

## 1.0 Application Number – [WP/19/00611/FUL](#)

**Site address** – MARTLEAVES HOUSE, 41 SOUTH ROAD, WEYMOUTH DT4 9NR

**Proposal** – Removal of stables and redundant barn/store. Erect 4.no detached houses and two double car ports.

**Applicant name** – Mr Smith

**Case Officer** – Jo Riley

**Ward Member(s)** – Cllr Heatley, Cllr Sutton, Cllr Wheller.

## 2.0 Summary of Recommendation: Approve

## 3.0 Reason for the recommendation:

- Absence of 5 year land supply and the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The proposed development of 4 dwellings proposes to boost the housing land supply in a sustainable location despite the site being outside the defined development boundary (DDB) of Weymouth and is deemed acceptable.
- The principle is established following an outline approval and the design, layout and parking proposed is not considered to be harmful to local amenity or cause harm to the wider landscape.
- The proposal is acceptable in its design and general visual impacts and there is not considered to be any significant harm to neighbouring residential amenity

## 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The application site lies outside of any Defined Development Boundary (DDB) but adjacent to it. The Council cannot currently demonstrate 5 year housing supply. Policy SUS2 aims to focus residential, employment and other needs within the DDB. There is an established planning history for a similar proposal, approved in outline form.
Scale, design, impact on character and appearance	It lies within a designated Area of Local Landscape Importance (ALLI). However the proposed housing sits within a group of existing buildings, and replaces some existing buildings

	and would not encroach into the wider countryside/landscape. The design is acceptable and similar to those previously indicated at outline stage with minor changes.
Impact on amenity	The proposals are considered to be adequately separated from neighbouring residential properties and therefore there is considered to be no resulting adverse neighbouring amenity impact. There is sufficient amenity for potential occupiers.
Highway safety and parking	The dwellings have sufficient parking to meet needs of housing and guest house. The proposal uses the same entrance as existing onto South Road. There is not considered to be any harm to highway safety.
Economic benefit	There will be short term benefits for buildings during construction. The proposal would benefit the long term running of the guesthouse.

## 5.0 Description of Site

5.1 The site is part of the former Martleaves Farm, now Swallows Rest Guesthouse (B&B). The site comprises of a main house and self catering cottages, a U shaped stable block, a barn, menage, surrounding fields with horses and informal campsite and associated buildings.

5.2 The site is outside the defined development boundary (DDB) which lies to the east around properties in nearby South Road. The site is within an important open gap and within view of the Heritage Coast. Public footpath 73 runs alongside the site to the north.

## 6.0 Description of Development

6.1 Full permission is sought to demolish the stables and a former barn and erect four detached houses and car port on the site. The houses would be to the north of the main house and the public footpath to the north. The proposed houses would be two storey, four bedrooomed and detached. The proposal includes a detached car port containing 4 spaces. 14 car parking spaces are retained/provided in total. 8 of these would be provided for the new dwellings (2 per dwelling). The other car parking spaces would be for the guest house and cottages. Access to the houses is

via an existing access off south Road. The houses are proposed to be arranged around a courtyard/parking and turning space. Each house has a modest garden.

6.2 The application is accompanied by an Ecology report and mitigation plan which provides for bat boxes and swallow cups.

## 7.0 Relevant Planning History

Application No.	Description	Decision	Date
WP/18/00701/OUT	Removal of former stables and redundant buildings and erect 2 pairs of semi detached houses - outline	Approved	9.11.2018

## 8.0 List of Constraints

- Outside of the DDB
- Heritage Coast
- Landscape, seascape and sites of geological interest – South Dorset Ridge & Vale.
- Footpath No. 73

## 9.0 Consultations

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

9.1 **Dorset Council Highways** – No objection subject to condition regarding turning and parking

9.2 **Dorset Council Rights of Way Officer** - No objection but footpath must remain open to the public and not used by vehicular traffic.

9.3 **Natural England** - No objection subject to securing the Biodiversity Mitigation and Enhancement Plan (BMEP)

9.4 **Weymouth Town Council** - object as the site is outside the development boundary.

## 10.0 Representations

10.1 7 representations of objection have been received. These raise the following issues:

- Four homes is too many and not in keeping

- Adverse impact on wildlife
- It will be destruction of an area of natural beauty
- There will be construction traffic and amenity issues
- There is a lack of on-street parking
- There will be a harmful impact on the character of the area
- There is too much traffic to the camping site
- This will cause more traffic congestion on the roads
- This is overdevelopment of the site of historic beauty
- It will set a precedent for more housing
- The housing isn't necessary
- It will not benefit the community
- It will cause light pollution.

## **11.0 Relevant Policies**

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

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

- INT1- Presumption in Favour of Sustainable Development
- ENV1 - Landscape, Seascape And Sites Of Geological Interest
- ENV2 - Wildlife and habitats
- ENV3 - Green infrastructure network
- ENV 10 – The Landscape and Townscape Setting
- ENV12 – The design and positioning of buildings
- ENV15 – Efficient and appropriate use of land
- ENV16 – Amenity
- SUS1 – The level of economic and housing growth
- SUS2 – Distribution of development
- HOUS1 – Affordable Housing
- COM7 – Creating a safe and efficient transport network
- COM9 – Parking standards in new development

- COM10 – The provision of utilities service infrastructure

### National Planning Policy Framework (NPPF) 2019

As far as this application is concerned the following sections of the NPPF are considered to be relevant:

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 6 - Building a strong, competitive economy

Section 9 – Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well designed places

Section 15 - Conserving and enhancing the natural environment

#### Decision taking:

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

#### Other material considerations

Weymouth and Portland Landscape Character Assessment 2013.

### **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 PSED.

#### **14.0 Financial benefits**

The proposal may result in short term financial benefits for the region by way of employment of local tradesmen or use of local materials during the construction phase.

#### **15.0 Climate Change Implications**

15.1 The development is considered to be in a sustainable location, despite it being located outside the defined development boundary for Weymouth with good access its services and facilities and is located with good public transport links nearby.

15.2 Energy would be used a result of the production of the building materials and during the construction process. However that is inevitable when building houses and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use. The proposal would also be built to current building regulation standards at the time of construction.

#### **16.0 Planning Assessment**

##### **16.1 Principle of Development**

16.2 The site is outside of the development boundary but is immediately adjacent to it and is considered to be in a sustainable location development close to public services provided at Wyke Regis/Weymouth

16.2 Policy SUS2 of the Local Plan aims to focus residential, employment and other development to meet the needs of the local area within defined development boundaries (DDBs) and taking place at appropriate scales to the size of each settlement. The policy also indicates that outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints. Open market houses can be acceptable under this policy but only when this involves the re-use of existing rural buildings. Policy HOUS6 of the Local Plan is not applicable in this case as the scheme has not been put forward as new housing for rural workers.

16.3 Following a recent appeal in Charminster in 2019 the Inspector there concluded that the Council cannot demonstrate a 5YHLS for the West Dorset,

Weymouth & Portland plan area. The inspector concluded that the position is greater than 4.12 but less than 4.88 yrs eg less than 5 years. This means that para 11 footnote 7 of the NPPF is 'engaged' and relevant supply of housing, including Policy SUS2 may no longer be considered to be up to date. Where a 'relevant policy' such as SUS2 is considered to be out of date, para 11 of the NPPF is also engaged indicating that in such cases planning permission should be granted unless:

*i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing development proposed, or*

*ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole*

16.4 In this regard the main policy issues are:

- conflict with the spatial strategy of the Local Plan; and
- the impacts of the proposed development given its location outside a DDB.

16.5 The proposed development would ordinarily be contrary to criterion i) of Policy SUS2, which sets out the spatial strategy for the Local Plan area. Criterion i) of Policy SUS2 directs development to settlements with DDBs, and the 'main towns' of Dorchester and Weymouth and the 'market and coastal towns'.

16.6 As part of the determination, it is also important to have regard to: the extent of the current housing land supply shortfall; and the measures the councils are putting in place to address it.

16.7 The Council has taken action to address the housing land supply shortfall not only by making progress on the Local Plan Review, but also through the granting of consents on sites that are outside, but adjoin settlements with DDBs. That is the case here as the site adjoins the DDB of Weymouth.

16.8 Given the fact that the Council cannot currently demonstrate a five year housing land supply the contribution of four additional dwellings would make is a modest but positive contribution to that supply. This scheme also replaces existing buildings within the vicinity of residential buildings and also has the benefit of outline permission (WP/18/0701/OUT). Therefore the principle of providing open market housing on this site is already established and is therefore acceptable but we also need to consider as per para 11 of the NPPF which is engaged as regards "planning permission should be granted unless":

*i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing development proposed, or*

*ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole .*

16.9 These detailed considerations are as set out below

#### 16.10 Impact on the character of the area/designated ALLI landscape

16.11 Policy ENV1 of the adopted Local Plan (Landscape, Seascape And Sites Of Geological Interest) states that :

*i) The plan area's exceptional landscapes and seascapes and geological interest will be protected, taking into account the objectives of the Dorset AONB Management Plan and World Heritage Site Management Plan. Development which would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Beauty or Heritage Coast, including their characteristic landscape quality and diversity, uninterrupted panoramic views, individual landmarks, and sense of tranquillity and remoteness, will not be permitted.*

*ii) Development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character. Proposals that conserve, enhance and restore locally distinctive landscape features will be encouraged. Where proposals relate to sites where existing development is of visually poor quality, opportunities should be taken to secure visual enhancements. Development that significantly adversely affects the character or visual quality of the local landscape or seascape will not be permitted.*

16.12 Policy ENV3 Green Infrastructure Network states:

*i) The councils will work together with local communities and other relevant partners to develop a green infrastructure strategy for the plan area*

*ii) Development that would cause harm to the green infrastructure network or undermine the reasons for an area's inclusion within the network will not be permitted unless clearly outweighed by other considerations.*

*iii) Development proposals that promote geodiversity and biodiversity within this network of spaces and provide improved access and recreational use (where appropriate) should be supported.*

16.13 ENV 10. The Landscape And Townscape Setting states:

*i) All development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Development should be informed by the character of the site and its surroundings.*

*ii) Development will provide for the future retention and protection of trees and other features that contribute to an area's distinctive character. Such features may not always be designated or otherwise formally recognised.*

*iii) Development should only be permitted where it provides sufficient hard and soft landscaping to successfully integrate with the character of the site and its surrounding area.*

*iv) Opportunities to incorporate features that would enhance local character, including public art or that relate to the historical, ecological or geological interest of a site, should be taken where appropriate.*

16.14 The site is located within a designated Area of Local Landscape Importance (ALLI) which recognises the networks of open spaces that separate the settlements of Weymouth with the more open undeveloped area between the DDB and the coast including the Fleet. The ALLI provides an important buffer to urban and industrial development. The ALLI designation, carried forward by Policy ENV3 seeks to conserve this open character.

16.15 However the proposal would replace existing buildings on this site and would be seen very much in the context of the wider urban area of Weymouth. It would extend the built form of development adjacent to existing houses. A courtyard approach is proposed covering a similar area to where existing buildings lie. Policy ENV1 (ii) states that development should be located and designed so as not to detract from, and where reasonable, enhance the local landscape character. ENV10 (i) contains a similar objective in relation to local character and distinctiveness. As noted above, this element of the policies is considered to be met.

16.16 Policy ENV3 (ii) seeks to protect the reasons for an area's inclusion in the Green Infrastructure Network. This relates to the retention of the open character of the area. It is considered that the proposals would not adversely affect the ALLI particularly when this is balanced against the housing land supply issue as outlined above. The proposals would be seen very much in the context of the neighbouring housing. As such it is considered that the development would therefore be acceptable and although designated as ALLI, the redevelopment proposals would not significantly harm the wider landscape.

16.17 For the above reasons the impact of the development on character of the area/landscape impact grounds is considered acceptable in that the development would not have a significant adverse impact on the open undeveloped character of the locality significant to justify refusing the application.

16.18 Design/Amenity Considerations. The design and appearance of the four houses and parking in a courtyard arrangement in traditional materials is considered acceptable. The proposed houses are two storey of a commensurate ridge level of Martleaves House and properties in South Road. The house entrances would be off the courtyard with parking spaces at the front of them and the guest house. There would be a series of paths from parking spaces to front doors. There may be some ambiguity between allocated parking for the proposed houses and customers for the guest house but this can be resolved with signage and marking out of allocated spaces. All the properties have modest gardens and meet technical space standards. There is a mix of plot sizes in Wyke and the proposed houses would stand alone and not form a continuation of South Road in any event. Each one of the gardens would have a close boarded fence and some space for planting/landscaping. There would be an element of mutual overlooking from neighbouring semi detached windows to gardens but no direct loss of privacy to windows. Users of the footpath to the north of the site would remain separated from

the gardens by a 1.8m hit and miss fence. There is also bin storage and recycling facilities near to the site entrance proposed.

16.19 Given the above it is considered that Policies EN1; ENV3; ENV10; ENV12 and ENV16 of the adopted Local Plan which deal with design and amenity considerations is met along with the para 127 of the NPPF which amongst other things aims seeks to ensure that development minimises the impact on the living conditions of existing residents close to it.

#### 16.20 Highway safety and parking

16.21 No objections have been received from highways other than the recommended use of a condition requiring that the turning and parking areas must be constructed prior to the occupation of the dwellings. Subject to this condition, it is considered that these areas would be sufficient to allow vehicles to safely manoeuvre in and out of the site without conflict with the guest house customers. There is only one access onto South Road. Comments have been received from those objecting that the four houses would add to congestion. However South Road does not have parking restrictions, the access onto South Road would not alter and it is not considered that the traffic movements of four houses would be significantly harmful. The entrance to the guest house and the proposed houses is on a corner of South Road/Westhill Road where cars would naturally slow down. In addition to the highways condition it would also be prudent to have a condition for existing and new parking spaces to be clearly marked out.

16.22 The submitted drawings also show the dwellings would have 4 bedrooms; Policy COM9 states car parking should be assessed against the Bournemouth, Poole & Dorset Residential Car Parking Study and in the case of a 4 bedroom dwelling, 2 allocated spaces would usually be expected. In addition the site is within walking distance of public transport, local shops, schools and other public facilities. It is therefore deemed that subject to condition, the proposal would comply with Highway standards and policies COM7 and COM9 of the Local Plan. There would be no severe highway impact arising as is set out in para 109 of the NPPF.

#### **16.23 Affordable Housing**

16.24 Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing. National planning policy and national guidance establish thresholds below which affordable housing contributions should not be sought.

16.25 In the light of national policy and guidance, affordable housing contributions are no longer sought on sites of 10 units or fewer (or with a maximum gross combined floor space of 10,000 square metres or less), outside designated rural areas or 5 units or fewer inside designated rural areas such as the AONB. As this proposal falls below these thresholds an affordable housing contribution is not required.

## **16.26 Community Infrastructure Levy**

16.27 The adopted charging schedule applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set at £0 per sq. m. CIL rate. The development proposal is CIL liable. The development is CIL liable and is estimated to be £8240. This is payable on completion.

## **16.28 Biodiversity/Ecology**

16.29 The application is accompanied by an Ecology report and Mitigation plan which has been prepared by a recognised ecologist which makes mitigation recommendations such as bat boxes and swallow cups. Natural England has not objected as long as the measures in the Biodiversity Mitigation Plan are provided on site. Provided that a condition is attached to any permission requiring this to be carried out, then policy ENV2 of the Local Plan is satisfied.

## **17.0 Conclusion**

17.1 Overall, officers are satisfied that there are no material harmful effects that would significantly and demonstrably outweigh the social, economic and environmental benefits of the development, as detailed in the main body of the report. The proposed development is not within but is adjacent to a main town with a DDB and in close proximity to and connectivity to the facilities and services on offer in the Weymouth area. In the light of the current housing land supply position the proposal would make a small but positive contribution to the supply of housing where there are no other obvious and adverse planning impacts to justify a refusal of planning permission. The Planning Balance in the light of the continued Housing Land Supply issue leads to a favourable recommendation being made.

17.2 The proposed development is acceptable and therefore recommended for approval.

## **18.0 RECOMMENDATION**

18.1 Approval is Recommended 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 approved plans:

Location & Site Plan - Drawing Number 2018 07 13 received on 25/07/2019 - Submitted

Proposed Elevations - Drawing Number 2018 07 14 received on 25/07/2019 - Submitted

Proposed Floor & Site Plan - Drawing Number 2018 07 12 received on 25/07/2019 - Submitted

Topographical Survey - Drawing Number 2018 07 07 A received on 25/07/2019 – Submitted

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

3. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans 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.

4. The development shall be carried out in accordance with the report and recommendations of the submitted Biodiversity Mitigation & Enhancement Plan of Lowens Ecology Survey and Assessment dated 6.9.19 and further details as set out in the Dorset Natural Environment Team Biodiversity Mitigation and Enhancement Plan.

Reasons: In the interests of nature conservation

5. Prior to development above damp proof course level details and samples of all facing and roofing materials shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall be completed in accordance with these details.

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality.

6. Before the commencement of development, unless otherwise agreed by the Local Planning Authority, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

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

Informatives:

NPPF

CIL

Right of way Footpath No. 73 to remain open at all time.