to conditions.

3. Reason for the recommendation:

- 3.1. The principle of development is considered to be acceptable and in accordance with town centre policies and site specific policy WEY1.
- 3.2. 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.
- 3.3. The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- 3.4. There is not considered to be any significant harm to neighbouring residential amenity.
- 3.5. The impact is considered to be acceptable in terms of flood risk, highway safety and impact on protected species.
- 3.6. There are no material considerations which would warrant refusal of this application.

4. Key planning issues

Issue	Conclusion
Principle of development	The principle of demolition is considered acceptable, and in turn the provision of a car park in this location is considered to be policy compliant. In recognition that the proposal seeks use of the site as a car park for only a temporary period, and acknowledging the

	<p>benefits of bringing forward future development on this site which would better lend itself to meeting the objectives of Policy WEY1, it is considered appropriate to apply a condition ensuring its use as a car park is permitted for a temporary period only.</p>
<p>Heritage Consideration</p>	<p>It is considered that the proposal would not adversely affect the setting of listed buildings nearby, such that there would be no harm, having regards to Section 16 of the NPPF. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy ENV4 (heritage assets). Furthermore, the proposal is considered to preserve the character and appearance of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy EN4.</p>
<p>Residential amenity</p>	<p>It is not considered that the demolition of the building and expansion of the car park would present a significant impact on the amenity of occupiers such as to warrant refusal of the application, and the proposal is considered to be consistent with the provisions of Local Plan Policy ENV16 (residential amenity). This is subject to securing by condition the submitted Construction and Environmental Management Plan (CEMP) which puts appropriate safeguarding measures in place.</p>
<p>Flood Risk</p>	<p>A car park is considered a less vulnerable use than the former use and is compatible with the flood risk zones within which the site lies. The submitted Drainage Strategy makes recommendations to improve existing gullies and provide oil separators, thereby improving the existing drainage arrangements to the betterment of the wider site. A condition should be placed on any consent ensuring implementation of the recommendations set out</p>

	within the Drainage Strategy, as set out on drawing P01, in accordance with policy ENV5 of the Local Plan.
Highway Safety	The car parking layout having regard to the size and positioning of bays, the provision of blue badge bays, and the design of the surrounding space through provision of levelled footways and provision of pedestrian safe zones is considered to be appropriate, and details of traffic management are contained within the submitted CEMP. The proposed development is considered to be acceptable in terms of Highway Safety and is considered to be in accordance with Local Plan policies COM7 and COM9.
Ecological Considerations	The proposed development sets out appropriate mitigation measures to safeguard protected species and, subject to conditions, is considered acceptable on a temporary basis, having regard to protected species and Local Plan policy ENV2.
Land Contamination	The application is accompanied by a Risk Assessment and CEMP which seeks to address risks on site. Appropriate land contamination conditions are considered necessary on any consent if permission is granted. Subject to conditions, the proposed works are considered to be acceptable having regard to Local Plan Policy ENV9 (land contamination).

5. Description of Site

- 5.1. The application site is located adjacent to Weymouth Town Centre, within Melcombe Regis Ward and accessed off St. Nicholas Street. Formerly used as a bowling centre, the site comprises a substantial building, bound by West Street, John Street, and St. Nicholas Street on its three sides, and with an associated parking area located to the south, adjacent to the building's principle elevation. Its central location means that the site is surrounded on all sides by built development comprising a mixture of commercial, retail and residential uses.
- 5.2. The building is currently vacant and comprises a red brick two storey building with two gently pitched roof structures, largely hidden by a brick parapet, and with a glazed element on its principle elevation. Due to the intended commercial nature of the building (which was formerly a Texas Store), the building is largely devoid of windows, but with several commercial entrances on its side and rear elevation. The design of the building could perhaps be

described as unprovoking, but equally a fairly uninspiring example of modern architecture, largely devoid of detailing or architectural interest, with its design clearly linked to its intended use. The sheer mass of the building certainly dominates a large portion of the street scene, and due to its orientation on its plot offers no active street frontage. Within the immediate vicinity are a range of varying architectural styles and buildings of varying heights, reflective of a range of uses, and of different time periods. The site falls within the Weymouth Conservation Area.

6. Description of Development

- 6.1. The application proposal provides for the demolition of the Weymouth Bowl building and its replacement with 57 surface level car parking spaces, including 4 disabled parking bays. This would form an extension to the existing parking area currently accessed off St. Nicholas Street and located at the front of the Lakeside Bowl Building, extending car park provision at the site to a total of 149 parking spaces, including 13 disabled parking spaces.
- 6.2. The proposed car park extension would be provided by way of a temporary surface provided over the slab foundation of the building. 3 existing car parking spaces would be lost to provide access to the proposed car park area, which would be via an asphalt ramp. A pedestrian only zone would be created adjacent to the ticket machine and at the pedestrian access point of the car park.
- 6.3. Existing differences in levels (including existing stepped accesses along West Street, and the raised flower bed, and sunken accesses along St. Nicholas Street) are to be removed.
- 6.4. The provision of a car park is proposed as an interim step ahead of formalising plans to redevelop the site. The use of land as a car park is consequently sought for a temporary period only. In terms of the wider vision for the site, the Council went out to public consultation in 2021 on a mixed use scheme of retail and commercial units at ground floor, and residential accommodation in the form of 59 flats on the upper floors. Following consultation, the Council are yet to formalise their plans for the site, and these plans do not form part of the application under consideration, but offers some context to the application submitted for the site for the demolition of the building and use of the site for parking.

7. Relevant Planning History

- 7.1. 96/00349/COU - Decision: GRANT - Decision Date:
16/09/1996

Change of use (from Texas store) to 18 lane bowling centre with food and drink facilities
- 7.2. P/PAP/2021/00240 - Decision: RESPONSE - Decision Date:
16/03/2022

Pre-application advice - Redevelopment of the former Weymouth Bowl site and North Quay WPBC offices

8. Constraints

Within Defined Development Boundary;

Risk of Surface Water Flooding Extent 1 in 1000;

Flood Zone 3;

Flood Zone 2;

Natural England Designation - RAMSAR: Chesil Beach & the Fleet;

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

Area of Archaeological Potential;

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

9. Consultations

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

9.2. Consultees

9.2.1. **Natural England** – confirm agreement with the Appropriate Assessment, and raise no objection;

9.2.2. **Highway Authority** – raise no objection subject to conditions;

9.2.3. **The Archaeological Officer** – recommends a condition to be attached to any consent.

9.2.4. **The Design and Conservation Officer** – raises no objection;

9.2.5. **Environmental Health** – have no material comments to make but recommend an informative.

9.2.6. **WPA Environmental Consultants** – note the site has the potential to be at risk from contaminated land and other hazards, and recommend the development be subject to contaminated land conditions so that further site investigation and risk assessment can be ensured prior to construction.

9.2.7. **Planning Policy Team** – Advise that the last use does not fall to be considered as a 'community facility' for the purposes of the Local Plan, and should be considered against the 'town centre' policies.

9.2.8. **Weymouth Town Council** – raise no objection.

9.3. Representations Received

9.3.1. 7 Third party comments have been received objecting to the proposal for the following reasons:

- Concern relating to the loss of an indoor family entertainment facility within Weymouth, causing people to have to travel outside of Weymouth to access such facilities.
- The site should be considered for retail/leisure/entertainment/commercial use as opposed to housing.
- Additional parking is not needed within the town centre and encourages additional traffic/congestion and adds to pollution within the town centre.
- Further archaeological investigation should be undertaken.
- The provision of additional parking within the town centre contradicts the aims of the Draft Neighbourhood Plan for Weymouth.
- No certainty over future use could result in permanent car park.
- Impact to flood risk from impermeable surfacing of the site.
- Misuse of Levelling Up funds.

9.3.2. 1 further third party comment has been received enquiring whether the building can be used for an alternative use.

10. 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 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11. Relevant Policies

11.1. Development Plan Policies:

11.1.1. West Dorset, Weymouth and Portland Local Plan (2015)

- INT1 - Presumption in Favour of Sustainable Development
- ENV1 - Landscape, Seascape and Sites of Geological Interest
- ENV2 - Wildlife and Habitats
- ENV4 - Heritage Assets
- ENV5 - Flood Risk
- ENV9 - Pollution and Contaminated Land
- ENV10 - The Landscape and Townscape Setting
- ENV11 - The Pattern of Streets and Spaces

- ENV15 - Efficient and Appropriate Use of Land
- ENV16 - Amenity
- ECON3 - Protection of other employment sites
- ECON4 - Retail and Town Centre Development
- SUS1 - The Level of Economic and Housing Growth
- SUS2 - Distribution of Development
- COM7 - Creating A Safe and Efficient Transport Network
- COM9 - Parking Standards in New Development
- WEY1 - Weymouth Town Centre Strategy

11.2. Other material considerations

11.2.1. National Planning Policy Framework (2023)

11.2.1.1. As far as this application is concerned the following sections from the NPPF are particularly relevant:

- Section 2 Achieving sustainable development
- Section 3 Plan Making
- Section 4 Decision-making
- Section 6 Building a strong, competitive economy
- Section 7 Ensuring the vitality of town centres
- Section 8 Promoting health and safe communities
- Section 9 Promoting sustainable transport
- Section 11 Making effective use of land
- Section 12 Achieving well designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

11.2.2. National Planning Policy Guidance (DCLG) (NPPG)

11.2.3. Weymouth Town Centre Conservation Area Character Appraisal

11.2.4. Weymouth Town Centre Masterplan SPD 2015

11.2.5. Dorset Council Parking Standards

11.2.6. Dorset Council Natural Environment, Climate and Ecology Strategy 2023-25

11.2.7. Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

11.2.8. The Weymouth Town Centre Level 2 Strategic Flood Risk Assessment

12. Human rights

12.1. Article 6 - Right to a fair trial.

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

12.3. The first protocol of Article 1 Protection of property.

12.4. 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. 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.

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.

13.3. The increased availability of car parking in close proximity to shops and facilities would benefit people with protected characteristics in terms of facilitating access. In particular, the scheme seeks to provide 4 accessible parking bays for blue badge holders, conveniently located near to the pedestrian access, which meets the recommended 6% of parking to be allocated for blue badge holders, as advocated within Inclusive Mobility Guidance.

13.4. Existing differences in levels (including existing stepped accesses along West Street, and the raised flower bed, and sunken accesses along St. Nicholas Street) are to be removed, reducing hazards within the footway. Creating a level surface within the footway is considered to respond appropriately to Inclusive Mobility guidance and enhance use of the footway for those with protected characteristics.

13.5. A pedestrian zone is also proposed in front of the ticket area, representing an improvement on the existing arrangements. It is proposed that this area be flush with existing levels to aid access.

14. Financial and public benefits

14.1. Material considerations:

14.1.1. Increased revenue from additional parking spaces

14.1.2. Savings on maintenance costs of building

14.1.3. Employment during demolition/construction phase

14.2. Non material considerations:

14.2.1. None.

15. Environmental Implications

15.1. The proposed scheme involves the demolition of an existing building with the intention that the site be used for parking on a temporary basis, prior to the redevelopment of the site. Details of any future redevelopment have not been provided under this application.

15.2. The re-use of buildings is considered a more sustainable practice, but this or course brings limitations to any redevelopment in terms of making improvements to the character of the street and wider area, and limitations in terms of the functionality of the building and any future use. There are also the practicable matters relating to the condition of the building which is reported to be in need of refurbishment. The agent has advised that repairs to the roof alone have been estimated to be around £200K, and this together with other factors such as rental and operation costs offer significant doubt over the viability of any future use of the building. One third party has provided written representation enquiring about the potential for re-use, and this is currently being reviewed by the owner of the site. At the time of writing this report, it is yet to be established whether the building would indeed prove a viable space, taking into account the associated costs for repair and conversion. Due to the elementary stage of the enquiry, and the known challenges surrounding the buildings re-use, little weight, if any, can be attached to the fact that an enquiry has been received during the course of the consideration of this application.

15.3. The loss of the building thus needs to be weighed against the likelihood of finding a viable use and considered in light of the merits of advancing the site towards a condition which would lend itself to its potential redevelopment, together with the temporary benefits of clearing an underused site for an intermediate use as a car park.

15.4. In terms of the works, use of powered machinery releasing CO₂ and carbon monoxide during demolition phase will have an impact and there will be a loss of embodied energy in the building materials, owing to the site needing to be cleared. Maximising re-use of existing on-site materials, such as the

foundation slab, will to some limited extent reduce off-site transport of materials and any consequent emissions.

- 15.5. The provision of a larger parking area has the potential to increase emissions from increased use by vehicles powered by fossil fuels, and this needs to be weighed in the balance. No EV charging is proposed in the current scheme. However, the provision of car parking is intended only as a temporary measure, seeking to make the most efficient use of land, until a permanent use for the site is secured. A condition can be applied to secure the use as a temporary measure only, and any future proposal for the site following that temporary period would be expected to provide EV charging as appropriate.

16. Planning Assessment

16.1. Principle of development

- 16.1.1. The site lies within the defined development boundary of Weymouth town where development is normally permitted subject to relevant material planning considerations.
- 16.1.2. The site comprises brownfield land, and its use as a car park is proposed as a short term temporary use as a first step in a longer term plan to redevelop the site. This is reflected in the inclusion of the site as a 'specific large windfall site' in the councils published five-year housing land supply for West Dorset, Weymouth and Portland. Temporary uses can help improve the physical appearance of vacant or partially-utilised land or buildings, and provide space for other services and uses until more permanent development is delivered. The National Planning Policy Framework (NPPF) promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It supports the development of under-utilised land and buildings and gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposed use as a car park should not prevent the future development of the site for alternative uses.
- 16.1.3. So, in broad terms the proposal seeks to redevelop brownfield land within the defined development boundary for Weymouth which would be consistent with policy.
- 16.1.4. The site is within the town centre of Weymouth and the Weymouth Town Centre Strategy Area in the Adopted Local Plan. Policy ECON4 of the local plan relates to town centre development. Criterion (v) expects an appropriate concentration and mix of retail uses and town centre uses to be maintained and stipulates the proportions of retail and other uses expected within primary and secondary shopping frontages. While the site is within the town centre area it is not within a designated frontage and there is no requirement under Policy ECON4 for the retention of its current use.
- 16.1.5. The adopted West Dorset, Weymouth and Portland Local Plan 2015 Policy WEY1 (Weymouth Town Centre Strategy) is relevant to the

application site. This includes reference to the adopted Weymouth Town Centre Masterplan (2015) Supplementary Planning Document (SPD) which sets out key objectives which aim to guide town centre development.

- 16.1.6. The Masterplan sets out the overall vision for Weymouth Town Centre as follows:

“to be a place of unique character and distinctiveness, which builds on its maritime heritage and family friendly offer, to provide a vibrant mix of shopping, cultural and leisure activities, supported by thriving businesses, tourism, commercial and cultural sectors”.

- 16.1.7. Policy WEY1 supports this vision by seeking to retain and enhance the area’s rich and distinctive local character; seek an attractive public realm; to support a thriving town centre; and to fill the evening gap in activity through introducing more family friendly activities. Other priorities under Policy WEY1 relate to improving the towns gateway sites and their links into the town centre and recognising the need to manage flood risk.

- 16.1.8. While falling outside of the primary shopping street, and outside of the designated ‘Town Centre Core’, under Policy WEY2, the Masterplan identifies the area as part of the retail quarter but does not identify any key aspirations for the application site and its immediate area. The Masterplan also does not refer to a requirement for a bowling alley. It does set out that car parking was identified as a particular issue for the town centre both in terms of providing sufficient convenient parking to support the vitality of the town centre and the need to discourage traffic to circulate looking for spaces to park.

- 16.1.9. In principle, the loss of the proposed building and provision of a temporary car park in its place is not considered to conflict with the Local Plan Policy objectives or Vision as set out within Policy WEY1. The building as it stands, is of little merit in terms of its contribution to the character of the area and fails to contribute positively to the public realm. Its replacement with a temporary car park is not consequently considered to significantly detract from the character of the area, and increasing town centre parking would support town centre uses and has the potential to indirectly contribute to the vibrancy of the town.

- 16.1.10. A number of comments have been received raising concerns over the loss of the building as an indoor family entertainment facility. The concerns are understood; the use of the site as a bowling alley was clearly a family friendly activity which helped fill the gap in activity between 5pm-9pm, which Policy WEY1 seeks to support, as well as providing a wet weather venue. That said, despite policy support for proposals which fill this gap, there are no policies within the Local Plan which directly seek to retain such facilities. Policy COM3 which seeks to protect community facilities is not considered applicable in this case, with commercial entertainment facilities falling outside of the definition of a ‘community facility’. This is supported by advice provided by the Planning Policy Team and is consistent with the Proposals Map contained within

the Weymouth Town Centre Masterplan, which does not identify the site as a community use.

- 16.1.11. It is also relevant, that this application represents an interim step in preparing the site for potential redevelopment in the future, whilst ensuring the site continues in an appropriate use in the meantime. What that future development comprises is for consideration on receipt of an application, but the demolition of the building does not preclude a development which continues to provide a similar use in line with the ambitions of Policy WEY1.
- 16.1.12. It is also noteworthy that the site has been previously occupied by multiple bowling alley operators, and on both occasions the businesses were not able to viably operate. Following MFA Bowl UK falling into administration, the site was taken over by Disco Bowl in early 2019. Disco Bowl however failed to open the property due to the significant renovation costs (including a new roof) that were required, and the site has been vacant since 2019. The site was marketed by Savills for a period of time until eventually Dorset Council purchased the leasehold to obtain vacant possession, having already owned the freehold.
- 16.1.13. This is relevant to understanding the significant constraints presented by the site as an entertainment facility, and goes some way to demonstrating, through different operators and marketing exercises, the difficulties in finding a viable use for the building in its current form. The cost of refurbishment is understood to be significant, with the cost for refurbishing the roof estimated to be within the region of £200K. These are all indicators of viability issues and it would be reasonable to say, it is a building which would require significant work and expenditure if it was to be retained for a beneficial use. This forms a material consideration in terms of the current application to demolish the building.
- 16.1.14. Whilst an initial enquiry has been received by a third party during the course of this application, showing interest in the re-use of the building, the viability and acceptability of that use is yet to be established. Due to the elementary stage of the enquiry, little weight, if any, can be attributed to that enquiry.
- 16.1.15. In terms of the use of the site as a temporary car park, there are no policies within the Local Plan which seek to preclude the provision of car parks within town centres. A third-party comment notes potential conflict with the draft Weymouth Neighbourhood Plan. In this respect it is noted that the Draft Neighbourhood Plan seeks to allocate the site for high density residential development and also includes policies which support the redevelopment of town centre car parks where the loss of parking can be justified, with an emphasis on enhancing the Park and Ride. Currently little weight can be given to the Neighbourhood Plan due to its elementary stage in its preparation. Nevertheless, taking into account the proposed temporary nature of the car park, and wider ambitions for the site, the current scheme would not necessarily preclude its future development in line with the Neighbourhood Plan aspirations, and Weymouth Town Council raise no objection to the proposal.

16.1.16. In light of the above, the principle of demolition is considered acceptable, and in turn the provision of a car park in this location is considered to be policy compliant. In recognition that the proposal seeks use of the site as a car park for only a temporary period, and acknowledging the benefits of bringing forward future development on this site which would better lend itself to meeting the objectives of Policy WEY1, it is considered appropriate to apply a condition ensuring its use as a car park is permitted for a temporary period only, whilst the Council consider its options for future development, and while the Weymouth Neighbourhood Plan proceeds through the relevant stages.

16.2. Heritage Consideration

16.2.1. The site lies within the Conservation Area and within the setting of listed buildings; those nearest to the application site located are fronting St. Thomas Street. A Heritage Statement has been provided with the application which reviews the site sensitivities and likely impacts of the proposal. The applicant has also submitted an Archaeological Evaluation following trench work within the former car park of the Lakeside Bowl site. The Heritage Statement and Archaeological Evaluation provide an insight into the history of this part of Weymouth, formerly Melcombe Regis, and in particular the application site. The results of the works carried out demonstrate that despite modern development, evidence of past developments is relatively well preserved.

16.2.2. Finds included remnants of the Eastern wall of the Congregational Chapel, built in 1804, and a brick wall found, which is understood to be a wall to the pit entrance to the former theatre, which was added when the Congregational Chapel was converted in 1865. Other finds indicative of the former theatre use were revealed as well as finds of pottery dating from the 13th and 14th Century, and 17th Century. The archaeological investigation also found evidence of a medieval property and well, which would have likely sat on a burgage plot, and offers an insight to the first wave of development by Edward I and the grafting of a new town layout. The findings have enhanced understanding of the congregational chapel and its subsequent uses as a theatre and commercial premises, as well as offering a measure of conjecture in relation to the earlier meeting houses and cottages which would have been present on the site.

16.2.3. The Heritage Statement acknowledges that there is an assumption that the MFA Bowl building has removed the majority of any remains along the rest of the street and within its footprint but notes that other areas within the car park could reveal other interesting finds. The finds to date indicate that the impacts of modern development, certainly within the existing car park area, is far less than might have been anticipated and there is a high potential for further discoveries across the site. The proposed works to demolish the building and bring the site forward as a car park, would involve some limited ground works as shown on the drainage plans, and in light of the high potential for archaeological finds, the Archaeological Officer recommends a condition securing a programme of archaeological work be submitted and agreed prior to any

commencement in the interests of better understanding the heritage value of the site.

- 16.2.4. In terms of the site's contribution to the character of the conservation area, the Conservation Area Appraisal includes the site in its category of "detrimental characteristics", stating the following:

St Nicholas St is fragmented and untidy with a mixture of building character and materials (the area was badly bombed and has been redeveloped with a mixture of uses); the improvement of boundaries would be beneficial, and the improvement of the boundary and landscaping of the Lakeside Superbowl car park would have a particularly beneficial effect.

- 16.2.5. The building on the site is substantial in its scale and is dominant in the street scene. It is an example of post war development, with its design reflective of its intended commercial use, largely devoid of windows, but with several commercial entrances on its side and rear elevation. The visual experience of the site is largely contained to near-range views, and despite a plethora of Listed Buildings within the locality, direct views between the listed buildings and application site are limited. The Conservation Officer confirms that the existing building is of no architectural or historic merit and does not enhance the Conservation Area. The Design and Conservation Officer subsequently raises no objection to its demolition.
- 16.2.6. Having regard to the above, it is considered that the proposal would not adversely affect the setting of listed buildings nearby, such that no harm is identified for the purposes of Section 16 of the NPPF. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy ENV4 (heritage assets) and Section 16 of the NPPF. Furthermore, the proposal is considered to preserve the character and appearance of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy EN4 and Section 16 of the NPPF.

16.3. Residential amenity

- 16.3.1. The site is surrounded by a mix of uses, including a significant number of residential flats. The removal of the building from the site is unlikely to have a significant detrimental impact on neighbouring occupiers having regard to impacts of light and noise. The removal of the building would arguably improve this for some, improving the outlook of units and removing a use that would be associated with a certain level of activity in itself, including into the evening. In terms of any future use proposed for the site, careful consideration will be needed of potential impacts upon the amenity of neighbouring occupiers, but this will be a matter to consider under any such future application.

- 16.3.2. In terms of the provision of a temporary car park, its use as a car park will increase the capacity of the site as a whole for parking, and in turn the level of activity associated with the comings and goings of vehicles and users of the car park. The impacts of this would be consistent with the impacts of the existing car park at the site and have to be considered in the context of a mixed use area located centrally within the town, where a certain level of activity can be accepted.
- 16.3.3. The demolition works themselves would have an impact on the amenity of the area, however, this would be short term, and could not form reason to refuse the application, given no long terms effects. It would however be important to secure the submitted Construction and Environmental Management Plan (CEMP) which includes measures to minimise the impacts from the demolition phase having regard to reducing impacts from dust, disturbance, traffic and noise through adopting appropriate demolition methods, provision of boarding, use of a banks person, and setting site operating hours and delivery hours. This should form a condition of any consent.
- 16.3.4. In light of the above considerations, it is not considered that the demolition of the building and expansion of the existing car park would present a significant impact on the amenity of occupiers such as to warrant refusal of the application, and the proposal is considered to be consistent with the provisions of Local Plan Policy ENV16 (residential amenity) and para 191 of the NPPF.

16.4. Flood Risk

- 16.4.1. A Flood Risk Opportunities and Constraints Note has been submitted as part of the application, together with a Flood Risk Assessment (FRA) and Flood Warning Plan. The FRA identifies the site as falling within Flood Zone 2 and 3 and at a high risk of fluvial flooding. Flood zone 3 is subdivided into zones 3a and 3b, the latter being classified as functional floodplain. The Weymouth Town Centre Level 2 Strategic Flood Risk Assessment (SFRA2) identifies the application site as falling within flood zone 3a. The FRA identifies Weymouth Town Centre is also at high risk from tidal flooding. The site is identified at '1 in 1000 year' risk of surface water flooding, which is considered to be low, and is also at low risk from groundwater flooding.
- 16.4.2. The recently published SFRA2 shows predicted levels of flooding 100 years on from the Local Plan period (for the year 2138) taking into account planned flood defences and climate change. For fluvial flooding, the '1 in 1000 year' (0.1% chance) mapping shows flood waters across the site between 0.3 and >0.9m deep during a flood event. The '1 in 100 year' (1% chance) and '1 in 30 year' (3.3% chance) mapping shows flood waters across the site between 0.1 and 0.9m deep during a flood event.
- 16.4.3. From tidal flooding, the SFRA2 '1 in 1000 year' (0.1% chance) and '1 in 200 year' (0.5% chance) mapping shows floodwaters across the site greater than 0.9m deep during a flood event. It also shows a water depth ranging from 0.6 to greater than 0.9m deep in a '1 in 30 year' (3.3% chance) flood event.

- 16.4.4. The above mapping indicates that the site is at a high risk from future flood events.
- 16.4.5. Having regard to the acceptability of the proposed use at this location, a car park is considered a 'less vulnerable' use having regard to Annex 3: Flood Risk Vulnerability Classification of the National Planning Practice Guidance (NPPG) and is considered to be a less vulnerable use than the last use of the site as a bowling alley. Table 2 of the NPPG: Flood Risk Vulnerability and Flood Zone Compatibility, considers less vulnerable uses, such as the proposed car park, to be compatible with flood risk zone 3a. As such, the principle of the proposed temporary car park is considered acceptable in this location.
- 16.4.6. The residual risk of the proposed temporary car park would be to vehicles parked in the car park during a flood event, which could be subject to damage or become inaccessible due to rising flood waters. The applicant seeks to mitigate this risk through the implementation of a Flood Warning Plan. This seeks to ensure the owner (Dorset Council in this case) is signed up to the Environment Agency's Flood-line early warning system, and that appropriate procedures are in place to close the car park prior to flood events occurring. The basis of the submitted Flood Warning Plan is considered acceptable, though further detail would be required to understand the details of how this is operated in practice to allow cars to exit prior to closure and provide suitable warning to car users. It is considered appropriate that a more detailed Flood Warning Plan forms a condition of any consent.
- 16.4.7. The extended car park would not increase the impermeable area at the site, and the FRA confirms that flows leaving the site would be consistent with those existing. The applicant has submitted an amended Drainage Strategy which makes recommendations to improve existing gullies and provide oil separators, thereby improving the existing drainage arrangements to the betterment of the wider site. A condition should be placed on any consent ensuring implementation of the recommendations set out within the Drainage Strategy, as set out on drawing 60704201-ACM-WB-XX-DR-C-0500 P02.
- 16.4.8. The FRA notes that the demolition of the existing building on site would increase the floodwater storage capacity of the site, which in turn would offer betterment to surrounding land and properties. This is however wholly dependant on the finished floor levels of the car park which have not yet been confirmed. It is considered appropriate therefore that a condition be placed on any consent to first agree finished floor levels of the car park ahead of its use, to ensure no flood worsening occurs on adjacent land.
- 16.4.9. Subject to the above conditions, the proposed works are considered to be in accordance with the provisions as set out within Policy ENV5 of the adopted Local Plan and Section 14 of the NPPF. At the time of writing, no comments have been received from the Environment Agency, and any late comments would need to be taken into consideration.

16.5. Highway Safety

- 16.5.1. The new car parking spaces are to be accessed from the existing internal circulation routes within the car park, with no proposed modifications to the existing access off St. Nicholas Street. Three spaces within the existing car park would be lost to accommodate access to the additional parking, which would provide for an additional 57 spaces accessed via a circulation route, 4 of which would be accessible spaces for Blue Badge holders.
- 16.5.2. Parking bays would be appropriately sized measuring approx. 2.8m x 5m, and the aisles are also considered to be of a suitable width to aid ease of access. This is in accordance with the guidance contained within the Residential Parking Study, which provides the most up-to-date guidance on parking standards within Dorset. Existing cycle parking (currently attached to the building) would be replaced with free standing cycle parking for up to 10 bikes.
- 16.5.3. The Highway Authority query whether the site could provide a suitable space for a bike hire parking bay. Regrettably, this does not form part of the submitted proposal; however, there is no policy requirement for such provision, and therefore this could not form reason to refuse the application.
- 16.5.4. The proposed level pedestrian zone in front of the ticket machine and at the pedestrian access to and from the car park and St. Nicholas Street would represent an improvement to the existing arrangements and would aid pedestrian access and improve safety. The existing bollards in this area would be retained, further safeguarding the area as a pedestrian only zone.
- 16.5.5. Level differences within the footway would be rectified through the removal of existing stepped entrances. It is proposed that the bollards within the footway along St Nicholas Street are retained to avoid anti-social parking.
- 16.5.6. The car parking layout demonstrates that due regard has been given to Inclusive Mobility guidance at the planning stage, having regard to size and positioning of bays, the provision of blue badge bays, and the design of the surrounding space through provision of levelled footways and use of bollards to create pedestrian safe zones.
- 16.5.7. The applicant has submitted a Construction Environmental Management Plan (CEMP) for the phasing of the demolition works, of which paragraph 3.4 details aspects of the traffic management. It is considered appropriate that the CEMP is a condition of any consent. Subject to conditions, the Highway Authority raise no objection.
- 16.5.8. In light of the above, the proposed development is considered to be acceptable in terms of Highway Safety and is considered to be in accordance with Local Plan policy COM7 and COM9, and Section 9 of the NPPF.

16.6. Ecological Considerations

- 16.6.1. The proposed development will result in the provision of 57 additional car parking spaces approx. 2.5km to the north of the Chesil and the Fleet

European Site. The application has consequently been assessed under the Habitats Regulations through an Appropriate Assessment.

- 16.6.2. It is considered likely that the vast majority of those using the additional car parking will do so to use the services and facilities within Weymouth town centre area, rather than access the Chesil and the Fleet for recreational purposes, given the distance of the car park from the European site and the provision of other more convenient car parking significantly closer to the European Site.
- 16.6.3. Therefore, in the absence of a viable pathway between the proposed development and the increase in recreational pressure at Chesil and the Fleet, the proposed development is not considered to result in a likely significant effect upon the European Site. This conclusion is contained in the Appropriate Assessment and has been agreed by Natural England.
- 16.6.4. Turning to impacts upon protected species, the applicant has submitted an Ecological Impact Assessment (EclA) and Certified Biodiversity Mitigation Plan (BP). While no evidence has been found of protected species at the site, the EclA and BP identify potential for bats and nesting birds to be present and recommends the submission of a Construction and Environmental Management Plan (CEMP), which has been submitted. The submitted CEMP sets out details relating to the storage of materials, construction methodology and dust suppression, in line with the recommendations of the EclA and BP. This represents a commitment to putting appropriate safeguarding measures in place, though the CEMP does not address all matters set out within the recommendations of the EclA and BP and, as such, a condition requiring the submission of a final CEMP to be agreed and submitted prior to works starting would be appropriate. The EclA and BP also recommend pre-bat checks and timings for construction and it is recommended that the measures contained within the BP be secured by condition as part of any consent.
- 16.6.5. The EclA goes on to consider enhancement measures, but the measures set out within the EclA refer to a scheme which has not been submitted, and which there can be no guarantee will be submitted in the future. As such, no weight can be given to these measures at this stage. The BP also fails to identify any net gain measures for biodiversity and the application includes no biodiversity enhancement. It is nevertheless acknowledged that the proposed use of the land for parking is proposed for a temporary period only, and it is in recognition of this that the BP has been certified by the Natural Environment Team. On the basis that there would be opportunity following that temporary period to introduce additional enhancement measures, the proposed scheme is considered acceptable as a temporary measure only, and a condition should be applied to any consent to secure this. Any future proposal for the site following that temporary period would be expected to demonstrate biodiversity net gain.
- 16.6.6. In light of the above, the proposed development sets out appropriate mitigation measures to safeguard protected species, subject to conditions regarding the detail, and is considered acceptable, on a temporary basis,

having regard to protected species and Local Plan policy ENV2 and Section 15 of the NPPF.

16.7. Contaminated Land

- 16.7.1. The application site falls outside of any known contaminated land area.
- 16.7.2. A Risk Assessment has been carried out and accompanies the application. The risks are generally assessed as being low, or low to medium for asbestos and water sensitivity, and contamination from soils/groundwater. The area is also situated within a high risk of UXO (unexploded bombs), for which a separate report is provided.
- 16.7.3. In response to the risks set out, and in accordance with the recommendations of the reports, a Construction and Environmental Management Plan (CEMP) has been submitted which puts in place measures to safeguard against the risks identified, and this should form a condition of any consent. The recommendation of the Risk Assessment is for ground investigation work to be carried out to assess the underlying ground conditions and it is recommended that land contamination conditions, requiring Phase 2 Investigations, a detailed scheme for remedial works, and measures to be taken to avoid risk, be placed on any consent. This is in accordance with the advice from WPA Environmental Consultants. Environmental Health have also been consulted in respect of the application, and raise no objection, but recommend an informative be placed on any consent advising of the relevant consents under Section 61 of the Control of Pollution Act 1974 in respect of noise during demolition.
- 16.7.4. In light of the above assessment and having regard to no objections being raised by WPA or Environmental Health, the proposed works, subject to appropriate conditions, are considered to be acceptable, and to comply with the provisions of Policy ENV9 of the Local Plan and Para 189 of the NPPF.

16.8. Other issues

- 16.8.1. Third party concern has been raised as to whether the demolition of the building and use of the site as a temporary car park makes an appropriate use of the Levelling Up Fund. In this respect Dorset Council have recently asked the Department for Levelling Up, Housing and Communities for permission to reallocate some of the levelling up funding originally intended for the town centre to the Weymouth Bowl site to fund demolition and redevelopment of the former bowling alley. Currently this has not yet been confirmed, but how a development is funded is not a material planning consideration anyway.

17. Conclusion

- 17.1. The proposals seek to redevelop brownfield land within the defined development boundary and town centre area for Weymouth which in broad terms would be consistent with Local Plan Policy WEY1 (Weymouth Town Centre Strategy), together with Policy ENV15 (Making efficient use of land) and para's 123-125 of the NPPF which actively seek the re-use of brownfield sites and under-utilised land and buildings. The development would result in

the loss of a commercial leisure use in a town centre location and therefore the town centre policies (Policy ECON4 and WEY1) of the local plan are of relevance. Local policies are supportive of the introduction of appropriate family friendly activities in this location, however the site is not within a primary or secondary frontage and there is no policy requirement for the retention of the bowling alley. The proposed use is for a surface car park, which while not a town centre use, infrastructure such as car parks can play an important role in supporting the function of town centres. The car park is intended to be temporary and as such it would not preclude future development of the site for alternative uses. The proposed development is not therefore considered to conflict with the provisions set out in Policy ECON4 and WEY1 of the Local Plan, or Section 7 (Ensuring the vitality of town centres) of the NPPF.

17.2. The proposed development is considered to be acceptable having regard to the impacts upon the visual amenity of the area and the character of the Conservation Area and is not considered to significantly impact the setting of listed buildings. An appropriately worded condition securing a Programme of Archaeological Works would address any impacts upon archaeology at the site. These conclusions have been reached having regard to policy ENV10 (the landscape and townscape setting), policy ENV11 (the pattern of streets and spaces) and policy ECON4 (heritage assets) of the adopted Local Plan, and Section 8 (promoting healthy and safe communities) and 12 (achieving well-designed and beautiful places) of the NPPF. The proposed use is considered to be acceptable having regard to flood risk at the site (in accordance with Local Plan policy ENV5 (flood risk) and Section 14 of the NPPF (meeting the challenge of climate change, flooding and coastal change)) and through the inclusion of conditions securing a Construction and Environmental Management Plan (CEMP) and Biodiversity Plan, together with the recommendations of the Ecological Impact Assessment, it is considered that the impact upon biodiversity can be appropriately mitigated (in accordance with Local Plan Policy ENV2 (wildlife and habitats) and Section 15 of the NPPF (conserving and enhancing the natural environment)). In turn, the impact on the residential amenity of the area is also considered to be acceptable (in accordance with Local Plan Policy ENV16 and para 191 of the NPPF), as are the impacts upon highway safety (in accordance with Local Plan policy COM7 and COM9, and Section 9 (promoting sustainable transport) of the NPPF).

18. Recommendation

18.1. Grant subject to conditions:

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

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

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

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

3. This permission for use as an additional car parking area shall be limited to the period ending 30th April 2027. At the end of this period the use of the additional car parking area shall cease, and the land restored in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The agreed restoration scheme shall be completed by 30th July 2027.

Reason: To exercise control over the temporary use and to enable review of the potential redevelopment of the site, and in the interests of securing biodiversity enhancements.

4. Prior to commencement of development (including demolition works) an updated Construction and Environmental Management Plan (CEMP) based on the submitted CEMP shall first be submitted to and agreed in writing by the Local Planning Authority. The updated CEMP shall include provisions as set out within the submitted Ecological Impact Assessment and Biodiversity Plan. Thereafter, development shall proceed in strict accordance with the submitted CEMP, as has been agreed, for the full duration of the construction period.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and in the interests of safeguarding the residential amenity of the site and Biodiversity.

5. The car park extension hereby approved shall not be first brought into use until the demolition works have been completed in full, in accordance with the submitted Demolition Site Layout Plan as shown on Drawing 23.039.010.

Reason. To ensure the proper and appropriate demolition of the site.

6. Prior to commencement of development (including demolition works), a scheme showing the precise details of the design, specification and position of wheel washing facilities must be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the wheel washing facilities as have been agreed shall be maintained in full working order for use throughout during the demolition, excavation, site preparation and construction stages of the development.

Reason: To prevent the likely deposit of loose material on the adjoining highway.

7. The car park extension hereby approved shall not be first brought into use until the accesses, geometric layout, turning and parking areas shown on drawing 'Proposed General Arrangement' plan, drawing P02, have been constructed in

accordance with the drawing. Thereafter, the parking area must be maintained, kept free from obstruction and available for the purposes specified.

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

8. Prior to commencement of development (including demolition works), a programme of archaeological work in accordance with a written scheme of investigation shall first be submitted to, and approved in writing by, the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results. Thereafter, the development shall proceed in strict accordance with the approved scheme.

REASON: In the interests of safeguarding the heritage value of the site.

9. The development hereby approved (including demolition works) shall be carried out in strict accordance with the submitted Biodiversity Plan dated 28 Feb 2024.

REASON: In the interests of safeguarding protected species.

10. The car park extension hereby approved shall not be first brought into use until details of the surfacing finish, levels, and boundary treatments shall have first be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details.

Reason: In the interests of preserving the character of the Conservation Area, in the interests of Inclusive Mobility, and to ensure off-site flood risk is appropriately minimised.

11. The car park extension hereby approved shall not be first brought into use until the surface water drainage scheme shall have been fully installed in accordance with drawing 60704201-ACM-WB-XX-DR-C-0500 P02, and until a Drainage Maintenance and Management Plan has been first submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be maintained in accordance with the Drainage Maintenance and Management Plan as has been agreed.

Reason: To ensure appropriate site drainage and its maintenance.

12. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages and incorporating risk assessment which covers contamination and the risk of unexploded bombs. 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases/or unexploded bombs when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a

monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

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

Reason: To ensure risks from contamination are minimised.

14. The car park hereby approved shall not be first brought into use until a more detailed Flood Warning Plan and means of implementation shall first have been submitted to and approved in writing by the local planning authority. This shall include details of the relevant actions and procedure following a flood alert, including implementation timeframe; means of warning car park users; and timescales and method for full closure/reopening. Thereafter the development shall be carried out and maintained in accordance with the agreed details.

Reason: In the interests of minimising risk to public safety.

15. The car park extension hereby approved shall not be first brought into use until the cycle facilities as shown on drawing 60704201-ACM-WB-XX-DR-C-0100 P02 shall have been installed on site. Thereafter, the cycle facilities shall be retained and kept available for their intended use.

Reason: In the interests of Inclusive Mobility.

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 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 should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.
3. Prior to demolition, the applicant is advised to obtain any necessary consent required under Section 61 of the Control of Pollution Act 1974 having regard to noise from demolition.
4. The proposed retaining wall will require the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980 and the applicant / developer is required to submit plans, sections and specifications of the retaining wall for approval, prior to construction works commencing

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Reference No: P/MPO/2023/03270
Proposal: Modify section 106 agreement dated 17 August 2016 - Relating to Phases 2-4 at Curtis Fields (WP/14/00777/OUT) - to modify a portion of the affordable housing requirements from 30% to 26.24% following receipt of independent viability report (revised description)
Address: Phases 2-4 Curtis Fields Land South of Chickerell Road Weymouth DT4 0TR
Recommendation: Grant
Case Officer: James Lytton-Trevers
Ward Members: Cllr Taylor and Cllr Hope

1.0 This application has been brought to committee following a scheme of delegation consultation at the request of the Service Manager for Development Management and Enforcement.

2.0 Summary of recommendation:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to approve subject to the completion of a deed of modification of the s106 dated 17th August 2016 to secure 26.24% affordable housing.

3.0 Reason for the recommendation:

- The principle of the reduction in affordable housing is acceptable as the development is no longer viable to make full provision.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Affordable housing & financial obligations	The proposal would only be able to make provision for 26.25% affordable housing instead of 30%. The proposal would be able to meet all other financial obligations contained within the s106.

5.0 Description of Site

5.1 The application forms part of a large allocation for housing to the south of Chickerell Road, known as Curtis Fields. The site is being brought forward in phases and this modification would apply to phases 2 - 4 of the development. These phases lie to the southern side of the site and would link with Lanehouse Rocks Road and

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the existing built-up part of Curtis Fields at Curtis Way. The first phase of development under the original outline planning permission is nearing completion. Of phases 2 – 4 the following dwellings have been completed:

Curtis Fields Phase	Dwellings Permitted	Dwellings Completed as at May 2023	Dwellings Under Construction as at May 2023	Dwelling Not Started as at May 2023
Phase 2B	99	65	23	11
Phase 4	68	7	29	32
Phases 2A, 3A and 3B	298	0	0	298

Curtis Fields Phase	Social or Affordable Rent Completions as at May 2023	Intermediate Rent Completions as at May 2023	Total Affordable Completions as at May 2023
Phase 2B	17	8	25
Phase 4	3	2	5
Phases 2A, 3A and 3B	0	0	0

6.0 Description of Development

6.1 The proposal has been revised following receipt of an independent viability report by the District Valuer, commissioned by the Council, and now no longer seeks to modify all affordable housing requirements and financial contributions specified therein. It now only seeks to reduce the provision of affordable housing from 30% to 26.24% in line with the recommendation of the District Valuer.

6.2 The outline permission (WP/14/00777/OUT) secured the affordable housing by means of a section 106 agreement (s106) dated 17 August 2016 which set out the requirements for the provision of the affordable housing. This application would result in the modification of the s106 to reduce the provision of affordable housing from 30% to 26.24%.

7.0 Relevant Planning History

There is a substantial planning history related to the area, but only the most relevant decisions are recorded here which directly involve the application to modify the s106.

Application No.	Proposal	Decision	Decision Date

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WP/14/00777/OUT	Outline planning permission (with all matters being reserved including access) for the development of approximately 500 residential dwellings in 3 phases (phases 2 to 4)	Permission Granted	24 August 2016
WP/18/00467/NMA	Amendment to planning permission WP/14/00777/OUT: Variation of conditions 7 and 13 of outline planning permission Ref: WP/14/00777/OUT relating to the provision of the Spine Road and a comprehensive Drainage Strategy for the whole site. Variation to wording of conditions 1,5,17 and 18 to include the words 'on any phase' and ' for that phase' to reflect and clarify the relationship of these conditions to the title of the outline planning permission for a phased development of the site.	Grant of Non-Material Amendments	31 July 2018
WP/18/00749/RES	Application for approval of reserved matters for access and layout of outline application WP/14/00777/OUT (<i>This did not include the route of the road through phase 2b</i>)	Approved	20 March 2019
WP/19/00635/RES	Application for approval of reserved matters (Phase 4) for Access, Appearance, Landscaping, Layout and Scale of outline application WP/14/00777/OUT (68 dwellings).	Approved	28 May 2021
WP/19/00693/RES	Application for approval of reserved matters (Phases 2A, 3A and 3B) for Access, Appearance, Landscaping, Layout and Scale, of outline application WP/14/00777/OUT (Amended scheme)		21 October 2022
P/MPO/2022/03912	Modification of planning obligations of a S106 agreement dated 17 August 2016 of planning approval WP/14/00777/OUT (This substituted the current Mortgagee Exclusion Clauses (MEC) for one that meets the lending requirements of Approved Providers. This will allow the affordable homes on the site to be acquired by an established Registered Provider).		19 December 2022

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	Other Relevant Decisions relating to Phase 1 (development now complete on adjacent site)		
WP/14/00591/OUT	Outline Application for residential development (approx. 62 dwellings)(revised scheme)		15 July 2016
WP/17/00916/RES	Application for approval of reserved matters for Access, Appearance, Landscaping, Layout and Scale in relation to Outline approval WP/14/00591/OUT		3 May 2018

8.0 List of Constraints – None relevant to the consideration of this application to modify the S106 agreement.

9.0 Consultations

Note: The proposal has been revised and the application re-advertised. The following are the responses received after re-consultation where stated.

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

S106 Officer – Support (as revised).

Housing enabling officer – Support (as revised).

Ward members –

Cllr. Taylor: Although the s106 was agreed in 2016 all costs have increased. Much development by this company across Weymouth and Portland has been done at a time of rising house prices and hence increased profits therefore it is not acceptable that viability is being used on this site to remove the affordable housing elements of this development. We have a dire need for affordable properties in Weymouth and the need for affordable housing far outweighs a company's profits.

Neighbouring Ward Members-

Cllr. Heatley: The developers are asking to be relieved of all the affordable housing obligations. Their case essentially is that various assumptions made in the original viability assessment have now changed, for example there turned out to be asbestos on site, building costs have increased and house prices are expected to decline. The detail of this is set out in a new and highly technical viability assessment.

Is it right for a developer to seek to change the viability assessment after the planning permission has been given? The whole point of employing a private developer is that they take the risk of higher or lower profits. Even if modifying the original viability assessment is permissible, the assessment is inevitably complex. It is entirely possible to come to different conclusions based on the same broad guidance principles set out by the professional body. Accordingly, the Council should seek an independent viability assessment before submitting this variation of

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conditions to the Planning Committee; this application is too important to be subject to delegated decision.

Cllr. Sutton: The developer's case rests on their new viability assessment. Whilst the discovery of asbestos, increased building costs and a likely fall in property prices may have an impact on profit margins, surely this is the risk which all developers run and it is not the role of the planning system to provide a 'cushion' against this. If it were, surely it would be appropriate for this to be balanced with a form of planning 'levy' if profit margins rise substantially?! To in effect relieve the developer of affordable housing obligations on these grounds, especially when affordable housing is so sorely needed, cannot in my view be the correct course of action. If there is any likelihood of this being the outcome, at the very least, this application must NOT be delegated.

Weymouth Town Council – Objection (as revised)

On the basis that previous profits have not been considered, that the sensitivity analysis shows that with only small changes in costs or selling prices 30% might be possible, Betterment Homes should be held to their commitment to 30% (140 units). The basis for approval of this site was on the basis of affordable homes being included. Weymouth has a shortage of affordable homes and can't afford to lose this promised commitment.

Representations received

Made on the original submission and in response to the revised assessment.

Objection:

Denies opportunity for buyers to enter the property ladder.
The developer has made profits leaving the affordable last.

Comment:

Pleased with the increase in the amount of affordable provision since the revised assessment.

Support:

There is affordable housing not being occupied and private buyers should be able to buy these houses.

Total - Objections	Total - No Objections	Total - Comments
2	1	1

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Relevant Policies

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West Dorset, Weymouth and Portland Local Plan

HOUS1 – Affordable Housing

National Planning Policy Framework

5. Delivering a sufficient supply of homes

Paragraph 58. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Paragraph 64. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

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 modification to the

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affordable housing provisions is not considered to have any impact on persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable housing	122 dwellings
Market housing	343 dwellings
Contributions	£4,526,964.00 (see below for breakdown)
Non-Material Considerations	
Council Tax	To be decided
New Homes Bonus	To be decided

14.0 Climate Implications

None relevant to this application.

15.0 Planning Assessment

Principle of Development

15.1 The outline permission (WP/14/00777) was for approximately 500 dwellings. This breaks down for applications made for reserved matters as follows:

Phase 2B – 99 dwellings

Phase 4A – 68 dwellings

Phases 2A, 3A, 3B – 298 dwellings

TOTAL 465 dwellings.

The total number of dwellings is therefore below the maximum allowed under the outline permission.

The permission was subject to a s106 agreement to secure 30% affordable housing and financial obligations as set out in the table below.

s106 Recreation Contribution (paid, inc. indexation)	£348,540
s106 Transport Contributions (paid, inc. indexation)	£332,312
s106 Ecology Contribution (paid, inc. indexation)	£8,270
s106 Education Contribution (paid, inc. indexation)	£1,090,924
s106 Education Contribution (outstanding)	£1,838,362

Indexation will apply to the outstanding education contribution, and this is provisionally calculated as £667,306. An additional contribution towards travel plan is understood to amount to £116,250 and is not subject to indexation. It is understood

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that the developer is also required to provide a Neighbourhood Equipped Area for Play (NEAP), and Multi Use Games Area (MUGA).

Affordable Housing & financial obligations

15.2 The applicant initially sought removal of all financial obligations and provision of affordable housing and provided their own viability review to support their case. This was then referred to the District Valuer under the instruction of the Council and the District Valuer issued a final review in November 2023 after discussion with the applicant and the council.

15.3 The review by the District Valuer has reported that phases 2 – 4 are viable to deliver a portion of the affordable housing requirements, reduced from 30% to 26.24%, which equates to 122 affordable homes on this site, 84 rented and 38 shared ownership (compared with 140 originally). The District Valuer also considered that all the financial obligations could still be met. The applicant has not further challenged the findings of the District Valuer. The report of the District Valuer should be read in full and is available on the Council's website. However, pertinent extracts from the report are included below and in reaching these conclusions, the District Valuer considered the following (in italics):

15.4 Developments are expected to meet the policy provision as prescribed in the Local Plan. In this case the planning requirements are set out in a s106 agreement, and the scheme has commenced. The application under consideration proposes modification of the s.106 requirements. The applicant's agent states that scheme financial viability has been compromised, and states that 'during work preparations for the ensuing phases and more detailed site investigations it became apparent that parts of the site are heavily contaminated with asbestos and that considerably more ground retaining works than were expected are required. Due to these unforeseen circumstances, the costs of developing the site is significantly in excess of those that were anticipated when the Section 106 terms were agreed.'

15.5 The VOA database contains details of sales of residential properties including accommodation details, age of property, number of bedrooms, reception rooms, age, floor areas and so forth as well as transactional information such as new build sales, part exchange, shared ownership or connected party sales etc. We also have access to Energy Performance Certificates which enables analysis. We have also considered sales information about current and forthcoming schemes. All of this enables the valuer to confirm or dispute the applicant's evidence.

15.6 Further to my investigations and research, particularly in regard to the most recently available sales data on this scheme, I have a differing view in regard to most of the projected completed residential unit values.

The development costs and the following cost inputs have not been accepted as reasonable:

- *Plot build costs and external works*
- *Abnormal site costs*

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15.7 My observation is that the issues relating to the majority of these costs appear commensurate with the site, and narrative relating to site conditions. It is somewhat surprising however that additional unforeseen costs relating to asbestos and ground conditions (cut and fill, retaining walls and groundworks) have come to light at this stage of the development, especially in the context of the site being previously undeveloped. It is reasonable to assume that appropriate due diligence would have been carried out in the early stages of the project, and detailed ground investigations undertaken.

15.8 The abnormal costs are however a potentially significant factor affecting the viability of the scheme.

15.9 In the light of my most recent experience of development proposals of this nature, particularly in the county, I have rather adopted 17.5% of market residential GDV in my assessment as a reasonable target profit level. It is also noted that this target is indicated as reasonable in your Council's input assumptions document underpinning policy requirements. In regard to the affordable element, I have also adopted a target profit level of 6% as is widely adopted and reflecting reduced risk on the basis of a forward sale to a Registered Provider

15.10 Appraisal 1 can be found at **Appendix (i)** reflects the combined policy requirements of 30% on site Affordable housing and s.106 contributions of £4,526,964 (financial and build obligations), and fixes developer's profit of 17.5% on market GDV and 6% on affordable GDV.

Based on the inputs I have outlined above the residual output presented as the amount available for land which is then compared to the valuer's opinion of the BLV to determine the viability of the scheme.

As detailed in this report, I have a difference of opinion regarding revenue and construction costs. The cumulative effect of these changes is that my viability appraisal generates a residual land value of £4,217,349, which is below the BLV of £5,532,000.

It is my independent conclusion that the consented scheme with associated planning obligations is not financially viable.

15.11 As the scheme cannot meet full policy requirements, I have considered the maximum contributions that the scheme could viably provide. Through a series of iterations to the appraisal I have established that the maximum planning policy that can be delivered is 26.24% affordable housing (122 units) together with £4,526,964 in other s106 contributions.

Appraisal 2 - which can be found at appendix (ii) reflects a scheme with these reduced policy requirements and a fixed developer's profit of 17.5% on market GDV and 6% on affordable GDV. The appraisal generates a residual value for land of £5,536,085, which is marginally above the BLV of £5,532,000.

It is my independent conclusion this scheme can support 26.24% affordable housing and £4,526,964 in other s.106 policy requirements.

15.12 Further to my conclusion above and the advice that your Council's full planning policy requirements will not be met; a review clause might be appropriate as a condition of the permission, in line with paragraph 009 of the PPG Review

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mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project.

15.13 The applicant states that during work preparations for these phases and more detailed site investigations it became apparent that parts of the site were heavily contaminated with asbestos and that considerably more ground retaining works than were expected are also required. The costs of these additional works are included in the applicant's report which the District Valuer reviewed. In consideration of the outline application, contamination was not raised as a known issue.

15.14 The NPPF at paragraph 58 states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. In this case the applicant has submitted a viability assessment post decision and some 9 years after the adoption of the local plan citing the reasons set out above with regards to abnormal costs. Policy HOUS1 of the adopted local plan states similar to the NPPF in that applicants seeking to justify a lower level of affordable housing will be expected to provide an assessment of viability, which the applicant has done in this case. The policy then goes on to say that "A lower level of provision will only be permitted if there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought". The development already has consent and is partially built out and to continue with the development would enable much needed open market and affordable housing to be brought forward in this sustainable location in Weymouth. The information submitted by the applicant and the subsequent assessment review by the DVS explains why the applicant considers the development is not viable with 30% provision of affordable housing, but it would be viable with the provision of 26.24%.

15.15 It is noted that representations have been received suggest past profits made by the applicant have been sidelined but given the length of time that has elapsed since permission was granted, it is to be expected that costs will fluctuate and unforeseen costs may be encountered, as has been the case here. It is also not a function of the planning system to impose levies on developers for past profits. Furthermore, in respect of the representation that says that affordable housing provides less for open market buyers, this does not acknowledge that the provision of affordable housing is a policy requirement based on an evidence base and detailed analysis to set the right amount that should be provided. In this case 30% was considered to be the requirement at the time of granting the outline permission.

15.16 The District Valuer indicates that a review clause could be considered by the Council if permission is granted. There is currently no local plan policy to support this stance and as such could not be justified as part of the modification to the S106 agreement.

16.0 Conclusion

16.1 The proposal would only be able to make provision for 26.24% affordable housing instead of 30%. Provision of the housing would still be on the development

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site as opposed to off-site or through a financial contribution. The proposal would be able to meet all other financial obligations contained with the s106. A deed of modification of the s106 would need to be prepared to make the adjustment to the amount of affordable housing provision. The proposal is in accordance with Policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015) and paragraphs 58 and 64 of the NPPF (2023).

17.0 Recommendation

17.1 Recommendation: Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to approve the modification of the S106 agreement subject to a deed of modification secure 26.24% affordable housing having been satisfactorily completed.

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Application Number:	P/VOC/2024/01066
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	4 Verne Road Weymouth DT4 0RX
Proposal:	Renewal of permission for change of use to hostel (permanent approval requested) - Variation of condition 2 of planning permission 4/91/0110T to allow the use to apply to the land rather than the applicant
Applicant name:	Mrs Vikki Jeffrey, Dorset Council
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Heatley, Cllr Sutton and Cllr Wheeler

1.0 In accordance with the Council's constitution the application is referred to the Planning Committee as Dorset Council is the applicant.

2.0 Summary of recommendation: Grant

3.0 Reason for the recommendation:

- The use of a personal planning permission in this instance fails the tests of being *necessary* and *reasonable* and it is therefore appropriate for the condition to be removed.
- Removal of the condition would not give rise to a conflict with Local Plan Policies.
- The removal of the condition will allow the building to continue to provide supported accommodation for 6 people.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of removing condition 2 is acceptable and would not result in a conflict with the development plan.

5.0 Description of Site

5.1 The application site comprises 4 Verne Road which is one of a pair of semi-detached Edwardian houses on the north eastern side of Verne Road. The house is 2.5 storeys (2 storeys with rooms in the roof) and is constructed of red brick with buff brick banding and a tile roof. The front of the building is mainly laid to hardstanding with some planting beds. There is a garden space to the rear which is mainly laid to hardstanding. The boundaries are defined by timber fencing to the south east and a mature hedge to the north west.

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5.2 The former house was converted to a hostel in the 1980s initially through temporary permissions, and eventually being made permanent in 1991. The planning consent for the site is subject to a 'personal' planning condition (condition 2) which links the use to the applicant (the Bruised Reed Trust) only.

6.0 Description of Development

6.1 The application is made under Section 73 of the Town and Country Planning Act 1990 and seeks the removal of condition 2, such that the hostel is no longer for use solely by the Bruised Reed Trust. The site is being purchased by Dorset Council with the intention that it is used as a hostel for up to 6 people, to be run directly by the Council. Historically the hostel has been occupied by male veterans. It is intended that in the future it will be available for up to 6 people with the intention that round the clock support would continue to be provided.

7.0 Relevant Planning History

86/00648/COU Decision: GRA Decision Date: 23/02/1987

CHANGE OF USE FROM DWELLINGHOUSE TO A HOSTEL FOR A MAXIMUM OF 6-8 MEN (PLUS A RESIDENT HOUSE MANAGER).

88/00104/TEMP Decision: GRA Decision Date: 28/03/1988

RENEWAL OF PERMISSION FOR CHANGE OF USE TO A HOSTEL.

91/00110/TEMP Decision: GRA Decision Date: 30/04/1991

RENEWAL OF PERMISSION FOR CHANGE OF USE TO HOSTEL (PERMANENT APPROVAL REQUESTED).

8.0 List of Constraints

Connaught Road Conservation Area - Distance: 24.84

Defined Development Boundary; Weymouth

Landscape Character; Urban Area; Weymouth Urban Area

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 23.42

Dorset Council Land (Freehold)

Local Geological Site: G SY67/12 - Rodwell Cutting; - Distance: 11.14

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Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); -
Distance: 1949.3

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); -
Distance: 1935.63

9.0 Consultations

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

Consultees

1. **Weymouth Town Council** – No objection
2. **Ward Members** – No comments received.

Representations received

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

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

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.

11.0 Relevant Policies

Development Plan

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- ENV15 - Efficient and Appropriate Use of Land
- ENV 16 - Amenity

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- SUS2 - Distribution of development

Emerging Neighbourhood Plans

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

Material Considerations

Emerging Local Plans:

11.3 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).

11.4 **The Dorset Council Local Plan** Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

11.5 The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

National Planning Policy Framework

11.6 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.

11.7 Other relevant NPPF sections include:

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- Section 4 'Decision making': 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.
- Paragraph 56 – Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
- Section 11 'Making effective use of land'

Other material considerations

All of Dorset:

- Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.
- Landscape Character Assessment (Weymouth & Portland)

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. This proposal will ensure continued access to supported housing for people in need.

14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
None	

15.0 Environmental Implications

15.1 The proposal would lead to the continued CO2 emissions from the building but would not result in an increase in emissions compared to the baseline.

16.0 Planning Assessment

16.1 As has been noted, the application seeks to remove a planning condition which limits the use of the building to the original applicant, The Bruised Reed Trust. The condition in question states:

This permission shall enure for the benefit of the applicant only and not for the benefit of the land to which the application relates.

Reason: To meet the special needs of the applicant.

16.2 The use of this condition is carried forward from the original, temporary, planning consents for the use which were granted from 1987. The condition appeared on the original temporary consent, reference 86/0648 and the subsequent renewal reference 88/00104 before being included on the consent to which this application relates, which allowed for the permanent retention of the use.

16.3 In order to be imposed, planning conditions must meet 6 tests these being:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

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- 16.4 Where a condition fails one of these tests it should not be imposed and where it has previously been imposed, it is appropriate for the condition to be removed. Planning permission generally runs with the land and the Government's Planning Practice Guidance advises that it is rarely appropriate to provide otherwise. The guidance does indicate that there may be exceptional occasions where development that would not normally be permitted may be justified because of who would benefit from it (for example, new dwellings in the countryside being limited to agricultural workers). The guidance also states that a condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.¹
- 16.5 Records for the 1991 planning consent indicate that the re-imposition of the personal condition was recommended but do not indicate whether any specific consideration was given to its necessity as by that point it was established as part of the consent that was being made permanent. The case officer's report for the initial planning consent in 1987 indicated that a temporary consent was necessary to allow for a trial period of assessment of the use's impacts but did not set out any specific justification for the planning permission being made personal to the applicant. There was however considerable objection to that initial application so it may be surmised that this was considered necessary to ensure appropriate management arrangements would be in place, even though this is not stated.
- 16.6 In light of current guidance as set out above, it is not considered that there is adequate justification for planning permission remaining on a personal basis only and not running with the land. Furthermore, given that the original application was not an individual but a charity, the use of a personal permission runs contrary to the advice in the Government's Planning Practice Guidance that limiting the benefit of a permission to a company is inappropriate. Although currently empty the building has been used as a hostel for a considerable period and the continuation of that use, albeit under management by Dorset Council would not alter the overall impact of the use.
- 16.7 It is therefore considered that condition 2 fails the tests of being *necessary* and *reasonable*. Therefore, it is appropriate for the condition to be removed. The removal of the condition will allow for the provision of supported housing to 6 individuals in a sustainable location, making the best use of an existing and established facility without causing additional impacts to neighbouring amenity. It would therefore comply with policies INT1, ENV15, ENV16 and SUS2 of the West Dorset Weymouth and Portland Local Plan 2015.
- 16.8 The 1991 planning consent to which this application relates is subject to two conditions. The personal restriction being the second and the first being a time limit for the implementation of the consent. As the consent has already been implemented, it is not necessary to reimpose the time limit condition. It is not considered necessary to impose any additional conditions as part of this application and therefore a grant of planning consent in this instance would be unconditional.

¹ Planning Practice Guidance Paragraph 015, Reference ID 21a-015-20140306

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17.0 Conclusion

17.1 The planning condition to which this application relates is considered to fail the tests of being *necessary* and *reasonable* and it is therefore considered appropriate for the condition to be removed. The removal of the condition would not give rise to any conflict with the development plan and will allow for the building to continue to provide supported accommodation for 6 people.

18.0 Recommendation

Recommendation: Grant

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

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Application Number:	P/FUL/2024/00504
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Weymouth Rugby Club Monmouth Avenue Weymouth DT3 5HZ
Proposal:	Change of use of a sector of the Rugby club car park to a cafe with seating area.
Applicant name:	Mrs Alison Hunter
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Barrow and Cllr Gray

1.0 In accordance with the Council’s Constitution the application is being considered by the committee as the Council is the freehold land owner.

2.0 Summary of recommendation: Grant planning permission subject to the conditions set out at the end of this report.

3.0 Reason for the recommendation:

- The use would not undermine the commercial viability of other facilities and would complement the Lodmoor Trail and Country Park.
- The relocation of the kiosk closer to the rugby club and reorientation would address issues of noise and odour arising from the use.
- The proposal would not have an unacceptable impact on highways.
- The proposal would comply with relevant policies of the Local Plan and there are no material considerations which would justify refusal of planning permission.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Although outside of a defined development boundary the use would not undermine the commercial viability of town centre locations and would complement the Lodmoor Trail and Country Park.
Character and appearance within the landscape setting	The kiosk is relatively low key and clad in natural materials. It would not be overly prominent in the landscape.

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Impact upon amenity	The relocation of the kiosk and reorientation allows the issues of noise which led to the previous refusal of planning permission to be overcome and result in an acceptable impact upon amenity. Issues of odour and access to toilets were not upheld in the previously dismissed appeal but would nevertheless be improved as a result of the proposal.
Access and parking	Customers would have access to the large car park serving the rugby club. It is not considered that the proposals would result in an unacceptable impact on highways.
Flood risk	A small part of the site is affected by tidal flood risk. However, the structure is considered to be inherently flood resilient.

5.0 Description of Site

- 5.1 The application site comprises a rectangular parcel of land which forms part of the Weymouth and Portland Rugby Club and its associated car park. The planning application boundary encompasses the existing club house and car park of the Rugby Club. The development itself relates to a smaller area at the eastern end of the Rugby Club's car park, adjacent to the clubhouse.
- 5.2 The site is located to the east of the established urban edge of Weymouth, located between the built area of Monmouth Road (to the south west) and the Lodmoor Country Park (to the east) with playing fields and overflow parking to the north. The site is located outside of the defined development boundary. The main vehicular access to the site is via Monmouth Road, to the south west, and there is a pedestrian/cycle route along the western boundary of the site.

6.0 Description of Development

- 6.1 The application seeks planning consent for the siting of a kiosk which is used for the preparation and sale of hot food and drink, together with associated seating area and a rear service area. The kiosk is currently located at the western end of the car park but following the refusal of a retrospective application for its siting in that location and the subsequent dismissal of an appeal this proposal seeks to relocate the kiosk further to the east, to a location closer to the Rugby Club building and reorientate it so that it faces south.
- 6.2 The kiosk is a converted shipping container which has been fitted out internally with kitchen equipment, has a serving hatch in one side and which has been externally clad in timber. It measures 6m wide by 2.5m tall and 2.5m depth. A service area is proposed to be created to the rear of the kiosk, defined by fencing. A seating area

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is proposed to be established in front of the kiosk with timber picnic tables for customers. The seating area will be enclosed by a 1.2m post and rail fence. An existing seating area on the western end of the rugby club building will also be extended to provide additional outdoor seating.

7.0 Relevant Planning History

P/FUL/2022/03477 Decision: REF Decision Date: 23/02/2023

Retain change of use from Club parking to Cafe' area, placing of a steel box container and fencing. (Appeal dismissed).

8.0 List of Constraints

Land Outside DDBs

Landscape Character; Valley Pasture; Lower Wey and Lorton Valley

Legal Agreements S106

SGN - High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar); - Distance: 811.89

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 4333.5

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 4231.46

Flood Zone 3

Flood Zone 2

Historic Landfill Site: Lodmoor

Contaminated Land

9.0 Consultations

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

Consultees

- 1. Dorset Police Architectural Liaison Officer** – No comments received.
- 2. Rights of Way Officer** – No comments received.

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3. **Highways** – The proposal is served from Monmouth avenue; however, the site access adjoins an adopted public highway footpath and on road signed cycle way. The applicant will retain existing capacity on site for turning and parking. The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION.
4. **Dorset Waste Team** – No comments received.
5. **Env. Services – Protection** – No comments received (N.B. Comments on previously refused application from Environmental Protection raised no objection).
6. **Weymouth Town Council** – The application has been considered by the Weymouth Town Council Planning and Licencing Committee, who have no objection to the proposals.
7. **Ramblers Association** – No comments received.
8. **Public Health Dorset** – No comments received.
9. **Env. Services - Food, Safety & Port Health** – No comments received.
10. **Asset & Property** – No comments received.
11. **Radipole Ward Member 1** – No comments received.
12. **Radipole Ward Member 2** – No comments received.

Representations received

Summary of comments of objections: No objections have been received.

Summary of comments of support – 8 received:

- The Caddy Shack was very popular and visited by many sections of the community. With emphasis being placed on mental health and exercise the proximity to Lodmoor Country Park means this would be a real asset to the town and small independent businesses should be encouraged.
- It was a welcome refuelling stop for locals, walkers, dog walkers and a popular meeting place which was sadly missed when forced to close.
- It complements the foot and cycle path.
- The reasoning behind the previous refusal is weak.

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- The new location has overcome the points of objection to the previous application and now wish to see the business succeed.

In addition to those comments submitted in support of the application some additional comments have been made which raise the following points (3 representations with comments have been received):

- The press and social media reports included false statements and implications which have misrepresented previous concerns.
- Whilst not objecting, wish to see more restrictions on opening hours as suggested hours are long for a business within a residential area especially as many customers drive to the café.

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.

11.0 Relevant Policies

Development Plan

- 10.1 The following policies of the West Dorset Weymouth and Portland Local Plan 2015 are considered to be relevant to this proposal:

- INT1 Presumption in favour of Sustainable Development
- ENV1 Landscape, seascape & sites of other geological interest
- ENV2 Wildlife and habitats
- ENV5 Flood risk
- ENV9 Pollution and contaminated land
- ENV10 The landscape and townscape setting
- ENV 12 The design and positioning of buildings
- ENV 16 Amenity
- SUS2 Distribution of development
- COM2 New and improved local community buildings and structures

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- COM7 Creating a safe & efficient transport network

Material Considerations

Emerging Local Plans:

10.2 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).

10.3 **The Dorset Council Local Plan** Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

10.4 The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

National Planning Policy Framework

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

10.6 Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 – Local planning authorities should approach decisions on proposed development in a positive and creative

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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 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

- Supplementary Planning Documents/Guidance-
- Weymouth & Portland Urban Design (2002)
- Landscape Character Assessment (Weymouth & Portland)
- Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 Human rights

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- 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.

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. The site includes measures to provide access for people with mobility impairments and pushing buggies. The proposals are not considered to have any additional implications for persons with protected characteristics.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Job creation	1x full time and 4x part time employees
Non Material Considerations	
Business rates	Unknown

15.0 Environmental Implications

15.1 There will be additional CO₂ emissions as a result of the use and operation of the site, and from staff and customers travelling to the site.

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16.0 Planning Assessment

Principle of development

- 16.1 The site is located outside of the defined development boundary of Weymouth and is therefore in a location where Policy SUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) indicates that development should be strictly controlled, having regard to the need for the protection of the countryside and environmental constraints. Policy SUS2 does however allow for certain forms of development (at point iii) including new employment, tourism, educational/training and recreational or leisure related development.
- 16.2 The scheme is also supported in principle by policy COM2 of the West Dorset, Weymouth & Portland Local Plan (2015) which seeks to support new community infrastructure with a café being one of the specified uses. Considering the criteria of policy COM2, the proposal is well located and accessible to its main catchment and does not generate significant additional single purpose trips by private transport and the proposal does not undermine the commercial viability of nearby community facilities.
- 16.3 The Café has previously operated from a part of the rugby club car park further to the west before the refusal of planning permission and subsequent dismissed appeal. In that time no concerns have been raised in regard to impact on commercial viability elsewhere. The location is alongside the Lodmoor trail meaning that a lot of the trade would be expected to come from those utilising that route or those using the rugby club. Weymouth has a lot to offer in infrastructure terms and any purposeful trips by car to the site are likely to be combined with some other activity.
- 16.4 The structure is to be relocated from its original, unauthorised, location at the western end of the rugby club's car park so would not result in an overall loss of parking capacity – the original location of the structure was not previously used actively for parking so has not resulted in a loss of parking capacity. The use of the land for the siting of a café is considered to be complementary to the Rugby club and their existing use of the land, which will be retained. It is considered that not only does the café bring an enhancement as a community facility but enhances the larger community sports venue on which it is situated. As such the scheme is supported in principle by virtue of policies COM2 and SUS2 of the West Dorset, Weymouth and Portland Local Plan 2015.

Character and appearance within the landscape setting

- 16.5 The structure is comprised of a shipping container which has been clad in timber. A service area will be formed from close boarded fencing enclosing the rear of the structure, while the outdoor seating areas will be defined by post and rail fencing

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immediately in front of the kiosk and by sleepers around the seating area to the east.

- 16.6 The structure will be a low key addition to the existing car park area which maintains a functional appearance. It will be discreetly located close to the established rugby club building and would not therefore be a particularly prominent feature. The impacts of the structure itself are wholly reversible, given that it is a shipping container, while the materials used in the cladding and fencing are natural and considered to be appropriate to the setting without appearing overly utilitarian.
- 16.7 Overall, the structure is visually pleasing and given its limited scale, cannot be seen significantly in wider views when viewed from the Lodmoor Trail to the north & south. Any views from the east and west are largely obscured by existing built form (the Rugby Club to the east and Monmouth Avenue etc. to the west/south-west). As such, the scheme has an acceptable impact on visual amenity within the landscape setting and complies with policies ENV1, ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015).

Impact upon amenity

- 16.8 The previous application was refused due to the impact of the kiosk on the amenity of neighbours, from noise, odour and from the lack of toilet facilities. These matters were significant points of objection for neighbouring residents who complained of the noise and odour from the use of the building as well as people, assumed to be customers of the kiosk, urinating against their fence.
- 16.9 In determining the subsequent appeal, the inspector found that the kiosk did not give rise to unacceptable levels of odour and accepted that the availability of toilet facilities in the club itself addressed that aspect of the refusal. However, the appeal was dismissed on the basis of the noise impacts owing to the close proximity of the site to neighbouring properties, and the lack of containment for the external seating areas.
- 16.10 In view of the inspectors' conclusions in respect of toilets and odour from cooking it is reasonable to conclude that the proposals would be acceptable in these regards. The relocation of the kiosk further to the east would also make the use of the Rugby Club's toilets more convenient for patrons.
- 16.11 It is noted that, when considering the previous application, members of the planning committee discussed the prospect of relocating and reorienting the kiosk to face south and be closer to the club house as a way of addressing the issues and allowing the application to be supported. However, the application was determined as submitted and was refused. The current proposal essentially addresses and

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accepts the suggestions made during the previous meeting of the planning committee where the previous application was considered.

- 16.12 The kiosk would be oriented so that the serving hatch faces south, while the access would face east, towards the club house. Therefore, any noise arising from within the kiosk would be directed generally southwards across the rugby field, as opposed to the previous arrangement where any noise would have been directed towards the neighbouring houses. Although the proposals would not contain any additional physical measures to contain noise from customers in the external seating area, the proposal would move the kiosk approximately 50m further into the site, further from the neighbouring properties, achieving a separation of approximately 80m to neighbouring properties. At this distance it is not considered that noise arising from customers would represent a significant impact on neighbouring amenity. It is also noted that, unlike the previous application, no objections have been received and objectors from the previous application have commented to confirm that they are content with the new location.
- 16.13 The applicant's details have listed opening hours which indicate daytime opening only between the hours of 9am and 6pm. Although the relocation of the kiosk largely addresses the previous reasons for refusal it is considered appropriate to limit the opening hours by condition to prevent opening unsociably early or late. It is therefore considered that the proposal would not have an unacceptable impact upon the amenity of neighbours and would comply with policy ENV16 of the West Dorset Weymouth and Portland Local Plan 2015.

Access and parking

- 16.14 The site is accessed via the existing access established for the Rugby Club. The existing rugby club car park is available to customers of the café. The access and availability of parking provision is considered to be acceptable and there is no objection from the Highway Authority.
- 16.15 The subsequent impact to neighbours and their amenity from the removal of parking spaces for the club has been carefully considered given that the Caddy Shack and associated seating area removes approximately 10 car parking spaces that would have otherwise been available to members/visitors of the Weymouth & Portland Rugby Football Club.
- 16.16 Having viewed the site during a training session, the main club car park and overflow car park were not to capacity and were in fact a third full and whilst without doubt there will be functions occasionally which can significantly increase parking requirements at times, there is adequate parking opportunity on site in normal circumstances). It is considered that the siting of the Caddy Shack does not result

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in highway safety concerns through the reduction of parking capability.

Furthermore, the area to be used for the siting of the kiosk will be offset by the area where it currently stands becoming available for use for parking. As such, having considered the impact to neighbours from parking reduction and the impacts to highway safety, it is considered that this scheme complies with policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015) and does not cause significant parking issues for local residents or compromise the working and safety of the local highway network.

- 16.17 The Rights of Way team have been consulted on this application and have declined to comment. The Caddy Shack and seating area is separated from the main public through route and does not cause obstruction or safety concerns.

Flood Risk

- 16.18 The site is located partially within flood zone 2 with a small area falling into flood zone 3. A flood risk assessment has been provided by the applicant which confirms that the risk is primarily tidal flood risk, which is noted as being a highly predictable mode of flooding. The flood risk assessment confirms that the majority of the site falls outside of areas at risk of flooding, the flood risk being confined to the northern boundary of the site.
- 16.19 The submitted flood risk assessment concludes that the proposed use is 'less vulnerable' and that the proposal will not result in increased flood risk elsewhere, while the container itself falls outside of areas of flood risk with access and egress also being in areas of lower risk. Furthermore, it is noted that raised thresholds to the container are not required to achieve flood resilience. The container is considered to be an inherently flood resilient structure.
- 16.20 It is therefore concluded that the proposal would remain safe from flooding and would not increase flood risk elsewhere. The proposal therefore complies with policy ENV5 of the Local Plan.

17.0 Conclusion

- 17.1 The proposal has been considered against relevant policies of the West Dorset Weymouth and Portland Local Plan 2015 and other material considerations. It is considered that the proposal complies with the relevant policies and that the proposed relocation and reorientation of the kiosk from its current location will positively address the previously raised concerns with noise, which were upheld at appeal.
- 17.2 It is therefore considered that the proposal is acceptable and recommended that planning permission be granted, subject to the imposition of appropriate conditions.

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18.0 Recommendation: Grant subject to the following conditions:

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

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

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

001 Site Location Plan
CS 2024 002 Proposed Site Plan Floor Plan and Elevations

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

3. The premises shall not be open to customers outside the hours of 09:00 to 18:00 Monday to Saturday and 09:00 to 12:00 on Sundays.

Reason: In the interests of the amenities of adjoining and nearby residential properties.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and
- as appropriate updating 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.

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3. It is the applicant's responsibility to ensure that foul water is disposed of appropriately and legally, and with any appropriate permission from Wessex Water which may be required.

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Application Number:	P/FUL/2023/07288
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Charmouth Road Park and Ride car park Charmouth Road Lyme Regis
Proposal:	Erect public toilets/cafe and form a new vehicular access. Install ten electric vehicle charging stations.
Applicant name:	Mr & Mrs Wellman
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Bawden

1.0 In accordance with the Council's Constitution, this application is being referred to the planning committee because it involves land which is within the Council's ownership.

2.0 Summary of recommendation: Refuse for the following reasons:

1. Having regard to the scale of the proposed café and facilities building and its location outside of the town centre and defined development boundary of Lyme Regis, the building is an overly large facility which would fail to follow the sequential approach to the location of food and drink uses contrary to policy ECON4 of the local plan. In the absence of a sequential assessment of available sites, it has not been demonstrated that such a facility is essential or sequentially preferable in the location proposed. The provision of the café would adversely impact upon the vitality of the town centre and not provide opportunities for linked trips. The proposal does not therefore represent sustainable development and is contrary to policies INT1, SUS2 and ECON4 of the West Dorset, Weymouth and Portland Local Plan 2015 and section 7 of the National Planning Policy Framework (2023).
2. Having regard to the size of the proposed building, its elevated position and the use of extensive full height glazing on the south western elevation, the building would result in harm to the landscape and scenic beauty of the Dorset National Landscape, and would represent an overly domestic addition to an otherwise open rural field. The proposal is therefore contrary to policies ENV1 and ENV12 of the West Dorset Weymouth and Portland Local Plan 2015, paragraphs 135 and 182 of the National Planning Policy Framework (2023) and the statutory duty of the Countryside and Rights of Way Act 2000 to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

3.0 Reason for the recommendation:

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- The proposal to alter the access arrangements to the park and ride and to provide electric vehicle charging are considered to be acceptable in principle.
- Although the provision of some additional visitor facilities is considered to be acceptable, the building proposed is considered to be overly large and would conflict with development plan policies.
- The building's size and use of glazing would result in harmful impacts upon the character of the landscape.
- The evidence provided does not indicate that the changes of the scale proposed are essential for the park and ride to continue.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of changes to the access and provision of EV charging is considered acceptable. The proposed building and café provision is however considered to be excessive for this location and for the reasons set out in this report is therefore not considered to be acceptable in principle.
Character appearance and impact upon the landscape	Although the relocation of the building compared to the previously withdrawn scheme is an improvement, the building's size and the incorporation of extensive glazing on the south western elevation results in a harmful impact upon the National Landscape.
Highways and access	The alterations to the access would be beneficial in highways terms and the scheme as a whole would be acceptable, subject to the imposition of conditions.
Crime Prevention	Concern has been expressed in respect of the site's potential to become a focus for crime as a result of the works. Appropriate measures could be secured by condition if required.
Biodiversity	The application has been accompanied by a biodiversity plan approved by the Natural Environment Team. The proposal will not therefore result in harm to biodiversity.
Amenity	In the context of the continuing park and ride use which is well established the proposals will not result in an unacceptable impact upon residential amenity.

5.0 Description of Site

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- 5.1 The application site comprises an area in the north eastern corner of a field which is currently used, on a seasonal basis, as a park and ride serving Lyme Regis. The application site encompasses a portion of the parking area of the park and ride, the access point from the southern side of the A3052, and an area of otherwise agricultural land extending into the north eastern corner of the field.
- 5.2 The field is predominantly laid to grass. There is an area of hard standing at the access point which serves as a turning head and waiting area for busses when the park and ride is operational. However, the remainder of the field remains unsurfaced, with vehicles parking on the grass. There is an access track extending from the hardstanding area initially westwards and then following the boundary of the field towards a group of agricultural buildings to the south.
- 5.3 The field is otherwise undeveloped; aside from the hardstanding, gates and bellmouth at the site access there are no permanent facilities provided for the park and ride. The field is grazed during the off season. The current planning consent for the park and ride, which would be unaffected by this application, allows it to operate between 30 March and 31 October annually. The timetable for 2024 is that the park and ride will run from 4 May. It will run a daily service between 4 and 6 May and between 25 May and 2 June. It will run Saturdays and Sundays between 8 June and 21 July and daily between 24 July and 2 September.
- 5.4 The field occupies an area of high ground to the north of Lyme Regis, outside of the established boundaries of the settlement. The site's boundaries are defined by the A3052 to the north and west, where there are established hedgerows. To the east of the site, lies a housing development, known as Garman's field. The boundary to that development is defined by maturing hedgerows. Internally the park and ride field is separated from adjacent field by post and wire fencing.

6.0 Description of Development

- 6.1 The proposed development comprises alterations to the access to the park and ride, provision of electric vehicle charging points and the construction of a building comprising a café and toilets.
- 6.2 The works to the access of the park and ride include the formation of a new bell-mouth access to the east of the existing bell mouth. Together with additional hardstanding within the site itself, the new access will allow for the creation of an in and out arrangement for cars and buses entering and exiting the site. Within the parking area itself 5 electric vehicle charging kiosks will be located in the northeastern corner of the parking area, providing charging facilities for up to 10 electric vehicles.
- 6.3 The new building is proposed to be located towards the northeastern corner of the site with paths leading to it from the parking areas. The building will provide toilet facilities comprising male and female toilets with three cubicles each and a cafe with kitchen counter and indoor seating as well as an outdoor seating area. A small ancillary building is proposed adjacent to the cafe building which will provide storage for bins and bottled gas.
- 6.4 The proposed building is I-shaped with the outdoor seating area located to the western side of the building and the cafe in the eastern side with South facing patio doors and full height glazing. The toilets would be in the western part of the building

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and the kitchen in the northern part of the building. The building is single storey with a pitched roof with gable ends. The proposed pallet of materials comprises timber cladding to the walls with profiled sheet roofing and upvc windows. The proposal does not seek to amend the operational period of the park and ride, to which the opening of the toilets and café would be linked.

- 6.5 The application is a re submission following the withdrawal of an earlier scheme for similar facilities which had located the proposed café to the west of the existing site access on slightly lower ground. However, that scheme drew concern in respect of the landscape impact of the building given that it would be within a relatively isolated position within the field.

7.0 Relevant Planning History

1/W/93/000106 Decision: GRA - Decision Date: 06/05/1993

Change of use of land from agricultural to park & ride carpark

1/W/95/000510 Decision: GRA - Decision Date: 13/11/1995

Use land for Park and ride car park for 6 weeks each summer each year

WD/D/18/000268 Decision: GRA - Decision Date: 26/03/2018

Extend park and ride car park season (end of March to end of October) and install protective matting to part of site

P/PABA/2021/01032 Decision: PRQ - Decision Date: 20/04/2021

Erection of agricultural storage building

P/PABA2/2021/03696 Decision: PRF - Decision Date: 12/11/2021

Erection of agricultural storage building

P/FUL/2023/03036 Decision: WIT - Decision Date: 29/11/2023

Erect public toilets/cafe and form a new vehicular access

8.0 List of Constraints

Lyme Regis and Charmouth Slope Instability Zones; Zone 1

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Area of Outstanding Natural Beauty; Dorset

Land Outside Defined Development Boundaries;

Article 4 Direction- Distance: 0

Article 4 Direction Distance: 0

Right of Way: Bridleway W2/10; - Distance: 11.23

Dorset Council Land (Freehold): Land for road improvement at Dragons Hill, Lyme Regis

Authorised Landfill Site name and operator: Lyme Regis Golf Club, Driving Range And Practice Area - Hansford Construction Ltd - Distance: 161.58

9.0 Consultations

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

Consultees

- 1. Dorset Police Architectural Liaison Officer** Although not formally objecting I have strong concerns on how the works and infrastructure will be kept secure when the site is not being used as a park and ride facility bearing in mind its isolated location.
- 2. DC - Rights of Way Officer** No comments received.
- 3. DC - Highways** It is the opinion of the Highway Authority that the changes improve highway safety. No objection subject to conditions.
- 4. DC - Dorset Waste Team** No comments received.
- 5. National Highways** No objection.
- 6. DC - Env. Services – Protection** No comments with respect to this application.
- 7. Lyme and Charmouth Ward Councillor** - No comments received.
- 8. Building Control West Team** – No comments.
- 9. Lyme Regis TC** – The Town Council recommends approval of the application because it is in accordance with the approved development plan and does not involve unacceptable material harm to the Conservation Area or heritage assets. (N.B. In addition to the consultation response received, a more detailed letter of support for the proposals from the Town Council has been submitted as a supporting document by the applicant).
- 10. Ramblers Association** – No comments received.

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- 11. DC - Public Health Dorset** Public health Dorset welcomes the addition of a toilet facility and the inclusion of accessible toilets. Public Health Dorset encourages the incorporation of a 'changing places' facility. The commitment to the use of photovoltaic panels is welcomed.
- 12. Natural England** No objection subject to mitigation being secured. NE notes the submission of a Biodiversity Plan but this is not accompanied by a certificate of approval. Provided the BP is agreed the planning authority will have met its duties under section 40 of the Natural Environment and Rural Communities Act 2006 and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017.
- 13. DC - Env. Services - Food, Safety & Port Health** no comments received.
- 14. DC - Asset & Property- Abigail Brooks** no comments received.
- 15. DC - Highways Asset Manager** no comments received.
- 16. DC – Transport Policy** When assessing the application against local and national transport policy, we are supportive of the inclusion of electric vehicle charging stations. The application is only for the additional facilities for the public and a new entrance rather than an application for a park and ride facility as this is long established. It is of the opinion of the Highways Authority that the changes improve safety. From a transport and highway perspective, we are supportive of proposals that uphold the park and ride sites viability.

Representations received

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

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

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 Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

11.0 Relevant Policies

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Development Plan Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV9 - Pollution and contaminated land
- ENV10 - The landscape and townscape setting
- ENV12 - The design and positioning of buildings
- ENV13 - Achieving High Levels of Environmental Performance
- ENV15 - Efficient and Appropriate Use of Land
- ENV16 - Amenity
- SUS2 - Distribution of development
- ECON4 - Retail and Town Centre Development
- ECON5 - Tourism Attractions and Facilities
- COM7 - Creating a safe & efficient transport network
- COM8 - Transport interchanges and community travel exchanges
- COM10 - The Provision of Utilities Services Infrastructure

Other Material Considerations

Emerging Dorset Council Local Plan:

11.2 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

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- 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).

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

National Planning Policy Framework:

11.4 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.

11.5 Other relevant NPPF sections include:

- Section 4 'Decision making': 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 88 and 89 '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 beautiful new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful 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 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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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 (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 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 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

National Planning Practice Guidance

Supplementary Planning Document/Guidance

All of Dorset:

- Dorset AONB Landscape Character Assessment
- Dorset AONB Management Plan 2019-2024
- Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Supplementary Planning Documents/Guidance For West Dorset Area:

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

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.

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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.

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. The proposed changes to the car park layout include six designated disabled parking spaces which incorporate space for wheelchair access. The proposed toilet block incorporates accessible toilet cubicles within each of the toilets.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Job Creation	2.5 full time equivalent (seasonal)
Non Material Considerations	
Business rates	Unknown

15.0 Environmental Implications

15.1 The proposals would see the inclusion of 10 spaces within the park and ride car park with charging facilities for electric vehicles, providing support for the expanded use and adoption of electric vehicles. The proposed building would incorporate solar photovoltaic panels on the roof, reducing reliance on fossil fuels.

16.0 Planning Assessment

Principle of development

16.1 The application site is located outside of the defined development boundary of Lyme Regis and is therefore in the open countryside where policy SUS2 of the local plan indicates that new development will be strictly controlled having regard to the

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need for the protection of the countryside. Policy SUS2 does however allow for certain forms of development within the open countryside which include new employment, tourism, education / training, recreational or leisure related development. The park and ride is an established feature within the area having originally been granted planning permission in the 1990s and the current proposals would enhance the facilities that are provided at the park and ride.

- 16.2 In respect of the works to the access of the park and ride itself and the provision of electric vehicle charging points, policy COM8 of the local plan provides support and encouragement for the provision of community travel exchanges in urban and rural areas where they can provide safe access to the public highway including for large vehicles, where they have a space to accommodate sufficient parking and will support existing community facilities located in the area. Therefore, it is considered that the principle of the works to the car park itself to improve access are supported as they would support the ongoing provision of park and ride facilities in the town.
- 16.3 In consideration of the proposed new building the provision of facilities to support the park and ride in particular toilets for arriving visitors is considered to be broadly acceptable. Policy ECON5 does allow for proposals for new tourism facilities such as the cafe however it advises that development should where possible and practical be located within or close to established settlements or make use of existing or replacement buildings. Policy ECON4 of the local plan also seeks to direct retail and town centre uses, including cafe uses, towards town centre locations in the first instance and states that development likely to lead to a significant adverse impact on existing centres will be refused.
- 16.4 Lyme Regis is one of only five towns with a defined town centre within the plan area. The supporting text for policy ECON4 indicates that the defined town centres reflect the concentration of retail shops together with leisure, business and other town centre uses. Paragraph 4.4.5 of the supporting text states that in order to support the vitality and viability of existing centres, these should be the first priority when considering locations for new town centre uses, with a sequential approach being taken to their location.
- 16.5 Given that the proposed building is intended to support a park-and-ride facility which by its nature is appropriately located outside of the town, it is accepted that a strict application of the sequential test is perhaps not appropriate here and that the provision of some facilities for arriving visitors can be accepted. However, it is appropriate to consider the scale of the facility proposed. The park and ride is not the destination in itself but somewhere that arriving visitors would be expecting to wait a short period for a bus to complete their onward journey into Lyme Regis. The floor space of the proposed cafe building is relatively significant along with the extent of the facilities, including not only a kitchen but indoor and outdoor seating indicating an expectation that customers would stop for a more extended period, therefore placing the café into competition with town centre facilities. The café could potentially even become a destination in its own right, should it operate successfully and with a good reputation it could be a draw for local residents to visit the site without the intention of using the park and ride service, further competing with the existing provision of café establishments within the town centre and

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generating single purpose trips. Furthermore, the park and ride only operates for a limited number of days between March and October each year. The information submitted by the Town Council in support of the application indicates that it ran for 89 days in 2022 and 44 days in 2023. The intention for 2024 is that it operates for 86 days of the year. That is just over 12 weeks, so for the other 40 weeks of the year the site would not be operational and if the café/toilets were not open when the site wasn't operational for the vast majority of the year the building would be unused. Conversely if the café were to be operational when the park and ride service wasn't it would contribute to the argument that the café was taking likely custom away from the town centre as a result of single destination trips.

- 16.6 By comparison, the park and ride serving Weymouth does not have a cafe and further afield, more significant and permanent park and ride facilities serving larger cities, including Salisbury, Bath, Winchester and Oxford all operate without these kind of facilities that are proposed and at most have toilets and a kiosk.
- 16.7 The applicant has provided supporting information indicating that the provision of a cafe is important to justify the additional expenditure on the improvements to the car park facilities. However, the applicant has not provided a detailed breakdown of costs of those works nor have they indicated or provided evidence to show that the works to the car park are essential to allow it to continue to operate as a park and ride into the future. The site has been operating as a park and ride for approximately 30 years and none of the provided evidence indicates that the access arrangements are somehow deficient. While a supporting letter supplied by the applicant indicates that the failure to provide these changes would mean a continued poor services for visitors, the applicant's planning statement indicates at paragraph 1.3 that the site operates 'very satisfactorily'. Although there is reference to the site needing to close in very wet weather, the current proposals would not rectify that situation as, beyond the additional turning area and access point they do not propose any works to harden the parking areas which would remain as grass. While the proposed changes have been assessed by the highways authority as representing an improvement that does not mean that they are necessarily essential for the park and ride to continue operating or that the current arrangements unacceptable.
- 16.8 Supporting submissions from the applicant and Lyme Regis town council, which runs the park and ride have indicated concern that it may become difficult to secure bus companies to serve the park and ride without security which may be provided by the provision of the facilities. However, there is no certainty that the provision of these facilities would provide any greater confidence or commitment from bus operators. The planning statement indicates that the site has effectively run on rolling annual contracts. Evidence from the town council has indicated that they have referred to the provision of the facilities in the future when approaching bus companies and that various bus companies have expressed an interest in providing a service from this site. However, there is no confirmation or indication that the provision of the facilities and in particular the cafe facilities is essential for a bus operator to commit to providing a service to the site.

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- 16.9 The applicant has also noted the provision of tourist information through the proposals as a benefit of the scheme. The area identified for that purpose is relatively minimal, being the end of the corridor between the café and the toilets. The weight which this can be given in the planning balance is minimal. As well as being only a very small area, being in the park and ride, the information area would be seen by people who have already made the decision to visit Lyme Regis so would not represent a significant benefit.
- 16.10 The applicant has been advised of officers' concerns in respect of the size of the cafe building, initially in the withdrawn application where the building had been located further to the West. While the change to the location of the building to the north eastern corner of the site has addressed one of the concerns the overall size of the building has been reduced minimally by less than 12 square metres.
- 16.11 In light of the concerns in respect of the size of the building, which would place the facility in to competition with sequentially preferably located facilities within the town centre of Lyme Regis it is considered that the proposed cafe and toilet block is an overly large facility which would not represent sustainable development and which would be contrary to policies ECON 4 and ECON 5 of the West Dorset Weymouth and Portland local plan 2015.

Character appearance and impact upon the landscape

- 16.12 The site is located in a relatively prominent hilltop location within the Dorset national landscape (AONB). Within the national landscape policy ENV1 of the local plan indicates that the area's exceptional landscapes seascapes and geological interest will be protected taking into account the objectives of the Dorset AONB management plan. The policy goes on to state that development should be located and designed so that it does not detract from and where reasonable enhances the local landscape character and that appropriate measures will be required to moderate the adverse impacts of development on the landscape and seascape.
- 16.13 This application follows the withdrawal of a previous Application where the proposed cafe was located further to the West of the access to the park and ride. That scheme led to particular concerns in respect of the landscape impacts associated with the construction of a building in what would have been a particularly isolated location given that for a considerable period of the year during the winter months it would stand alone in the fields without the associated car parking from the park and ride (approximately 40 weeks).
- 16.14 Whereas the park and ride is a seasonal use of the land, meaning that the impacts do not persist into the winter months, the construction of the building would have a year round impact. Following officer's advice during the course of the previous application, the applicant has agreed to relocate the building further to the east of the site. Although this means that the building would be on higher ground, it means also that the building would not be in such an isolated position. It would sit closer to the boundaries of the field and when viewed from the west would be read against the backdrop of the housing development behind. It is therefore considered that the

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relocation of the building has overcome officer's particular concerns in respect of the landscape impacts arising from its location.

- 16.15 Although the proposed building would remain a permanent feature within the landscape as compared to the more temporary nature of the park and ride facility it is considered that the relocation of the building towards the northeastern corner of the site has, on balance, enabled the harmful landscape impacts of the building's siting to be largely mitigated.
- 16.16 However in addition to relocating the building and the minor reduction in its size, the applicant has also incorporated a number of other design changes. Notably these include the provision of a full width patio door on the building's southern elevation with glazing which extends to the full height of the gable. In comparison the withdrawn scheme provided a more modest French door with windows either side and a timber clad gable. The incorporation of the expansive glazing to the southern elevation of the building particularly in such an elevated position has potential to give rise to landscape impacts through glint and glare from the glazing and light spill were the building to be utilised in the evening. While use in the evening could potentially be controlled by condition to limit light spill, the reflectivity of glazing at other times would remain. Whereas the original design was relatively modest and functional, with small openings which had evidently been considered with a winter closure in mind the proposed changes are considered to result in a building of largely domestic character which would continue to be a prominent feature.
- 16.17 Therefore notwithstanding the improvements to the buildings impact that have been achieved through its relocation to the North East of the site these additional elements and changes to the design mean that it would still have a negative impact upon the special character of the national landscape contrary to policies ENV1 and ENV12 of the West Dorset Weymouth and Portland Local Plan 2015. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) also requires that public bodies must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty. In light of the concerns addressed above it is considered that the proposals would run counter to that purpose and therefore the duty incumbent upon the Local Planning Authority.

Highways and access

- 16.18 The proposal includes the formation of a new access onto the A3052, which is the main route into Lyme Regis from the West. This this would facilitate an in and out arrangement from the park and ride. The new access would not therefore increase the utilisation of the road but would separate incoming and outbound traffic. This arrangement has been reviewed by the local highway authority which considers that the change would represent an improvement in highways terms. The local highways authority therefore has no objection to the proposals subject to the imposition of conditions in respect of the surfacing of the access to prevent material being dragged onto the highway; preventing any gates opening outwards; the provision of the turning areas prior to the first use of the site and securing the in and out arrangements; and the provision of appropriate visibility splays.

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16.19 In view of the Highway Authority's position it is considered that, with the conditions recommended the proposals comply with policies COM7 and COM8 of the West Dorset Weymouth and Portland Local Plan.

Crime prevention

16.20 Comments have been received from Dorset Police crime prevention officer. Although not raising an objection to the proposals these comments do raise a concern that the proposed facilities could become the target for crime particularly as they would not be used for a significant portion of the year. It is considered that were the principle of the proposals acceptable in other regards such concerns could be overcome through focused amendments to the scheme to enable the provision of security measures which may be secured by appropriate planning conditions.

Biodiversity

16.21 The application has been accompanied by an Ecological Impact Appraisal and a Biodiversity Plan which sets out measures to address impacts on biodiversity as a result of the proposals. This includes the translocation of hedgerow which would be removed in order to form the second access, and 145m of new native hedgerow planting as well as the provision of bird and bat boxes on the proposed building. The biodiversity plan has been agreed by the Natural Environment Team and therefore, subject to an appropriate condition requiring the implementation of the biodiversity plan, it is considered that the proposal would appropriately provide for the protection and enhancement of biodiversity and would comply with Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan.

Amenity

16.22 While the proposal would result in the creation of a new access to the park and ride site it would not, of itself, result in an intensification of the site's use or the operational period, these matters being subject of other planning consents. Therefore, the impact of the proposals in terms of the utilisation of the park and ride would be neutral.

16.23 The new café and facilities building would result in some additional activity in the north eastern corner of the site, where there is currently none. However, the building would be set just under 30m from the nearest dwelling. There would be a considerable landscape buffer in between and the orientation of the building is such that the openings to the seating areas face away from the site. Environmental protection have not raised any concerns with the proposals. Therefore, in the context of the activities that already take place in association with the operation of the park and ride it is not considered that the proposals would result in harm to the amenity of nearby residents. The proposal is therefore considered to comply with policy ENV16 of the West Dorset Weymouth and Portland Local Plan

17.0 Conclusion

17.1 The proposal to alter the access arrangements to the park and ride and to provide electric vehicle charging are considered to be acceptable in principle. Although the provision of some additional visitor facilities is considered to be acceptable, the

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scale of the proposed building and its use is considered to be inappropriate for the location and would therefore conflict with development plan policies.

- 17.2 The size of the building and incorporation of expansive glazing to the south western elevation would result in a harmful impact upon the Dorset National Landscape.
- 17.2 While the changes to the access would be beneficial in highways terms it has not been shown that the existing arrangement is unacceptable or that the changes to the access are essential for the park and ride to continue. Similarly, the need for a café of the scale indicated has not been shown to be essential in order to allow the benefits which accrue from the park and ride to be secured. On this basis it is not considered that the benefits associated with the proposals are of sufficient weight to justify the grant of planning permission which has otherwise been assessed to conflict with the development plan and the NPPF.

18.0 Recommendation

Refuse for the following reasons:

1. Having regard to the scale of the proposed café and facilities building and its location outside of the town centre and defined development boundary of Lyme Regis, the building is an overly large facility which would fail to follow the sequential approach to the location of food and drink uses contrary to policy ECON4 of the local plan. In the absence of a sequential assessment of available sites, it has not been demonstrated that such a facility is essential or sequentially preferable in the location proposed. The provision of the café would adversely impact upon the vitality of the town centre and not provide opportunities for linked trips. The proposal does not therefore represent sustainable development and is contrary to policies INT1, SUS2 and ECON4 of the West Dorset, Weymouth and Portland Local Plan 2015 and section 7 of the National Planning Policy Framework (2023).
2. Having regard to the size of the proposed building, its elevated position and the use of extensive full height glazing on the south western elevation, the building would result in harm to the landscape and scenic beauty of the Dorset National Landscape, and would represent an overly domestic addition to an otherwise open rural field. The proposal is therefore contrary to policies ENV1 and ENV12 of the West Dorset Weymouth and Portland Local Plan 2015, paragraphs 135 and 182 of the National Planning Policy Framework (2023) and the statutory duty of the Countryside and Rights of Way Act 2000 to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

Informative Notes:

1. National Planning Policy Framework

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

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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 did not take the opportunity to enter into pre-application discussions.
- The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.
- The applicant and council have worked together to minimise the reasons for refusal.

2. The plans that were considered by the Council in making this decision are:

C2313.04 Highways Access Plan

C2313.01A Location Plan

C2313.02A Block Plan

C2313.03A Elevations and Floor Plans

C2313.05 Gate & EV charging details

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Application Number:	P/FUL/2023/07162
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Adjacent Round Hill Coppice Mythe Hill Quarry Entrance Mapperton To Junction Twinways Lane Melplash
Proposal:	Retain conversion of barn to residential use
Applicant name:	Mr & Mrs A Tolkovsky
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Alford

1.0 The application is being brought to committee at the request of the Service Manager for Development Management and Enforcement following a scheme of delegation consultation.

2.0 Summary of recommendation: Refuse for the reasons set out at the end of this report.

3.0 Reason for the recommendation:

- The site is located outside of any defined development boundary and is in an unsustainable location where new residential development is strictly controlled.
- Insufficient justification has been provided to demonstrate the essential need for a rural worker's dwelling.
- The building does not benefit from the allowances within policy for the conversion of rural buildings due to its age.
- The council is able to demonstrate in excess of 4 years' supply of land for housing and therefore relevant development plan policies must be given their full weight in decision making.
- There are no material considerations which justify departing from the development plan in this instance.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is remotely located outside of a defined development boundary and would not therefore represent a sustainable form of development. Insufficient justification has been provided for an agricultural worker's dwelling on the site.

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Scale, design, impact on landscape	The changes to the building to facilitate conversion to a dwelling have not resulted in a harmful impact on the landscape or the character of the area.
Amenity	The change of use does not result in harmful impacts on amenity and the building provides an acceptable standard of amenity for residents.
Highways and access	Subject to the imposition of conditions, the proposals do not have an unacceptable impact upon the highway.
Biodiversity	The proposals would not result in an unacceptable impact on protected species or habitats.

5.0 Description of Site

- 5.1 The site is an irregularly shaped parcel of land located approximately 1km to the north east of Melplash. The site comprises part of a complex of agricultural buildings. The site occupies a relatively elevated hillside position, with land levels falling away steeply to the east and west of the site and rising to the north. Areas to the north and east, within the ownership of the applicant have been planted as woodland.
- 5.2 The building to which this application relates is a timber framed barn with a simple pitched roof with gables to the north and south elevations and timber clad walls. The building stands on concrete pads with a void beneath the ground floor. The building was constructed under agricultural permitted development rights with the intention that it be used for the processing of timber arising on the applicant's land. It has since been converted for residential use with the insertion of a mezzanine sleeping area, a kitchen and a bathroom within a portioned area. The remainder of the building forms a large full height and open plan living space.
- 5.3 There is a modern portal steel frame industrial/agricultural building located immediately to the south. This is owned by the applicant and houses the applicant's joinery workshop with an open sided space used for the processing and storage of timber.
- 5.4 Aside from the buildings housing the applicant's business there are no buildings in the immediate vicinity, the closest buildings being within Melplash to the west of the site.

6.0 Description of Development

- 6.1 The application seeks retrospective planning consent for the change of use of a timber barn to residential use. The barn was constructed under agricultural permitted development rights, following a determination by the Local Planning Authority that prior approval for the building was not required. The change of use took place in January 2020.

7.0 Relevant Planning History

WD/D/15/002248 Decision: PNA Decision Date: 28/10/2015

Erect barn

P/PAP/2023/00378 Decision: RES Decision Date: 31/07/2023

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Following a visit from enforcement officer (Ref: 23:00143) we are seeking advice. (Advice given in respect of the continued occupation of the dwelling, as well as the use of employment buildings and a shepherd's hut).

- 7.1 In addition to the relevant planning application and prior approval records listed above, an enforcement notice was issued by The Council on 1 December 2023 in respect of the unauthorised use of the building as a dwelling. The notice requires the use of the building as a dwelling to cease and any paraphernalia used in connection with its use as a dwellinghouse to be removed from the land. The notice had been due to take effect on 31 December 2023 with the notice requiring compliance by 29 February 2024.
- 7.2 An appeal against that enforcement notice has been lodged. The appeal is made under grounds (A - that planning permission should be granted) and (G that the period for compliance with the notice is too short). The start date for the appeal was 15 February 2024. The Council's and appellant's statements are due by 28 March 2024 and final comments are due by 18 April 2024.

8.0 List of Constraints

Area of Outstanding Natural Beauty; Dorset

Land Outside DDBs;

Ancient Woodland: Ancient & Semi-Natural Woodland - Distance: 135.84

Ancient Woodland: HADBER/BARBRIDGE COPPICES; Ancient & Semi-Natural Woodland - Distance: 439.8

9.0 Consultations

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

Consultees

- 1. Highways** – Further to a site visit, a full assessment of the development proposal was made and no unacceptable impact on highway safety was identified. Hence, the Highway Authority has NO OBJECTION to the proposal subject to conditions in respect of the provision of turning/manoeuvring & parking, setting back of gates, and provision of visibility splays.
- 2. Dorset Waste Team** - Waste and recycling materials will have to be presented for collection on the adopted highway.
- 3. Eggardon Ward** – No Comments received.

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4. **Netherbury PC** - Councillors have viewed the application and have visited the site. Council recognises that, as a rural enterprise, the business should be supported. The site has experienced a number of thefts and councillors recognise that living on site acts as a deterrent. The business funds a project to plant and maintain woodland on the site. Councillors fully support the application.

5. **Dorset Wildlife Trust** – No comments received.

6. **Asset & Property** – No comments received.

Representations received

Total - Objections	Total - No Objections	Total - Comments
0	104	3

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Summary of comments of objections:

Although there were no comments received which were in outright objection to the proposal, the following points of concern were raised in comments received:

- The building should not be allowed to rise above its current height, as this would impinge on the skyline and landscape.
- The conversion or erection of buildings such as this creates a dangerous precedent which can easily be abused and the link with the business should be a firm condition.

Summary of comments of support:

Material planning considerations

- The building is low impact and has enhanced the site.
- The presence of the applicant on site is necessary for the survival of the business which is important for the local economy.
- Biodiversity enhancement that has taken place across the land.
- The NPPF encourages planning departments to engage with applicants in positive and creative ways and asserts that unless there are significant negatives then applications should be favourably considered.

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- Sustainability benefits of reducing the needs of the applicant to travel to and from work.
- There would not be a noticeable change to the character of the site if planning permission were to be granted.
- The planting of trees needs full time upkeep.
- The house and garden areas were essentially a 'brownfield' site before their transformation.
- The residence is essential to the functional requirements of the enterprise for the same reason that a farmer lives on their farm.
- The applicants have a coherent plan for the land of which this dwelling forms a part.
- Break-ins that the applicant has experienced at the site.
- Employment opportunities provided by the applicant.

Not material planning considerations

- Skills and abilities of the applicant as a craftsman.
- Contribution that the applicant makes through countryside management, tree planting and offering apprenticeships and community engagement.
- The applicant looks after livestock and grows food which is more effective when living on the site.
- The applicant provides support to other creatives.
- The applicant holds gatherings and workshops which have been a positive influence.
- The applicant is committed to sustainable practices and environmental stewardship.
- The proposal to tie the residence of the house to the business shows the authenticity of the applicant's intentions.

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.

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10.2 Amendments to the Clause 85 of the Countryside and Rights of Way Act 2000 (CROW) introduced via Clause 245 of the Levelling-Up and Regeneration Act (LURA) which came into force on 26 December 2023. The amendments require relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty”

11.0 Relevant Policies

Development Plan

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 13 - Achieving High Levels of Environmental Performance
- ENV15 - Efficient and Appropriate Use of Land
- ENV 16 - Amenity
- SUS2 - Distribution of development
- SUS3 - Adaptation and re-use of buildings outside defined development boundaries
- HOUS6 - Other residential development outside DDB's
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

Neighbourhood Plans

None relevant

Material Considerations

Emerging Local Plans:

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

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- 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).

11.3 **The Dorset Council Local Plan** Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

11.4 The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

National Planning Policy Framework

11.5 The National Planning Policy Framework, at paragraph 7, confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, which has three overarching principles:

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and
- c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, minimising waste and pollution, and mitigating and

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adapting to climate change, including moving to a low-carbon economy.

11.6 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.

11.7 Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-83 reflecting the requirement for development in rural areas.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful 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 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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'

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- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

All of Dorset:

- Dorset AONB Landscape Character Assessment
- Dorset AONB Management Plan 2019-2024
- Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Supplementary Planning Documents/Guidance For West Dorset Area:

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

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

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- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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. This application has not raised any matters of relevance under the public sector equalities duty.

14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
CIL contributions	Not confirmed

15.0 Environmental Implications

15.1 There are CO2 emissions associated with the occupation of the building and the day to day use of the site. While the applicant works on the site, the isolated nature of the site means that there would still be a significant reliance on private car transport to access services and shops as well as for others to visit the site.

16.0 Planning Assessment

Principle of development

- 16.1 The site is located in the open countryside, outside of any defined development boundary. The nearest settlement with a defined development boundary is Beaminster, approximately 3km north of the site. Policy SUS2 of the Local Plan indicates that, outside of defined development boundaries, development will be strictly controlled, having regard to the need for the protection of the countryside and environmental constraints. The policy sets out that development within rural areas will be restricted to certain specified forms of development. The only forms of residential development which are allowed under policy SUS2 are affordable housing; rural workers housing and open market housing through the re-use of existing rural buildings.
- 16.2 The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years’ worth of deliverable housing sites. The most recent statement of housing land supply for the local plan area for the period to April 2023 was published in November 2023 and confirms a housing supply of 5.28 years. Therefore, relevant policies for the supply of housing are considered up to date and may be afforded their full weight in decision making.
- 16.3 In respect of proposals for the re-use of existing rural buildings Policy SUS3 states that this will be permitted where the existing building is of permanent and substantial

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construction, makes a positive contribution to local character and would not need to be substantially rebuilt or extended; and their proposed form, bulk and design will make a positive contribution to the local character. The policy goes on to state that this will be supported where the proposed use is for essential rural workers dwellings, or open market housing where the building adjoins a defined development boundary or is within a settlement of 200+ population, with a requirement that the building was present in 2011.

- 16.4 In this case the building is of permanent and substantial construction and it is considered that the building makes a positive contribution to the overall character of the vicinity, given that it is constructed from timber, and despite being less than 10 years old does not have an overly functional appearance. Paragraph 83 of the National Planning Policy Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The site is in an isolated location away from established rural communities. This isolation, together with the fact that it was constructed after 2011 means that the site does not meet the criteria for the acceptability of a new open market dwelling under policy SUS3. Paragraph 84c of the National Planning Policy Framework identifies the reuse of redundant and disused buildings as a circumstance in which the creation of isolated dwellings may be supported. In this case however it has not been shown that the building met the criteria of being redundant or disused prior to being converted to a dwelling. Furthermore, it should be noted that as the site is located within the Dorset National Landscape (AONB), the building would not have benefitted from permitted development rights which exist for the conversion of agricultural buildings to dwellings, which exist in other areas.
- 16.5 Part of the justification that the applicant has put forward for the change of use is the requirement for an essential need for a rural workers' dwelling. Policy HOUS6 (Other residential development outside defined development boundaries) allows for new housing for rural workers, provided that it can be demonstrated that there is an essential need for a worker to live at or near their place of work. This is also reflected in paragraph 84a of the National Planning Policy Framework which lists the essential need for a rural worker as an exception to the principle that planning policies and decisions should avoid the development of isolated homes in the countryside. Paragraph 5.7.1 of the supporting text for the policy indicates that in considering proposals for rural workers' dwellings the Council will need to establish that the accommodation is essential to the functional requirements of the business, and that it will be necessary to establish that the business is financially sustainable in the long term.
- 16.6 The applicant argues that there is a need to live on site to provide security following a number of break-ins to the workshop on the site and due to the needs for the ongoing management of the woodland which has been created and which it is intended will provide timber for the joinery business. While policies SUS2, SUS3 and HOUS6 allows for dwellings for rural workers, they do require that the need for such a worker is fully demonstrated and that it be in service of an established rural enterprise.

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- 16.7 In spite of the arguments which have been advanced that there is an essential need for a dwelling to support the business this has not been supported by a full assessment of that need with regard to the financial sustainability of the business or the extent of activities which would justify a worker to live on site. Ordinarily, justification for a rural worker's dwelling would need to be accompanied by an appraisal of the business to demonstrate that the enterprise is of a sufficient scale that it supports at least one full time worker and secondly to consider the nature of the enterprise and the extent to which a rural worker's dwelling is justified by the specific needs of that business.
- 16.8 In this case the enterprise is understood from the applicant's descriptions to have essentially two elements. These are the woodworking business located in the buildings to the south of the application site and secondly the forestry activities within the wider land holding. While the desire to live on site to provide additional security to the woodworking business is understandable, that business is not one for which a rural location such as this is essential. The applicant has indicated that the business previously operated from the St Michael's trading estate in Bridport and the activities carried out within the buildings are entirely consistent with the range of uses which would be encountered on an industrial estate which might in turn provide added security.
- 16.9 While it is accepted that forestry is an activity which inherently requires a rural location, it is a relatively low-intensity activity, particularly compared to an activity such as dairy farming where the need for an on site rural worker is more immediately evident. In this instance no information has been provided to justify that this element of the enterprise is of a sufficient scale and with an essential need that justify a permanent rural worker's dwelling. In the absence of suitably detailed justification having regard to the extent of the rural enterprise it is therefore concluded that the proposal does not comprise sustainable development and is contrary to policies INT1, SUS2, SUS3 and HOUS6 of the West Dorset Weymouth and Portland Local Plan 2015.

Scale, design and impact on landscape

- 16.10 The overall building envelope is largely the same as has previously been approved through the prior approval procedure. The conversion of the building to residential use has resulted in the infilling of the southern end of the barn which had originally been designed to be open sided, and some changes to fenestration to provide a large picture window on the eastern elevation of the building and to provide domestic scale windows in other elevations and a front door in the western elevation. The picture windows are also set behind barn-style doors which reduce the extent of glazing visible.
- 16.11 These changes have added a level of domesticity to the building when compared to the original prior approval submission, although the pattern of openings still reflects the building's originally intended purpose. The external materials are simple timber cladding which has been left to weather naturally, and a profiled metal roof. The building therefore retains the appearance of a relatively modest rural structure whose impact upon the landscape and local character has not worsened as a result of the change of use. Therefore, it is concluded that the change of use does not result in a harmful impact upon the landscape and special character of the Dorset National

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Landscape, and which is appropriate in its design and character. The proposals are therefore concluded to comply with policies ENV1, ENV10 and ENV12 of the West Dorset Weymouth and Portland Local Plan in this regard.

Amenity

- 16.12 Given the site's isolated location without any immediate neighbours other than the business, which is owned and run by the applicant, the change of use does not result in any harmful impacts upon amenity by way of overlooking, overbearing or noise and disturbance. The building provides a relatively generous internal area and external amenity space and it is therefore considered that the proposal provides an appropriate level of amenity for residents. The proposal is therefore considered to comply with policies ENV12 and ENV16 of the West Dorset Weymouth and Portland Local Plan 2015, in this regard.

Highways and access

- 16.13 The site is accessed from an established access point off of the eastern side of Mapperton Lane, which has historically served the commercial buildings on the site. The proposal has been reviewed by the Highways Authority who have confirmed that, subject to appropriate conditions requiring the provision and retention of turning and parking space, setting back of access gates and provision and retention of visibility splays, the proposals do not result in a harmful impact upon the highway. The proposals therefore comply with policy COM7 and COM9 of the West Dorset Weymouth and Portland Local Plan 2015.

Biodiversity

- 16.14 The application is accompanied by a completed biodiversity checklist which confirms that the proposal does not impact on any habitats which would trigger the requirement for an ecological appraisal to be provided and that the buildings are of a nature which do not trigger the requirement for an ecological appraisal or biodiversity plan. In view of this it can be concluded that the proposal is unlikely to result in harmful impacts on protected species and habitats and that the proposal complies with policy ENV2 of the West Dorset Weymouth and Portland Local Plan 2015.

17.0 Conclusion

- 17.1 The site is remotely located in the open countryside outside of any Defined Development Boundary and is therefore in a location where new housing is not normally supported. Although the applicant has sought to justify the change of use in respect of the need to support the businesses which operate from the site, insufficient justification has been provided to demonstrate that there is an essential need for a worker to reside on the site, given that a significant portion of the use is a business use for which a rural location is not considered to be essential. The proposal is therefore considered to be contrary to policies INT1, SUS2, SUS3 and HOUS6 of the West Dorset Weymouth and Portland Local Plan 2015 and the NPPF (2023).

18.0 Recommendation

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Recommendation: Refuse for the following reason:

1. Having regard to the site's remote location in the open countryside outside of any defined development boundary and separate from the nearest settlement, the site is not a sustainable location for residential development, with the occupant(s) of the dwelling reliant on a car to access services and facilities. The justification provided in respect of the need for a rural worker's dwelling in this location is not sufficient as it has not been shown that there is an essential need for a worker to live at or near the site, that the rural enterprise of forestry is of sufficient scale to justify a full-time worker and that the business is financially sustainable. While the woodworking business on the site is not a use for which a rural location is essential. Therefore, the proposal is contrary to policies INT1, SUS2, SUS3 and HOUS6 of the adopted West Dorset Weymouth and Portland Local Plan 2015 and Paragraphs 83 and 84 of the National Planning Policy Framework (December 2023).

Informative Notes:

1. The plans that were considered by the Council in making this decision are:

23/150/01 Location and block plans

JH 11/23 Elevations, floor and roof plans

2. National Planning Policy Framework

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 was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

-The applicant and council have worked together to minimise the reasons for refusal.

3. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

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Application Number:	P/LBC/2024/00492
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=403032
Site address:	The Warwick Guest House, 9 The Esplanade, Weymouth DT4 8EB
Proposal:	Relocation of main electricity service line cut-out board by SSEN from lower ground floor to first floor of the property adjacent to already existing electricity board.
Applicant name:	Dr Vinod Gupta
Case Officer:	Nicola Yeates
Ward Member(s):	Cllr Orrell

- 1.0 This application has been brought to committee as the building to which the application relates is owned by Dorset Council.
- 2.0 **Summary of recommendation:** Grant subject to conditions.
- 3.0 **Reason for the recommendation:** as set out in paras 16.0 the proposal would not have a detrimental impact upon the Listed building, the setting of the neighbouring Listed buildings and the Conservation Area.
- 4.0 **Key planning issues**

Issue	Conclusion
Impact on Heritage Asset, Setting and Conservation Area.	No harm.

5.0 Description of Site

No.9 Esplanade, The Warwick Guest House, is Grade II* Listed, a group listing with No.7-12 known as Pulteney Buildings. No.9 is a mid-terrace 3 storey property with a lower ground floor and attic space. The front façade faces towards the beach and Weymouth Bay whilst the rear elevation faces Weymouth Harbour. Immediately to the rear of the property is a two storey gabled extension, a single storey lean-to store and a courtyard.

The properties within this terrace have architectural significance with Georgian architectural detailing. Furthermore, the properties have historic significance and as noted within the listing description, the terrace, in conjunction with the neighbouring Devonshire Buildings, provides a worthy starting group for the long Esplanade stretching to the north.

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The site is part of a prominent group of buildings located within the Weymouth Town Centre Conservation Area.

6.0 Description of Development

The proposal seeks to relocate the main SSEN electricity service line cut-out board from the lower ground floor to the first floor of the property adjacent to the already existing electricity board.

7.0 Relevant Planning History

97/00121/LBC - Decision: GRA - Decision Date: 13/05/1997

Partition and alteration to form en-suite bathroom accommodation, including external waste pipes and fan outlets.

93/00505/LBC - Decision: GRA - Decision Date: 11/01/1994

Rear Porch.

93/00504/FUL - Decision: GRA - Decision Date: 11/01/1994

Rear porch

95/00442/LBC - Decision: GRA - Decision Date: 11/04/1996

Rendering of rear elevations (No.1-11 Esplanade).

96/00110/LBC - Decision: GRA - Decision Date: 26/03/1996

Canopies over front doors and externally illuminated wall mounted advertisements (No.1-11 Esplanade).

96/00109/ADV - Decision: GRA - Decision Date: 26/03/1996

Externally illuminated wall mounted advertisements (No.1-11 Esplanade).

95/00488/LBC - Decision: GRA - Decision Date: 04/12/1995

ROOFLIGHT TO REAR ELEVATION.

94/00041/LBC - Decision: GRA - Decision Date: 09/02/1994

Ensuite facilities.

08/00461/LBC - Decision: GRA - Decision Date: 22/10/2008

New enlarged window to the south east elevation, reinstatement of window to north east elevation and internal alterations to first floor to create en-suite bathrooms.

11/00880/LBC - Decision: GRA - Decision Date: 21/11/2011

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Alterations to convert an existing bathroom to the second floor into two new en-suite shower rooms to the existing bedrooms and formation of a new opening in the existing wall through to one of the new en-suite shower rooms.

P/PAP/2022/00022 - Decision: RES - Decision Date: 09/03/2022

Proposed rear extension and roof terrace.

P/FUL/2022/01834 - Decision: REF - Decision Date: 28/07/2022

Demolish single storey rear extension and erect rear single storey extension with roof terrace and proposed front entrance to basement hotel.

P/LBC/2022/01835 - Decision: REF - Decision Date: 28/07/2022

Demolish single storey rear extension and erect rear single storey extension with roof terrace and proposed front entrance to basement hotel. Internal alterations includes walls to be removed, new stud work partitions and door openings with addition of external staircases leading down to the rear.

8.0 List of Constraints

Dorset Council Land (Freehold) Distance: 0

Grade II* Listed PULTENEY BUILDINGS (TERRACE), 7-12, ESPLANADE HE
Reference: 1145965 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

Within the Weymouth Town Centre Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

9.0 Consultations

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

Consultees

1. **Weymouth Town Council:** no objection.
2. **Melcombe Regis Ward:** no objection.
3. **Archaeology:** no comment received.
4. **DC - Asset & Property:** no comment received.

Representations received – None.

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10.0 Duties

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 of The Planning (Listed Buildings and Conservation Areas) Act 1990 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

West Dorset Weymouth and Portland Local Plan 2015

The following policies of the Local Plan are considered to be relevant:

- ENV4 - Heritage Assets

Neighbourhood Plans

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

Other Material Considerations

Supplementary Planning Documents/Guidance

- Weymouth Town Centre Conservation Appraisal (2012)

Emerging Local Plans:

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

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

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- 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).

National Planning Policy Framework

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

Relevant NPPF sections include:

- Section 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 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

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

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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 proposal will not impact on people with protected characteristics.

14.0 Financial benefits

None.

15.0 Environmental Implications

None.

16.0 Planning Assessment

Impact on Heritage Asset, Setting and Conservation Area

The existing SSEN service line and main electricity meters are currently located within the front room to the lower ground floor. As noted within the submitted Design and Access Statement this is considered an awkward location due to the arrangement of the rooms at this level. Furthermore, and as noted during my site visit, there is evidence of damp issues within this space which is considered to increase the risk of electrical short-circuiting issues.

The proposal seeks to relocate the main SSEN electricity service line cut-out board (meter and fuses) from the lower ground floor to the first floor of the property. There is an existing wooden panel high level cupboard located within the main entrance to the property which already houses the property fuseboard. The submitted documentation states that the new equipment will be concealed within this existing cupboard. This location is considered to provide better access to the services and removal from any potential damp interference.

It is understood that the service joint, located below ground level to the front of the property, is to be reinstated and a 50mm hole drilled through the front of the property

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at low level to allow cable access. Internally the new cable is to run along the internal wall of the front dining room at low level being concealed behind the existing skirting board.

The proposal does not see the loss of any historic fabric however caution must be taken when removing the existing skirting board. The proposal also includes an existing cupboard being utilised to house the relocated equipment rather than forming any new housing or boxing. It is therefore considered that the proposal would not be detrimental to the special architectural and historic interest and therefore would not result in harm to the significance of this listed building.

It is considered that as the proposed works are predominately internal, there would be no impact on the setting of the neighbouring Listed buildings nor the Conservation Area.

Having regard to all of the above it is considered therefore that the development accords with Policy ENV4 of the adopted local plan and the NPPF.

17.0 Conclusion

The development has been assessed with regard to the policies of the West Dorset, Weymouth & Portland Local Plan (2015), the NPPF (2021) and all other relevant material considerations. It has been concluded that the proposal would not be detrimental to the significance of the Grade II* Listed building, the setting of the neighbouring Listed buildings and the Weymouth Town Centre Conservation Area. In reaching this conclusion regard has been had to the duties under sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Recommendation: Grant listed building consent subject to the following conditions:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The works hereby permitted shall be carried out in accordance with the following approved plans:
PP-10374087v1 Location plan
FBS577 1 Detail Drawing- Scottish & Southern Electricity Networks

Reason: To preserve the architectural and historical qualities of the building.

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

Application Number:	P/FUL/2023/01319
Webpage:	https://planning.dorsetcouncil.gov.uk/
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
Applicant name:	Mr and Mrs Eric and Helen Benedict
Case Officer:	Katrina Trevett
Ward Member(s):	Cllr Roberts

1.0 Reason for Planning Committee Consideration

This application is being re-reported to planning committee following changes to material planning considerations since Members resolved to approve the development subject to planning conditions and a Section 106 legal agreement at the 19 October 2023 Western and Southern Area Planning Committee.

2.0 Background:

At the 19 October 2023 Western and Southern Area Planning Committee Members considered 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.

Members resolved that “authority be delegated to the Head of Planning and Service Manager for Development Management and Enforcement to grant planning permission 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).”

The October 2023 Committee Report is included at Appendix 2.

Since the 19 October 2023 planning committee the ‘Section 106 Agreement’ has been drafted but has not yet been sealed, given the changes to material considerations and the need to re-report the application to committee.

On 19 December 2023 the Department for Levelling Up, Housing and Communities published a revised version of the National Planning Policy Framework (NPPF). Associated 2022 Housing Delivery Test (HDT) figures and Planning Practice Guidance (PPG) has also been published and the statutory duty for areas of outstanding natural beauty (AONB) set out within the Countryside and Rights of Way Act 2000 has been amended.

Given these constitute revised material planning considerations, since it was resolved to grant planning permission, it has been necessary for officers to consider the implications of these revised material planning considerations on the applications and whether the Council can proceed to determination without re-reporting the applications to planning committee.

In deciding whether it is necessary to re-report the application to planning committee the council has considered the relevant test from case law which is whether the planning committee may reach a different decision on the application having regard to the revised material planning considerations.

This report therefore: identifies the revised material considerations; provides an officer opinion on the effect of the new material considerations; and invites Members to reconsider their resolution in light of the revised material considerations.

3.0 Assessment:

Appendix 1 identifies where the revised amended statutory duty related to AONBs affects the assessment and conclusions set out in the previous Committee Report.

4.0 Recommendation:

Members are requested to consider the revised material considerations and resolve whether they change the resolution of the 19 October 2023 Western and Southern Area Planning Committee to approve planning permission subject to planning conditions and a S106 legal agreement.

Appendix 1 – Consideration of revised material considerations

	Extract from Committee Report / Update Sheet	Officer Comments
<p>AONB (National Landscape)</p>	<p>The case officer has referenced the AONB impact on several occasions within the published committee report (appendix 2) and within the recommended reasons for refusal (pages 21 & 22 of the committee report) on the basis of ‘having regard to’ the purpose to conserve and enhance AONB’s.</p>	<p>Paragraphs 176-177 of the NPPF (when considered at the 19 October 2023 meeting) have been re-numbered as 182-183 in the NPPF December 2023. No change to wording.</p> <p>Amendments to Clause 85 of the Countryside and Rights of Way Act 2000 (CROW) introduced via Clause 245 of the Levelling-Up and Regeneration Act (LURA) came into force on 26 December 2023. The amendments require relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB.</p> <p>A briefing note produced by Dorset National Landscape in response to the amendments (attached at Appendix 3) advises “the reasoning behind this change is to create a more proactive duty. Whereas the former ‘duty of regard’ could be interpreted as simply allowing a public body to acknowledge that a National Landscape would be affected, the new duty is expected to encourage explanation of how any positive or negative effects have been appraised and apportioned weight when reaching a decision.</p> <p>The primary purpose of an AONB (National Landscape) is “to conserve and enhance natural beauty”, as initially established within the National Parks and Access to the Countryside Act, 1949. The briefing note draws attention to supplementary (non-statutory/secondary) purposes of the AONB designation were developed in the 1990s and are as follows:</p>

	<ul style="list-style-type: none"> □ In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of the local community. □ Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. □ Recreation is not an objective of designation, but the demand for recreation should be met in an AONB so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses. <p>The applicant has submitted an addendum statement in response to the amended duty, which can be viewed on the Council's website. In summary the applicant's view is that "the existing building is unattractive and if left without a purpose, will eventually fall into disrepair, and will become more of an eyesore, which in itself is considered to neither conserve nor enhance the AONB. As such, the sensitive renovation of the piggery can indeed be considered to enhance the AONB in both the short and long term."</p> <p>The application falls within the Dorset AONB (National Landscape) and the amended statutory duty therefore applies. Members need to consider if the application 'seeks to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'</p>
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Appendix 2 – Published committee report for the 19th October 2023

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Officer Report

Application Number:	P/FUL/2023/01319		
Webpage:	Planning application: P/FUL/2023/01319 - dorsetforyou.com (dorsetcouncil.gov.uk)		
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		
Applicant name:	Mr and Mrs Eric and Helen Benedict		
Case Officer:	Charlotte Loveridge		
Ward Member(s):	Cllr Roberts		
Publicity expiry date:	4 April 2023	Officer site visit date:	22 June 2023

1.0 Application being referred through Scheme of Delegation procedure due to Shipton Gorge Parish Council's support of the application being contrary to officer recommendation to Refuse.

2.0 Summary of recommendation:

Refuse planning permission.

3.0 Reason for the recommendation:

- The existing building is of little visual merit or quality and not considered to be worthy of retention in how it relates to local character as it is not a traditional vernacular stone farm building of the area or with any architectural or historical merit.
- The appearance of the proposed scheme would be so altered by increasing the roof height and the insertion of a considerable amount of fenestration that the result has little reference to it being a former agricultural building but reminiscent of a suburban park home dwelling.
- The proposal is considered to create harm to the character, special qualities, dark skies and natural beauty as well as the sense of tranquillity and remoteness of the Powerstock Hills landscape character area within the Dorset AONB.
- The location is not considered to be sustainable as the proposal is not sensitive to its surroundings in its design and general visual impact.
- There are no minor amendments that could be made within the scope of this application to make the proposal acceptable.

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4.0 Key planning issues

Issue	Conclusion
Principle of development	Policies SUS2, SUS3, ECON6 & ECON8 of the West Dorset, Weymouth & Portland Local Plan (2015) support the principle of adaptations and re-use of existing buildings outside defined development boundaries for tourism uses and as diversification of land-based rural businesses subject to being in keeping with the rural character.
Scale, design, impact on character and appearance	Policy SUS3 supports the adaptation and re-use of rural buildings <i>if</i> the existing building makes a positive contribution to local character and if their proposed form, bulk and design will make a positive contribution to the local character. ENV10 states that development should be informed by the character of the site and its surroundings whilst ENV12 requires the siting, alignment, design, scale, mass and materials to complement and respect the surroundings and be in harmony with the area as a whole. The proposed development is considered to be in conflict with these three policies.
Impact on amenity	There are no adverse impacts on neighbouring amenity so accords with ENV16.
Impact on landscape within the Dorset AONB and landscape character area	The proposed conversion is in an isolated position in the open countryside and is considered that its development would harm the character, special qualities and natural beauty as well as the sense of tranquillity and remoteness of the Dorset AONB contrary to policies ENV1 & ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraphs 176 to 178 of the NPPF (2021& 2023) & Dorset AONB Management Plan policies.
Impact on flooding of the site & surroundings	The first part of the access track off Bonscombe Lane lies within an area with a susceptibility to groundwater flooding and fluvial flooding. Considered acceptable if used as a holiday let.

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	As such the scheme complies with policy ENV5.
Impact on Biodiversity & Ecology	The approved BMP and Appropriate Assessment means the scheme complies with policy ENV2 of the West Dorset, Weymouth & Portland Local Plan (2015) and para. 180 of the NPPF (2021 & 2023).
Economic benefits	A limited addition to the rural economy, but contrary to para.84(c) of the NPPF.
Public Right of Way	The proposal would not make a positive contribution to the character of the countryside and would detract from the quality of views from the public right of way that passes to the south of the site.
Access and Parking	The site can accommodate adequate access and car parking and there are no highway objections to accord with COM9.

5.0 Description of Site

- The disused piggery building is located in an isolated position over 300metres south west of Bonscombe Farmhouse.
- The site would be accessed from Bonscombe Lane and then by following a trackway (yet to be constructed) in a south westerly direction along the edge of the fields to reach the building.
- The existing building has a footprint of about 107m², and is just under 20m long.
- It is constructed of concrete blockwork with a concrete render with an cement (possibly asbestos) fibre sheet roofing.
- The building sits on a level area of ground where the land gently slopes away to the north east out to an open vista with views towards Eggardon Hill 3.4miles away.
- There are areas of concrete hardstanding away from the north east elevation where there was previously another structure (still there in Sept 2020 aerials, gone by July 2021 & 2023).
- The site is surrounded by agricultural land.
- There are mature field hedgerows along the south western and south eastern boundaries of the site, and partially on the north east and north eastern boundaries which also has post and pig-net fencing along some of it.
- There are a number of mature trees on and around the site.
- Within 100m to the north is a tree covered area at the foot of Bonscombe Hill which has strip lynchets running along it.
- The edge of development in Shipton Gorge is 500m to the east ('Rockway').

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- The closest public right of way is approached from Burbitt Lane which departs the main village road of Shipton Road in a westerly direction. The W15/23 footpath then takes you in a north westerly direction diagonally across the field to the south of the piggery building where the roof of the building can be seen above the hedgeline. The open views looking south easterly from this footpath are over Shipton Gorge and the surrounding hills.
- The site lies within the Powerstock Hills landscape character area, which is described as having one of the most distinctive and intimate landforms of the AONB landscape. It has a unique pattern of small conical hills with wooded sides that surround a branching network of deep, intimate river valleys. Along the valleys floor, dense hedgerows and small-scale irregular pastures add to the intimate quality. The complex network of narrow incised winding lanes is a real feature of this tranquil landscape. The area has an undeveloped character with impressive views from largely open hill tops. There is a gentle transition to the surrounding hills with a marked contrast to the more flat and open character of the Brit Valley further west.
- The area has retained its strong undeveloped rural character, with associated characteristics of tranquillity, remoteness and dark nights skies.

6.0 Description of Development

The proposal is to convert the disused rural building into a holiday let with an added entrance porch, 2 double-bedrooms with en-suites, a kitchen/dining/living area with bifold doors out to a terraced area on the rear (south western) elevation. There would also be a gravel driveway, 2 parking spaces and a private waste treatment plant installed in the proposed garden area on the south western side of the building with soakaways for surface water.

7.0 Relevant Planning History

1/W/03/001633 - Decision: GRA - Decision Date: 25/05/2004
Change of use from storage/annex building to 1No unit of holiday accommodation

1/D/10/000701 - Decision: REF - Decision Date: 12/07/2010
Two storey extension

1/D/10/001651 - Decision: GRA - Decision Date: 12/11/2010
Single & two storey extension to dwelling. Change of use from agricultural land to residential garden

1/D/10/001918 - Decision: GRA - Decision Date: 21/12/2010
Certificate of lawfulness of land as residential garden associated with the dwelling known as Bonscombe Farm

1/D/11/000951 - Decision: GRA - Decision Date: 28/07/2011
Single and two storey extension & alterations to dwelling. Change of use from agricultural land to residential garden

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WD/D/18/002815 - Decision: RES - Decision Date: 14/12/2018
Pre- application consultation - Change of use and conversion of an agricultural barn to a holiday let unit. *(there is no record of a written response of the advice given)*

WD/D/20/002856 - Decision: RES - Decision Date: 15/12/2020
Erection of Agricultural building and construction of farm track. *(the prescribed 28 day period for determination passed before a response was issued so works as set out and described can commence)*

8.0 List of Constraints

ENV 1; Area of Outstanding Natural Beauty; Dorset - Distance: 0

SUS 2; Land Outside DDBs; NULL - Distance: 0

Shipton Gorge CP - Distance: 0

PROW - Right of Way; Bridleway W15/24; - Distance: 45.34

EA - JBA - Risk of Groundwater Emergence; Groundwater levels are between 0.025m and 0.5m below the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. There is the possibility of groundwater emerging at the surface locally.; - Distance: 0

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

Higher Potential ecological network - Distance: 0

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 2483.5

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

Minerals and Waste Safeguarding Area - ID: 6827; - Distance: 0

Minerals and Waste - Building Stone - Name: 783; - Distance: 0

Radon: Class: 3 - 5% - Distance: 0

9.0 Consultations

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

Consultees

1. DC - Rights of Way Officer

No response received.

2. DC - Highways

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No objection subject to a turning/manoeuvring and parking construction condition.

3. DC - Minerals & Waste Policy

The safeguarded mineral underlying the site is expected to be Inferior Oolite. The Mineral Planning Authority accepts that, although the mineral is safeguarded, we can confirm that in this case the mineral safeguarding requirement is waived and no objection will be raised to this proposal on mineral safeguarding grounds.

4. DC - Dorset Waste Team

No response received.

5. P - Bothenhampton and Walditch Parish Council

No comment (parish boundary within 100m)

6. DC - Economic Development and Tourism

No response received.

7. W - Chesil Bank Ward

No response received.

8. DC - Building Control West Team

No response received.

9. P - Shipton Gorge PC

ALL councillors responded and supported this application. This application is fully supported by Shipton Gorge Parish Council. Turning a derelict farm building into a holiday let will have minimal impact on the environs of the village. The present building cannot be seen from either the foot path or from other sites in the village. In addition, it will give employment and support businesses in the local area.

10. Dorset Wildlife Trust

No response received.

11. Ramblers Association

No response received.

12. Natural England

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No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

Your appropriate assessment concludes that your authority can ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question by compliance in line with the named mitigation measures. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Representations received

Total - Objections	Total - No Objections	Total - Comments
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.

Section 85 of the Countryside and Rights of Way Act (2000) requires that regard is had to the purpose of conserving and enhancing the natural beauty of the AONB.

11.0 Relevant Policies

Development Plan 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
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 16 - Amenity
- SUS2 - Distribution of development
- SUS3 - Adaptation and re-use of buildings outside defined development boundaries
- ECON6 - Built tourist accommodation
- ECON8 - Diversification of land-based rural businesses
- HOUS6 - Other residential development outside

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- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

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.

Emerging Neighbourhood Plans

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.

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- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-80 reflecting the requirement for development in rural areas.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

National Planning Practice Guidance

Supplementary Planning Document/Guidance

All of Dorset:

Dorset AONB Landscape Character Assessment (*Powerstock Hills*)

Dorset AONB Management Plan 2019-2024 (*Policies C1, C2, C4*)

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WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset) (*Powerstock Hills para. 18.5 – Detrimental features: visual impact of agricultural buildings*)

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.

Having regard to the information provided in the current application, as well as policy Construction of the proposed conversion would be subject to Building Control legislation which sets standards for the design and construction of buildings addressing various matters including accessibility and which help ensure that new buildings are safe, healthy and high-performing.

Officers have not identified any specific impacts arising from the development on those persons with protected characteristics.

14.0 Financial benefits

Material considerations:

Employment created during the construction phase

Small element of employment created through servicing of holiday let

Revenue to the rural economy

Holiday makers support of local businesses

Non material considerations:

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CIL contributions
Business rates

15.0 Environmental Implications

The proposal will contribute to additional CO₂ emissions from the conversion and use of the building. The only realistic way to access the building will be by motor vehicle.

16.0 Planning Assessment

Principle of development & planning history

Planning history

The owners of Bonscombe Farm bought this additional area of land adjoining their existing land a few years ago. They have previously carried out the conversion of a traditional stone built storage/annex building at the main house complex into a unit of holiday accommodation under a 2003 planning application. This is now known as 'The Wheelhouse'.

The land is in agricultural use (approx. 10ha/23ac which is split between sheep grazing and apple farming). The proposed conversion of the redundant piggery building is intended to directly support that established use.

A 2020 prior approval notification for an agricultural building was submitted under WD/D/20/002856 for the erection of an agricultural building and construction of a farm track. The proposed agricultural building would be 10m x 8m, 5m to the eaves and 6.5m to the ridge and constructed of dark green sheet metal. It would be located on the existing concrete hardstanding areas 28m north east of the proposed piggery conversion. The trackway (compacted gravel) and agricultural storage building have not yet been constructed. It has been mentioned that if they are able to convert the piggery building to a holiday let then they would look to put the storage barn somewhere else so that it doesn't spoil the view from the holiday let.

Pre-application advice

A pre-application consultation was submitted under WD/D/18/002815 for "*Change of use and conversion of an agricultural barn to a holiday let unit.*" This was to assess the possibility of converting the piggery building. It is unfortunate that no written record of the response was issued; and having asked the officer that dealt with the application if they recall what their response was, they advised that they were enthused about a positive outcome subject to normal policy considerations and that if it were being promoted as a farm diversification project then it would need to be tied via a S106 legal agreement to the wider farm holding. They did also comment on viewing the plans that they were expecting it to be more visually improved than has been applied for.

It is also noted that the pre-application consultation site visit was in March 2019 which was 4 years ago, during which time some policies and guidance have

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changed. Pre-application advice is caveated that it is based on current legislation, planning policy and guidance available at that time and given without prejudice to any future application.

Therefore only limited weight can be given to the anecdotal pre-application advice given.

Principle of development

Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) supports the principle of development outside of defined development boundaries for farm diversification including tourism related development but states:

iii) "development will be strictly controlled, having particular regard to the need for protection of the countryside and environmental constraints."

Policy SUS3 of the West Dorset, Weymouth & Portland Local Plan (2015) supports the principle of the adaptation and re-use of rural buildings outside defined development boundaries. The first part of SUS3 at i) states that the adaptation and re-use of buildings will be permitted where *"the existing building is of permanent and substantial construction, makes a positive contribution to the local character, and would not need to be substantially rebuilt or extended; and their proposed form, bulk and design will make a positive contribution to the local character;"*

The SUS3 supporting text also says *"It is however important to consider whether the building is worthy of retention (in terms of its structure and how it contributes to local character), the impact on the surroundings that may arise from the changes necessary to enable the re-use..."* It is considered in this instance, that the building is not worthy of retention. It is a building of around 50 years old (it isn't shown on the 1937-1961 OS maps) made of concrete blockwork with a cement render and a cement fibre sheeting roof. The build is utilitarian but certainly not of a high quality although it is acknowledged that a structural support has been submitted that states *"...the structure is more than capable for habitable conversion."*

It is noted that the planning statement submitted says that the building would *"...not need substantially rebuilding or extended."* It is proposed from the plans that the ridge height would be increased by 0.65m; the majority of the width of the existing building is 4.9m whereas it is wider at 5.5m on the north western end due to some blockwork additions. The proposed plans show that the entire width of the converted building would be 5.5m which means that the majority of the north western walls would be removed and moved out by 0.6m. A nearly 3m wide opening would be made in the north east elevation to insert the largely glazed porch. Two double and two single nearly full length window openings would also be added on this elevation. On the rear (south western) elevation there would be a window either end to service the en-suites, then two sets of patio doors – one for each bedroom; with a large 6.15m opening in the middle for two sets of triple bi-fold glazed doors.

Given there would be a new (and higher) roof, a new wall on the north western elevation, multiple openings for lots of glazing it starts to become a rebuild rather than a conversion given that there would not be much original fabric of the building

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left. There is an appeal decision APP/W3520/W/17/3188380 (Mid Suffolk District Council) for the proposed change of use of an agricultural building to a dwellinghouse and for associated operational development; whilst that proposal is assessing if a proposal is permitted development under Class Q of the GPDO it still remains relevant as the Inspector concludes *“Consequently, very little of the existing building would be utilised and I consider this to go beyond a conversion and would be considered reasonably necessary for the building starting afresh, with only a modest amount of help from the original agricultural building.”*

The building has little visual merit, and it is a disused agricultural building that is of its age and typical in a rural scene and by that virtue sits relatively innocuously with the vegetation growing up around it with ivy going up the walls as it gets subsumed into the landscape. It is not of visual merit but neither is it of visual harm currently and like many rural buildings and by virtue of its limited height, scale and lack of utilities, sits unobtrusively without detriment to the peace, tranquillity and natural beauty of the fields that surround it. It is not a traditional stone built barn in the local vernacular that is characterful and worthy of retaining as making a positive contribution to the landscape or with any historical or architectural merit or neither is it of such harm to the AONB that it merits replacement to restore the AONB. As such the proposal is contrary to policy SUS3 i) given that policy states in its opening line that in order to achieve support, the building has to make a positive contribution to local character but as mentioned, it does not other than being so low profile that it has no effect at all currently.

With regards to SUS3 ii), the supporting text for this policy states that *“The re-use of buildings for open market housing and built tourist accommodation will be supported in and adjoining established settlements with a population of 200+....as these tend to have some local facilities.....Outside these locations an exception may be made where a building adjoins existing serviced residential buildings (such as a farmhouse) and can be tied to the wider holding/main property.”* Shipton Gorge is a settlement with a population of 200+, and the holiday let could be tied to the wider holding.

However, the proposal is some distance from the main part of the village, which itself has few services or facilities other than the New Inn pub. The site is separated from the village by fields, and can be accessed only by narrow, undulating and enclosed country lanes (or footpaths) without lighting. There is no reason to doubt that the area forms part of the wider community of Shipton Gorge, but despite this, the site would generally be distant and far away from other places, buildings and people. It is therefore considered that the site's location would be isolated.

Whilst SUS3 ii) only needs to be applied if SUS3 i) has been met (which it hasn't), for completeness it is laid out below to show that SUS3 ii) will support development if it is for one of the following:

- employment; - **Not applied for,**
- community uses, where the buildings are accessible and immediately proximate to the community served; - **Not applied for and would not meet the criteria,**

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- affordable housing, where the proposal is capable of meeting an identified, current, local need which cannot otherwise be met; - **Not applied for,**
- essential rural workers' dwellings' - **Not applied for,**
- open market housing or built tourist accommodation adjoining a settlement with a defined development boundary, or within or adjoining an established settlement of more than 200 population. In all cases only where the building/s was in existing in 2011; - **Considered to be too isolated to be adjoining an established settlement of more than 200 population,**
- open market housing or built tourist accommodation where the building adjoins an existing serviced residential building, and will be tied to the wider holding/main property where the building/s was in existence in 2011; - **Whilst the building could be tied to the wider holding, it does not adjoin an existing serviced residential building,**
- other tourism uses, where there is a justifiable need for a rural location; - **Not applied for,**
- or, where the building is a designated heritage asset and none of the above are possible, the optimal viable use to secure its long term future. - **Not applicable as not a designated heritage asset.**

The proposal would therefore conflict with Policy SUS3, and the Development Plan, read as a whole. The site is isolated and that the proposal would not enhance the setting of the building.

Whilst it can be considered that paragraph 80 of the NPPF (2023) now supersedes policy SUS3 of the adopted local plan, in relation to the criteria of paragraph 80:

80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; - **Not applied for.**

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; - **Not applicable.**

c) the development would re-use redundant or disused buildings and enhance its immediate setting; - **It will re-use a redundant/disused building but not enhance its setting given the low & inconspicuous nature of the existing building and how it will morph ultimately into something more visual with greater impact.**

d) the development would involve the subdivision of an existing residential building; or – **Not applied for.**

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. – **The design is not considered to visually enhance the site but nevertheless the entire 'conversion/rebuild' is not sensitive to the dark skies AONB and visually isolated location within the Landscape.**

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As such, paragraph 80 of the NPPF (2023) is also not complied with, with impact to the AONB discussed further herein.

Policy ECON6 of the West Dorset, Weymouth & Portland Local Plan (2015) supports the principle of built tourist accommodation through the re-use of an existing building. ECON6 i) states that new built tourist accommodation will be supported:

- Within an established settlement of more than 200 population; - **It is not within an established settlement of more than 200 population, but isolated from it**
- Through the re-use of an existing building; - **It would be the re-use of an existing building**
- Through the replacement, intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation and site. – **The proposal would not improve the quality and appearance of the accommodation and site.**

ECON6 ii) and iii) do not need to be applied as they relate to larger hotel/guesthouse developments.

The supporting text for ECON6 states *“Permanent built tourist accommodation is likely to be occupied all year round. If allowed in locations away from existing settlements this could lead to a significant level of development in open countryside, weakening patterns of sustainable development. There may be cases where built holiday accommodation may be justified in a more rural location, for example through the conversion of existing buildings.”* But importantly it does also say that *“...provided there is no significant harm and development would be consistent with the other policies of this plan.”* The re-use of an existing building is supported where it would improve the quality and appearance of the accommodation and site. The proposal is not considered to comply with ECON6 with further consideration of impact on AONB further herein.

Policy ECON8 of the West Dorset, Weymouth & Portland Local Plan (2015) supports the principle of diversification of land-based rural businesses through the re-use of existing buildings, but this is *“...provided they are in keeping with the rural character.”* The proposal is considered to fail to comply with this policy as it is not considered to be in keeping with the rural character of the area and will harm the natural beauty of the AONB again discussed further herein. As the scheme is being recommended for refusal, the applicant has not been pursued on details of the farm holding or securing a S106 to tie the new accommodation to the farming enterprise.

As such, there is no established in-principle policy support for this scheme for the reasons stated. Therefore, it fails policies SUS2, SUS3, ECON6 & ECON8 of the West Dorset, Weymouth & Portland Local Plan (2015) and Paragraph 80 of the NPPF (2023).

Scale, design, impact on character and appearance and visual amenity

Given the existing disused building's current utilitarian appearance and relatively poor quality, it provides no meaningful contribution to the visual amenity of its countryside location and the wider AONB and is not worthy of retention. The

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proposed conversion and extensions would create a non-descript building, alien to its surroundings that would not make a positive contribution to local character but would relate better to a cul-de-sac or beachside type development.

A recent appeal decision APP/D1265/W/22/3300903 for the Old Milking Barn at Bettiscombe was dismissed in November 2022. The Inspector notes *“The appeal building is in gently sloping and attractive countryside reflective of its AONB designation. The existing block and render building is single storey, with a mono-pitch roof and a small footprint. It has a utilitarian form that is clearly identifiable as having once been in agricultural use. A utilitarian appearance is not unusual for buildings in the countryside, but its form does not make a positive contribution to the character and appearance of the area.”*

The Inspector continues: *“Moreover, the proposal would have the appearance of a modest wooden holiday chalet. As such, this design would have little relationship with that of its previous agricultural use, and nor would it particularly reflect the design of buildings nearby. As a result, the domestic nature of its chalet form would appear out of place with the rural appearance of the area.”* Whilst the proposal for that scheme was not wholly the same as for this one, it is relevant and comparable because of the existing block and render build style and the resulting absence of a relationship of its previous agricultural use as is the proposal with the piggery building.

Policy ENV12 requires that:

i) Development will achieve a high quality of sustainable and inclusive design. It will only be permitted where it complies with national technical standards and where the siting, alignment, design, scale, mass, and materials used complements and respects the character of the surrounding area or would actively improve legibility or reinforce the sense of place. This means that:

- The general design should be in harmony with the adjoining buildings and the area as a whole;*
- The position of the building on its site should relate positively to adjoining buildings, routes, open areas, rivers, streams and other features that contribute to the character of the area;*
- The quality of the architecture is appropriate to the type of building with particular regard to its architectural elegance, symmetry and rhythm, and richness of detail;*
- Materials are sympathetic to the natural and built surroundings and where practical sourced locally;*
- Any alterations to or extensions of buildings should be well related to, and not overpower, the original building or neighbouring properties, unless they achieve significant visual enhancement to both the building and surrounding area;*

Para.130 of the NPPF (2021 & 2023) requires that developments *“will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;”* The design and appearance of the proposed conversion and extension is such that it will not add to the overall quality of the area over its lifetime as it is not sympathetic to local character and history including the built environment and landscape setting.

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Para.134 of the Framework states that *“development that is not well designed should be refused.”*

A physical curtilage definition will further ‘suburbanise’ the proposal given the inevitable paraphernalia associated with domestic occupation of parked vehicles, washing lines, play equipment, garden furniture etc along with an incongruent gravel driveway to the front which will all have an impact on the appearance and not enhance the character of the open countryside.

The proposals would not contribute positively to the maintenance and enhancement of local identity and distinctiveness, and nor are they informed by the character of the site and its surroundings. The incongruous design and external appearance of the unsympathetic proposals to the simple agricultural character of the building would be unacceptable and would fail to satisfy the high-quality design standards advocated by the National Planning Policy Framework.

Impact on neighbouring amenity

The isolated location means there are no neighbouring properties to impact, so it accords with policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

Impact on landscape within the Dorset AONB and landscape character area

NPPF paragraph 176 sets out that ‘great weight’ should be given to conserving *and* enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, ‘which have the highest status of protection in relation to these issues’.

The site lies within an area identified as being of high landscape value to which Policy ENV1 of the local plan applies. This requires development not to detract from the area’s special character and to pay particular attention to its landscape qualities. The area is one of enclosed fields, with isolated agricultural buildings, such as the building subject of this application, being characteristic of the rural landscape.

The building is separated physically and visually from the nearest surrounding properties, and as such is relatively inaccessible. The building falls alone within an open, level field. It is a lone building without surrounding contextual development. The landscape here is principally characterised by a patchwork of good-sized fields and undulating hills. As with the piggery building, fields tend to be bounded by hedgerows. Combined with the broadly level topography, that lends the area a characteristic sense of openness and tranquillity. There are often expansive views across fields to distant hills and wooded horizons, notably north eastwards to Eggardon Hill, and east to Shipton Hill. Conversely there are distant views into the site from these prominent areas.

Buildings serving functional requirements of agriculture, are accorded some flexibility in statute. Rural buildings such as this are therefore consistent with landscape character. That is not so true of isolated dwellings. The proposal would result in a more residential appearance to what is presently a barn of essentially functional

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design. In particular the feature of extensive glazing and leaving no real indication of its previous use as an agricultural building.

Domestic use of a building, as opposed to agricultural use, is also highly likely to result in greater illumination. In combination with the design of the proposal, that would draw attention to the proposal and its incongruity in the landscape at certain times.

The remoteness and dark night skies are one of the features of the Powerstock Hills landscape character area. By introducing a residential dwelling in an area of undulating open countryside it is foreseeable that the occupation of the site during hours of darkness will result in a much more conspicuous feature than is presently the case, both from the lighting within the building itself and vehicle headlights across open fields using the access track to get to and from the development.

As such it would perceptibility change the undeveloped character of the countryside, particularly during hours of darkness, when lighting from within the property would introduce a new feature within the presently unlit site, at a good distance from the nearest buildings and developments spilling light. Whilst this could be controlled to some extent by condition for external lighting, once occupied light pollution from the holiday unit could not be eradicated. This was similarly put forward as part of a refusal for the conversion of an agricultural building at Summer Dairy, Catherston Leweston under P/FUL/2022/04456.

At present the piggery building is consistent with a rural aesthetic and in keeping with its rural surroundings. The proposal would result in a very domestic and suburban appearance to the building, which would not be mitigated to an appropriate extent. The fact that the building may largely be well screened does not make this development in the countryside any more acceptable.

The scale of change will also be viewed and perceptible from public right of way W15/23 in terms of the increased scale of the building and associated noise aspects from holiday accommodation (car doors, cars etc. manoeuvring, music, chatter, outdoor activities) in complete contrast to the relative peace of the site currently. At the time of the site visit, the footpath was well trodden and several dogwalkers were passed in that short space of time, so it appears to be a well used public right of way. The tranquillity when accessing this public right of way will be diminished again not preserving or enhancing the natural beauty of the AONB.

Furthermore, the purpose of landscaping is not to conceal a harmful development; this is an argument that can be used too often, leading to cumulative erosion of the landscape quality of the AONB and protected landscapes. The proposals do not conserve or enhance the character and natural beauty of the AONB, and this is regardless of whether it can easily be seen from public rights of way or not. Views both into and out of the AONB landscape are relevant in terms of the visual effect of any development.

The public staying at the holiday let would be viewing the building within the context of the wider AONB landscape. So whether or not it can be seen by the public or

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there is visual harm, does not necessarily mean that it can be regarded as not being harmful to the intrinsic character of the countryside.

The proposal also generates notable conflict with the following Dorset AONB Management Plan policies:

- Policy C1a: “Support development that conserves and enhances the AONB, ensuring sensitive siting and design respects local character. Development that does not conserve and enhance the AONB will only be supported if it is necessary and in the public interest. Major development decisions need to include detailed consideration of relevant exceptional circumstances.”
- Policy C4a: “Remove existing and avoid creating new features which are detrimental to landscape character, tranquillity, and the AONB’s special qualities.”
- Policy C4c: “Protect and where possible enhance the quality of views into, within and out of the AONB.”

The AONB’s Management Plan also provides the following policies that are relevant to the balancing exercise:

- Policy C2d: “The key test of a proposal against the statutory purpose of the AONB will be its ability to demonstrate that the proposed change would conserve and enhance landscape and scenic beauty.”
- Policy C2e: “The conservation and enhancement of the AONB’s special qualities will be a significant consideration in the planning balance.”
- Policy C2f: “Proposals that are harmful to the character and appearance of the area will not be permitted unless there are benefits that clearly outweigh the significant protection afforded to the conservation and enhancement of the AONB. Where impacts cannot be mitigated, planning gain and compensatory measures will be considered.”

Therefore, none of the considerations are sufficient to outweigh the harm that the development would cause to the character and natural beauty of the area of exceptional landscape quality AONB and the proposal nonetheless conflicts with the relevant provisions of policy ENV1 & ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015) and NPPF (2023) paragraph 176.

Impact on flooding of the site & surroundings

The first 100m or so of the access track leading off Bonscombe Lane lies within an area with a susceptibility to groundwater flooding. A consultation with the council’s Flood Risk Management team concluded that this was considered acceptable if used as a holiday let. However, if it were to be used for permanent residential use then this would need to be reconsidered. As such the scheme complies with policy ENV5 of the West Dorset, Weymouth & Portland Local Plan (2015).

Impact on Biodiversity & Ecology

The Natural Environment team has issued a Certificate of Approval for the Biodiversity Mitigation Plan which includes mitigation measures which would have to be carried out. This included the provision of two house sparrow nest boxes and one

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swift brick on the building and the provision of a log wall with planting on top, 6 new trees to be planted and a financial contribution for off-site compensation.

An Appropriate Assessment was undertaken by Dorset Council as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6(3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. It was concluded that, discounting any mitigation, the application will have a likely significant effect on Chesil and the Fleet European wildlife sites (including RAMSAR sites). Natural England have provided a series of measures which they consider likely to provide the mitigation necessary to avoid unacceptable impacts upon the Chesil and the Fleet European Site; and the funding to deliver this is taken from Dorset Council's CIL pot.

As such, the scheme complies with policy ENV2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the NPPF (2021 & 2023).

Economic benefits

The proposal would provide short-term economic benefits during the construction. Longer term it would provide limited economic benefits both to the existing farm business and wider local economy including some employment to service the holiday let; and tourists supporting businesses in the local economy.

Whilst the NPPF, NPPG and Local Plan all encourage farm diversification and tourism use, the potential economic benefits of the proposals are limited and do not outweigh the harm that would be caused to the quality and character of the Dorset AONB by allowing the creation of the holiday unit contrary to relevant policies of the Development Plan.

Public Right of Way

Although the applicant and parish council contends that there would be no adverse impact on the character of the local landscape, due to its well contained location within the site curtilage and hedgerow lined setting, the raised roofline of a domestic building as proposed would not make a positive contribution to the character of the countryside and as such would detract from the quality of views from the public right of way that passes in the field to the south of the site.

As already mentioned, it is considered that the tranquillity perceived by users of the public right of way currently will be diminished by this scheme given the increased visual scale of the building, the changes to noise and use of the site and the impact from lights and noise further into evenings.

Therefore, whilst the public right of way is not physically altered or impacted, users of the public right of way and its clear rural tranquillity at this stretch of W15/23 is impacted considerably.

Access and Parking

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Access to the proposed holiday let will be achieved by way of the new farm track permitted by way of the prior approval notification WD/D20/002856 for the purposes of accessing the new agricultural storage building for farm equipment and apples under the same notification (both yet to be constructed).

The site can accommodate adequate access and car parking and there are no highway objections, subject to a condition for turning/manoeuvring and parking construction.

17.0 Conclusion

Local Plan policies and paragraph 80 of the NPPF (2021 & 2023) provide generic support for the re-use of rural buildings. However, this is subject to various provisions which the proposal does not meet. A careful balance has to be struck in only allowing development within unsustainable areas if it meets the criteria for being of benefit which in this case, it does not.

Due to the sensitivity of the site and its unsuitability as a location for a dwelling the proposals do not accord with local plan policies and the Dorset AONB Management which seek to conserve or enhance the Dorset AONB, the protection of which is afforded great weight in Section 15 of the NPPF.

Whilst the proposal would provide limited economic benefits to the wider farm holding and the local economy these do not outweigh the harm that it would cause to the quality and character of the AONB.

As the agent has pointed out in correspondence in the course of the application, *“Local planning authorities should approach decisions on proposed development in a positive and creative way....Decision makers at every level should seek to approve applications for sustainable development where possible.”* However, as it currently exists the building is of poor quality but it does not look out of place in its setting and in the planning balance, the limited benefits that the new holiday unit would provide to the wider farm holding and the local economy are not considered to outweigh the harm to the quality and character of the AONB.

18.0 Recommendation

REFUSE for the following reason(s):

The existing building proposed to be converted is visually poor and likely to continue to fall into disrepair; however, its impact is currently mitigated by its understated utilitarian design with no windows, limited scale/low height and degree of blending in with the soft landscape that screens some of it (and would screen should it degrade further). It is considered that the existing building is not worthy of retention and whilst there are doubts that this is realistically a conversion and not more like a new build, the proposed conversion scheme would also be out of keeping in its isolated rural setting. The general design is not in harmony with the tranquil rural area as a whole and the quality of the architecture is not appropriate to the building as it will not retain any legibility of its previous use as an agricultural building but will instead introduce an incongruous standard suburban element to the open countryside by virtue of its basic design/bungalow appearance more appropriate to a cul-de-sac or

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beachside location and extent of glazing. The overall effect and design of the proposed development would detract from and cause harm to the character, special qualities and natural beauty of the Powerstock Hills landscape character area within the Dorset Area of Outstanding Natural Beauty.

Furthermore, there will be additional harm to both the AONB & peaceful amenity to users of the adjacent public right of way from both the visual physical changes to the building (increased height, spread of light within dark skies AONB) but also the new use of the site (car doors, music, manoeuvring, voices etc.). There will also be an increase in cars/deliveries etc. crossing open fields (and at night with headlights) to get to the visually isolated building which also spreads the degree of harm in allowing this barn to become a dwelling in relation to AONB impact and dark skies.

As such, the proposed conversion of the agricultural building is considered to cause intrinsic and unjustified landscape and visual harm to the character of the Powerstock Hills landscape character area and the Dorset Area of Outstanding Natural Beauty, resulting in the introduction of inappropriate development within a sensitive location as well as an erosion of the sense of tranquillity and remoteness contrary to amenity within the AONB policies ENV1 & ENV10 of the West Dorset Weymouth & Portland Local Plan (2015) and Para 176 of the NPPF (2021 & 2023) which states that great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The special circumstances listed in para.80 of the NPPF required to justify the proposed development do not exist to outweigh the harm which does not conserve and enhance the AONB which is contrary to policies SUS2, SUS3, ENV1, ENV10, ENV12, ECON6 & ECON8 of the West Dorset, Weymouth and Portland Local Plan (2015); Sections 5, 6, 12 & 15 (in particular paras.80, 84, 130 & 176-178) of the National Planning Policy Framework (2021& 2023); and policies C1a, C2d, C2e, C2f, C4a & C4c of the Dorset AONB Management Plan 2019-2024.



South western elevation – as existing

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South eastern elevation – as existing



North eastern elevation – as existing



North western elevation – as existing

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Briefing Note for 'relevant authorities' on new duty 'to seek to further the purpose' of National Landscapes and supplementary guidance on when to consult the Dorset National Landscape Team

N.B. in November 2023 Areas of Outstanding Natural Beauty (AONBs) were rebranded as National Landscapes, although the legal AONB status remains.

This briefing note is intended to support decision makers, particularly within the Development Management process. Dorset National Landscape Team is a non-statutory consultee, hosted by Dorset Council. The team is partly funded by Dorset Council and also receives funding from DEFRA. The Team employs one member of staff to review and respond to planning issues, this being the Landscape Planning Officer. Due to the relatively large area of the Dorset National Landscape, the team is not resourced to comment on a significant volume of consultations. As a result, the focus is on larger developments, generally those classified as 'major'. For smaller applications it may be necessary for the planning officer to exercise judgement in relation to the landscape and visual impacts of a proposal. In doing so, there are two key resources published by the National Landscape Team that can be referred to, these being the Landscape Character Assessment (LCA) and Management Plan (details of these are provided later in this briefing).

The Levelling Up and Regeneration Act (LURA) introduced a notable change for National Landscapes, which became effective from 26th December 2023. This relates to the responsibilities of any 'relevant authority', as referred to by the Countryside and Rights of Way (CRoW) Act 2000, when discharging a function that affects a National Landscape. Relevant authorities include all levels of government, from town/parish councils up through district/county/unitary councils, to government agencies and ministers. Statutory undertakers are also covered by this duty.

The amendment, which only affects England, is as follows:

Countryside and Rights of Way (CRoW) Act 2000, Section 85 - General duty of public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

The 'seek to further' duty replaces the previous requirement for relevant authorities to 'have regard' to the purpose of a National Landscape, this being the wording with the CRoW Act Section 85 when it was enacted in 2000. It is understood that the reasoning behind this change is to create a more proactive duty. Whereas the former 'duty of regard' could be interpreted as simply allowing a public body to acknowledge that a National Landscape would be affected, the new duty is expected to encourage explanation of how any positive or negative effects have been appraised and apportioned weight when reaching a decision. Overall, the proposed change is expected to help relevant authorities to explore actions, adaptations and/or mitigation that seek to conserve and enhance natural beauty.

The amended duty references the primary purpose of an AONB (National Landscape), which is "to conserve and enhance natural beauty", as initially established within the National Parks and Access to the Countryside Act, 1949. Supplementary (non-statutory/secondary) purposes of the AONB designation were developed in the 1990s and are as follows:

- In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of the local community.
- Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.
- Recreation is not an objective of designation, but the demand for recreation should be met in an AONB so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

In implementing the amendment to the CRoW Act, the government has not yet provided additional resources to either ‘relevant authorities’ or to National Landscape Teams. Furthermore, at this juncture, there are no specific guidelines that have been produced to support implementation. It is understood that Regulations and/or Guidance are being developed and it is hoped that, when published, these will be informative. In the interim period, the National Landscape Team are available to act as a non-statutory consultee to the planning authorities with duties affecting Dorset National Landscape. However, due to our resources, we can normally only provide detailed comments on major applications. Therefore, proposals of the following nature should not be consulted upon automatically:

- Developments proposing fewer than 10 homes
- Householder applications
- Replacement dwellings
- Small scale renewable energy proposals
- Previously undeveloped (greenfield) sites with a site area of less than 0.5 ha
- Brownfield sites with a site area of less than 1 ha
- New structures, such as barns or commercial/industrial units, with internal floorspace less than 1000m²
- Vertical structures with a height of less than 20m (e.g. smaller scale masts and turbines)

Where a development falls below these thresholds and a decision is to be made without input from Dorset National Landscape Team, the following resources are available to assist the decision maker fulfil the CRoW Act (2000) Section 85 duty:

- The Dorset National Landscape Character Assessment (LCA) - <https://dorset-nl.org.uk/resources/landscape-character-assessment/>. This document divides the National Landscape into discrete character areas, describing the key characteristics that makes each of these unique. A set of planning and management guidelines are also provided for each area. N.B. The map is interactive and allows the user to ‘click through’ to the relevant chapter within the LCA.
- Dorset National Landscape Management Plan - https://dorset-nl.org.uk/wp-content/uploads/2019/04/DAONB_Managementplan.pdf. In particular, Section 9.3 contains a range of objectives and policies that are designed to support planning decisions. The document is a material consideration. Furthermore, the Management Plan describes the following Special Qualities of Dorset National Landscape, these being aspects of the landscape that are particularly important to the designation and are therefore likely to warrant particular consideration:

Special Quality	Comprising
Contrast and diversity – a microcosm of England’s finest landscapes	<ul style="list-style-type: none"> • A collection of fine landscapes • Striking sequences of beautiful countryside that are unique in Britain • Uninterrupted panoramic views to appreciate the complex pattern and textures of the surrounding landscapes

	<ul style="list-style-type: none"> • Numerous individual landmarks • Tranquillity and remoteness • Dark night skies • Undeveloped rural character
Wildlife of national and international significance	
A living textbook and historical record of rural England	<ul style="list-style-type: none"> • An exceptional undeveloped coastline • A rich historic and built heritage
A rich legacy of cultural associations	

Policy C1.a. of the National Landscape Management Plan (which was published in 2019 and therefore refers to the designation using its former 'AONB' title), states that we should: "Support development that conserves and enhances the AONB, ensuring sensitive siting and design respects local character. Development that does not conserve and enhance the AONB will only be supported if it is necessary and in the public interest. Major development decisions need to include detailed consideration of relevant exceptional circumstances." This policy provides an opportunity for development that exhibits appropriate siting and design to potentially be accepted as conserving and enhancing the National Landscape. Furthermore, an opportunity is provided for uncharacteristic or discordant development to be accepted where there are strong counterbalancing considerations, specifically encompassing public interest grounds. For larger cases, these arguments will require detailed analysis, as per the provisions of the NPPF paragraph 183 major development test. However, whether such a test is required or not, those proposals that present some adverse implications for the character and appearance of the National Landscape are likely to require mitigation of some form. This may relate to primary design considerations, such as the siting, scale and form of a development. Secondary mitigation considerations, such as a materials and landscaping, may also be important.

Planners are encouraged to draw upon wider policies within the National Landscape Management Plan, some of which refer to specific types of development, such as farm diversification and affordable housing. The Plan also provides the following general policies that are relevant to the balancing exercise and are intended to augment the provisions within NPPF paragraph 182, where it is stated that "Great weight should be given to conserving and enhancing landscape and scenic beauty" in nationally designated landscapes:

- Policy C2d: "The key test of a proposal against the statutory purpose of the AONB will be its ability to demonstrate that the proposed change would conserve and enhance landscape and scenic beauty."
- Policy C2e: "The conservation and enhancement of the AONB's special qualities will be a significant consideration in the planning balance."
- Policy C2f: "Proposals that are harmful to the character and appearance of the area will not be permitted unless there are benefits that clearly outweigh the significant protection afforded to the conservation and enhancement of the AONB. Where impacts cannot be mitigated, planning gain and compensatory measures will be considered."

In cases which fall beneath the consultation thresholds, the National Landscape Team's Landscape Planning Officer can be approached for guidance, such on the interpretation of our published materials and/or informal appraisal of design proposals.

*Briefing ends
January 2024*

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Application Number:	P/FUL/2023/04091
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Dower House Parnham House Parnham Beaminster DT8 3LZ
Proposal:	Erection new dwelling. Construct swimming pool and pool plant house. Alterations and extensions to Dower House to provide enhanced internal accommodation; part demolition including existing boiler room, utility room, conservatory, garage, walling, structures within courtyard and detached outbuilding. Reinstatement of carriageway, gates and piers and boundary enclosure; erection of bike stores.
Applicant name:	Mr James Perkins
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr Knox

1.0 Reason application is going to committee:

This application is being re-reported to planning committee following Section 106 negotiations with the applicant and proposed revisions by the applicant to the Section 106 heads of terms and conditions following Members resolution to approve the development subject to planning conditions and a Section 106 legal agreement at the 8 February 2024 Western and Southern Area Planning Committee.

2.0 Recommendation

Refuse planning permission for the following reasons:

1. In the absence of a Section 106 Agreement linking the holiday-let with Parnham House and/or other approved holiday accommodation within the Estate, the proposal would not result in the intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation contrary to the West Dorset, Weymouth and Portland Local Plan (2015) Policy ECON6.

3.0 Background

3.1 At the 8 February 2024 Western and Southern Area Planning Committee Members considered that less than substantial harm to the setting of Parnham House, the Dower House and the Registered Park and Gardens was outweighed by the public benefits (economic) of the construction of one unit of holiday accommodation.

3.2 Members resolved to grant planning permission against officer recommendation subject to planning conditions and the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the tying of the proposed holiday-let to Parnham House so that it cannot be sold off separately.

3.3 As noted in the Committee Report to the 8 February Meeting (Appendix 1), and discussed at the Planning Committee meeting, the tying of the proposed holiday-let to Parnham House so that it cannot be sold off separately was considered necessary to ensure compliance with Policy ECON6. The resolved approach would have been consistent with earlier planning approvals for the River Lodges (P/FUL/2021/05299), Orchard Rooms (P/FUL/2021/05746), Marquee and Car Park (P/FUL/2021/02707) which were also considered by Members of the Western and Southern Area Planning Committee.

3.4 Since the Planning Committee, officers have sought to progress the Section 106 Agreement with the applicant and the council's legal advisors issued a draft for the applicant's review.

3.5 The applicant has provided the below response advising that they are unable to agree to the resolved linkage of the holiday-let with Parnham House due to funding reasons:

"Whilst our client is very pleased that the committee is supportive of the proposed development, the Dower House and adjoining land sits on a different legal title (see attached) to the main Parnham House title. Whilst it is possible to tie different land titles together as part of section 106 legal agreements (as was the case with the car park) and as per the committee resolution, in this particular case, our client would not be able to raise the necessary funds from a bank or other financial institution to implement the Dower House permission if it is tied to the Parnham House title. This is because of the condition of Parnham House itself. Unlike the Dower House, the implementation of the car park did not require a mortgage.

We would therefore like the committee to consider an alternative package of measures to ensure that any planning permission granted is capable of being implemented and contribute to the wider plans for the future of the site. Having discussed your email with [the applicant] and reviewed the Lear Associates Historic Parkland Restoration Plan for Parnham Park which dates from May 2003, our clients would be willing to enter into a s106 agreement / unilateral undertaking and/or accept planning conditions which:

- 1. ties the Mirrored Dower House [proposed holiday-let] to the existing Dower House and remaining title so that the new holiday let cannot be sold off separately from that building;*
- 2. commits to undertaking landscape management and maintenance within the title plan, including the tree lined avenue, to ensure the development would improve the quality and appearance of the site and part of the Estate (in line with part of Policy ECON6). With reference to the Lear Associates Report, such works could include limited reshaping of the yew trees to return the sense of an ornamental feature, inspection of all Beech trees in the avenue and remedial action taken as advised and removal of dangerous Beech trees and their replanting; and*
- 3. commits to restoring the gates, piers and carriageway leading to Parnham House before occupation of the Mirrored Dower House.*

The land title in question is quite small in area, so the measures that our client can commit to are consequently quite limited. However, we are open to other suggestions if you or your colleagues have any."

3.6 The following sections of this report reassess compliance with the Development Plan in light of the applicant's inability to enter into a legal agreement in the form resolved and assess the proposed alternatives proposed by the applicant, making a recommendation based on the revised proposal.

3.7 Given the limited nature of the changes no further public consultation has been carried out on the application.

4.0 Assessment

Principle of development

4.1 The principle of alteration and extension of the Dower House remains acceptable as set out within the February Committee Report (Appendix 1).

4.2 The February Committee Report concluded that the principle of the erection of a new dwelling with a holiday-let restriction would be acceptable under Local Plan Policies SUS2 and ECON6 by virtue of the proposed holiday-let intensifying existing/approved tourist accommodation and improving the quality and appearance of the accommodation and site. A Section 106 Agreement tying the proposed holiday-let to Parnham House so that it cannot be sold off separately was considered necessary to make the development acceptable in principle in line with earlier planning approvals which linked the River Lodges (P/FUL/2021/05299), Orchard Rooms (P/FUL/2021/05746), Marquee and Car Park (P/FUL/2021/02707) with Parnham House.

4.3 As explained above, the applicant has confirmed he is unable to enter into the Section 106 Agreement due to funding reasons. Whilst funding is not a material planning consideration in this instance (i.e. the proposal is not enabling development), there are policy implications of not securing a link between the proposed holiday-let and Parnham House.

4.4 Without the link, the proposed holiday-let could be sold off separately to Parnham House and other accommodation on the site and operated independently without any financial or operational link with other holiday accommodation. This conflicts with Policy ECON6 and makes the proposed holiday-let unacceptable in principle.

4.5 Since the applicant confirmed he was unable to enter into a Section 106 Agreement in the form resolved, officers have negotiated with the applicant in an effort to reduce policy conflict. Of relevance to the principle of development, the applicant has confirmed he would be willing to enter into a Section 106 Agreement with the following heads of terms:

1. Landscape management and maintenance within the title plan, including the tree lined avenue, to ensure the development would improve the quality and appearance of the site and part of the Estate (in line with part of Policy ECON6).
2. Tying the proposed holiday-let to the existing Dower House and remaining title so that it cannot be sold off separately from the Dower House and associated title.

4.6 The above proposed heads of terms would reduce the conflict with Policy ECON6 as explained below.

Landscape management and maintenance

4.7 In respect of landscaping, the title associated with the application site includes the Dower House, site of the proposed holiday-let and entrance from the A3066 leading towards Parnham House (Sauer Avenue).

4.8 The applicant has referred to the Historic Parkland Restoration Plan for Parnham Park prepared by Lear Associates in May 2003. The report was funded by the Countryside Stewardship Scheme. It considers the historical development of the parkland at Parnham, addresses the condition of the park and identifies opportunities for management. In respect of land within the title of the application site, recommended works to the beech trees lining Sauer Avenue (between Parnham House and the Dower House) comprise a small amount of felling and replanting to maintain scale and remove dangerous trees. The underplanted yew trees are noted to not be sufficiently close to form a hedge and are noted to be multi stems, indicating they have all been treated as a uniform landscape feature. The report observes that they were probably intended as a topiary effect.

4.9 The proposed reshaping of yew trees to return the sense of an ornamental feature and tree works to the beech trees would align with the historic recommendations of the Lear Associates report. Removal of dangerous trees represents good arboricultural practice that might ordinarily be expected to take place. As the avenue falls outside of the application site boundary, it would be necessary to secure landscape management and maintenance within the title via a Section 106 Agreement. Given the blanket tree protection order (TPO) of trees within the registered parks and gardens (RPG) tree works would require separate consent.

4.10 Coupled with the proposals to restore the main entrance, the proposal for landscape management and maintenance within the title would secure compliance with part of Policy ECON6 by ensuring the development would improve the quality and appearance of the site.

4.11 The proposal to tie the proposed holiday-let to the existing Dower House and remaining title so that it cannot be sold off separately from the Dower House and associated title would not result in the development intensifying existing/approved holiday accommodation or improving the quality and appearance of the existing/approved accommodation. This is because the permitted use of the Dower House is a C3 dwellinghouse and not a holiday-let (albeit there is no planning restriction on renting the Dower House for holiday purposes providing the use of the accommodation would not amount to a material change of use).

4.12 In negotiations with the applicant officers have sought for the proposed holiday-let to be linked with other approved holiday accommodation within the Estate (i.e. the River Lodges and Orchard Rooms). However, the applicant has advised that such a link also isn't possible due to funding reasons.

4.13 Accordingly, in the absence of a Section 106 Agreement linking the proposed holiday-let with other holiday accommodation the development is not acceptable in principle under Policy ECON6.

4.14 The proposed Section 106 heads of terms would nevertheless reduce policy conflict and ensure that the proposed holiday-let could only be sold with the Dower House and other land within its title. This would not comply with Policy ECON6, but would provide some, limited, assurances that it may be unlikely for the Estate to be fragmented in the future due to the clear intention of the current owner's submitted Business Plan that land within the title would form the main entrance for emerging

proposals for a hospitality venture. However, ownership and intentions could change in the future and given this would not be secured it is not afforded any weight in the planning balance.

Heritage

4.15 Whilst the Committee Report to the 8 February 2024 Committee recommended refusal on heritage grounds, Members concluded that less than substantial harm to the setting of Parnham House (Grade I), the Dower House (Grade II) and the Registered Park and Gardens (Grade II*) was outweighed by the public benefits (economic) of the construction of one unit of holiday accommodation.

4.16 The revised proposal affects the heritage assessment of the proposal which was outlined in the February Committee Report as follows:

Risk of fragmentation of the Estate

4.17 The report noted that the potential fragmentation of the Estate through the selling off of the proposed holiday-let and Dower House was raised as a concern by Historic England.

4.18 As explained above, without a link between the application site and Parnham House the Estate could be fragmented in different ownerships (as it was in the past) albeit land within the title of the Dower House would need to be retained in the same ownership.

Heritage benefit of financial support to the ongoing maintenance of the Estate and the restoration of Parnham House

4.19 Notwithstanding the fact that the proposed development (nor earlier approvals for holiday accommodation at the estate) does not constitute enabling development, the February Committee Report identified a limited heritage benefit of the development providing financial support to the ongoing maintenance of the Estate and the restoration of Parnham House.

4.20 The revised Section 106 heads of terms offered by the applicant would ensure some (unquantified) financial support to a small part of the land within the Estate (i.e. the title) through landscape management and maintenance. If the proposal is considered acceptable to Members, it is recommended that landscape maintenance and management is secured in perpetuity and that the detailed scope of landscape maintenance and management is agreed in consultation with the council's landscape and tree officers. This would ensure the associated landscaping benefits and ongoing maintenance of part of the Estate.

4.21 In the absence of a link between the proposed holiday-let and Parnham House the development would not provide any guarantee that the proposed holiday-let would provide financial support for the restoration of Parnham House or the wider Estate, including the majority of the registered parks and gardens. As noted within the February Committee Report, the applicant has not justified or quantified the level of financial support that could be derived from the holiday-let for supporting the ongoing maintenance of the Estate and restoration of Parnham House. As currently proposed, the Dower House, holiday-let and other land within the associated title could be sold off and operated independently of any future holiday accommodation within the wider Estate.

4.22 Whilst the revised Section 106 heads of terms would ensure financial support to land within the title (through landscape management) there would be no guarantee of financial support to the restoration of Parnham House and the wider Estate and registered parks and gardens and financial support could not be enforced. The heritage benefit associated with financial support to the ongoing maintenance of the Estate and the restoration of Parnham House is therefore reduced to very limited weight in the heritage balance compared to the limited weight afforded in the February Committee Report given the reduced scope of any enforceable benefits to land within the title only.

Heritage benefit of reinstating the historic driveway and restoring the entrance and gates

4.23 Within the February Committee Report, officers identified that the reinstatement of the entrance, gates and driveway would provide heritage benefit by enhancing the status and prominence of the eastern entrance commensurate with its historic use when it was used to access Parnham House (Para. 16.43).

4.24 The enhanced entrance was previously approved in December 2021 under P/FUL/2021/0420 and planning condition 10 required details to be submitted and approved. The condition did not secure the timing of implementing the works. A similar condition was drafted and agreed with the Chair following the February Committee (see Appendix 2).

4.25 Following the February Planning Committee, the applicant has committed to restoring the gates, piers and carriageway leading to Parnham House before occupation of the holiday-let. This would ensure the heritage benefits associated with these works are delivered in a timely manner, before the holiday-let is occupied. Additional landscape management and maintenance within the title is also proposed. The enhanced heritage benefits therefore carries greater weight in the heritage balance than it did previously.

Heritage balance

4.26 Overall, officers consider that the proposed revised Section 106 heads of terms and commitment to restoring the historic driveway and gates would have a neutral effect on the heritage balance previously considered to be acceptable by Members.

AONB

4.27 The February Committee Report concluded that given the relatively limited scale of development within the Dorset AONB (National Landscape), the development is not considered to harm the special qualities of the Dorset AONB (National Landscape) and accords with Policy ENV1.

4.28 The Committee Report did not expressly consider the December 2023 amendments to the Clause 85 of the Countryside and Rights of Way Act 2000 (CROW). The amendments require relevant authorities (including Local Planning Authorities) to *“seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty”* (rather than *“have regard to...”*) in relation to land in an AONB.

4.29 The site is considered to play a limited role in supporting the special qualities of the AONB and contributing to its natural beauty. Given the relatively limited scale of development within the Dorset AONB there are limited opportunities to seek to further the purposes of enhancing the natural beauty of the AONB. Nevertheless, the

landscape management and maintenance within the site would conserve and enhance the natural beauty of the AONB in accordance with the revised statutory duty.

5.0 Conclusion and recommendation

4.30 The February Committee Report recommended refusal on heritage grounds and matters of principle due to the absence of a Section 106 Agreement linking the holiday-let with the Parnham Estate.

4.31 Members considered that less than substantial harm to the setting of Parnham House, the Dower House and the Registered Park and Gardens was outweighed by the public benefits (economic) of the construction of one unit of holiday accommodation. Members resolved to grant planning permission subject to planning conditions and the completion of a legal agreement under Section 106 to secure the tying of the proposed holiday let to Parnham House so that it cannot be sold off separately.

4.32 This report has assessed the implications of the applicants' inability to enter into a Section 106 agreement in the form resolved by Members and the proposed commitments by the applicant:

1. Landscape management and maintenance within the title plan, including the tree lined avenue, to ensure the development would improve the quality and appearance of the site and part of the Estate (in line with part of Policy ECON6);
2. Tying the proposed holiday-let to the existing Dower House and remaining title so that it cannot be sold off separately from the Dower House and associated title; and
3. Committing to restoring the gates, piers and carriageway leading to Parnham House before occupation of the proposed holiday-let.

4.33 The above commitments are considered to have a neutral effect on the heritage balance previously considered by Members.

4.34 The inability of the applicant to secure a legal tie between the proposed holiday-let and Parnham House and/or other approved accommodation within the Estate so that they cannot be sold off separately introduces policy conflict with Policy ECON6.

4.35 Accordingly, officers recommend that planning permission is refused for the following reasons:

1. In the absence of a Section 106 Agreement linking the holiday-let with Parnham House and/or other approved holiday accommodation within the Estate, the proposal would not result in the intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation contrary to the West Dorset, Weymouth and Portland Local Plan (2015) Policy ECON6.

Appendix 1 – February 2024 Committee Report

Appendix 2 – Planning Conditions agreed with the Chair post-Planning Committee

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

241392-PUR-04-00-DR-A-1000 P03 Site location plan

241392-PUR-04-GF-DR-A-2110 P03 Proposed Ground Floor plan - Dower House extension

241392-PUR-04-01-DR-A-2111 P02 Proposed First Floor plan Dower House extension

241392-PUR-04-RF-DR-A-2112 P02 Proposed Roof Plan Dower House extension

241392-PUR-04-ZZ-DR-A-2210 P03 Proposed Elevations Dower House extension

241392-PUR-04-00-DR-A-2000 P03 Proposed Site Location plan

241392-PUR-04-00-DR-A-2001 P03 Proposed Site Block plan

241392-PUR-04-RF-DR-A-2002 P03 Proposed wider Roof plan - New Dower Houses

241392-PUR-04-GF-DR-A-2100 P03 Proposed Ground Floor plan - Mirrored Dower House

241392-PUR-04-01-DR-A-2101 P03 Proposed First Floor plan Dower House

241392-PUR-04-RF-DR-A-2102 P03 Proposed Roof plan - New Dower Houses

241392-PUR-04-ZZ-DR-A-2200 P03 Proposed North & East Elevations New Dower House

241392-PUR-04-ZZ-DR-A-2201 P03 Proposed South & West Elevations New Dower House

241392-PUR-04-ZZ-DR-A-2202 P03 Proposed East & West site Elevations Dower Houses

241392-PUR-04-ZZ-DR-A-2300 P01 Proposed Pool House Floor & elevations

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

2. The development to which this permission relates must be begun not later than 14 February 2026.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended). The reduced time limit aligns with the latest implementation date of other built tourist accommodation at

Parnham Park (i.e. P/FUL/2021/05746) and is required to ensure the development intensifies and improves accommodation at Parnham Park in accordance with West Dorset, Weymouth and Portland Local Plan (2015) Policy ECON6.

3. The new dwelling hereby approved and shown on approved drawing 241392-PUR-04-00-DR-A-2001 Rev P3 shall be occupied for holiday purposes only; shall not be occupied as a person's sole, or main place of residence; and the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of dwelling and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: To ensure that approved dwelling is not used for unauthorised permanent residential occupation.

4. Prior to development of the new dwelling or extension of the existing dwelling hereby approved above damp proof course level, details and samples of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

5. Prior to the installation of any windows or external doors in the new dwelling or extension of the existing dwelling hereby approved, a schedule and detailed drawings (elevations at 1:10 and sections at 1:5) of all new windows and external including cross references to their positions on the plans shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such details as have been agreed.

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

6. Notwithstanding the approved plans, details and drawings of the final design of the gates, finials and piers (including how the new gate piers will match the existing in materials and mouldings) are to be submitted and approved in writing by the Local Planning Authority prior to the installation of the gates.

Thereafter, the works shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity and the setting of the heritage assets.

7. All new and replacement rainwater goods shall be constructed of half round profile cast metal and painted in a colour to be agreed in writing by the Local Planning Authority prior to installation. Thereafter, the development shall be carried out in accordance with the agreed details.

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

8. Prior to the commencement of any development hereby approved, above damp course level, full details of hard and soft landscape proposals shall be submitted to and approved in writing by 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. The approved soft landscaping proposals 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.

Reason: In the interests of visual amenity and the setting of the heritage assets.

9. Prior to commencement of development, an updated Arboricultural Method Statement (AMS) and associated Tree Constraints Plan, Tree Removals Plan and Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority. The submitted information shall:
 - a) Identify the retention of T5 (London Plane Tree) and establish appropriate management measures to ensure retention.
 - b) Provide details for the protection of the Root Protection Areas (RPA) of trees numbered T4, T4, T19–T22, T23-T25 and T28-T31, including timescales for the installation and removal of protection.
 - c) Specify no access through the RPAs of trees numbered T4, T4, T19–T22, T23-T25 and T28-T31 for any construction activities. AMS to specify details of the re-alignment of any tree protective fencing to facilitate the new access tracks. This is to include recommendations for a phased approach to installing tracks and parking.
 - d) Identify recommendations for works to large area of laurel alongside A3066.

Thereafter, the development shall proceed in strict accordance with the approved details and a site meeting with the Local Planning Authorities' Tree Officer shall take place prior to commencement of works (including site clearance and demolition).

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase and in the absence of up-to-date details at the planning application stage.

10. Prior to commencement of development a scheme must be submitted to the Local Planning Authority to show how the secondary access drive leading to Parnham House from the new dwelling hereby approved will be permanently obstructed to prevent use by motor vehicles other than in emergencies. Any such scheme requires approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development hereby approved is occupied or utilised and, thereafter, must be permanently maintained for the purpose specified.

Reason: To ensure no net increase in vehicles using the access and prevent other vehicles other than those associated with the emergency services using the access onto the A3066.

11. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking areas shown on Drawing Number 241392-PUR-04-00-DR-A-2001 P03 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

12. Before the development is occupied or utilised the first 5.0 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

13. Before the development commences a scheme showing precise details (including the technical specification) for the provision of the electric gate(s) must be submitted to the Local Planning Authority. Any such scheme requires

approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before any part of the development hereby permitted is occupied or utilised. Thereafter, the electric gate(s) must be maintained and available for the purpose specified.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

14. Before the development hereby approved is occupied or utilised any entrance gates must be hung so that the gates do not open over the adjacent public highway.

Reason: To ensure that any gates do not cause a safety hazard on the highway.

15. Prior to commencement of development a Biodiversity Plan (BP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the BP certified by the Dorset Council Natural Environment Team must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

- i) the mitigation, compensation and enhancement/net gain measures detailed in the approved BP has been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and
- ii) evidence of compliance in accordance with section J of the approved BP has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

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

16. Prior to occupation of the extensions to the existing dwelling hereby approved, the proposed Air Source Heat Pump shown on the approved drawings shall be installed and made available for use.

Reason: In the interests of sustainability and to ensure sufficient public benefits to overcome the identified less than substantial harm to heritage assets.

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: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [## ##] relating to the tying of the proposed holiday-let to Parnham House so that it cannot be sold off separately.

3. Informative: The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

4. The applicant is reminded of their responsibility to submit evidence of compliance with the Biodiversity Plan to Dorset Natural Environment Team in order to comply fully with requirements of condition [x].

5. Informative: 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.

Application Number:	P/FUL/2023/04091
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Dower House Parnham House Parnham Beaminster DT8 3LZ
Proposal:	Erection new dwelling. Construct swimming pool and pool plant house. Alterations and extensions to Dower House to provide enhanced internal accommodation; part demolition including existing boiler room, utility room, conservatory, garage, walling, structures within courtyard and detached outbuilding. Reinstatement of carriageway, gates and piers and boundary enclosure; erection of bike stores.
Applicant name:	Mr James Perkins
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr Knox

1.0 Reason application is going to committee:

This application has been brought to committee following a scheme of delegation consultation at the request of the Service Manager for Development Management and Enforcement.

2.0 Summary of recommendation:

Refuse for the following reasons:

1. Through the construction of a substantial dwelling, swimming pool and pool house in close proximity to the former Lodge (Dower House), the proposed development would undermine the hierarchy of buildings within the Parnham Estate and Parnham House Registered Park and Garden (RPG) and would adversely affect the significance of the RPG, The Lodge and Parnham House. The resultant less than substantial harm without clear and convincing justification would not be outweighed by public benefits in conflict with West Dorset, Weymouth and Portland Local Plan Policy ENV4 and the NPPF.
2. In the absence of a Section 106 Agreement linking the holiday let with the Parnham Estate, the proposal would not result in the intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation and site in conflict with West Dorset, Weymouth and Portland Local Plan Policy ECON6.

3.0 Reason for the recommendation:

- The site has a highly sensitive heritage context including the Grade II listed Lodge (aka Dower House) and falling within the setting of Parnham House (Grade I listed) and the associated Registered Park and Garden (Grade II* listed).
- Through the proposed construction of a new dwelling (holiday let), swimming pool and pool house the development would undermine the hierarchy of

buildings within the Parnham Estate causing harm to the significance of heritage assets.

- Clear and convincing justification has not been provided to justify the harm.
- The resultant less than substantial harm would not be outweighed by public benefits.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable subject to planning conditions and a S106 linking the proposed dwelling (holiday let) with the Parnham Estate.
Heritage	Public benefits would not outweigh the identified less than substantial harm. Clear and convincing justification to substantiate the harm has not been demonstrated.
Design	Acceptable subject to planning conditions.
Dorset AONB / National Landscape	No harm to special qualities.
Residential amenity	The proposal would not result in a significant adverse effect on residential amenity.
Highways and parking	Through planning conditions, the proposals would not have an unacceptable impact on highway safety. Sufficient car parking would be provided.
Biodiversity	Through condition a biodiversity net gain would be secured.
Trees	Acceptable subject to planning conditions.
Community Infrastructure Levy	Development would be CIL liable.
EIA	EIA is not required in this instance

5.0 Description of Site

5.1 Parnham House is a sixteenth century, Grade I listed property located approximately 1.6km from Beaminster. Parnham House sits within Parnham Park, a Grade II* listed Registered Park & Garden (RPG). Parnham House suffered severe fire damage in 2017, resulting in the loss of its roof and most of its internal floor structures and fittings and is included in the highest risk category on Historic England's Heritage at Risk Register.

5.2 The current primary entrance to Parnham Park is located near to Beaminster off the A3066. A tree lined avenue leads to the main house. A secondary entrance is located to the north east of Parnham House and north of the application site also off the A3066. A historic eastern entrance is located within the application site. The

entrance currently serves The Lodge (also known as the Dower House), Grade II listed).

5.3 The historic eastern entrance was introduced by Dr. Hans Sauer, during his short but significant ownership of Parnham (1911- 1914). Under his ownership, the east entrance was introduced to replace the current main entrance further north. The entrance led, via a grand set of entrance gates and Dower House to the forecourt of Parnham House. The remnants of this historic route are apparent in the track that leads from the eastern entrance to Parnham House. The application site is located at the eastern entrance.

5.4 The site comprises the existing two storey Dower House and land to the east, south, and west. It is bound by the A3066 to the east and surrounding RPG to the north, south and west. There are a number of mature trees in the immediate vicinity of the site. Vehicle access is provided from the A3066 and to the north of the building.

5.5 The site includes a swimming pool to the south west of the Dower House.

6.0 Description of Development

6.1 The proposed development comprises: alteration and extension to the Dower House; erection of a new dwelling to the south of the Dower House; construction of swimming pool; reinstatement of carriageway, gates and piers; together with associated landscaping.

6.2 The alterations to the existing Dower House follow approval of planning permission and Listed Building Consent (P/FUL/2021/02420 & P/LBC/2021/02421) for similar alterations to the building. The proposed works include part demolitions and construction of extensions, predominantly affecting the eastern portion of the building. Access to the Dower House would be relocated to the east of the building via an existing track linking to the eastern entrance further north of the application site. Three car parking spaces and a bike store would be provided.

6.3 The proposed new dwelling would be located immediately south of the Dower House. It is a two storey 4-bed dwelling proposed as a holiday let. It would be of similar design, scale and proportion to the existing Dower House. In this sense it generally 'mirrors' the Dower House. Access from the A3066 would be provided via the existing access serving the Dower House. Three car parking spaces and a bike store are proposed to the west of the dwelling.

6.4 The existing swimming pool would serve the new dwelling and the proposed swimming pool would serve the Dower House. A timber pool house including a plant room and changing facilities is proposed to the north of the new swimming pool.

6.5 The historic entrance gates and piers fronting the A3066 would be reinstated together with the carriageway leading west to Parnham House.

7.0 Relevant Planning History

7.1 This planning application is associated with a parallel application for Listed Building Consent for works to the existing Dower House:

P/LBC/2023/04092 - Decision: PENDING - Decision Date: PENDING

Erection new dwelling. Construct swimming pool and pool plant house. Alterations and extensions to Dower House to provide enhanced internal accommodation; part demolition including existing boiler room, utility room, conservatory, garage, walling, structures within courtyard and detached outbuilding. Reinstatement of carriageway, gates and piers and boundary enclosure; erection of bike stores.

7.2 The applications follow approval of planning permission and Listed Building Consent for works to the Dower House in 2021:

P/FUL/2021/02420 - Decision: GRA - Decision Date: 23/12/2021

Demolition of existing boiler room, utility room, conservatory, garage, walling, structures within the courtyard and detached outbuilding, erection of single storey extension, reinstatement of carriageway, gates and piers and boundary enclosure, erection of bike store.

P/LBC/2021/02421 - Decision: GRA - Decision Date: 23/12/2021

Demolition of existing boiler room, utility room, conservatory, garage, walling, structures within the courtyard and detached outbuilding, erection of single storey extension, reinstatement of carriageway, gates and piers and boundary enclosure, erection of bike store.

7.3 The wider Parnham Estate has a detailed planning history. The following are relevant to this application:

1/W/85/000741 - Decision: WIT - Decision Date: 21/11/1985

Modify access and re-open formal drive for vehicular access and land as car park

1/W/98/000024 - Decision: GRA - Decision Date: 10/03/1998

Erect 2m high boundary wall to road frontage

1/W/98/000025 - Decision: GRA - Decision Date: 10/03/1998

Erect 2m high boundary wall to road frontage

1/W/98/000545 - Decision: GRA - Decision Date: 02/11/1998

Erect summer house

1/W/98/000546 - Decision: GRA - Decision Date: 02/11/1998

Erect summer house

1/W/04/001486 - Decision: REF - Decision Date: 04/10/2004

Erect 3m high sound absorbent timber screen, dividing Parnham Park from the A3066 and the C96 (Netherbury Road)

P/FUL/2021/02707 - Decision: GRA - Decision Date: 13/04/2023

Erection of a marquee and provision of a services structure (back of house) to function as a restaurant. The provision of a 49 space car park and associated driveway improvements.

P/FUL/2021/05299 - Decision: GRA - Decision Date: 11/01/2023

Erect 4.No. River Lodges and realignment of the existing access track.

P/FUL/2021/05746 - Decision: GRA - Decision Date: 14/02/2023

Erect 6 no. Orchard Rooms and installation of two bridges.

P/FUL/2023/06528 - Decision: PENDING- Decision Date: PENDING

Erection of a Boat House for use as a holiday let within the grounds of Parnham House.

8.0 List of Constraints

- Outside Defined Development Boundary
- Within Dorset National Landscape / Area of Outstanding Natural Beauty (AONB). 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)
- Within Grade II* Registered Park and Garden (RPG); Parnham House (HE ref. 1000722)
- Grade II Listed Building - THE LODGE, 300 METRES SOUTH EAST OF PARNHAM HOUSE (also known as the Dower House). HE Ref: 1221182. Statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990
- Within the setting of Grade I Listed Building – PARNHAM HOUSE. HE Ref. 1221178.
- Bridleways W21/53 and W21/56 (to the east and north of the site)
- Site of Nature Conservation Interest (SNCI): The Grove & Parnham Park (southern part of site in location of proposed new dwelling). Ref: ST40/048.
- Existing and higher potential ecological network
- Site of Special Scientific Interest (SSSI) impact risk zone.
- Tree Protection Orders (Refs: TTPO/2021/0046 & WDDC/16)
- Flood Zone 1.
- S106 obligations linking built tourist accommodation with the Estate.
- SGN - Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar)
- Radon: Class: Class 2: 1 - 3% - Distance.

9.0 Consultations

9.1 The application has been subject to two rounds of public consultation, the second taking place following submission of amended drawings by the Applicant.

9.2 None of the consultation responses take account of the following late information submitted by the Applicant on 11 January 2024:

1. Heritage response prepared by tor&co
2. Heritage response prepared by Purcell

3. Parnham Business Plan prepared by Savills (dated June 2022)
4. Copy of events list and bookings up to September 2023

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

Consultees

Natural England

No objection. Proposed development will not have significant adverse impacts on statutory protected nature conservation sites or landscapes.

Historic England

Historic England's initial response confirmed it did not support the application and raised a series of concerns. In summary:

1. **Absence of masterplan** – Disappointed application is not linked to the restoration of Parnham House or part of any agreed and deliverable masterplan for the long-term sustainability of the Estate. Note masterplan and holistic approach has previously been requested by Historic England. Absence prevents comprehensive assessment being made.
2. **2021 permission** – Noted the previously approved development rationalised a series of ad hoc extensions in a more unified form, without significantly extending its footprint. Note the application was approved due to the heritage benefit in restoring the architectural formality and legibility of the former east entrance of the property. Approved scheme delivered heritage benefits in a less harmful manner than now proposed.
3. **Less than substantial harm** – Due to the prominent location and design, on the setting of the Grade I listed house and significance of its Grade II* RPG. Proposals for new building considered to compete with Parnham House and existing lodge and not respond to the original architectural intention underpinning the existing lodge. Extension of existing lodge is now out of alignment with its original range, unbalancing the composition of its façade when viewed from the south (note this could be overcome by design modifications). Erosion of hierarchy of buildings within the RPG. Additional domestic infrastructure (swimming pool, private curtilage and ancillary access drives).
4. **Potential fragmentation of Estate** – Raise concern that new dwelling could be sold off and further fragment the Estate in the absence of a linkage between the proposed new dwelling and Parnham House.
5. **Limited heritage benefit** – Other than the reinstatement of the east gates and gate piers.
6. **Lack of clear and convincing justification** – For any harm to, or loss of, significance.
7. **Highways** – Raise concerns with access off Bridport Road.
8. **Trees** – Arboricultural Survey, Methos Statement and Tree Constraints Plan does not address the avenue trees to the west that are located on the routes of proposed access drives. Remains to be seen how root protection areas will be protected if they are impacted. Any detrimental impact on historic planting alongside the drive would be highly undesirable.

Following review of the revised proposal Historic England maintained its concerns in respect of the proposed dwelling and continued to have significant concerns with the application on heritage grounds, Advising, in summary:

1. Dower House – Revised extension to the Dower House is now acceptable.
2. Access – Support omission of separate access drives for each house.
3. New dwelling – Design changes have reduced the physical and visual impact and lessened the risk of fragmentation of the Estate due to proposal being for a holiday let.
4. Less than substantial harm – Proposal would still leave a residual degree of harm to the RPG and setting of Parnham House which would not be outweighed by the limited and unproven benefits for Parnham claimed by the applicant.
5. Masterplan – Does not include a detailed explanation for how its elements will work together to secure the restoration and long-term future of the house and why the proposals are all necessary.

Historic England acknowledge that they might have come to a different judgement regarding the balance between harm and benefit if the proposal had been submitted as part of a comprehensive scheme for development to secure the restoration of Parnham.

Conservation Officer

The initial response from the Conservation Officer advised the officer was unable to support the development and that the proposals would cause less than substantial harm without sufficient public benefit to outweigh the harm. Proposed alterations to Dower House and proposed new dwelling would cause harm. The reinstatement of the historic entrance and reconstruction of the gates and piers would be a heritage gain, and can be supported.

Following review of the revised proposal, the Conservation Officer confirmed the revised proposals for alteration of the Dower House would be broadly acceptable albeit there are still concerns with the rear of the existing house being blocked and the treatment to the fenestration. The objection and conclusions in respect of the proposed new dwelling remain.

Landscape

The initial response from the Council's Senior Landscape Officer noted the proposal needs to be considered holistically as part of a wider masterplan for the whole of the Parnham Estate. Note Landscape Officer does not intend to provide further comment on the application until the masterplan is provided.

The subsequent response advised of concerns about the piecemeal approach to development at Parnham and considered the proposal adds to the cumulative adverse impact on the RPG and AONB and would not contribute to the protection and enhancement of a valued landscape. Conclude the proposals would cause harm to the RPG and public benefits would not outweigh harm.

Dorset AONB Team (Dorset National Landscape)

Defer to Historic England for advice on the effect of the application on the Gardens and Designated Landscape.

Natural Environment Team

Informal comments request a further bat survey is undertaken. At the time of writing the NE Team has not issued a Biodiversity Plan Certificate of Approval.

Rights of Way Officer – No comments received.

Highways

Following initial objections to the intensification of the access on highway safety grounds, the Highways Authority raises no objection subject to planning conditions.

Building Control – No comments received.

Dorset Waste Team

Note waste and recycling materials will have to be presented for collection at the end of the drive adjacent to the adopted highway.

Environmental Protection – No comment.

Environmental Assessment

Note proximity to West Dorset Alder Woods SAC (2.7km) and conclude likely significant effects may be screened out.

Trees – No objection subject to conditions.

Dorset Fire & Rescue Service

Note development would need to be designed to meet current Building Regulations requirements. Requests comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/agent and draw attention to recommendations to improve safety and reduce property loss in the event of fire.

Dorset Wildlife Trust – No comments received.

Forestry Commission – No comments received.

Ramblers Association – No comments received.

Scotia Gas Networks (SGN)

SNG confirm location of SGN gas pipes in proximity to the site. Note there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The position should be confirmed using hand dug trial holes. Safe digging practices recommended in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" before any mechanical plant is used.

The Gardens Trust and Dorset Gardens Trust

The Gardens Trust and Dorset Gardens Trust provided a joint response confirming they do not wish to comment on the designs for the proposed new Dower House at this stage.

The Trusts raise general questions about the impacts of the application on the various other projects at Parnham Park acknowledging the applicant is working to make the Estate financially viable. The Trusts note they are unable to see how the application fits into the bigger picture at Parnham Park due to the absence of an estate plan showing the overall intentions for Parnham Park. Consider long-term vision/management plan is necessary.

National Amenity Societies – No comments received.

Beaminster Town Council

Beaminster Town Council recommended the original application for approval noting the development to mirror the existing Dower House could only enhance the facilities offered on the site. Their subsequent response in respect of the revised proposal confirmed no objection noting some concern with regard to the Highway Officers recommendation to close the main entrance.

Netherbury Parish Council (adjacent parish)

The Parish Council’s initial comments noted the proposals for the new Dower House and alterations to the existing Dower House are in keeping with the existing architecture. Question how the two projects will generate sufficient income to cover the expenses of the building work and investment in the restoration in Parnham House. Note the reinstatement of the drive on the A3066 means cars will be joining a road with a speed limit of 60mph. Request that a Business Plan is made available so detailing all current and proposed planning applications concerning Parnham Park so that they are able to consider the overall effect and impact of the development on the site.

The Parish Council’s second comments on the application raised concerns with how Parnham Park can justify the costs involved for the application and how a rental return will generate sufficient funds to invest into the restoration of Parnham House.

Ward Councillors – No comments received.

Representations received

At the time of writing, three objections have been received; two of which were from the same person. They raise the following concerns, in summary:

1. Acknowledging the expectation that there will be further applications for housing and buildings within the Estate, the application should not be considered without a masterplan and business model for the entire envisaged development at Parnham. This is needed to allow impacts on the Grade II* RPG to be assessed. Raises concerns with the existing access being used in the future by visitors due to poor visibility.
2. Following submission of the Masterplan, the objector reiterated that consideration of the application should be delayed until the details of all proposed buildings are provided, so that the impact of all developments can be properly assessed.
3. Recommend the Planning Committee take Historic England’s comments very seriously. The masterplan shows what could be very major development for Beaminster without information of how the house would be restored. Piecemeal approach does not allow residents to make an informed comment on the application. Recommend refusal until a comprehensive plan for the Estate can be weighed up for benefit and harm.

Total - Objections	Total - No Objections	Total - Comments
3	0	3

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 The Planning (Listed Buildings and Conservation Areas) Act 1990 - section 66 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, 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.

11.0 Relevant Policies

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

Development Plan

West Dorset and Weymouth & Portland Local Plan (2015)

- ENV1 – Landscape, seascape & sites of other geological interest
- ENV2 – Wildlife and habitats
- ENV3 – Green infrastructure network
- 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
- ECON6 – Built Tourist Accommodation
- SUS2 – Distribution of development
- HOUS6 – Other residential development outside defined development boundaries
- COM7 – Creating a safe and efficient transport network
- COM9 – Parking standards in new development

Neighbourhood Plans

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

Other Material Considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Supplementary Planning Documents/Guidance for Southern/Western Area:
WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

Conservation Principles, Policies and Guidance (Historic England, 2015)

National Planning Policy Framework (December 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.

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 131 – 141 advise that:
 - 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 182). Paragraphs 185-188 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 (and the more important the asset, the greater the weight), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). Harm should require clear and convincing justification (para 206). Where less than substantial harm arises, this harm should be weighed against the public benefits of the proposal (para. 208). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

National Planning Practice Guidance

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

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.

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. In particular the revised Dower House and new dwelling include sleeping accommodation at ground floor level.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Construction benefits	Limited jobs during construction including spin off benefits in local economy (unquantified).
Parnham Estate	Limited financial contribution towards the Parnham Estate (unquantified, although the Business Plan dated June 2022 notes a minimum of £350 per bedroom per night would be targeted).
Economic benefits	Limited additional expenditure by guests of holiday let and jobs supported in local economy, including at Parnham Park (unquantified, although the Business Plan dated June 2022 identifies the totality of the hospitality proposals could support 33 jobs).

Community Infrastructure Levy	In accordance with West Dorset CIL Charging Schedule and CIL Regulations.
Non Material Considerations	
Council tax	According to the rateable value of dwelling.
New Homes Bonus	A proportion of provisional 2023/24 allocation of £1,824,767.

15.0 Environmental Implications

15.1 The proposal would lead to additional CO2 emissions from the construction of the proposed development and from the activities of future residents and occupiers.

15.2 The construction phase would include the release of CO2 emissions from workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process.

15.3 This has to be balanced against the benefits of providing housing (albeit with occupation limited to a holiday let) in reasonably close proximity to Beaminster and should be offset against factors including the provision of electric car charging, low-carbon energy and the new dwelling being reasonably energy efficient as required by Building Regulations and the 2021 Approved Documents. The current Building Regulations require a 31% and 27% improvement from the 2013 standards in terms of CO2 emissions for dwellings and non-residential uses respectively.

15.4 The proposed drawings show both the existing Dower House and proposed dwelling would be served by air source heat pumps. As a listed building, the Dower House does not benefit from permitted development rights to install a heat pump. Accordingly, significant weight is ascribed to the support for low carbon heating improvements to the Dower House in accordance with the NPPF (Para. 164). The provision also accords with Local Plan Policy ENV13.

16.0 Planning Assessment

Principle of development

Principle of alteration and extension of Dower House

16.1 There are several structures on the Dower House site that are not original including garage and sheds, boiler room and conservatory all of which would be removed as part of the proposal.

16.2 The principle of alteration and extension of the existing Dower House and associated reinstatement of the entrance and gates is acceptable in line with the 2021 planning permission.

16.3 The Dower House is located outside of the defined development boundary and therefore Local Plan Policy HOUS 6 is applicable. The proposed extension to the existing dwelling is large in size however it would replace existing structures on the site. It would also be single storey in height and therefore would be subordinate in

height to the original dwelling. The scale and proportion of the extension towards the west has been reduced in scale and would be subordinate to the original dwelling and would not harm the character of the locality and its landscape (assessed below). Accordingly, the principle of alteration and extension of the Dower House is acceptable.

Principle of erection of new dwelling

16.4 The proposal originally comprised a new open market dwelling. This would not have been acceptable in principle under Policies SUS2 or HOUS6 given the location of the site outside of a defined development boundary.

16.5 The applicant subsequently revised the application by confirming that the new dwelling would be proposed for holiday-let purposes only as built tourist accommodation.

16.6 Policy SUS2 confirms development will be strictly controlled outside defined development boundaries having regard to the need for the protection of the countryside and environmental constraints. It details the range of development types acceptable in principle outside defined development boundaries. These include 'new employment, tourism, educational/training, recreation or leisure-related development' aligning with the proposed holiday let use.

16.7 As the proposal involves the erection of new built tourist accommodation Local Plan Policy ECON 6 is applicable. The policy notes new built tourist accommodation will be supported inter alia through the "*replacement, intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation and site*" (bullet point 3).

16.8 The Applicant advises that the holiday let would contribute to the financial sustainability of the existing business at Parnham Park and would help to provide a secure and viable future for the Estate which would in turn support the restoration and ongoing use of Parnham House.

16.9 Whilst a formal enabling development case (NPPF Para. 214) has not been advanced as part of this planning application, the submitted Business Plan (dated June 2022) outlines the overarching objective to create a market leading sustainable hospitality business, based in and around Parnham House. It explains that the envisaged hospitality venture seeks to secure the future of Parnham House. It outlines the headline elements, costs and revenues of the project. The target market is stated to comprise: private guest stays, small events / milestone celebrations; and exclusive hire.

16.10 Accommodation within the house and grounds is stated to be critical in delivering this vision. In order to generate a viable level of revenue to cover the costs of the Estate during the restoration period the Business Plan identifies a requirement for a total of 34 bedrooms across the Estate comprising a minimum of 5 bedrooms within the main house plus 29 bedrooms in the remainder of the Estate. The planned accommodation is identified at pages 6-7 of the Business Plan as including the:

- Dower House and mirrored new dwelling (i.e. the proposed development);
- River Lodges (approved in April 2023, not yet implemented);
- Orchard Rooms (approved in February 2023, not yet implemented);
- Boathouse (planning application validated November 2024); and

- Accommodation created via renovation of the West Wing, and ancillary buildings by North Wing (partially complete).

16.11 The Business Plan envisages that the Main House would provide a hub for guests. Other hub spaces would include the walled garden and boathouse which are identified as *"important revenue generators and are especially important prior to the availability of hub space in Parnham House"*.

16.12 The Applicant has submitted an events list up to September 2023 which shows a holiday accommodation business starting in June 2021 and including the provision of accommodation and facilities for birthdays, weddings and recreational stays. Between June and December 2021 there were guests staying at the Estate for a total of 60 nights, in 2022 it was 20 nights and in 2023 up to September it was 37 nights. The list identifies events for a single booking of up to 40 overnight guests staying at accommodation within the West Wing, Butlers Apartments and Dower House, plus camping within the grounds. All are in residential use, albeit there are no planning restriction on renting the accommodation for holiday purposes providing the use of the accommodation would not amount to a material change of use. The Dower House is listed on Airbnb and Booking.com.

16.13 The events list also identifies 102 event enquiries including weddings, birthday parties, corporate events and private hires which have not been confirmed. The reasons stated include not having suitable accommodation to meet client requirements. Notwithstanding the absence of purpose-built tourist accommodation at the Estate, on balance the new dwelling could be considered an intensification of the existing holiday accommodation business at Parnham.

16.14 To comply with the second part of bullet point 3 the development also needs to improve the quality and appearance of the accommodation and site. The Business Plan states that the aim of the mirror Dower House is to serve the needs of multi-generation family guests. This aim is apparent in the design which has accessible ground floor sleeping accommodation and the swimming pool which would cater to the needs of the old and young within one 4-bed property.

16.15 It is not unreasonable to accept that the proposal would result in income generation that would assist in the maintenance and management of the Parnham Estate including the Registered Park and Garden. It is stated by the Applicant that the new holiday let *"will double the income generated to be spent on maintaining the estate when compared to the existing permission solely to extend the existing Dower House."* Although no evidence has been submitted, this statement is considered reasonable given the proposals would result in the ability to let a 4-bed unit in addition to the Dower House. It is noted that the claim relates to revenue only and does not account for the costs of construction. To ensure the holiday let is provided as an intensification to the existing/approved provision, the proposed development would be tied to Parnham House as part of a Section 106 legal agreement so that it cannot be sold off separately. This approach would be consistent with that secured in relation to the planning applications for the River Lodge and Orchard Room developments and would ensure compliance with Policy ECON6. A reduced time limit condition for implementation aligned with the River Lodge and Orchard Room developments would also ensure the proposal improved the quality and appearance of the accommodation and site in accordance with Policy ECON6. However, at the current time no such Section 106 agreement for the proposed development has been entered into and therefore the tie has not been secured.

Principle of development within the SNCI

16.16 The new dwelling also falls partially within The Grove & Parnham Park Site of Nature Conservation Interest (SNCI) which extends to the east, south and west of Parnham House. Within SNCIs, Policy ENV2 part iv) states that features of nature conservation interest should be safeguarded by development. It requires that significant harm is mitigated where it cannot be avoided. Where significant harm *“cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity otherwise development will not be permitted.”*

16.17 The NPPF (Para 186) reiterates the decision making hierarchy in respect of nature conservation interests stating that *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*.

16.18 As noted in the assessment sections below, the proposed development would result in the quantitative loss of SNCI through provision of hardstanding within the SNCI comprising part of the new dwelling, associated access and parking. However, the level of harm to the SNCI is concluded to fall below the threshold of ‘significant’. Accordingly, the principle of limited development within part of the SNCI is acceptable and in accordance with Policy ENV2 subject to appropriate mitigation being secured via a Biodiversity Plan.

Heritage

16.19 The NPPF (Para. 205) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, *“great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be given)...”*. Any harm to, or loss of, the significance should require *“clear and convincing justification”* (Para. 206). Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal (Para. 208). Local Planning Authorities are advised to look for opportunities for new development within the setting of heritage assets to *“enhance or better reveal their significance”* noting proposals that preserve those elements of the setting that make a positive contribution to the asset or which better reveal its significance should be treated favourably (Para. 212).

16.20 Policy ENV4 requires that any harm to the significance of a designated or non-designated heritage asset is justified with the harm being weighed against the public benefits of the proposal.

16.21 As noted within Section 8 of this report the Dower House is Grade II listed and the site falls within a Grade II* Registered Park and Garden (RPG). The site also falls within the setting of Parnham House (Grade I listed), located approximately 250m to the west via the former historic entrance. The significance of these heritage assets and the impacts are considered below:

Summary of significance

Parnham House (Grade I)

16.22 As described by Historic England:

“Parnham House is a Grade I listed country house with multiple phases, but whose primary importance is as a high quality and extremely picturesque example of a sixteenth century manor house. Although significantly extended and remodelled several times over its subsequent 400 years, this work was generally undertaken in a sympathetic and stylistically harmonious manner which, externally at least, maintained architectural continuity with the earlier form of the building.

Despite suffering severe damage in the fire of 2017, resulting in the loss of its roof and most of its internal floor structures and fittings, the external shell of Parnham remains standing and preserves much of its architectural interest, although it is becoming increasingly fragile as progressive deterioration has occurred during the time the main house has been left unprotected.

16.23 The spatial and functional relationship between Parnham House and surrounding heritage assets, including the Dower House and early-20th Century drive to the east contributes to the significance of the asset and illustrate its development.

16.24 The relationship with the formal gardens and agricultural parkland reflects the Estate’s basis in the local agricultural economy, whilst also reflecting the development of a high-status gentry house.

Parnham House RPG (Grade II)*

16.25 The significance of the RPG lies in its artistic and historic interest. As described by Historic England:

Parnham House “stands in a picturesque historic landscape which is in itself designated as a grade II registered park and garden, and whose principle phases of development very much reflect those of the house.*

These gardens are a representative example of an early-C20 formal garden which illustrates the taste for Revivalism in English garden design at this time. Set within the sixteenth century manorial estate they are of a particularly high quality, comprising a successful combination of geometrical planting and formal architectural features complimentary to the setting of the House.

They have a particularly strong group value with the House, stable block, the front courtyard and south terrace walls and gazebos (all listed Grade II), and the icehouse, kitchen garden walls and Lodge/ Dower House (all listed Grade II).*

The formal gardens were introduced by Dr. Hans Sauer, during his short but significant ownership of Parnham (1911- 1914). His ensemble of early-twentieth century design changes included the formal, east entrance drive off Bridport Road, which replaced the eighteenth century drive further to the north. This led, via a grand set of entrance gates and the Lodge, to the forecourt of the House, passing through an avenue that help to screen the Bridport Road from the house.”

16.26 Elements of setting which contribute to the RPG’s significance include the wider undeveloped landscape to the east, south and west, which assist in demarcating the tree-bounded registered park within, and differentiating it from, the historical agricultural landscape. Also, the visual experience of the park from the surrounding AONB (National Landscape) and footpaths within it.

16.27 The Applicant’s Heritage Statement notes the east driveway was closed by 1974. Only two of the original stone piers remain and the curved railings and low wall have been removed.

The Lodge / Dower House (Grade II)

16.28 The significance of the Dower House lies in its architectural and historic interest. As described by Historic England:

“In the later twentieth century, the ownership of the former lodge (known as the Dower House) became separated from Parnham House and this led to successive changes which considerably eroded the picturesque qualities of the drive and its entrance. The position of the access was moved, the formal piers and gates were largely demolished and the drive blocked, significantly degrading its status and visual impact as an important entrance to the Parnham estate. The building itself, once it was no longer ancillary to Parnham House, was considerably extended resulting in a dilution of its architectural quality. Remnants of the formal entrance remain, however, in two of the outer stone gate piers, the south quadrant wall and railings, and the subsidiary piers which terminated both north and south flanking walls. To the west of the Dower House the remains of the drive can still be clearly seen with its flanking avenue, albeit in a somewhat degraded state.

The application site holds considerable historic value to Parnham as the former principal entrance to the property. The applicant’s own Historic Landscape Assessment of 2021 observes that “this arrangement forms part of the ensemble of early C20th changes which make the Parnham landscape especially significant.”

16.29 The Applicant’s Heritage Statement notes the aesthetic and architectural value is considered medium to high and the historical significance is considered low.

16.30 The spatial and functional relationship with Parnham House and the visual experience of the building from the A3066 is of significance. The setting of the Dower House within an undeveloped setting enables understanding and appreciation of its purpose as an estate-edge building located at distance from the main house.

Context

16.31 Before assessing the impact of the development on the significance of heritage assets it is relevant to note that discussions with the Applicant in respect of proposals for restoration of the Parnham House are ongoing. As requested by consultees and third parties, the Applicant has submitted an initial indicative Masterplan for the Estate which identifies developments which have planning permission and/or listed building consent and potential future works. These are also captured within the submitted Business Plan. The potential future works, include:

1. Restoration of Parnham House to provide a hospitality venue;
2. Associated enabling development within the North Park;
3. A boathouse on the north east bank of Parnham Lake – the application was submitted in November 2023 and is pending determination (P/FUL/2023/06528); and
4. The mirror Dower House (this planning application).

16.32 In addition to the above, Dorset Council has, within the last three years, granted planning permission for a series of hospitality related developments within Parnham Park comprising:

5. 4 x River Lodges to the west of the Walled Garden (P/FUL/2021/05299 - granted April 2023 – not implemented);
6. 6 x Orchard Rooms to the west of the Walled Garden across the River Britt (P/FUL/2021/057/56 – granted February 2023 – not implemented);

7. A temporary marquee within the Walled Garden (P/FUL/2021/02707 – granted April 2023 not implemented)
8. An extension to the Potting Shed within the Walled Garden (P/FUL/2021/04398 – implemented 2023); and
9. An associated car park between the Walled Garden and North Entrance (P/FUL/2021/02707 – constructed 2023, planning conditions not discharged).

16.33 The applicant is expecting that the proposed restoration of Parnham House to provide a hospitality venue (No. 1 above) will be funded through significant enabling development within the North Park (No. 2). The applicant considers that other proposed developments around the Estate (Nos. 3-9) would support the intended operation of Parnham House as a hospitality venue by providing complementary accommodation and function space.

16.34 The permissions for the River Lodges (No. 5) and Orchard Rooms (No. 6) have not been implemented. Restoration and repair of the West Wing has been undertaken and works have been undertaken on the North Stables of Parnham House. The South Wing remains in a precarious state and surviving elements of historic facade are vulnerable to collapse given they are not supported by scaffolding and are exposed to the elements. The lawful use of Parnham House and the Dower House remains Use Class C3 (residential dwelling).

16.35 The Business Plan (June 2022) identifies annual maintenance costs of the Estate are approximately £420k. In the absence of a working estate, it confirms alternative sources of income are required to support maintenance of the Estate and secure its sustainable future. Based on longer-weekend 4-day operation only, the Business Plan states that a minimum of £350 per bedroom per night is needed to secure a viable business. It should be noted by Members that the viability of the business and impacts of the enabling development are not known at this stage and would be rigorously assessed and verified by a third-party consultant as part of any future planning application for restoration of Parnham House (No. 1) and associated enabling development (No. 2).

16.36 Historic England and other consultees have requested that a masterplan be produced and comprehensive and concurrent applications be submitted. This approach would allow for cumulative heritage impacts and benefits to be assessed comprehensively across the Estate. Nevertheless, the Applicant has submitted a series of applications in an effort to establish a hospitality business and provide an early income stream for the Estate. Whilst a comprehensive approach is preferred, the Local Planning Authority must determine the application on the available information and consider any resultant heritage impacts and benefits on an application-by-application basis.

Impact on significance

16.37 The NPPF (Para. 201) states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. In this case, the listing descriptions, Heritage Statement & Heritage Impact Assessment (Purcell, July 2023) and Historic Landscape Assessment (Purcell, June 2021) have been considered. Expert advice has been provided by the council's Senior Conservation Officer, Historic England and The Gardens Trust to inform officer

assessment of the proposals. As summarised above, all three parties raise concern with the proposals from a heritage perspective.

16.38 The impact on the significance of affected heritage assets is assessed as follows:

Impact of the Dower House Extension

16.39 There are several structures on the Dower House site of Parnham that are not original including garage and sheds, boiler room and conservatory all of which would be removed as part of the proposal.

16.40 The proposed works to the Dower House involve the erection of a single storey extension with a glazed link between the house and the proposed extension. The proposed design is similar to the development approved in 2021, with slight revisions including revised roof form and layout. Consistent with the development approved in 2021: a glazed link is proposed; the main range of the Dower House would remain unaffected; and the entrance, gates and driveway would be restored and reinstated.

16.41 Over the course of determination the design of the Dower House extension has been revised to respond to comments from the Council's Senior Conservation Officer and Historic England. Historic England advises the Dower House extension is acceptable. However, the Council's Senior Conservation Officer has residual concerns with proposed fenestration and the roof form of the new extension obscuring the rear elevation of the building.

16.42 It is noted that the revised proposal is similar to the development approved in 2021. The development included modern glazed windows (without glazing bars) and established that the rear of the building would be partially obscured by the proposed extension. Given this fall-back position, it is considered that the revised proposal would continue to represent an appropriate response to the building, one which would ensure that the additions are clearly legible and resulting in **no harm** to the host building, Parnham House or the RPG.

16.43 The reinstatement of the entrance, gates and driveway consistent with the approved development in 2021 would provide heritage **benefit** by enhancing the status and prominence of the eastern entrance commensurate with its historic use when it was used to access Parnham House. Whilst vehicle use of the entrance would be restricted on highway safety grounds (see below) the works would physically connect the Dower House and Parnham House and have the potential to serve the Estate in the future subject to reducing the speed limit of the A3066.

Impacts of New Dwelling on the setting of Parnham House (Grade I), the RPG (Grade II) and the Dower House (Grade II)*

16.44 The proposed dwelling is clearly informed by the design of the existing Dower House, broadly mirroring the front (south) elevation adjacent to the access drive and is of similar layout and scale. Whilst there is relatively limited intervisibility between Parnham House and the Dower House, the historic approach to the house is of high heritage sensitivity and any development along the route has the potential to affect the setting of the house.

16.45 Historic England note that pairs of gate lodges are not the norm in historic parks, but where they do occur are generally designed as a matching pair of diminutive dwellings to maintain the overall estate hierarchy. The Applicant contends

that paired lodges were fairly commonly used at country house estates in the late 17th century and early 18th century and note there are also 19th century precedents. Whilst the Applicant's response is silent on local early 20th century precedents, the existence of paired lodges at other historic estates does not establish the principle of an additional dwelling at Parnham. That planning judgement must be reached having regard to the heritage and planning balance of the application.

16.46 Historic England note the provision of a new dwelling opposite the Dower House would reduce the significance of the (former) modest and rustic gate lodge (Dower House) and undermine the very tranquil character of the Parnham Estate which is not typified by estate buildings scattered around the landscape. Whilst the cumulative effect of approved (River Lodges and Orchard Rooms) and proposed (Boathouse) developments could be considered to result in a scattered approach to buildings within the RPG, the proposed new dwelling would result in a concentration of development at the historic eastern entrance to the Estate rather than scattering within the Estate.

16.47 Historic England further note gate lodges are typically modest-sized dwellings of high quality and distinctive design which "*herald the entrance to an estate by providing an architectural 'taster' of what awaits at the other end of the drive, without in any way competing with it*". The Council's Senior Conservation Officer considers the new dwelling would harm historical and communal significance, given there would originally have been one gate house. Communal significance is understood to be derived from the social norm at the time being to have one gate house and for people visiting the house to relate to The Lodge house as being the first port of call.

16.48 The new dwelling has been reduced in scale to broadly match the Dower House. This reduces the heritage harm. However, it still introduces significant built development into a highly sensitive location which was historically parkland within the RPG and setting of both Parnham House and the former lodge. The proposal essentially doubles the built footprint within this part of the Estate and introduces further domestic infrastructure in the form of the swimming pool and pool house. This would intensify the scale of development at the historic eastern entrance and is considered to undermine the original design intent for a relatively modest single lodge.

16.49 This increase in scale would harm the spatial and functional relationship between the Dower House and Parnham House and undermine the understanding of the Dower House as an estate-edge building located at distance from the main house. This increase in scale would conflict with the hierarchy of buildings within the RPG and is considered harmful to the group value of the Dower House and Parnham House, detracting from the significance of The Lodge as a feature of the early 20th century landscape. As a result, the proposed development of the new dwelling, pool and pool house is considered to result in **less than substantial harm** within the lower-middle of the spectrum.

16.50 In terms of justification, the Applicant states that the holiday let would contribute to the financial sustainability of the business that provides a secure and viable future for the Estate. Subject to a planning obligation linking the proposed dwelling with the Estate, the proposed dwelling can be expected to financially support the Estate and Parnham House. However, as the proposals for restoration of Parnham House are still evolving and no specific financial information assessing the viability of the holiday let (including construction costs and operational income) has

been submitted with this application, the contribution of the holiday-let is unclear. Whilst there is scope for clarity to be provided if a revised planning application were to be submitted with sufficient justification alongside development proposals for restoration of Parnham House, it is considered that the Applicant has not provided the necessary clear and convincing justification for the harm as part of this current application (NPPF Para. 206).

16.51 In summary, the heritage impacts are as follows. Overall, the net effect of the proposals are considered to result in less than substantial harm:

Heritage Asset	Proposed Works		
	Dower House Extension	Reinstatement of entrance, gates and driveway	New Dwelling (including swimming pool)
Parnham House (Grade I)	No Harm	Benefit	Less than Substantial Harm
Parnham House RPG (Grade II*)	No Harm	Benefit	Less than Substantial Harm
Dower House (Grade II)	No Harm	Benefit	Less than Substantial Harm

Heritage Balance

16.52 As less than substantial harm has been identified, the NPPF requires that the harm is weighed against the public benefits of the proposal (Para. 208).

16.53 Public benefits are defined in the PPG (Para. 020 Reference ID: 18a-020-20190723) as anything that delivers economic, social or environmental objectives as described in the NPPF (Para. 8). Public benefits should flow from the proposed development and be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

16.54 The following public benefits are attributed to the proposed development:

1. Short term construction jobs and supply chain benefits and jobs associated with the operation of the holiday let;
2. Reinstatement of historic driveway and restoration of entrance and gates;
3. Increased choice of visitor accommodation at Parnham Park and within Beaminster;
4. Enabling members of the public to experience the RPG and Dower House from a unique vantage point (the holiday let);
5. Increased spending by visitors of the holiday let, contributing to local businesses, services and facilities;

6. Financial support to the ongoing maintenance of the Estate and the restoration of Parnham House;
7. Biodiversity enhancements;
8. Support for low carbon heating improvements to the Dower House through installation of a heat pump;
9. CIL payments.

16.55 The overarching objectives to sustainable development are outlined in the NPPF (Para. 8) as having economic, social and environmental objectives. It is considered that the nature of the above identified public benefits contain some overlap between these objectives.

16.56 Social benefits of the proposed development would arise through an increase in the choice of visitor accommodation. CIL payments would assist in making the development acceptable through funding infrastructure provision. Heritage benefits would be delivered through the partial¹ reinstatement of the historic east entrance and associated entrance and gates together with the ability for members of the public to experience the Estate from a new (albeit paid) vantage point. It is noted that the benefits associated with the restoration of the east entrance, entrance and gates were also delivered through the development approved in 2021 which was concluded to result in no harm. As explained above, the Applicant has not justified or quantified the financial support that would be derived from the holiday let for supporting the ongoing maintenance of the Estate and the restoration of Parnham House – this benefit is therefore only afforded limited weight. Overall, it is considered that moderate weight can be attached to the social benefits.

16.57 Economic benefits would arise for the local economy from provision of jobs during construction and operation of the holiday let and through the spending of visitors staying in the holiday let. The scale of these economic benefits has not been estimated by the Applicant. However, given the proposal consists of one 4-bed holiday let together with extensions to the Dower House, the cumulative economic benefits are concluded to be of limited weight.

16.58 Subject to a planning condition, the proposal would deliver a biodiversity net gain. The gain has not been quantified and is afforded limited weight due to the scale of development and location within the SNCI. As instructed by the NPPF (Para. 164) significant weight is ascribed to the support for low carbon heating improvements to the Dower House through the proposal to install a heat pump. In the context of the climate and ecological emergency the cumulative environmental benefits are given moderate weight.

16.59 The NPPF (Para. 205) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, “*great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)*...”. In this instance less than substantial harm has been identified in relation to the significance of Grade I, Grade II* and Grade II heritage assets. Grade I buildings are of exceptional interest only representing around 2.5% of all listed buildings. Accordingly, greater weight is afforded to the harm to Parnham House and to the RPG with great weight afforded to the harm to the Dower House. Applying this weight to the harm it is concluded that the identified less than substantial harm is not outweighed by the above public benefits.

¹ The access would be restricted on highway safety grounds.

16.60 Therefore, the harms are such that the proposal would not accord with the Local Plan taken as a whole and would conflict with policy ENV4 of the local plan and the NPPF.

Design

16.61 Notwithstanding the above conclusions on heritage, the design of the development has clearly been informed by the character of the site and its surroundings. The layout, massing and materiality of the mirror Dower House takes influence from the existing Dower House. The use of stone and roof treatments and the incorporation of decorative features matches the design of the Dower House and would be complementary. The proposed location of the new swimming pool also mirrors the location of the existing swimming pool. From a design perspective, the proposal is well-related to the existing Dower House and reinstated access route. Subject to planning conditions in respect of external materials, external doors, window design and detailing (including rainwater goods, gates, finials and piers), the design accords with Policies ENV10 and ENV12.

Dorset Area of Outstanding Natural Beauty / National Landscape

16.62 Given the relatively limited scale of development within the Dorset AONB (National Landscape), the development is not considered to harm the special qualities of the Dorset AONB (National Landscape) and accords with Policy ENV1.

Residential amenity

16.63 The proposed holiday let would be located to the south of the Dower House across the access route. Window-to-window distances between the first floor bedrooms would be approximately 16m.

16.64 The West Dorset Design and Sustainable Development SPD (2009, Paras. 7.5.1- 7.5.2) notes that whilst there is no minimum distance between neighbouring properties, 20m between facing buildings will normally give good privacy between the rear of buildings. The SPD notes closer distances may be possible where homes are not directly facing each other, or suitable screening can be achieved.

16.65 At approximately 16m, the separation distance falls short of the planning guidelines of the SPD. This would result in a sub-standard level of amenity to the affected rooms. However, overall both dwellings have sufficient amenity and reduced window-to-window distance would not result in significant adverse effects on residential amenity. The design objective to mirror the Dower House and respect the historic entrance further supports reduced separation distances in this instance and would not result in significant adverse effects on residential amenity in accordance with Local Plan Policy ENV16.

Highways and parking

16.66 The existing access historically provided access to Parnham House. Today it solely serves the Dower House.

16.67 The proposal seeks to reinstate the historic access so that it serves the new dwelling and provides access to the main house and wider Estate from the A3066. Access to the Dower House is proposed to the north, from an existing access.

16.68 The A3066 is a 60mph road and the access is located on a bend. Due to this, visibility splays are limited and below the required distance to ensure adequate highway safety. The Highways Authority advised in relation to the previously

approved development of the Dower House (P/FUL/2021/02420) that *“the access is not in an ideal location and it appears that the visibility available does not meet guidance, however in planning terms there appears to have been an established gated access in this location as such an objection to the principle [for reinstating the access to serve the Dower House] is unlikely to be sustainable... the Highway Authority would be highly unlikely to support any future intensification of use of this access.”*

16.69 If unrestricted the proposed access could serve the new dwelling, Parnham House and the wider Estate resulting in significant vehicle movements at the existing access. Due to there being inadequate visibility splays for the speed of the road this situation would result in an unacceptable impact on highway safety and would represent a clear reason for refusal on highway grounds under the NPPF (Para. 115). To prevent this situation arising and ensure no intensification of the access, the Highways Authority recommend a planning condition requiring the access to Parnham House and the wider Estate being permanently obstructed by erection of bollards to prevent use by motor vehicles. This condition would resolve the highway safety concerns and ensure no intensification of the use of the access.

16.70 Mindful of the emerging proposals for restoration of Parnham House, associated hospitality development and enabling residential development within the grounds, it may be possible to remove this restrictive planning condition in the future to allow access to Parnham House and the wider Estate if the speed of the road is reduced to an acceptable speed to ensure required visibility.

16.71 Sufficient car and cycle parking would be provided for the Dower House and new dwelling. Subject to planning conditions, the proposed development would be acceptable from a highways and parking perspective and in accordance with Local Plan Policies COM7 and COM9.

Biodiversity

16.72 The site of the new dwelling falls partially within The Grove & Parnham Park Site of Nature Conservation Interest (SNCI) which extends to the east, south and west of Parnham House. As noted above, the proposal is not considered to cause significant harm to the SNCI.

16.73 The submitted Biodiversity Plan (BP) is based on the original proposed development. Revised supporting documents were not submitted when the proposals were amended. Given the greater extent of hard landscaping, the Biodiversity Plan is considered to represent an overly robust assessment of the biodiversity impacts.

16.74 The Biodiversity Plan identifies the following mitigation measures:

- 3,740sq.m of species rich wildflower grassland in the north park;
- 490sq.m of native shrub planting between the new dwelling and A3066
- New tree and hedge planting
- Bat roosts, bat tubes and bee bricks

16.75 Whilst the proposals have been amended and the submitted Biodiversity Plan does not align with the proposed development, there is considered to be ample opportunity to deliver the requisite biodiversity net gain in accordance with Policy ENV2 and the NPPF (Para. 180). Given the absence of a certified Biodiversity Plan, a Biodiversity Plan would need to be secured via planning condition.

16.76 Initial comments from the Natural Environment Team requested that the applicant provide an updated bat survey due to existing surveys being more than two years old. Those surveys related to the Dower House and the associated potential impact of the roof works on bat roosts. Exceptionally, due to the approval of a similar development in 2021 (P/FUL/2021/02420) an updated bat survey is not considered necessary in this instance given the applicant has a fall-back position which can be implemented until 23 December 2024 without the need for a further bat survey. However, should the works to the Dower House commence after this permission lapses (23 December 2024), it would be reasonable to require a further bat survey prior to commencement of works to the Dower House. This could be secured via planning condition. Subject to this condition, the proposal accords with Policies ENV2 and ENV3 of the Local Plan.

Trees

16.77 The proposed holiday let is within a lawned area opposite the Dower House. There is some large tree cover close to the proposed plot with dense understorey of mature overstood laurel to the east alongside the A3066.

16.78 The submitted Arboricultural Survey, Tree Constraints Plan and Arboricultural Method Statement identify the proposed works to trees and associated impacts of the original proposed development. Revised supporting documents were not submitted when the proposals were amended. Nevertheless, given the reduced extent of works and omission of the 'D'-shaped accesses shown in the original proposal, the supporting documents are considered to represent an overly robust assessment of the anticipated arboricultural impacts.

16.79 A number of trees and sections of hedge are proposed to be removed to facilitate the restored access (T5) and increased visibility splays (T11, T12, T13, T14, H2 and H3) or because they are too close to buildings (T6).

16.80 The Tree Officer initially raised objection in respect of the original proposals to the removal of T5, a London Plane tree located to the north of the Dower House within the previously proposed access route to the Dower House. This tree is described as having a significant stem size with a number of features including decay and stem hollowing that would indicate that the tree has notable or veteran tree status. The Tree Officer advised that it must not be felled to facilitate the development and should instead be retained and an appropriate Veteran Tree Management Plan put in place to ensure safe retention.

16.81 The revised proposal avoids the tree, although the new revised access to the north would affect part of the RPA. Subject to the retention of T5 and appropriate construction methods within the RPA the revised proposals is considered acceptable from an arboricultural perspective. Necessary pre-commencement conditions would require a revised Arboricultural Method Statement and Tree Constraints Plan, Tree Removals Plan and Tree Protection Plan. Subject to these conditions, the proposal accords with ENV10 and would provide for the future retention and protection of trees that contribute to the area's distinctive character.

Community Infrastructure Levy

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

16.83 The development proposal is CIL liable. Confirmation of the final CIL charge would be included in a CIL liability notice issued prior to the commencement of the development Index linking as required by the CIL Regulations (Reg. 40) using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors.

EIA

16.84 Following consideration of the relevant selection criteria for screening Schedule 2 development presented in Schedule 3 of the EIA regulations, it was concluded that the proposed development is not likely to result in significant environmental impacts. Therefore, the Planning Authority hereby adopts an EIA screening opinion that an Environmental Statement is not required in this instance.

17.0 Conclusion

17.1 Clear and convincing justification for the harm to the significance of Parnham House (Grade I), the RPG (Grade II*) and the Dower House (Grade II) has not been provided. The public benefits of the proposal are not considered to outweigh the identified harm. Accordingly, the development conflicts with Policy ENV4 and the NPPF (Paras. 206 and 208) and is not considered to comply with the Local Plan when read as a whole. It is therefore recommended for refusal on heritage grounds.

17.2 In the absence of a completed Section 106 Agreement the linkage between the proposed holiday-let and other holiday accommodation within the Estate would not be secured and the proposal would not secure the intensification of existing accommodation at the Estate. The proposal would therefore also conflict with Policy ECON6.

18.0 Recommendation

18.1 Refuse planning permission for the following reasons:

3. Through the construction of a substantial dwelling, swimming pool and pool house in close proximity to the former Lodge (Dower House), the proposed development would undermine the hierarchy of buildings within the Parnham Estate and Parnham House Registered Park and Garden (RPG) and would adversely affect the significance of the RPG, The Lodge and Parnham House. The resultant less than substantial harm without clear and convincing justification would not be outweighed by public benefits in conflict with West Dorset, Weymouth and Portland Local Plan Policy ENV4 and the NPPF.
4. In the absence of a Section 106 Agreement linking the holiday let with the Parnham Estate, the proposal would not result in the intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation and site in conflict with West Dorset, Weymouth and Portland Local Plan Policy ECON6.

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Application Number:	P/HOU/2023/04785
Webpage:	Planning application: P/HOU/2023/04785 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	3 Pump Cottages West Road Bridport Dorset DT6 6AE
Proposal:	Retain and alter ancillary building
Applicant name:	Mr P & Mrs S Page & Ainley
Case Officer:	Robert Parr
Ward Member(s):	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:

Grant subject to 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 Policy 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 and subsequently altered without having the benefit of planning permission. This building is 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 retain the existing building and then use the building as ancillary accommodation in association with No.3 Pump Cottages.
- 6.2 The proposed retained building would have a broadly rectangular planform and pitched roof with gable ends. The retained building is located on sloping ground, which falls away to the north and at the northern end of the building are French doors and windows and access is provided by a pedestrian door retained on the west elevation of the building. Attached to the northern end of the building would be a retained decking area with access steps and glazed balustrade. The retained external wall

materials would be timber cladding with a natural finish, with a Living Green shallow pitched roof above.

7.0 Relevant Planning History & Background

7.1 Members have previously considered this application at the Western and Southern Area Planning Committee on 14 November 2023 (see decision below for information). However, following that decision the applicant carried out alterations to reduce the size of the building and create a new balcony with steps and balustrade. Given the changes to the original proposal the previous need for a Section 106 agreement has fallen away and members are now asked to consider the amended design, the only difference being the decking area with access steps and glazed balustrade, compared to the scheme considered in November. The committee report of 14th November 2023 is at Appendix 1.

Western and Southern Area Planning Committee on 14 November 2023
Decision: That authority be delegated 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 the planning conditions set out in the appendix to these minutes.

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: (duty to seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty - 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

Two rounds of consultation have been carried out in regard to this application. The first round of consultation was presented to members at the Western and Southern Area Planning Committee on 14 November 2023. Following submission of amended plans a second round of consultation has been carried out and the responses are summarised below.

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

Consultees

1. **Symondsburry Parish Council:** Object.

Planning Comment: The submission is a little confusing as it has the same planning reference number that was commented on in September 2023 but with a change in the drawn information adding areas previously agreed as being removed which was understood to be confirmed by committee. The new proposals have added back the area of decking and glass balustrade which was understood to have been removed completely. This adds back the issue of loss of amenity and privacy to the neighbours as well as still creating overshadowing. It is clear this is more than just a garden structure and will most likely be offered as Airbnb accommodations in the future. It was noted that the applicants are attempting to sell the property and it is considered that this new amendment is connected. The following Neighbourhood Plan and Local Plan conditions apply: Neighbourhood Plan; L1, L2, D1, D8, D10. Local Plan: INT1, ENV1, ENV10, ENV12, ENV13, ENV16

Consideration: The Committee carefully considered the planning submission. They all felt disappointed that the applicants had amended the reduced proposals by increasing the decking area and thus the scale of the building, which was a key element in the loss of privacy and amenity, recreating an overbearing structure. The committee reiterated their concern over the height of the building constructed without consent, which has led to the overshadowing of the neighbouring property and making the building more prominent. The Committee felt that the current proposal was a retrograde step and not acceptable in its current form suggesting that the building be reduced in height to that of the original timber shed, that all facilities internally (shower and toilet) be removed and that the decking and glass balustrade be removed.

Conclusion: The Committee could not support the application.

2. **Highway Authority:** No response received.

3. **National Highways:** Recommendation and comments submitted on 12 September 2023 remain appropriate, noting that use of the building remains ancillary to the main dwelling. On 12 September 2023 National Highways offered no objection 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.
Scale	- The decking and steps further increase the scale of the building to more than is reasonable for the neighbourhood or a garden building.
Residential Amenity	- Loss of privacy due through overlooking. - Loss of light.
Other Issues	- Consider ancillary building no longer required as property is for sale. - Consider a building that is ancillary to the main house has no need for toilet, sink, shower, etc.

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 (2023)

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 and beautiful 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 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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. 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 Green Roof is considered acceptable as this also helps 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 scale of the development at this site has been identified as a potential issue by the Parish Council and in third party responses. It is considered that the scale and proportion of the building does not overpower and relates positively to the existing dwelling. Furthermore, the 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 in accordance with Local Plan Policy ENV12. The dimensions of the building now being considered, are as previously considered by the committee in November 2023, the only change being the decking and balustrade.

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 amenity as a result of loss of privacy, overshadowing and being overbearing. It should be noted that the only change between the scheme now being considered and that which was considered in November 2023 is the decking and balustrade.
- 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 Whilst 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, it is considered that the reduced size building as existing does not have a significant 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

- 15.14A respondent considers that as the property is for sale that the ancillary building is no longer required. The issue of ownership of the application site is not a material consideration for the planning decision and therefore is not considered to be a planning matter requiring further consideration.

15.15 A respondent considers that a building that is ancillary to the main house has no need for toilet, sink and shower. It is considered that the inclusion of these facilities in a building intended to be used as ancillary to the main dwelling is not unreasonable and the use of the building would be controlled by planning condition.

15.16 The use of the 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 that had the retention of the building in this location been for use as a separate unit for holiday accommodation it would be likely to 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.

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 (2023) 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

Grant subject to the following 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 Rev: B

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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Application Number:	P/HOU/2023/04785
Webpage:	Planning application: P/HOU/2023/04785 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	3 Pump Cottages West Road Bridport Dorset DT6 6AE
Proposal:	Retain and alter ancillary building
Applicant name:	Mr P & Mrs S Page & Ainley
Case Officer:	Robert Parr
Ward Member(s):	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 that 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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