

1.0 **Application Number – [WP/19/00516/FUL](#)**
Site address – Land West of Roman Road and North of Spa Road, Weymouth
Proposal – Erection of 13 no. houses and 6 no. flats with associated access and parking
Applicant – Devon & Dorset Properties Ltd
Case Officer – Bob Burden
Ward Member(s) – Councillors P. Barrow and D. Gray

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

Note for information: This site is owned by Dorset Council. The applicant has an option to purchase the site from the Council for development.

2.0 Summary of Recommendation:

Delegate authority to Head of Planning to grant permission subject to a planning obligation to address:

- 35% affordable housing on-site (with a financial contribution of £29,810 for the shortfall on 35%);
- an off-site ecological financial contribution (£10,673)
- gravelled footpath- scheme to be submitted including safety barriers at junction with Spa Road, route to be permanently open to the public to pass and re-pass in perpetuity, and on-going maintenance of the route

and planning conditions.

3.0 Reason for the recommendation:

- The proposal is in a sustainable location outside but adjacent to the defined development boundary.
- The proposal is acceptable in terms of its design and general visual impact and would preserve the character and appearance of the Conservation Area and setting of the neighbouring listed building.
- There is not considered to be any significant adverse effect on neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The site occupies a location outside

	but immediately adjacent to the defined development boundary; it is therefore effectively a sustainable location, with good access to a range of facilities, services and public transport options.
Heritage Assets	The development would have a significant effect on the appearance of this part of the Radipole Conservation Area. However, the landscape context of this site fundamentally changed when the Weymouth Way by-pass was created in the 1990's, effectively weakening the site from the Radipole village setting context. It now relates more logically to the adjacent generally characterful early Twentieth Century residential development (albeit that is outside the Conservation Area). The proposed layout, design and materials relate well to the adjacent existing residential character. It would cause less than substantial harm to the listed building settings.
Affordable Housing	There is a high level of housing need in the Weymouth/Portland area. The scheme includes 35% "Discount To Open Market" homes on-site to help address affordable housing need in the area.
Scale, design, impact on local character, streetscape and appearance	The proposal is compliant with policies ENV10, ENV11 and ENV12 where the scheme is considered to be in character with the site's surroundings.
Impact on neighbouring privacy and amenity	The development will have a minimal impact on the amenity and privacy of neighbouring residential properties. Such limited impact as there will be is to an acceptable degree taking into account similar development in the locality and the specific design and siting proposed.

Economic benefits	The proposal will provide economic benefits including in the form of employment during the construction phase and the spending of occupiers in the area.
Access and Parking	There are no highway objections to the access and parking and other vehicular movement arrangements are efficient and in accordance with standard requirements.
Highway Safety at Roman Road, Spa Road and general area.	There are no highway objections in principle to the development on highway safety grounds in regard to the access roads to the site.
Landscaping	Some significant vegetation/planting has been retained, and this will be supplemented by additional landscaping.
Surface water drainage	The scheme will utilise a soakaway system of underground crates. The Scheme is being developed following consultation with the Lead local Flood Authority.
Ecology	A Biodiversity Mitigation Plan is being developed in conjunction with the Natural Environment Team. This will be required by planning condition.

5.0 Description of Site:

- 5.1 The site is located to the north-west of Weymouth on the western edge of existing built development and on the eastern edge of the Radipole area. The site comprises an area of currently unused rough grazing land of a roughly triangular shape covering 0.85 ha. The land slopes gently southwards combined with a more notable slope downwards on its west side. The site includes areas of scrub vegetation and a sizeable copse to the south fronting Spa Road, with a c0.7m high bank with hawthorn and other species present. A footpath route crosses the site from north-south, on a longer route from Manor Roundabout to Spa Road, and with a stile link to Roman Road.

- 5.2 The location is on the periphery of an established residential area comprising dwellings notably from the early 20th Century with varying styles and external materials.
- 5.3 The west side of the site is flanked by the Weymouth Way by-pass road in a cutting with trees to the cutting slopes; a dense belt of mature trees up to about 12-14m high runs along the western edge including ash, sycamore and field maple. A 1.5m high chain link fence runs along this boundary. The eastern boundary at its northern extent backs on to the generally relatively long back gardens of houses in Mount Pleasant Avenue South. Various means of enclosure include solid timber and trellis sections of fencing which define the boundaries. South of Roman Road the site runs close to the flank wall of No 71 - a cream render /plain tiled dwelling. The site then continues adjoining back gardens and “dog-legs” round the garden of 116 Spa Road, an older characterful roughcast grey render/brick dwelling with a plain clay tiled roof. Other older properties continue to the east. Spa Road at this location is subject to traffic calming measures including road narrowing and speed reduction humps. Spa Road slopes downwards to the west. Opposite the site are mainly two storey dwellings including brick, cream render and grey roughcast materials.

6.0 Description of Development:

- 6.1 The proposal is for the construction of 19 dwellings with 14 accessed from Roman Road and 5 fronting Spa Road. All units are two storey. These comprise a block of 6 flats (4x1 bed, 2x 2 bed), 2 x3 bed semi-detached, 4x 4 bed semi-detached and 7x 4 bed detached. The Roman Road section has the block of flats at the north end of the site with a communal parking area on the east side. Roman Road is then extended in a southerly direction with houses on its east side. The road becomes a private access-way serving the more distant three houses. Five houses are accessed directly from Spa Road, each with individual vehicular accesses. Part of the copse area is retained and further planting to be carried out on the south-eastern edge. A new 3m wide gravelled footpath is proposed along the western edge of the site (to replace and formalise the existing footpath route that crosses the site). An area of open space is indicated at the northern end of the site intended to form a wildlife area. The external materials palette proposed includes red stretcher bond facing brickwork, render, red hanging plain tiles, red and brown plain clay tile roofs and black slate. The building containing the flats includes brickwork, brown hanging plain tiles and a white rendered chimney.

7.0 Relevant Planning History

- 7.1 There is no relevant planning history.

8.0 List of Constraints

Outside, *but adjacent* to the defined development boundary of Weymouth.
Within a Mineral Consultation area.
Within an area of Archaeological potential.
Within a SSSI impact risk zone.
Within a gas pipeline consultation zone.

Effect on setting of Grade II* listed church and grade II listed buildings (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

Within the Radipole 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

It should be noted that following the consultation replies, further information altering the number, siting, design and landscaping of the dwellings were received. All consultees were re-consulted and any further consultation responses received are included. Further significant design/materials changes have also been consulted on.

Historic England - Make no comment and defer to the Council's local advisers.
Comment on latest amended plans: As above.

Natural England - Object until such time as a Biodiversity Mitigation Plan has been produced and approved by the Council's Natural Environment Team.
Comment on latest amended plans: As above

A revised improved biodiversity mitigation plan is being finalised. This is expected shortly and is currently being considered by the Natural Environment Team.

The Highways Officer - Original plans: Requested amended plans to address adjustments to footways, and certain turning areas.
Latest amended plans: No objection subject to conditions addressing estate road construction, and turning and parking areas.

The Conservation Officer - Original Comments: The site falls within Radipole Conservation Area - on the furthest eastern corner, flanking the eastern edge of the A354 embankment. It is a slice of narrow green space with a public footpath accessed off Spa Road which forms one of a number of residential streets adjacent to this plot of land. To the west, Radipole Conservation Area is far more rural in character, defined by historic settlement interspersed with green spaces,

mature trees and the River Wey with off-shoot waterways. The core of Radipole Conservation Area is made up of fields and a number of Listed Buildings are scattered around it, including a mill house, cottages, Grade II* Listed church, farms and manor house.

The area of land proposed for development is cut off from the majority of the Conservation Area by the A354 but offers a pleasant green buffer to it. The Grade II* Listed church of St Anne, listed school house and manor house are all a relatively short distance away from the site. Both Spa Road and Roman Road (which border the site) become less densely housed towards the land, along the western stretches. The streets are characterised by larger dwellings, set back in generous and mature plots. Some are modern but most date from the early - mid C20th so have architectural interest and quality about them.

Comments on the first amended scheme (19 dwellings) - In summary, the Conservation Officer did not consider these changes went sufficiently far in terms of acknowledging the quality of design, layout and materials of the adjacent early Twentieth century housing (albeit that is *not* in the conservation area).

Detailed comments included: Tile hanging rather than fibre cement boarding is an improvement. There should be more generous eaves to create depth and shadow lines to frontages. Traditional red clay tiles should be used for cladding and either red clay tiles for the roofs or slate - which is the most common roofing material in the area.

The applicant has further responded to these concerns resulting in the latest set of amended plans consulted on.

Conservation Officer comments on latest amended plans-

Spa Road is the main highway crossing the A354 Weymouth Way from the west, linking the rural outlying historic village of Radipole, with the eastern Edwardian suburbs of Weymouth town. Radipole lies within a Conservation Area, which extends across Weymouth Way and incorporates the proposed site as an open green space with trees. The existing houses close to the area a mix of styles and form although there is an underlying reference to the Edwardian period with decorative timber detailing to gables, barge boards, porches, etc as well as exposed stone window heads and cills, often painted render in panels or mixed with brick, double front bay windows, sometimes tile hung and decorative dormers.

The Conservation Officer considers that the general character of the latest re-advertised scheme is a significant improvement on the previous schemes but considers that additional matters of refining detail of design and materials are needed to further strengthen the link between the scheme and existing development. Her main comments included the following:

Flats building - advise replace concrete tiles with natural slate.

Advises adding detailed features including:

- stone window heads
- chamfered plinths
- some use of exposed rafter feet
- some use of render instead of brick on some other parts
- some selected timber detailing
- additional projecting bay window feature
- change from stretcher bond to Flemish bond (applicant will do this on front elevations)
- windows to be recessed by 75mm
- traditional brick walls with detailing to be added to Spa Road frontage

In determining the proposals due consideration has been given to Section 16 (Paragraphs 190,192,193,194,195,196,200) of the NPPF, Section 72 of the 1990 Act and Policy ENV 4 of the Local Plan

Case Officer comment: The great majority of the suggested refinements of design and materials have been agreed by the applicant and final amended plans are to be submitted.

The Landscape Officer comments on the original plans and states that the proposal is not supported due to a lack of landscape appraisal and various design matters. Subsequently, a landscape appraisal was submitted. The Case Officer has discussed the latest revised plans verbally with the Landscape Officer. The landscaping will require a planning condition to address full details which should also include details of treatment of the ground levels near the protected cypress tree and details of the retained planting to the copse area.

Comments on latest amended plans - The scheme has been discussed with the Councils Tree and Landscape Officer. He advises that the group of trees in the south-east corner are of variable quality, but that one or two (including a sycamore) can be retained, and he suggested that:

- Where replacement planting is needed in the nominal copse area I consider that it would be worthwhile specifying a scheme of replacement planting to include half a dozen 1.8m feathered *Acer campestre* (Field Maple) and around 30 90-120cm transplant *Prunus spinosa* (Black Thorn), in a group around the remaining Sycamore and tapering to the North along the Eastern boundary. It would be viable to include something like Damsons planted along that boundary.

The Natural Environment Team - Currently considering a draft revised Biodiversity and Mitigation Enhancement Plan. Off-site financial contribution likely to form part of ecological mitigation measures.

The Housing Enabling Officer states: Amended comments in light of revised scheme: There are currently over 1800 households on the Weymouth and Portland Housing Register. This demonstrates that there is a high level of housing need in the Weymouth and Portland area.

The Housing Register indicates that a range of dwelling sizes is required. Figures from the Housing Register suggest that a significant number of one bedroom properties are required however past experience reveals that applicants with a stated one bedroom need don't apply for completed properties and therefore we conclude that although there is a need for a selection of one bed properties the principal need is for two bedroom houses.

Residential development outside defined development boundaries is not generally considered sustainable and would be considered as an 'Exception Site'. Hous1 identifies exception sites as being available just for affordable housing and would not be granted planning consent for open market housing.

If this were an open market site then West Dorset, Weymouth & Portland Local Plan 2015 Policy Hous1 relates to the provision of affordable housing and states that where open market housing is proposed affordable housing will be required. To comply with policy Hous1, 35% of the units should be affordable homes. Of the affordable homes a minimum of 70% should be for rent and 30% intermediate. The affordable homes will be secured through a S106 agreement.

It is desirable that affordable housing should be proportionate to the scale and mix of market housing and are well-integrated and designed to the same high quality resulting in a balanced community of housing that is 'tenure neutral' where no tenure is disadvantaged.

This is a full application for a development of 13 houses and 6 flats at land west of Roman Road and north of Spa Road. This site is an exception site within the Radipole Conservation Area and outside the development boundary.

Although this site is outside the defined development boundary which would normally require the provision of 100% affordable housing, the Supporting Statement proposes the provision of 35% affordable housing in the form of 6 flats and 13 houses. These provisions would be secured in perpetuity by s106 Agreement and a balancing payment is proposed to bring the total provision to 35% which is the requirement of an open market housing site.

The applicant is proposing that the affordable properties on this site will be provided as Discount To Open Market homes which is an intermediate form of affordable housing. These homes will be sold at 70% of market values with safeguards to ensure that the discount is passed on to future purchasers meaning the homes will remain as affordable in the long term. A discount of 30% being applied on the homes should mean that they are affordable to local people.

Where this approach has been used in other towns this has proved popular with people trying to access home ownership.

It is accepted that providing affordable homes on smaller sites can be difficult but the Local Planning Policy states that affordable homes should be a mix of rented and intermediate. The proposed homes on this site are all intermediate.

Summary:

There is a high level of housing need in Weymouth and Portland for quality accommodation. Although Dorset Home Choice figures indicate that the greatest demand is for smaller homes - one and two bedroom accommodation.

The affordable homes on this site will meet an identified need and the proposal for these to be Discount To Open Market homes ensure they will be delivered. A discount of 30% will mean they will be affordable to a number of local people wanting low cost home ownership.

Although there are no rented homes on this site the inclusion of discounted market sales housing, that complies with the NPPF definition of affordable housing with the discount secured in perpetuity, make this development acceptable.

The Technical Services Officer - Comments that the flood risk from surface water flooding is classed as low. However, consultation with the Lead Local Flood authority is advised.

Flood Risk Management Team - Original scheme- Holding objection- inadequate information to establish if a viable surface water strategy can be achieved.

Comments on latest amended plans – Additional information has now been submitted based on underground crated surface water storage tanks. Scheme now acceptable subject to conditions including surface water maintenance strategy.

Planning Obligations Manager - Market housing will be Community Infrastructure Levy liable.

Dorset Police Crime Prevention Design Adviser - Commented that the boundary fencing should be 1.8 metres high.

Wessex Water- Capacity acceptable; small pumping station will be required.

SGN (Gas Networks Ltd) - Notes that the site lies within a consultation zone for nearby mains pipeline.

The Minerals Officer - Notes that the site lies within a minerals safeguarding area but waives the safeguarding requirement on the grounds that there is limited demand for the material and that extraction would unreasonably delay development.

The Senior Archaeologist - Programme of archaeological works condition required.

The Rights of Ways Officer identifies a RoW in the area. There is no objection subject to statutory requirements for keeping the RoW open to pedestrians.

Note: the identified definitive footpath is off-site- not the one being established as part of this application.

The Weymouth Town Council objects on the following grounds: The Council objects on the following grounds:

- Site not included in the SHLAA (shown as not suitable due to gas)
- site is outside of development boundary (SUS2) and is not in the Local Plan for housing.
- Conservation – loss of habitat and open space (ENV4)
- Design and density not in keeping with the area (ENV10)
- Overshadowing and loss of privacy
- Traffic generation leading to congestion
- Highway safety
- Loss of 120 year-old Cypress tree (ENV2)
- Local Plan still applies
- 22% not 35% affordable housing (against HOUS1)
- Social/affordable rents not met (HOUS1)
- Significant number of trees not shown on plan (ENV2)
- Loss of amenity (ENV15)
- Radipole Conservation Area (ENV4)
- Distribution of development (HOUS2)
- Level of economic housing and growth (HOUS1)

Additional objection points (Intermediate amended plans);

The Council's objection continues to be that the site is outside the development boundary, the site is in a conservation area, the density of development and it's not meeting the affordable housing component.

Latest Amended Plans:

The Council's previous objection to the proposed development still stands.

10.0 Representations

57 objectors have written with objections, in summary, on the following grounds:

- The developer can alter the number of dwellings in the future.
- Generally a very bad idea.
- The properties, especially along Spa Road, do not have adequate turning facilities and accessing Spa Road by other properties at present can be hazardous.
- There has been insufficient survey work undertaken on ecology matters. For example, there are bullfinches, bats and other species evident on the site.
- Despite some retentions, there is objection to the removal of the copse.
- The fact that the land is owned by the Council and may receive a capital receipt for its development should not be a determining factor.
- The development will adversely affect users of and significantly degrade the appearance of the Radipole Conservation Area. The site should be seen as part of the whole.
- The owner of the large Cupressus macrocarpa Tree (TPO protected) wishes there to be no encroachment onto its root protection area.
- There will be increased traffic (including construction traffic) and deteriorating safety along Roman Road and Spa Road where there is limited on-road parking, sometimes inconsiderate parking and consequential congestion.
- Icen Road is used by “rat-running” traffic.
- The junction of Roman Road and Mount Pleasant Avenue South is often used as a turning area.
- Spa Road is a main road, with a blind summit and high speed traffic. There are frequent minor accidents.
- Noise and pollution from Weymouth Way. The copse is a useful filter of pollution.
- Insufficient parking on-site, including for visitors.
- There is poor water pressure in the area.
- There is a declining broadband service due to increases in development in the area.
- Area should be left as an open space, or as an extension to Radipole Wood.
- The appearance of the proposed dwellings is not in keeping with the individual character of existing dwellings in the area or the character of Spa Road in particular.
- The proposed dwellings will be bulky on the skyline.
- Windows on the proposed dwellings will overlook existing.
- The archaeology of the site should not be disturbed, damaged or destroyed.
- The 2015 SHLAA identified this site as unsuitable. The site should have been consulted upon at the Local Plan development stage.
- There is no need for further housing in the area.
- Damage to the roads from construction traffic.

- In previous times, the land was considered for use as a “Pocket Park”. Should now be designated as a town and village green. This is a loss of useful recreational space.
- The proposals are contrary to planning policy
- Any claim of an absence of a 5 year Housing Land Supply does not override the unacceptability of the scheme in other respects.
- The proposed affordable housing provision is lacking in numbers and lacks social/affordable rent provision as required by planning policy.
- The tree cover in the area is older (1954 photograph provided) than the applications suggests.
- A sad reflection on “Planning” and the Council if areas such as this cannot be protected.
- It’s not clear who will maintain roads and footpaths or how enforced. The footpath with gravel topping is unsuitable for some users. It may also prejudice the trees alongside in its present position.
- Flats 17-22 should be replaced with a smaller unit; parking arrangements could be improved. Flats 20 & 22 overlook adjacent gardens. Roof tiles should be terracotta red, not grey.
- Flats opposite their property will have balconies which will invade their privacy.
- The published assessment of the Highways Officer is inadequate.
- There was a signposted public right of way on the site at one point.
- The proposals don’t assist in implementing the DCC Action Plan for Pollinators.

2 individual supporting comments have been made on the following grounds:

- The amended scheme is welcomed generally, albeit other issues remain.
- Appreciates the provision of land by their property for maintenance purposes, albeit other issues remain.

Comments on latest Amended Plans:

10 further letters of objection/comment including one from the Council for The Protection of Rural England. The main planning-related points include;

- increased highway danger due to increased and faster traffic on Spa Road
- site is outside development area in Local Plan
- enough housing is or will be available on other large scale sites in Weymouth
- loss of ecological corridor; should address Natural England comments- would biodiversity mitigation plan be sufficient?
- loss of valued green space
- excessive traffic (construction phase and after) in area

- scheme should have larger gardens, more open space and more of the local materials and reflect more the character of Spa/Roman Road architecture.
- undesirable precedent for development of other sites
- flats building should not exceed 45 degree roof angle

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

11.0 Relevant Policies

The Development Plan: West Dorset, Weymouth and Portland Local Plan (2015).

Policy INT1 - Presumption in Favour of Sustainable Development
 Policy ENV1 – Landscape, Seascape and Sites of Geological Interest
 Policy ENV2 – Wildlife and Habitats
 Policy ENV4 - Heritage Assets
 Policy ENV5 – Flood Risk
 Policy ENV10 - The Landscape and Townscape Setting
 Policy ENV11 - The Pattern of Streets and Spaces
 Policy ENV12 - The Design and Positioning of Buildings
 Policy ENV13 - Achieving High Levels of Environmental Performance
 Policy ENV 15 - Efficient and Appropriate Use of Land
 Policy ENV 16 – Amenity
 Policy SUS 2 - Distribution of Development
 HOUS 1 - Affordable Housing
 HOUS 3 - Open Market Housing Mix
 HOUS 4 - Development of Flats, Hostels and Houses in Multiple Occupation
 COM 9 - Parking Standards in New Development

The National Planning Policy Framework 2019 sets out the government's policies on a wide range of planning subjects, to which the Development Plan policies are generally in compliance. As the site is partially within a Conservation Area there are relevant NPPF and development plan policies to take into account.

Paragraph 192 states that local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Furthermore, para 127 states that decisions should ensure that developments: *“c)are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);”*

Relevant sections of the NPPF:

2. Achieving sustainable development
5. Delivering a sufficient supply of homes

- 11. Making effective use of land
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

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. The improved pathway on the west side of the site would improve access for pedestrians. The scheme would provide parking in convenient locations relative to dwellings to assist those less able.

14.0 Financial benefits

Material benefits:

Employment during the construction phase.

Spending by occupiers in the local area.

Non-material benefits:

Community Infrastructure Levy

Council Tax Revenue

15.0 Climate Implications

- 15.1 The agent has provided a statement of environmental and ecological construction policy which refers to using timber frames from sustainable

suppliers, and that these produce less carbon emissions than from masonry equivalents. Low energy lighting is proposed and provision of supplies for charging points for electric vehicles on all houses.

- 15.2 The Case Officer comments that the construction phase will involve emissions from processes and vehicles/plant at the site. Once occupied any petrol/diesel vehicles of occupiers will produce carbon monoxide/emissions. However this must be balanced against the fact that the site is sustainable with public transport access options available and would provide 19 dwellings including 6 affordable units.

16.0 Planning Assessment

Principle of development:

16.1 Weymouth is a settlement with a defined development boundary (DDB) in the adopted Local Plan. The spatial strategy in the West Dorset, Weymouth and Portland Local Plan 2015 is set out in policy SUS2. This has a three-tiered approach, with the main towns of Weymouth and Dorchester as the highest priority locations for new development and elsewhere the market/coastal towns, Portland and Crossways being a focus for future development at the second tier in the hierarchy.

16.2 Policy SUS2 also advises that development outside of Defined Development Boundaries will be “strictly controlled” and limited to the exceptions listed in bullet point iii) of the policy. This includes affordable housing, but not open market housing. Therefore the provision of open market housing on the site is, strictly speaking, contrary to SUS2 as it lies outside of the DDB. However, although the site is outside the DDB it is ***immediately adjacent*** to it (and therefore in a sustainable location with proximity to services, shops and public transport).

16.3 Dorset Council (West Dorset and Weymouth Local Plan Area) cannot currently demonstrate a five-year supply of deliverable housing sites. The Council has less than 5 years of supply across the Local Plan area. A recent appeal decision at Land south of Westleaze, Charminster (APP/D1265/W/18/3206269) where the appeal Inspector concluded that the position is greater than 4.12 but less than 5 years.

16.4 Accordingly, Footnote 7 of the NPPF confirms that the relevant housing policies of the development plan should be considered *out of date*. Paragraph 11d) states that where the relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

16.5 The lack of a 5 year supply, even if the supply is only marginally below 5 years, means that *slightly less weight has to be given* to policies such as Policy SUS 2 in decision-making. 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.

16.6 Since the Council does not have a five-year supply, consideration should be given to reducing the weight given to criterion iii) of Policy SUS2 in order to help fulfil the objectives in paragraph 11 of the NPPF. However, as part of that judgement, it is also important to have regard to:

- The extent of the current housing land supply shortfall; and
- The measures the Council are putting in place to address it.

The extent of the housing land supply shortfall in the local plan area is only modestly below 5 years. The Council has also taken action to address the housing land supply shortfall not only by making progress on the emerging Dorset Local Plan but also through the granting of consents on sites outside, but adjoining settlements with DDBs (i.e. at the first three tiers of the settlement hierarchy) - as is the case here.

16.7 Affording significant weight to the spatial strategy set out in criteria i) of Policy SUS2 and having regard to the modest size of the shortfall and the positive measures the Council is taking to address it, it is considered that there is no case to resist this scheme on spatial strategy grounds, since the proposal is located adjoining one of the larger town settlements. It is considered the site is within a sustainable location given the services/facilities on offer in Weymouth and on the Dorchester Road.

16.8 There may also be sufficient justification to displace the presumption under the final bullet in paragraph 11 of the NPPF, if there is also some demonstrable harm, when measured against the national policies in the NPPF and against other related policies in the Local Plan. The NPPF sets out that local plans should set out how the presumption in favour of sustainable development should be applied locally. The adopted local plan sets out the application of this presumption through Policy INT1 stating that:

"There will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area. Where there are no policies relevant to an application, or relevant policies are out of date at the time of making the decision, the following matters will be taken into account:

the extent to which the proposal positively contributes to the strategic objectives of the local plan;

whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and whether the adverse impacts of granting permission could significantly outweigh the benefits."

The existence of a defined development boundary here (albeit adjacent to the site) indicates that the site is, in principle, an essentially sustainable location. This is because there are a range of retail and other community related facilities in the locality and public transport options are also accessible from here. Furthermore, the construction of the Weymouth Way road to the west side of the site has fundamentally changed the landscape context of the site.

16.9 Hence, based on the above and 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 subject to other relevant material planning considerations.

Heritage Assets:

16.10 The historical evolution of the landscape context (and therefore the context of the conservation area) of this site has seen a substantial change in circumstances over time. The site lies within the Radipole Conservation Area which was designated in 1979. At that time the application site formed part of the wider open countryside setting of old Radipole village to the west. Then in the 1980's the A354 Weymouth Way by-pass was built. This carved through between the old village and the application site in the form of a road cutting with (now) substantially treed embankments. Consequently it visually "severed" the site from its former village setting context. Hence there has been a material change in circumstances; the site now has an arguably stronger visual tie to the context of the housing to the east. The mature tree belt adjacent to the west site boundary comprises species including ash, sycamore and horse chestnut rising to about 12-14m height.

16.11 The nearest historic listed buildings to the site are away to the west and include the School House, the Manor House and the Grade II* Church of St Anne. These lie between 111m and 136 m from the site.

16.12 The Radipole Conservation Area has no conservation area appraisal. However it appears it was originally designated to provide the open village setting. That justification has now been markedly undermined by the new road, engineered cutting and heavily landscaped embankments - effectively weakening the visual link of this site to the village setting, and tending to now strengthen its visual link to the adjacent housing. The Senior Conservation Officer acknowledges this material change in circumstances, and considers the scheme should consequently seek to emulate the design of the more traditional and attractive buildings on Spa Road and Roman Road (outside but adjacent to the

site and conservation area). These are characterised by larger dwellings, set back in generous and mature plots. Some are modern but most date from the early-mid Twentieth Century so have architectural interest and quality about them).

16.13 In these circumstances, since the site continues to have conservation area status there is a special duty to preserve or enhance its character and appearance. In the above circumstances it is important that the quality and character of the adjacent residential area is satisfactorily respected.

16.14 Following negotiations with the applicant a further final set of amended plans has been submitted which incorporates a range of the architectural features which characterise the adjacent Spa and Roman Road areas. The main wall and roof materials are brick, render and slate or plain tiles, and the architectural features include details such as tile cladding, feature scalloped roof tile areas, tile-hung bay window projections, projecting verge and eaves details, exposed timber sections, chimneys, decorative brickwork, timber joinery and the use of white painted timber windows to all front elevations.

16.15 The development will have a significant impact on the appearance of this part of the Radipole Conservation Area. The street frontage onto Spa Road will substantially change from its present vegetation/tree edge appearance to a linear development of dwellings each with direct access onto Spa Road.

16.16 The Conservation Officer considers that the general character of the latest re-advertised scheme is a significant improvement on the previous schemes but considers that additional matters of refining detail of design and materials are needed to further strengthen the link between the scheme and existing development. The bulk of the Conservation Officers requests (summarised above in the Consultations Section) have now been agreed to and submitted as amended plans by the applicant. The applicant has also agreed those dwellings to be roofed in slate will be in natural slate.

16.17 It is considered that the agreed latest revisions to the design and materials respect the existing character of the adjacent early Twentieth Century development. The development is considered to cause less than substantial harm to the heritage assets. The harm is more than outweighed by the planning benefits of providing 35% affordable housing on-site, and open market housing in a sustainable location – which also helps towards addressing the current 5 year Housing Land Supply shortfall.

16.18 In these circumstances the proposal is considered to preserve the character or appearance of the conservation area. This conclusion has been reached having regard to 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 Local Plan policy.

16.19 Turning to the effect on the setting of listed buildings, the nearest are the three buildings of St Anns Church (II*), The Old Manor House, and St Anns Schoolroom. This is a group of largely natural stone/slate buildings on Radipole Lane which lie between about 111 and 136 m from the application site. There would still remain an area of open land around these buildings on the east side, then the substantially landscaped embankments of the by-pass between the listed buildings and the site. Hence, the distance to the nearest of the grouping, coupled with the visual "barrier" of the by-pass cutting and landscaped embankments now results in a marked separation of the (previous historic) relationship between this land and its former relationship with the building group. In the context of the National Planning Policy Framework it is considered that there is less than substantial harm to the listed building settings; this harm is considered to be outweighed by the public benefits of providing a significant number of appropriately designed dwellings in a sustainable location and providing 35% affordable housing on-site. Due consideration has been given to Section 66) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan Policy.

Affordable Housing:

16.20 Planning policy seeks to provide 35% affordable housing preferably all on-site. In this case 6 flats would be provided (4 x 1 bed; 2 x 2 bed). The Housing Enabling Team Leader has commented as below:

The applicant is proposing that the affordable properties on this site will be provided as Discount To Open Market homes which is an intermediate form of affordable housing. These homes will be sold at 70% of market values with safeguards to ensure that the discount is passed on to future purchasers meaning the homes will remain as affordable in the long term. A discount of 30% being applied on the homes should mean that they are affordable to local people. Where this approach has been used in other towns this has proved popular with people trying to access home ownership.

It is accepted that providing affordable homes on smaller sites can be difficult although the Local Planning Policy states that affordable homes should be a mix of rented and intermediate. The proposed homes on this site are all intermediate.

However, in summary, Dorset Home Choice figures indicate that the greatest demand is for smaller homes –one and two bedroom accommodation (as in this case). Although there are no rented homes on this site, the inclusion of discounted market sales housing complies with the NPPF definition of affordable housing with the discount secured in perpetuity, make this development acceptable.

16.21 As indicated above the Housing Enabling Team leader supports this scheme. Whilst it does not include rented tenure, it does provide the requisite 35% affordable using on-site. It should be remembered that the issue of affordable housing in the Weymouth area does sometimes result in a situation where only an off-site financial contribution towards affordable housing can be secured (and in some cases not even that due to viability issues). In these circumstances the 6 on-site affordable housing flats that can be secured here is a valuable planning benefit. The number of affordable units to be provided on site equates to 32%, hence the 3% shortfall would be secured via an affordable housing financial contribution (£ 29,810).

Scale, design, impact on local character, streetscape and appearance:

16.22 This part of Weymouth is characterised by a variety of types of residential use which is reflected in the variety of styles that make up the local streets, albeit the predominant period evident is early Twentieth Century dwellings. The dwellings are of detached or semi-detached form reflecting the character of the adjacent development. These demonstrate a variety of external materials including brick, render, stone, cladding, slate, small plain tiles and concrete tile roofing.

16.23 The existing adjacent residential roads are dominated by generous sized dwellings in relatively large gardens. Whilst the densities on this site are increased the layout now proposed recognises this pattern of development; 5 dwellings are proposed fronting Spa Road and the remaining 14 are accessed via an extension to Roman Road. The Roman Road section commences with a single building housing the 6 affordable flats and the remainder are detached or semi-detached houses.

16.24 As mentioned earlier, the applicant has sought to incorporate a range of the architectural features that embody the character of the existing adjacent street scenes. This includes the use of similar external materials and various architectural features.

16.25 In the light of the above it is considered that the scale, design and impact of the scheme is acceptable.

Impact on neighbouring privacy and amenity:

16.26 The scheme lies adjacent to dwellings and their gardens along the east boundary, and houses opposite on Spa Road. The amended scheme seeks to ensure there is an appropriate separation between existing and proposed dwellings, and that proposed gardens are of reasonable length; at least 9m in depth, usually more.

16.27 There are a very small number of first floor windows in certain elevations of properties facing the site (e.g. 71 Roman Road and 116 Spa Road) but these are not of such size/relative positioning as to be unacceptable in residential amenity terms. In terms of the scheme itself, the dwellings and their windows have been aligned in such a way that no unacceptable overlooking of adjacent dwellings would occur.

16.28 Following the applicants discussions with the affected neighbours two sections of private pedestrian pathway on the eastern side of the site have been incorporated.

Economic benefits:

16.29 The construction phase of the development will provide employment. Following occupation residents are likely to spend in the locality in shops and on services which would assist the local economy.

Access and parking:

16.30 A number of letters have referred to the traffic generation and highway dangers from the development. The scheme has split the traffic between Roman Road and Spa Road. The scheme has been adjusted in accordance with advice from the Highway Officer. All units are provided with off street parking. The dwellings fronting Spa Road each have on-site turning facilities, an access onto a traffic-calmed road section. Regarding Roman Road, the flats have a communal parking/turning area to the east, whilst the remaining dwellings have "tandem" parking off-road. These roads are of approximately 8m width. The Highways Officer advises that he has no objection subject to the parking and turning layout being provided.

Landscaping:

16.31 The proposals relate to a site which has a copse (particularly sycamore) located adjacent to Spa Road and intermittent boundary planting including bramble, hawthorn and hazel. Other vegetation within the site includes notable areas of bramble and other species. In terms of existing landscaping the large cupressus macrocarpa tree immediately adjacent to the site which has TPO protection is kept free from development within gardens in the new development. Part of the sycamore copse to the south-east would be retained. Discussion with the Tree and Landscape officer indicates that only one or two of these trees should be retained but taking the opportunity to plant further better specimens (field maple, with damson along the east boundary is suggested). This would be supplemented by new hedge planting along the central section of the west boundary, together with additional tree/vegetation planting in gardens. The northern extremity of the site would be planted with wildlife conservation

orientated species. A detailed landscape scheme for the site would be addressed by a planning condition.

Ecology:

16.32 The site mainly comprises an area with overgrown grasses, bramble, bracken and a sizeable copse. The Natural Environment Team is currently considering a revised Biodiversity and Mitigation Enhancement Plan. An off-site financial contribution forms part of ecological mitigation measures; Radipole Local Nature Reserve close to the site is likely to be where the monies are used.

Surface water drainage:

16.33 The applicant has been working to produce a viable surface water strategy for this site involving use of below ground crated water storage tanks. The latest revisions to this scheme have been referred to the Flood Risk Officer, who now advises that the drainage strategy is acceptable subject to appropriate conditions including a maintenance strategy.

New public pedestrian path:

16.34 An informal route used by pedestrians has historically existed across the rough grassland site giving links towards Manor Roundabout to the north and towards Weymouth to the south. The applicant has acknowledged this linkage and has incorporated a “new” public gravelled footpath link along the western edge of the site as part of the scheme. This would be separated from the private gardens by a combination of post and rail and close boarded fencing 1.8m high to ensure privacy. This would provide continuity of the existing pedestrian footpath link north towards Manor Roundabout and south to Spa Road (and links to the paths and cycle-ways beyond).

Comments on the Weymouth Town Councils objections:

16.35 The Weymouth Town Council has objected to this scheme. In response to certain principal points they make; whilst the site is outside the DDB this in itself is not sufficient grounds to reject a scheme given that the Council does not currently have a 5 year housing land supply. The fact that the site is within a conservation area is not in itself necessarily a reason to prevent development; the situation in this case is that this particular part of the conservation area no longer relates to old Radipole village as it did but to the adjacent housing instead; with appropriate design and landscaping this site can be assimilated into the new street scene in a way which has an acceptable effect on the conservation area. Regarding affordable housing, the Housing Enabling Team Leader supports this scheme for the provision of 6 affordable flats on-site.

17.0

Conclusion:

17.1 The site provides an opportunity to provide 19 dwellings in a sustainable location with convenient access to shops and facilities, and access to public transport options. The context of this part of the conservation area has changed fundamentally over time such that its original purpose is now undermined by the effect of the by-pass; it now relates more to existing built development rather than the open countryside. The layout, design and materials of the scheme are considered acceptable in the current context of this part of the conservation area.

17.2 In terms of the economic role the site would provide employment during the construction phase, and subsequent occupiers would be likely to spend in local shops helping to sustain the employment and the businesses. Regarding social aspects, the scheme would provide a mix of dwelling types and sizes helping to create a mix of family sizes. The scheme specifically provides affordable dwellings to assist those in housing need. The residents are likely to use and support local community facilities in the area. In environmental terms the scheme would include retention of some existing trees and the planting of new trees and vegetation. It would also include the implementation of a biodiversity plan to provide habitat and encourage wildlife. The proposals are considered to be in accordance with the Development Plan.

18.0 RECOMMENDATION:

18.1 Delegate authority to the Head of Planning to grant permission subject to a planning obligation to address:

- 35% affordable housing on-site (with a financial contribution of £29,810 for the shortfall on 35%);
- an off-site ecological financial contribution (£10,673)
- gravelled footpath- scheme to be submitted including safety barriers at junction with Spa Road, route to be permanently open to the public to pass and re-pass in perpetuity, and on-going maintenance of the route.

and planning conditions as below:

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

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

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

Location plan 5108 16 received 27/6/19

Street elevations 5108 4L received 27/2/20
 Floor plans and elevations Flats 14-19 5108 5J received 27/2/20
 Block plan 5108 2ZD received 27/2/20
 Floor plans/elevations house types B and C 5108 15F received 27/2/20
 Floor plans/elevations house type D plots 10/11 5108 14F received 27/2/20
 Floor plans/elevations house type D plot 9 5108 13F received 27/2/20
 Floor plans/elevations house type D plot 8 5108 21C received 27/2/20
 Floor plans/elevations house type D plot 7 5108 20B received 27/2/20
 Floor plans/elevations house type D plot 6 5108 9G received 27/2/20
 Floor plans/elevations house type A plot 5 5108 19E received 27/2/20
 Floor plans/elevations house type D plots 3 and 4 5108 8F received 27/2/20
 Floor plans/elevations house type D plot 2 5108 7E received 27/2/20
 Floor plans/elevations house type A plot 1 5108 6D received 27/2/20

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

3. No development above damp proof course level shall take place until samples of all facing and roofing materials to be used have been submitted to, and approved in writing by, the Local Planning Authority and the development shall be completed in accordance with these details. In accordance with the submitted details, natural slate shall be used on those dwellings where slate is to be used. Flemish bond brick-work will be used on all front elevations (where brick is specified).

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

4. No development above damp proof course level shall take place until full details of the windows and doors shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be first occupied until the windows and doors shall first have been installed in accordance with the approved details. These details shall include a schedule and detailed sections (scale 1:10) of all new windows and doors in the development. All windows (including frames) on the front elevations of the dwellings shall be of white painted timber and shall be retained as such thereafter. All other windows shall be externally finished and retained white thereafter. The schedule shall include additional information relating to (i) the method of opening, (ii) the depth of the reveal from the face of the wall and (iii) the product number where the window is supplied from a manufacturers standard range (copy of catalogue to be included). Thereafter, unless otherwise agreed in writing

by the Local Planning Authority, the development shall proceed in strict accordance with such details as have been agreed.

REASON: To ensure that the external appearance of the completed development in the conservation area is sympathetic to the locality.

5. Prior to the commencement of any development a detailed surface water sustainable drainage scheme for the site, based on an assessment of the hydrological and hydrogeological context of the development, and a timetable for implementation shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the maintenance and management of the surface water sustainable drainage scheme shall be designed to include a plan for the lifetime of the development for its maintenance and management, 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. Thereafter the scheme shall be implemented in accordance with the approved details and timetable for implementation. The scheme shall be managed and maintained thereafter in accordance with the approved details.

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

6. No construction of any dwelling hereby approved shall be first commenced until details of the finished floor level(s) of the building(s) hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity

7. No development shall take place until all existing trees, shrubs and other natural features not scheduled for removal have been fully safeguarded and fenced in accordance with a scheme to be first approved in writing by the Local Planning Authority (this shall include details of works within the crown spread of the protected cypress tree). Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels and chemicals, soil or other materials shall take place inside this fenced area. The soil levels within the fenced area shall not be raised or lowered and no trenching or excavation shall take place. In the event that protected trees (or their roots) become damaged, are lost or become otherwise defective in any way during such period, the Local Planning Authority shall be notified

immediately and a programme of remedial action as directed by the Local Planning Authority shall be carried out within a timescale to be specified by the Local Planning Authority.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

8. No development above damp proof course level shall be carried out until a hard and soft landscaping scheme shall first have been submitted to, and approved in writing, by the Local Planning Authority. Such scheme shall be implemented and completed during the planting season November - March inclusive, immediately following commencement of the development, or as may be agreed otherwise 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 from completion of the development and the soft landscaping shall be maintained and replaced as necessary in accordance with the approved scheme.

REASON: In the interest of visual amenity.

9. The development shall be carried out in accordance with the measures contained in the agreed Biodiversity Mitigation and Enhancement Plan (BEMP) received (*to be submitted before determination of the application*) shall first have been fully carried out. All works within the BEMP shall be carried out in accordance with the agreed timescale unless otherwise agreed in writing by the local planning authority. The completed works and management requirements in the approved BEMP scheme shall be retained and continue thereafter.

REASON: In the interests of ensuring nature conservation interests are fully addressed.

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

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

11. No development shall take place within the site area until the developer has secured and implemented a programme of archaeological work in accordance with a written scheme of investigation which shall have been submitted to, and been approved in writing by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

REASON: The area is of archaeological importance and the archaeology should be preserved by record.

12. No dwelling shall be first occupied until the gravelled footpath shown on the approved plan shall first have been provided and completed all in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. These details shall include a safety barrier at the entry/exit point with Spa Road.

REASON: In the interests of facilitating permeability of the development and public safety.

13. No dwelling shall be first occupied until details of the means of enclosure to the boundaries of each individual dwelling, including materials and height, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the means of enclosure as are agreed shall be erected prior to first occupation of the dwelling and permanently retained thereafter.

REASON: In the interests of privacy and amenity.

14. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 5108.02.ZD must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

15. 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.

16. No development above DPC level shall take place until details of the exposed timber joinery (1:10 scale) drawings (exposed rafters, porches, dormers, bargeboards, etc.), together details of the chimney designs and the Spa Road frontage brick wall detailing (with copings and piers) shall first have been submitted to and approved in writing by the local planning authority. Thereafter development shall not be carried out otherwise than in accordance with the approved details.

REASON: In the interests of ensuring appropriate development in the conservation area.

17. All rainwater goods shall be finished in black and retained as such thereafter.

REASON: In the interests of ensuring appropriate development in the conservation area.

INFORMATIVES:

1. NPPF approval note.
2. The applicant is hereby advised that that Water Quality Guidance as referred to in Ciria SuDS Manual (C753) is adhered to.
3. The applicant is hereby advised that installation of the underground surface water storage crating should be supervised and checked by an appropriately qualified geotechnical specialist engineer, and a confirmatory certificate provided to the Dorset Council (Refer DMRB, Vol1, Section1, BD 2/12, Annex C1 at www.standardsforhighways.co.uk)