

**1.0**      **Application number:** [WP/19/00501/FUL](#)  
**Site address:** 73-75 PORTLAND ROAD, WEYMOUTH, DT4 9BE  
**Proposal:** Conversion of shop and residential accommodation to 2no. dwellings and erect 3no. dwellings to the rear fronting Williams Avenue  
**Applicant name:** ACME Property Ltd  
**Case Officer:** Steven Banks  
**Ward Members:** Cllr Brian Heatley, Cllr Clare Sutton and Cllr Kate Wheller

**2.0**      **Summary of Recommendation:** GRANT subject to conditions

**3.0**      **Reason for the recommendation:**

- The principle of carrying out the proposed development in the proposed location, by reason of the proposed location being identified as sustainable for the proposed type of development, is accepted.
- The proposed development, by reason of its design, size, positioning and materials, would successfully integrate into the surrounding environment.
- The proposed development, by reason of its size, positioning and the positioning of openings, would result in satisfactory living conditions.
- Given the size of the site and the number of residential units proposed, it is considered that the proposal would optimise the development potential of the site and make efficient use of the land.

**4.0**      **Table of key planning issues**

Issue	Conclusion
Principle of development	The principle of the proposed development taking place is accepted because the proposed location for the development, which is within a defined development boundary, is considered to be sustainable for the type of development proposed, which is residential.
Local community facilities	The submitted justification identifies the unit as being unviable, due to competition from the Tesco and COOP stores which are located in close proximity to the proposal site and there being no demand for an appropriate alternative use because a sufficient supply of alternative community uses exist in the nearby area.
Character and appearance	The proposal would reinforce the distinctive character of the area, its

	identity and sense of place by reason of its design, positioning, form and materials which take reference from the local area and would consequently relate very well to the buildings in the sites environs.
Amenity	The proposed development would create and protect a good standard of amenity for the occupants of the existing and proposed buildings and their surrounding areas because the separation distance between the existing and proposed buildings and the positioning of windows in the buildings would ensure a reasonable level of privacy to the properties, a satisfactory outlook from within buildings, no overbearing on existing and proposed living space; a sufficient area of private garden space to meet the reasonable needs of users and that a satisfactory level of light would reach the interior of the buildings.
Highway safety and efficiency	The nature of the proposal would not result in vehicle movements which would harm highway safety or efficiency.
Utilities	The proposed dwellings would have access to necessary utilities because the proposed dwellings fall within the settlement of Weymouth where such utilities service infrastructure exists.
Community Infrastructure Levy	The proposed development would result in an increase in floor area and attract a charge of an estimated £11,392.
Economic benefits	The development phase will provide employment and post development there will be financial benefit in the local community through the use of local services and payment of Council

	Tax.
Housing Land Supply	The proposed development would make a small but useful contribution towards the supply of housing noting that we cannot currently demonstrate a 5 year supply

## 5.0 Description of Site

5.1 The site falls within the Weymouth Defined Development Boundary and forms part of an area which is characterised by residential and commercial development. The application site, which forms a corner plot where Williams' Avenue meets Portland Road in Weymouth, accommodates a garage, garden area and a building comprising of a vacant convenience store and Post Office and two dwellings.

## 6.0 Description of Development

6.1 In this application it is proposed to remove part of and convert an existing building, which comprises of two residential units and a convenience store which accommodates a Post Office, into two dwellings and to construct three dwellings.

## 7.0 Relevant Planning History

7.1 There is no planning history which is relevant to this planning application.

## 8.0 List of Constraints

- Weymouth Defined Development Boundary

## 9.0 Consultations

### 9.1 Parish Council /Town Council

9.2 No objection.

### 9.3 DC Highway Authority

9.4 *The Highway Authority is disappointed that there is no allocated parking proposed and notes that there is only room for approximately 3 cars along the sites frontage on Williams Avenue. However, it also recognises the use as a shop and considers the location would be regarded as "sustainable" it being on a frequent bus route, close to shops, schools, health facilities and more. There are parking restrictions implemented at various locations in the vicinity of the site and these could be legally amended, if required (using legislation outside of the Planning process). The Authority is of the opinion that the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraphs 109 of the National Planning Policy Framework (NPPF 2019) and therefore, has NO OBJECTION.*

9.5 All full consultee responses and representations can be viewed on [www.dorsetforyou.com](http://www.dorsetforyou.com)

## 10.0 Representations

10.1 17 statements of objection to the planning application have been received.

10.2 The objections relate to:

- Parking
- House sizes
- Building works preventing access to the bus stop

10.3 Weymouth and Portland Access Group:

10.4 *The Post Office / Shop premises have a stepped access. This, in addition to the additional shopping competition now faced has resulted in this proposal. Wyke Regis, as a large community, should have a Post Office, in accessible premises. Without this the area will be significantly inconvenienced and those impacts will be particularly problematic for elderly and disabled people and to all who do not own a car. It is important that a suitable Post Office is provided in Wyke Regis without delay.*

## 11.0 Relevant Policies

11.1 Adopted West Dorset and Weymouth & Portland Local Plan (2015)

- INT1. Presumption In Favour Of Sustainable Development
- ENV1. Landscape, Seascape And Sites Of Geological Interest
- ENV2. Wildlife and Habitats
- ENV10. The Landscape And Townscape Setting
- ENV11. The Pattern of Streets and Spaces
- 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
- COM3. The Retention of Local Community Buildings and Structures
- COM7. Creating a Safe and Efficient Transport Network
- COM9. Parking standards in New Development
- COM10. Utilities

11.2 National Planning Policy Framework (NPPF) 2019

2. Achieving Sustainable Development
5. Delivering a sufficient supply of homes
6. Building a strong competitive economy
11. Making Efficient Use of Land
12. Achieving well designed places

11.3 Decision taking:

Para 38 of the NPPF identifies that 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.

11.4 Other material considerations

11.5 Supplementary Planning Documents

11.6 Weymouth and Portland Landscape Character Assessment 2013

11.7 The Bournemouth, Poole & Dorset Residential Car Parking Study 2011

## **12.0 Human rights (standard text)**

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.

## **13.0 Public Sector Equalities Duty (standard text)**

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 PSED.

## **14.0 Financial benefits**

14.1 Material considerations

14.2 In terms of the economic benefits of the proposal, the development phase will provide employment and post development there will be financial benefit in the local community through the use of services.

14.3 Non-material considerations

14.4 Payment of Council Tax.

## **15.0 Climate Change Implications**

15.1 The proposal is considered to be in accordance with the Policies of the adopted Local Plan as regards residential accommodation given that the proposal is within the Weymouth Defined Development Boundary and as such comprises what is regarded as Sustainable Development. The proposal would also have to meet modern Building Regulations standards as regards construction.

## **16.0 Planning Assessment**

### **16.1 Principle of development**

16.2 This application site is located within the Defined Development Boundary (DDB) of Weymouth in the adopted local plan. Policy SUS2 of the adopted local plan seeks to direct development to the main settlements and to “strictly control” development outside DDBs, “having particular regard to the need for the protection of the countryside and environmental constraints”. Given the location of the site inside the DDB with good access to amenities the principle of the application is acceptable. The development will also further assist in the lack of five year housing supply, subject to compliance with other policies in the local plan.

16.3 The Council cannot currently demonstrate a five-year supply of deliverable housing sites. This means that para 11 of the NPPF is 'engaged' and relevant policies for the supply of housing, including Policy SUS 2, may no longer be considered to be up-to-date. Where a 'relevant policy' such as SUS 2 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:

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

*where specific policies in the Framework indicate development should be restricted.*

16.4 However, the lack of a 5 year supply, even if the supply is only marginally below 5 years, means that less weight has to be given to policies such as Policy SUS 2 in decision-making. This application site is located within the defined development boundary (DDB) of Weymouth in the adopted local plan and is clearly seen in the wider context of neighbouring buildings in this urban area. Based on the requirement to assist in the lack of five year housing supply, and subject to compliance with other policies in the local plan, the proposal in principle is considered acceptable.

### **16.5 Local community facilities**

16.6 The loss of local facilities should be resisted unless there is a reasonable justification for the loss. This is as set out in Policy COM3. The conversion of the shop which is currently closed and was occupied by a former Post Office to form part of two dwellings would result in the loss of what the Local Plan identifies as community infrastructure. An acceptable justification for the proposed loss is

necessary. It is considered that a reasonable justification has been submitted as part of this application and that proposal accords with policy COM3 which permits the loss of local community facilities where it can be demonstrated that there is no local need for the facility or that such a facility is no longer likely to be viable; and that an appropriate alternative community use to meet local needs is not needed or likely to be viable. In this case the justification identifies the unit as being unviable, due to competition from the Tesco and COOP stores which are located in close proximity to the proposal site and there being no demand for an appropriate alternative use because a sufficient supply of alternative community uses exist in the nearby area.

**16.7 Character and appearance**

- 16.8 The inter-relationship between buildings and their surroundings create the built environment and contribute to its identity, character and sense of place. It is identified in paragraph 124 of the NPPF that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This is also reflected in Policies ENV10 and ENV12 of the adopted Local Plan. The effect that a proposed development would have on the character of an area is determined by its appearance.
- 16.9 The identity of Williams' Avenue, of which the proposed three dwellings would form part of, is defined by a broadly consistent material palette of red bricks, buff bricks and white render and cream render under red concrete tiles and slate tiles. The building typology of the terrace makes a very strong contribution to the sense of place. Residential uses prevail in Williams' Avenue. The identity of Portland Road is characterised by a similar material palette to that of Williams' Avenue and also includes white and cream painted brick and pebble dash rendering. Commercial uses can be found amongst the residential uses on Portland Road as well as detached, semidetached and terraced development types.
- 16.10 It is proposed to replace the existing shop front facing Portland Road with a bay window and entrance door to each of the two proposed properties. The windows of the proposed bays would be of similar proportions to those existing above and would be in keeping with the bay window design feature of many dwellings in the surrounding area.
- 16.11 The proposed terrace buildings in Williams Avenue which is proposed to use materials of red bricks and red tiles for the proposed three dwellings takes reference from the local area and would relate very well to the buildings in the sites environs. The distinctive character of the area, its identity and sense of place would be reinforced by the building typology and materials of the proposal. The three dwellings are of a simple, pleasant design, which would not detract from the character and appearance of the area.

16.12 In light of the above it is concluded that the proposal would reinforce the distinctive character of the area, its identity and sense of place by reason of its design, positioning, form and materials which take reference from the local area and would consequently relate very well to the buildings in the sites' environs. The proposal therefore is considered to accord with policy ENV1, ENV10, ENV11 and ENV12 and paragraphs 127 and 124 of the NPPF and makes best and efficient use of land in accordance with Policy ENV15.

**16.13 Amenity**

16.14 Policy ENV16 deals with amenity impacts on neighbours. The dwellings, by reason of their form and their separation distance from nearby buildings would not result in an unsatisfactory outlook from within existing buildings; and would not establish a harmful overbearing effect on existing neighbouring living spaces of neighbouring dwellings. The proposed dwellings, by reason of the positioning of their openings, the distance between the openings and nearby neighbouring buildings and the position of the openings in the existing buildings, would not create a situation where the occupancy of the proposed dwellings would result in a reduction of the privacy to neighbouring private living space to an unacceptable level. The proposal would protect the existing good standard of amenity for the occupants of nearby buildings and their surrounding areas.

16.15 Although the Council has no prescribed external amenity space standards it is considered that a sufficient area of garden space to meet the reasonable needs of any occupiers is proposed for each dwelling. There would be a reasonable degree of privacy to the proposed private living space due to the positioning of openings in the existing buildings, the distance between the openings in the existing buildings and the proposed private living space and the positioning of the proposed openings. The proposal would create a good standard of amenity for the occupants of the proposed dwellings and its surrounding area.

16.16 In light of the above the proposal complies with paragraph 126 of the NPPF which identifies that developments should provide a high standard of amenity for existing and future users and policy ENV16 which permits development provided that it would not have a significant adverse effect on the living conditions of occupiers of residential properties.

**16.17 Highway safety**

16.18 The Highway Authority recognised the shop use on the site and considered the location to be sustainable by reason of good public transport connections and its close proximity to shops, schools and health facilities. The Highway Authority identified the existence of parking restrictions, which could be legally amended using legislation outside of the planning process, in the vicinity of the site. A number of terraced properties which are not served by off street parking exist in the area where on street parking is controlled. Of key importance is the Highway Authority's opinion that the residual cumulative impact of the development would not be severe. For the reasons given it is concluded that the proposal would

accord with policy COM9 which, among other things requires parking to be provided in association with new residential development taking into account, among other things, the size, type, tenure and location of the dwellings, levels of local accessibility and the appropriate mix of parking types such as on street parking. It is also concluded that the proposal would accord with policy COM7 and paragraph 109 of the NPPF which, among other things, express that development should only be prevented or refused on highways grounds if there would be an unacceptable severe detrimental impact on highway safety, or the residual cumulative impacts on the road network would be severe. Hence highways raising no objections.

## **16.19 Utilities**

16.20 COM 10 of the adopted Local Plan deals with utilities. In this case energy, water, telecommunications, drainage and sewage infrastructure is necessary for residential development to function as expected. The proposed dwellings would have access to necessary utilities and the proposal complies with policy COM10.

## **16.21 Community Infrastructure Levy**

16.22 The adopted charging schedules only apply a CIL rate on new floor space of proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are set at £0 per square metre CIL rate.

16.23 Where the floor space of a replacement dwelling is greater than the existing dwelling a CIL charge can be charged on the floor space over and above that of the existing dwelling. The Council's CIL Officer, informally, confirmed that the proposed development would result in an increase in floor area and attract a charge of an estimated £11,392.

## **16.24 Affordable Housing**

16.25 Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing. However, the current NPPF guidance establishes thresholds below which affordable housing contributions should not be sought. As this site falls below these thresholds (in this case 10 dwellings) an affordable housing contribution is not required.

## **17.0 Conclusion**

17.1 The principle of carrying out the proposed development at this site, as being identified as being within the defined development boundary is accepted. The proposed development, by reason of its design, size, positioning and materials, would successfully integrate into the surrounding environment and, by reason of its size, positioning and the positioning of openings, would result in satisfactory living conditions of future occupiers and there would be no harmful impact on neighbours amenity.

17.2 In addition the proposed development would make a small but useful contribution towards housing land supply and having assessed the proposal against all of the

material planning considerations which are relevant to the proposed development it is recommended that the application should be approved subject to the imposition of the suggested conditions below.

## **18.0 RECOMMENDATION**

### **18.1 GRANT, SUBJECT TO THE FOLLOWING CONDITIONS:**

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

Proposed First and Second Floor Plans - Drawing Number 2904:142/005 A received on 26/06/2019

Location Plan and Block Plan - Drawing Number 2904:142/006 A received on 26/06/2019

Proposed ground floor plans - Drawing Number 2904:142/004 B received on 30/08/2019

Proposed elevations - Drawing Number 2904:142/003 B received on 30/08/2019

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, of the three dwellings hereby approved, details and samples of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with such materials as have been agreed.

REASON: In the interests of the character and appearance of the area.

4. Prior to development above damp proof course level, of the three dwellings hereby approved, the rear parts of 73 and 75 Portland Road of which it is proposed to remove shall have been demolished and all arising materials shall have been removed from the site.

REASON: In the interests of the character and appearance of the area.

5. Number 75 Portland Road shall not be occupied until the opening in the south east elevation at first floor level has been fitted with a side hung obscure glazed window. Details of the type of obscure glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed

and once installed the obscure glazed and side hung window shall be retained thereafter. No openings other than those approved shall be formed in the south east elevation of number 75 Portland Road.

REASON: In the interest of residential amenity.