

APPLICATION NUMBER: [WP/19/00480/OUT](#)

APPLICATION SITE: Marsh Road Garage, Marsh Road, Weymouth DT4 8JD

PROPOSAL: Demolish existing buildings and erect 20no. flats with parking and associated works (Outline)

APPLICANT: Taylor Grey Homes

CASE OFFICER: Emma Telford

WARD MEMBER(S): Cllr R Hope & Cllr G Taylor

Taking account of representations made during the Scheme of Delegation consultation with Members, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

1.0 Summary of Recommendation:

Recommendation A:

Delegate authority to the Head of Planning to grant, subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure an off-site affordable housing contribution of £5,772 and conditions.

Recommendation B:

Refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the head of planning:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of a financial contribution for the off-site provision of affordable housing. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015.

2.0 Reason for the recommendation:

- Absence of 5 year land supply
- The location is within the defined development boundary and is considered to be sustainable.
- Nothing to suggest at outline stage that the proposal would result in adverse impacts on neighbours.

- It is considered that a development could be achieved that would not be unduly prominent in terms of the local character.
- There are no material considerations which would warrant refusal of this application.

3.0 Key planning issues

Issue	Conclusion
Principle of development	Located within the DDB. Acceptable in principle.
Residential Amenity	Nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbours.
Visual Amenity	Development could be achieved that would not unduly prominent in terms of the local character.
Highway Safety	Highways raised no objections.
Flooding & Drainage	No objections from the Environment Agency and Flood Risk Management Team subject to conditions.
Contamination	Standard contaminated land condition required.
Affordable Housing	Financial contribution of £5,772 towards the provision of off-site affordable housing.
Community Infrastructure Levy	CIL liable.

4.0 Description of Site

4.1 The application site, Marsh Road Garage is located to the west of Marsh Road. The site is occupied by one large mass of a brick built building dominated by roller-shutters positioned adjacent to the pavement of Marsh Road. To the west (rear) of the site is mature vegetation and the Rodwell Trail. To the east of the site, on the opposite side of Marsh Road is the Asda supermarket and multi-storey car park. To the north of the site along the same side of Marsh Road as the application site is a long row of terraced properties. South-east of the application site at the junction of Marsh Road and Weston Road lies a three storey block of flats.

4.2 The application site is located within the defined development boundary for Weymouth.

5.0 Description of Proposal

5.1 The proposed development involves the demolition of the existing building on the site and the erection of 20 flats and parking. The applicant is seeking outline permission with all matters reserved. Indicative plans have been submitted which show how the proposed flats could be accommodated on the site. The indicative

plans show a two and a half storey development with flats in the roof space with parking to the rear and side of the building.

6.0 Relevant Planning History

6.1 No relevant planning history.

7.0 Relevant Constraints

Within defined development boundary
Possible contamination – current use
Risk of Surface Water Flooding

8.0 Consultations

8.1 Natural England – *Natural England has no comments to make on this application.*

8.2 Urban Design Officer - *The residential uses in the area are characterised by small scale terraced properties which are somewhat dwarfed by the adjacent ASDA supermarket. There is also a more modern apartment block on the corner of Marsh Road and Weston Road which is out of keeping with the dominant building form in the area.*

While the application is only outline, it does confirm density and therefore the number of units. These 1 bed units fall below the space standards recommended for a 1bed dwelling (50m²). Whilst there may be a demand for small single occupancy flats (recommended space standard of 39m²) these should form part of a mix of unit sizes rather than to take up the entire allocation of unit types. With the current size of units the scheme is contrary to policy ENV12 The Design and Positioning of Buildings ‘new housing should meet and where possible exceed appropriate minimum space standards.’

The proposed bulk of the scheme is out of character with the terraced housing that dominates the residential buildings in the area. It is recognised though that due to the size of the car park opposite, some additional scale can be accommodated on the site. However, it is considered that the indicative plans currently represent an over development of the site and the overall scale of the scheme should be reduced to ensure that it is not overbearing on the neighbouring terraced housing. Care should also be taken to ensure that the architectural style does not emphasize its bulk and particular attention should be paid to the façade treatment – for example, the use of a painted brick or render finish would be more in keeping with the character of the area.

Little amenity space is provided for the residents and although the space provided probably just meets the 20% requirement set out in policy HOUS4 it is not well laid out and is unlikely to provide a usable space for residents. Any reserved matters

application should seek to improve the layout of this amenity area to ensure that it is a space that can be well used by residents.

14 parking spaces are proposed and while this accords with the Dorset Residential Car Parking Survey, it must be noted that nearby roads are already at capacity in terms of on street parking, a situation that will be exacerbated by any additional demands as a result of this scheme. Unallocated spaces are also contrary to the guidance provided in the Dorset Residential Car Parking Survey which states that 'where a layout with high unallocated provision is proposed, the parking must be designed in such a way that it is clearly available for use by all. Describing car parking spaces as unallocated in small parking courtyards is, for instance, unlikely to be acceptable as the spaces would effectively become allocated to certain properties regardless of their designation.' Highways will take a view on this matter.

8.3 Dorset Waste Partnership – There is a concern about the positioning of the bin storage and the available access to it. There are no access traffic plans and a consideration reverse manoeuvre is required or an extended time stopped on Marsh Road to walk the bins to the highway.

Collection vehicle dimensions are available and there are guidance notes regarding bin stores or compounds available for development from the DWP.

8.4 Weymouth Town Council – The Council has no objections to this proposal but has concerns regarding parking, mix of properties and density.

8.5 Highways – No objection subject to reserved matters and consideration of the following points:

- 1. Whilst the location is very sustainable it is noted that not every unit even has an off-street parking space and that the impact of this could be significantly reduced by creating a further 3 off-street parking spaces along the north boundary by reducing or moving the landscaping area which are of questionable benefit in this situation.*
- 2. The existing proliferation of vehicular crossings shall be expunged and reinstated to a specification (raised footway with full height 125mm kerb) which shall be submitted to and approved in writing by the Local Planning Authority.*
- 3. Whilst the secure sheltered cycle storage is both necessary and welcome surely placing the door on the west elevation would reduce the risk of damage to any vehicle occupying parking spaces No. 5.*
- 4. Cut off drainage to prevent surface water being discharged from the site onto the highway.*

8.6 Housing Enabling Team – *There are currently over 1700 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 greatest demand is for smaller homes.*

There is a high level of housing need in the borough of Weymouth and Portland which this proposal would assist in meeting. In exceptional situations where affordable on site contribution cannot be offered then a financial contribution towards affordable housing can be considered. As a scheme providing 20 apartments it is expected that, in order to comply with HOUS 1, 35% of the homes development on this site should be affordable and secured by a S106 agreement.

8.7 Landscape Officer – *This application is for the demolition of an existing 1.5 storey garage building and erection of a single storey block of flats. The site is located between an elevated section of the Rodway Trail and the ASDA multi-storey car park. There are rows of C18 terraced houses immediately to the north and south of the application site and Spinnaker House, a 4 storey block of flats, is located to the south-east.*

I do not anticipate that the proposed scheme will result in any significant impacts on landscape character or visual amenity to any sensitive visual receptors.

8.8 Planning Obligations Manager – *On the understanding that the market housing will be CIL liable I have no comments from this perspective.*

8.9 Technical Services – *Unless there were plans to dig into the embankment I would not necessarily have concerns. However I don't doubt that there might be some localised areas where the bank is less stable than other places. I would suggest that any proposed development would have to consider the existing ground stability and measures that might be required to ensure the site remains stable.*

You might want to also consider consulting the EA as the site is within an area that the SFRA indicates as being in the predicted 2126 1in200 year tidal flood extent – FZ3.

8.10 Environment Agency – *In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.*

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails consider how a range of flooding events (including extreme events) will affect people and property, and take the impacts of climate change into account.

The FRA includes details of the current predicted tidal flood level, but does not include any reference to the possible future impact of climate change (net sea level rise), hence does not include consideration of flood risk at the site for the lifetime of the development. These risks have been identified in your Authority's Flood Risk Management Strategy and Strategic Flood Risk Assessment Level 2. This would put this development within future flood zone 3 with significant flood depths at the site.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

We note in the FRA the proposed finished floor levels are between 1.71 and 2.0 mAOD. Under our Local Flood Risk Standing Advice finished floor levels of new residential development in the identified Town centre at future tidal flood risk should be set a minimum of 600mm above the 2035 still water tidal flood level of 2.4mAOD to allow for delivery of the defences and other uncertainties.

8.11 Wessex Water – There are historic incidents of sewer flooding in the local area and Wessex Water has undertaken a major scheme of improvement works to alleviate foul sewer flooding. A connection to the 225mm public combined sewer in Marsh Road can be agreed for predicted foul flows from this development. Existing foul connections can be utilised for foul flows subject to satisfactory size and condition. An indirect connection via an existing manhole will require building control approval in consultation with Wessex Water.

Surface water runoff must be disposed of in accordance with the SuDS Hierarchy and NPPF Guidelines. A surface water connection to the 225mm public combined sewer in Marsh Road will only be considered where other methods in the hierarchy are proven not viable. Restricted discharge rates will apply;

As this is a brownfield site, Wessex Water will require evidence of an existing surface water connection to the public network, with details of existing discharge rates compared against proposed, and a minimum 30% betterment upon re-development. If previous surface water connection is not proven, then greenfield runoff rates + an allowance for climate change will apply.

8.12 Flood Risk Management Team – Whilst the current application for Outline permission is supported by site specific documents, the documents do not provide sufficient assessment of the prevailing risk, outline of the existing drainage arrangements or clarification of the proposed management of surface water runoff, as derived from the redeveloped site.

Accordingly, we (DC/FRM) recommend that a precautionary approach be adopted and request that a (Holding) Objection be applied to this proposal, pending the supply of further and substantiated details. We also wish to highlight the (potential) requirement for a Sequential Test in respect of this proposed (re)development and formation of residential units, given the severe risk of (surface water) flooding that has been identified.

8.13 In response to concerns raised, amended information was submitted including an amended Flood Risk Assessment & Drainage Strategy and the following further comments were made.

8.14 Weymouth Town Council – *The Council objects subject to resolution of the Environment Agency's concerns regarding flood risk and of the concerns regarding impact on Rodwell Trail.*

8.15 Housing Enabling Team – *There are currently over 1800 households on the Housing Register requiring accommodation in the Weymouth and Portland area. This demonstrates that there is a high level of housing need across the area.*

In addition, the high level of recorded housing need indicates that a range of dwelling sizes is required.

Subsequently the applicant has submitted a viability assessment which concludes that the development will not generate sufficient surplus and that there is no likelihood of affordable housing being provided on this site. The viability of this site needs to be independently verified.

8.16 Environment Agency - *We can withdraw our objection and have the following advice. Further to submission of the updated Flood Risk Assessment (prepared by RMA Environmental, Issue 2 dated 30th January 2020) we comment as follows: The site lies within the area defined under the Local Flood Risk Standing Advice (2018) as the Weymouth Town Centre Boundary and within future Flood Zone 3 with the predicted impact of climate change in tidal flood risk.*

The FRA has been updated to contain an understanding of the Weymouth Flood Risk Strategy, a more comprehensive assessment of tidal flood risk including the most recent (2020) climate change requirements over the lifetime of the development. The FRA also sets out proposals which meet the LFRSA guidance in terms of minimum finished floor level (i.e. 3.0mAOD; see paras 3.13 and 3.27) and flood resilience (see paras 3.28 and 3.29).

In this regard, we ask that a planning condition be attached to any approval granted to ensure that an appropriate development is delivered. Please note that any submitted drawings for approval should be updated prior to approval to include these updated minimum finished floor and mitigation levels. The LPA should ensure that the applicant has addressed the following matters within any application/FRA to ensure a safe development: - Flood Resistance and resilience shall be in

accordance with Building Regulations. - Access/Egress shall be in accordance with LPA Emergency Planners requirements.

We advise that significant depths of tidal flooding could be experienced external to this development over the lifetime of the development, which could lead to unsafe access / egress and evacuation to and from the development. - Management of surface water shall be in accordance with Lead Local Flood Authority requirements.

Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

8.17 Wessex Water - The applicant has stated that they propose to maintain the existing connection to the combined sewer in Marsh Road. Whilst we acknowledge that some surface water runoff from this site is likely to reach the public sewer, the drainage investigation drawing appears inconclusive with 'assumed' connectivity, no evidence of sewer tracing or CCTV confirming the actual points of connection to the public sewer or details of existing pipe diameters and gradients. On review of the documents and our network we do not consider it likely that the whole site is currently discharging the estimated 1/100 year flow of 19.5 l/s via a single gully to the existing 225mm combined sewer as suggested. There is no evidence of the diameter of this gully pipe or point of connection and we are concerned that the proposed rate of 13.7 l/s in to the 225mm combined sewer will increase the risk of foul sewer flooding.

If other methods in the SuDS hierarchy are proven not viable then the maximum discharge rate that we will consider from this site is 5 litre/second for all storm events

and the applicant must demonstrate how they can accommodate this within their site.

8.18 Flood Risk Management - In response to our earlier (holding) objection/s and additional comments provided by Wessex Water (11/03/2020) the applicant has submitted a revised Flood Risk Assessment & Drainage Strategy (FRA&DS) document dated 08/05/2020, containing an amended Outline Drainage Plan (ref: FRA&DS Figure 4.1, dated 05/05/2020).

Whilst we note this revised FRA&DS document continues to make reference to the potential incorporation of a variable control device (s 4.12 & s 5.15) with which to manage the discharge of surface water to the adjacent combined sewer system, we acknowledge that sections 4.5, 4.11 & 5.14 confirm relevant and acceptable design criteria (1:100yr plus 40%) and a (reduced) discharge rate of 5l/s, in accordance with Wessex Water's requirements. The application of a single, maximum discharge rate of 5l/s is also emphasised within Table 4.2, while the provision of additional / corresponding attenuation is shown on the amended plan (Figure 4.1).

On this basis, we (DC/FRM) are able to withdraw our earlier recommendation of a (Holding) Objection in this matter, subject to the attachment of following pre-commencement planning conditions in respect of detailed design and maintenance requirements;

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

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

No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

8.19 Environmental Health – In view of the site's current use and numerous historic potentially contaminative land uses within 250m of the location, it is considered that

the applicant should be required to satisfy the Planning Authority that the site is adequately characterised in terms of land contamination issues.

Demolition and Construction

This demolition is likely to have significant effects upon the environment and residents. I strongly advise that the Developer produces a Method Statement for the demolition and construction phases of the development.

This Statement must include arrangements for protecting the environment and residents from Noise, Vibration and Dust. The statement shall also include proposed provisions for the removal of any potentially hazardous waste found / generated on site. The Method Statement shall be agreed in writing by the Planning Authority prior to commencement of the demolition.

Due to the close vicinity of existing residential dwellings to this site, the Demolition Method Statement should have particular regard to the following to protect residents from nuisance:

- *No bonfires to be held on site at any time.*
 - *Hours of demolition limited to:*
 - *Monday – Friday 0700 – 1900*
 - *Saturday 0800 – 1300*
 - *No noisy activity on Sundays or Bank Holidays*
 - *If there are to be any proposed deviations from these hours, please contact Environmental Protection to discuss these.*
- *Start up and movement of vehicles / equipment etc. will be limited to 30 minutes prior to the hours of demolition or construction only.*
- *To minimise disturbance, broadband alarm or video shall be fitted to works vehicles instead of the conventional beepers when reversing.*
- *Activities which may give rise to dust shall be controlled, as far as practicable, to minimise dust emissions. This must include controlling dust from regularly trafficked road areas. Dust suppression may be achieved using water and locating equipment and machinery, away from residential areas.*
- *At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided to Environmental Health in order for contact to be made should complaints be received.*
- *Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Protection must be informed if this occurs.*
- *The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site.*
- *Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of*

noise, dust, smoke, fumes etc., made in as part of the determination of this application.

- *Letter drops to adjacent residents in close proximity should be considered as part of the Demolition / Construction phase to give a minimum of 48 hours' notice of any exceptional activities proposed.*

Noise

Should a Full application be submitted, due consideration shall be given to any plant i.e. those associated with heating systems etc. and an appropriate noise assessment is required. The assessment should indicate noise levels from the proposed plant, existing background noise levels and any attenuation that may be required. A BS4142 assessment would be suitable along with details of proposed mitigation that may arise from the assessment.

8.20 WPA - *Because of the historical/current land use (car mechanics), I would recommend that standard contaminated land planning conditions are included should the site be granted planning permission. An example of standard contaminated land conditions is found below:*

“Prior to the commencement of development approved by this planning permission or such other date or stage in development as may be agreed in writing with the Local Planning Authority, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority;

1. A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources pathways and receptors and potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme based on (1). to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site.

3. The site investigation results and the detailed risk assessment (2). and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3). are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the prior express consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASONS: To ensure that the proposed development does not cause pollution of the local environment in accordance with Planning Policy Statement 23 Planning and Pollution Control precautionary principle and Policy AH6 of the West Dorset District Local Plan (2006).

A condition for unforeseen contamination is also recommended.

9.0 Representations

9.1 Nine, third party comments have been received objecting to the application, the reasons for which are summarised below:

- Exacerbate existing parking issues as only 14 parking spaces for 20 flats
- Existing parking issues as people park there from many adjoining roads and people visiting the town centre and Asda
- Loss of business units
- Overdevelopment/overcrowding
- Focused on small, one bed units not resulting in a good social mix
- Will attract investors won't benefit local people trying to buy
- Losing sense of identity to a sea of flats
- Loss of valuable on-road parking spaces
- Loss of privacy from overlooking
- Loss of sunlight
- Highway safety concerns – cars can only exit Marsh Road by pulling out from a blind junction on to Newstead Road and high speed of cars using Marsh Road
- Already overloaded road system
- Impact on the character of the area
- Noise pollution
- Impact on the Rodwell Trail including stability concerns

9.2 Concerns were also raised regarding the impact of the proposal on surrounding property prices however this is not considered to be a material planning consideration. Concerns have also been raised regarding the impact of the proposal on the side access to the neighbouring property, this is considered a civil matter but also the application is outline with all matters reserved.

9.3 Comments were raised that the site boundary is shown to be on Trail Land, in response to this certificate B was submitted and notice served on the council.

9.4 Concerns were also raised that indicative plans are not suitable for considering such a large site in an important location however this is common practice for an outline application.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan

- INT1. Presumption in Favour of Sustainable Development
- ENV1. Landscape, Seascape and Sites of Geological Interest
- ENV5. Flood Risk
- ENV9 Pollution and Contaminated Land
- ENV10. The Landscape and Townscape Setting
- ENV11. The Pattern of Streets and Spaces
- ENV12. The Design and Positioning of Buildings
- ENV13. Achieving High Levels of Environmental Performance
- ENV16. Amenity
- SUS1. The Level of Economic and Housing Growth
- SUS2. Distribution of Development
- ECON3. Protection of Other Employment Sites
- 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

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

Decision making:

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, 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

Urban Design (SPG3)
 Weymouth and Portland Landscape Character Assessment 2013
 DCC Parking standards guidance

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

12.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED, the proposal would provide parking adjacent to the proposed flats with some units provided on the ground floor at all one level.

13.0 Financial benefits

Material Considerations	
Employment created during construction phase	Not known
Spending in local economy by residents of 20 flats	Not known
Financial Contribution for off-site affordable housing	£5,772

Non Material Considerations	
Contributions to Council Tax Revenue	Not known
New Homes Bonus	Not known
CIL	Not known

14.0 Climate Implications

14.1 The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would be used as a result of the production of the building materials and during the construction process. When occupied the development would generate vehicular movements releasing carbon monoxide. However it should be noted that modern building regulations would help minimise such heat release. A balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

15.0 Planning Assessment

Principle of Development

15.1 In terms of the principal of the development the site lies within the defined development boundary for Weymouth. 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.

15.2 The site is currently occupied by Marsh Road garages, the proposed development would therefore result in the loss of an employment use. The site is not an allocated employment site and therefore local plan policy ECON 3 is applicable. Policy ECON 3 of the Local Plan seeks to retain existing employment sites and reads as follows:

i) Outside key employment sites, the redevelopment of existing employment sites to an alternative employment use will normally be permitted.

ii) The redevelopment of employment land and premises for non-employment uses that are in accordance with other planning policies will be permitted where it will not prejudice the efficient and effective use of the remainder of the employment area and:

- the present (or where vacant or derelict, the previous) use causes significant harm to the character or amenities of the surrounding area and it has been demonstrated that no other appropriate viable alternative employment uses could be attracted to the site; or*
- a substantial over-supply of suitable alternative employment sites is locally available; or*
- redevelopment of the site would offer important community benefits or no significant loss of jobs / potential jobs.*

15.3 The proposal is not considered to be fully compliant with policy ECON 3. The proposal is for residential and in this case no alternative employment uses are proposed. In relation to bullet point one, the existing car mechanics/garage could be argued to be a non-conforming use with housing either side this means that any noise and comings and goings to and from the site associated with that commercial activity would be to the potential detriment of the neighbours that live either side. Although this impact could not be argued to result in significant harm considering the size of the site and the location of the ASDA supermarket and its car park opposite. Nor can it be considered that there is a substantial over-supply of suitable alternative employment sites locally available. The last bullet point requires the redevelopment of the site to offer important community benefits or no significant loss of jobs/potential jobs. The application was discussed with the Economic Development Officer, who wasn't concerned with the loss of the garage and no concerns were

raised by the Town Council in relation to the loss of this employment use. The proposal would however provide 20 flats contributing to the Council's lack of five year housing land supply. In the planning balance, the Government's emphasis on housing growth coupled with the benefit of the scheme to the Council's housing land supply and the size of the site which is surrounded on both sides by residential development it is considered to outweigh the non-compliance with policy ECON 3. Compliance with other policies in the Local Plan is considered below.

Residential Amenity

15.4 The proposed development involves the demolition of the existing garage building and the erection of 20 flats. The applicant seeks outline permission with all matters reserved. Indicative plans have been provided to show how this could be accommodated on the site. The indicative plans show a 2 and half storey development with accommodation in the roof space with the proposed block located to the front of the site with parking to the side and behind.

15.5 Initially concerns were raised regarding the amount of outside amenity space that could be accommodated on the site alongside 20 flats. In response to this and other points raised a revised location plan was submitted extending the site slightly to the south and the application re-consulted upon. Amended indicative plans were also submitted which showed this amendment to the site boundary which meant that more meaningful outside amenity space could be provided on the site.

15.6 In terms of neighbouring amenity, to the rear of the site is the Rodwell Trail, to the front of the site is Marsh Road with the car park for Asda beyond. To the south are trees and the junction with Weston Road. The nearby properties of Weston Road are a sufficient distance away. To the north of the site is a terrace of residential properties off Marsh Road. The submitted indicative plans show the proposed block of flats positioned away from the side of the neighbouring property, by the access into the site, and the block would replace the existing garage on the site. The proposed fenestration details are not known at this outline stage and would be considered as part of any reserved matters application.

15.7 Environmental Health were consulted on the application and considered that the demolition of the existing building on the site could have significant effects upon neighbouring residents. They strongly advised that the developer produces a method statement for the demolition and construction phases of the development and such a condition would be placed on any approval granted. Environmental Health also requested a condition for a noise assessment before the installation of any plant, for example those associated with heating systems etc. Therefore such a condition would be placed on any approval granted.

15.8 Given all of the above it would be difficult to argue that the proposed flats would have an adverse impact on neighbouring amenity given the indicative plans submitted. There is nothing to suggest at this outline stage that the proposal would

result in adverse impacts on neighbours and Policy ENV 16 of the adopted local plan is met.

Visual Amenity

15.9 The proposed development involves the demolition of the existing garage building and the erection of 20 flats. The applicant seeks outline permission with all matters reserved. Indicative plans have been provided to show how this could be accommodated on the site. The indicative plans show a 2 and half storey development with accommodation in the roof space with the proposed block location to the front of the site with parking to the side and behind. The Urban Design Officer was consulted on the application and considered that although the application is only outline, it does conform in density through the number of units. The Urban Design Officer sets out that the indicative plans currently represent an over development of the site and the overall scale of the scheme should be reduced. Care should also be taken to ensure that the architectural style does not emphasize its bulk and particular attention should be paid to the façade treatment, for example, the use of a painted brick or render finish would be more in keeping with the character of the area. In relation to the scale of the proposal it would be viewed in relation to the three storey building located on the junction of Weston Road and Marsh Road and then opposite the site there is the ASDA Supermarket and the bulk of the multi-storey car park. As the application is outline the elevation plans are indicative. Given the surrounding development it is considered that a development could be achieved that would not be unduly prominent in terms of the local character.

Highway Safety

15.10 The proposed development involves the demolition of the existing garage building on the site and the erection of 20 flats. The applicant seeks outline permission with all matters reserved. Indicative plans were submitted showing the access to the north of the site. Highways were consulted on the application and raised no objections subject to reserved matters and consideration of some further points. One of these points was that the location is very sustainable but it is noted that not every unit has an off-street parking space and the impact of this could be significantly reduced with the creation of a further 3 spaces. In response to this and other points raised a revised location plan was submitted extending the site slightly to the south and the application re-consulted on. Amended indicative site plans were also submitted which showed the change to the site boundary meant additional parking spaces could be provided.

Flooding & Drainage

15.11 The application site is located within flood zone 1 and is seen to be at significant risk of surface water flooding during severe rainfall events. The Flood Risk Management Team were consulted on the application and considered that the application did not provide sufficient assessment of the prevailing risk, outline of the

existing drainage arrangements or clarification of the proposed management of surface water runoff, as derived from the redeveloped site. In response to these comments a Flood Risk Assessment & Drainage Strategy was submitted. At this point the Environment Agency (EA) were also consulted on the application and objected as the Flood Risk Assessment did not include any reference to the possible future impact of climate change, hence does not include consideration of flood risk at the site for the lifetime of the development. Amendments were made to the Flood Risk Assessment & Drainage Strategy and it was re-submitted. The EA were re-consulted on the application, withdrawing their objection as the FRA had been updated to contain an understanding of the Weymouth Flood Risk Strategy, a more comprehensive assessment of tidal flood risk including the most recent climate change requirements over the lifetime of the development. The changes included that the proposal would meet guidance in terms of minimum finished floor level i.e. 3.0m AOD and the EA requested a condition be added to any approval granted to ensure that an appropriate development is delivered. The amended Flood Risk Assessment & Drainage Strategy responded to the earlier holding objection of the Flood Risk Management Team and comments of Wessex Water. The Flood Risk Management Team withdrew their holding objection subject to conditions for detailed design and maintenance which would be placed on any approval granted.

Contamination

15.12 The current use of the site is a car garage and therefore WPA have recommended a standard contaminated land condition and an unforeseen contamination condition. These conditions would be placed on any approval granted.

Affordable Housing

15.13 Para 63 of the NPPF states that Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Major development for housing is defined in the NPPF as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The proposed development exceeds this threshold and therefore local plan policy HOUS1 applies. As the application site is in Weymouth it requires 35% of the development to be for affordable housing.

15.14 Local plan policy HOUS 1 sets out that *applicants seeking to justify a lower level of affordable housing provision will be expected to provide an assessment of viability*. A viability assessment was submitted as part of the application and assessed by the District Valuer Service. The DVS considered that a scheme of 100% open market units with an off-site contribution of £5,772 towards affordable housing would be financially viable.

15.15 If the application were to be approved this financial contribution would be secured by a S106 agreement.

Community Infrastructure Levy

15.16 The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate.

15.17 The development proposal is CIL liable. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning permission is granted.

16.0 Conclusion

16.1 The applicant is seeking outline permission for the erection of 20 flats. The application site is located within the Weymouth defined development boundary and complies with policy SUS 2 and ECON 3. It is also considered acceptable in relation to visual amenity, residential amenity, flooding, and highway safety.

17.0 Recommendation

Recommendation A: Delegate authority to the Head of Planning to grant, subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

The provision of an off-site affordable housing contribution of £5,772 together with the following conditions (and their reasons):

1. Before any development is commenced details of 'reserved matters' (that is any matters in respect of which details have not been given in the application and which concern the layout, scale, appearance, access or landscaping) shall be submitted to the Local Planning Authority for its approval.

REASON: This condition is required to be imposed by the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

2. Application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

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

Location Plan - Drawing Number received on 08/01/2020

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

5. No development shall be commenced until details and samples of all external facing materials for the wall(s) and roof(s) of the built structures on any part of the site 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: To ensure a satisfactory visual appearance of the development.

6. No development shall take place until a demolition and construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be adhered to throughout the demolition and construction period. The management plan shall provide for:

- Hours of demolition
- Hours of operation
- Start up and movement of vehicles / equipment etc will be limited to 30 minutes prior to the hours of demolition or construction only.
- Location for loading/unloading and storage of plant, waste or debris and construction materials;
- Activities which may give rise to dust shall be controlled, as far as practicable, to minimise dust emissions. This must include controlling dust from regularly trafficked road areas. Dust suppression may be achieved using water and locating equipment and machinery, away from residential areas.
- At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided to Environmental Health in order for contact to be made should complaints be received.
- Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Protection must be informed if this occurs.
- Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of

noise, dust, smoke, fumes etc, made in as part of the determination of this application.

- Letter drops to adjacent residents in close proximity should be considered as part of the Demolition / Construction phase to give a minimum of 48 hours' notice of any exceptional activities proposed.
- Parking of vehicle of site operative and visitors (including measures taken to ensure satisfactory access and movement of existing occupiers of neighbouring properties during construction);
- Routes of construction traffic;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles.

REASON: In the interest of neighbouring amenity.

7. Prior to the installation of any plant or machinery, a noise assessment of the plant or machinery shall be submitted to and agreed in writing by the Local Planning Authority. The assessment shall indicate noise levels from the plant or machinery, existing background noise levels and any attenuation that may be required. The assessment shall also include details of any proposed mitigation required. Thereafter, the development shall proceed in accordance with the agreed details.

REASON: In the interest of neighbouring amenity.

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

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

9. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

10. The development hereby approved shall be carried out in accordance with the mitigation measures, including the finished floor levels, of the Flood Risk

Assessment and Drainage Strategy, dated 30 January 2020, unless a subsequent variation is first agreed in writing by the Local Planning Authority.

REASON: To reduce the risk of flooding to the proposed development.

11. The units shall not be first occupied until flood warning and emergency evacuation procedure notices shall have been erected in accordance with numbers, positions and with wording which shall have first been agreed in writing with the Local Planning Authority. Thereafter, the notices shall be retained on site in accordance with the agreed details and shall be kept legible and clear of obstruction.

REASON: To ensure that residents of the site are aware that the area is at risk of flooding, and the emergency evacuation procedure and route(s) to be used during flood events.

12. Prior to the commencement of development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources pathways and receptors and potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site.
3. The site investigation results and the detailed risk assessment (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby approved first comes in to use or is occupied. Within 4 weeks of the completion of the remediation strategy a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure potential land contamination is addressed.

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

REASON: To ensure risks from contamination are minimised.

Informatives:

Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

Community Infrastructure Levy

This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the

date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

Recommendation B: Refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the head of planning:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of a financial contribution for the off-site provision of affordable housing. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015.