

## 1. Application Details

Reference: [WP/20/00477/FUL](#)

Site Location: Adult Education Centre, 45 Dorchester Road, Weymouth DT4 7JT

Proposal: Demolition of existing single storey modular building, glazed link corridor and privacy wall, change of use of existing property from office use to residential use on first and second floors, erect two storey residential children's home, installation of boundary fencing and railings and alterations to vehicle access and gates.

Applicant: Dorset Council

Case Officer: Huw Williams

Ward Member: Cllr Jon Orrell

Reason Application is Reported to Committee:

As an application made (submitted) by Dorset Council and being in respect of Council-owned land, the application is reported to Committee for determination in accordance with Dorset Council's Constitution.

## 2. Recommendation

2.1 Grant planning permission subject to the conditions set out in paragraph 10.1 below.

## 3. Reason for Recommendation

3.1 The Planning and Compulsory Purchase Act 2004 (as amended) provides that if regard is to be had to the development plan for the purpose any any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise (section 38(6)).

3.2 The development plan includes the West Dorset, Weymouth and Portland Local Plan 2015 as adopted by Weymouth and Portland Borough Council in October 2015, hereafter referred to as 'the Adopted Local Plan'.

3.3 The application site is located:

- (i) within Weymouth, identified in the Adopted Local Plan as a main town and, as such, a highest priority location for development (Policy SUS2);
- (ii) within the settlement boundary of Weymouth as defined in the Adopted Local Plan wherein residential, employment and other development to meet the needs of the local area will normally be permitted (Policy SUS2);
- (iii) within the designated Lodmoor Hill Conservation Area, wherein special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area;
- (iv) within the setting of a Grade II listed building ('Cranford House' listed as Weymouth Technical College and now in residential use); and
- (v) adjacent to residential properties.

- 3.4 The application incorporates design details relating to the proposed access arrangement and to appearance, landscaping, layout and scale of the proposed development that are considered to be in general accordance with both local and national planning policy.
- 3.5 Some concerns have been expressed in representations received regarding the design proposals and the potential for detrimental impact on the character and appearance of the Lodmoor Hill Conservation Area, but, in the Case Officer's opinion, the proposed development would enhance the character and appearance of the Lodmoor Hill Conservation Area without material harm to the significance of any other designated heritage assets.
- 3.6 The proposal is further judged to represent an appropriate and sustainable form of development that is in general accordance with the Adopted Local Plan. It is further considered that there are no material considerations warranting the refusal of planning permission or the determination of the application other than in accordance with development plan.
- 3.7 Consideration has been given to other statutory duties, obligations and regulatory requirements, the conclusion being planning permission can and should be granted.

#### **4. Background**

- 4.1 As 'the Applicant', Dorset Council seeks planning permission for the demolition of a single storey modular building, glazed link corridor and privacy wall at No. 45 Dorchester Road, Weymouth, together with the change of use of existing property from office use to residential use on the first and second floors, the erection of a two storey residential children's home, the installation of boundary fencing and railings and alterations to vehicle access and gates.
- 4.2 Submission of the application follows pre-application engagement with Dorset Council's Planning Service and the local community.
- 4.3 The application explains that Dorset Council needs to take steps to increase the availability of accommodation for children in care within Dorset in order to meet the county's statutory duty to ensure that there is sufficient accommodation for looked after children and that to help achieve this the Council has identified the use of 45 Dorchester Road and the grounds of the property to locate an offsite constructed building for use as a Residential Children's Home and that the existing main building at 45 Dorchester Road will also be used by Children's Services for other services to support looked after children and care leavers.
- 4.4 It is further indicated that:
- (i) the new Residential Children's home would accommodate a maximum of 4/5 children with appropriate bedroom provision including en-suites, living, dining and kitchen facilities together with associated staff facilities;
  - (ii) the change of use and refurbishment of the former Registrar's Service offices will provide bed-sit type accommodation for care leavers with communal kitchen/dining/lounge facilities; and
  - (iii) creating this residential provision in Dorset will improve the service quality and outcomes for young people within the County.

- 4.5 In addition to the requisite form, certificate and fee, the application includes:
- (i) a suite of plans and drawings illustrating the application proposal comprising:
    - Dorset Property Drawing No. L101 Revision P1 dated 20.04.20 and titled Site Location Plan,
    - Dorset Property Drawing No. L102 Revision P1 dated 20.04.20 and titled Tree Constraints and Demolition Plan Site as existing,
    - Dorset Property Drawing No. L110 Revision P1 dated 07.07.2020 and titled Proposed Site Layout Landscape Strategy Plan,
    - Dorset Property Drawing No. A300 Revision P3 dated 15.07.2020 and titled Proposed GA Plans,
    - Dorset Property Drawing No. A301 Revision P2 dated 15.07.2020 and titled Proposed Elevations and Site/Location Plan,
    - Dorset Property Drawing No. A302 Revision P1 dated 15.07.2020 and titled Proposed External Elevation Finishes Plan,
    - Dorset Property Drawing No. 1 050 dated 16.04.2020 and titled Existing Plans, and
    - Dorset Property Drawing No. 2 010 dated 16.07.2020 and titled Proposed Planning Plans;
  - (ii) a Design and Access Statement dated July 2020 prepared by Dorset Property;
  - (iii) an Arboricultural Impact Assessment and Arboricultural Method Statement dated 19th May 2020 prepared by Dorset Council's Arboricultural Officer;
  - (iv) an Ecology Report dated 28 November 2019 prepared by Dorset Council's Natural Environment Team (Report ref: DP/024/19 version 2);
  - (v) a Phase 2 Bat Survey Report dated May 2020 prepared by Dorset Council's Natural Environment Team (Report ref: DP/025/20v1); and
  - (vi) a Biodiversity Plan dated 30.06.20 prepared by Dorset Council's Natural Environment Team.
- 4.6 The application form, the plans and drawings listed above and other documents submitted with the application may be inspected online through the application web pages accessible by entering the application reference at <https://planning.dorset.gov.uk/public-access/>.
- 4.7 'The Application Site' is shown edged red on the Site Location Plan (Drawing No. L101 Revision P1) and comprises approximately 0.2 hectares of land situated to the west of the B3159 (Dorchester Road) and to the east of the Class D Park Lane.
- 4.8 To the north of the Application Site is a complex of residential apartments (Kildare Court) which were developed through the change of use and conversion of a detached Edwardian villa formerly comprising No. 47 Dorchester Road.
- 4.9 To the south of the Application Site is further residential development in the form of flats at No. 43 Dorchester Road (also formerly a detached Edwardian villa) and a detached dwelling house at No. 8 Park Lane.
- 4.10 Opposite the application site on Dorchester Road is a Grade II listed building ('Cranford House') which is listed as 'Weymouth Technical College' but which is now part of a residential development that is accessed off Ricketts Close, north of which

are derelict properties at Nos. 8 and 10 Dorchester Road and beyond which is the Best Western Hotel Rembrandt.

- 4.11 Development along Park Lane also includes a mix of residential and hotel use.
- 4.12 The Application Site is owned by Dorset Council and is currently unoccupied, but has previously been used by the Registrar's Service, a Community Resource Team and by Skills and Learning for Adult Community Education.
- 4.13 All neighbouring property is shown to be in third party ownership.
- 4.14 Existing built development within the Application Site comprises a three-storey building constructed as a substantial Edwardian villa that is set back from the Dorchester Road frontage and which has much later single-storey additions to the side and rear including a single-storey modular building that is located towards the rear of the site close to Kildare Court and the Park Lane frontage.
- 4.15 Site boundaries are defined with a mix of walling and fencing, with metal gates and railings within the Dorchester Road frontage, and there are trees and hedges along parts of each boundary.
- 4.16 Vehicular and pedestrian access to the site is available from Dorchester Road and there is a narrow (pedestrian) gateway to Park Lane.
- 4.17 Much of the open land within the site is currently surfaced in tarmac and has previously been used for vehicular parking and manoeuvring.
- 4.18 The Application Site, the neighbouring residential properties and the listed buildings are all located within the designated Lodmoor Hill Conservation Area and also within the settlement boundary for Weymouth defined in the Adopted Local Plan.
- 4.19 Planning permission for the demolition of the existing dwellings at Nos. 8 and 10 Dorchester Road and for the erection of 3no. blocks of flats (33 flats in total) with car parking, cycle and refuse storage was granted in May 2020 (Planning Permission Ref: WP/19/00476/FUL).

## **5. Statutory Requirements, Duties and Obligation**

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with an application for planning permission the authority shall have regard to:
  - (a) the provisions of the development plan, so far as material to the application,
  - (b) a post-examination draft neighbourhood development plan, so far as material to the application,
  - (c) any local finance considerations, so far as material to the application, and
  - (d) any other material consideration.
- 5.2 The development plan includes the West Dorset, Weymouth and Portland Local Plan 2015 as adopted by the former Weymouth and Portland Borough Council in October 2015 ('the Adopted Local Plan'), which set out a vision for Weymouth and Portland and provides a basis for planning decisions during the period to 2031.

- 5.3 There is no made neighbourhood plan and no post-examination draft neighbourhood plan material to the application.
- 5.4 For the purposes of section 70 of the Town and Country Planning Act 1990 “local finance consideration” means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 5.5 Defined as such, there are no local finance considerations that are material to the application.
- 5.6 The term ‘any other material consideration’ is very broad in scope, a material consideration being any matter which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). Material in this instance are:
- (i) other statutory requirements, duties and obligations;
  - (ii) national planning policy set out in the National Planning Policy Framework (‘the NPPF’) and associated Planning Practice Guidance (‘NPPG’);
  - (iii) relevant supplementary planning policy documents and/or guidance including Weymouth and Portland Borough Council’s 2002 Supplementary Planning Guidance documents on Urban Design and on Listed Buildings and Conservation Areas; and
  - (iv) representations made about the application.
- 5.7 The most relevant national and local planning policies are identified in section 6 of this report and are addressed in the Case Officer’s Appraisal presented in section 9 of this report.
- 5.8 The presented appraisal also addresses various matters raised in representations made about the application, those representations being summarised in sections 7 and 8 below.
- 5.9 Other statutory requirements, obligations and duties are addressed below.

#### Planning and Compulsory Purchase Act 2004 (as amended)

- 5.10 The Planning and Compulsory Purchase Act 2004 (as amended) provides that if regard is to be had to the development plan for the purpose any any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise (section 38(6)).
- 5.11 The development plan contains relevant provisions that must be taken into account and the application must be determined in accordance with the development plan unless material considerations indicate otherwise.

#### Publicity and Consultation

- 5.12 Statutory requirements for publicity and consultation on planning applications are set out in The Town and Country Planning (Development Management Procedure)

Order 2015 (as amended) and Dorset Council policy in the Dorset Council Planning Service Statement of Community Involvement (SCI), January 2020.

- 5.13 The application has been publicised by site notice and in the local press. In addition, notification letters were sent to 61 addresses in the vicinity of the Application Site.
- 5.14 In light of concerns regarding the apparent non-delivery of neighbour notification letters further notification letters were sent on 11 November 2020 such that a public consultation period is ongoing. Any further representations made about the application during the ongoing consultation period will be reported at Committee.

#### The Environmental Impact Assessment Regulations

- 5.15 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), hereafter referred to as 'the EIA Regulations', set out requirements for environmental impact assessment (EIA) for certain forms of development. The proposed development is not of a type mentioned in Schedule 1 the EIA Regulations nor of a form necessitating screening for the possible need for EIA as Schedule 2 development. Accordingly EIA is not necessary.

#### Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

- 5.16 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.17 The subject development would not directly (i.e. physically) impact on any listed building but would affect the setting of Cranford House, such that special regard must be paid to the desirability of preserving the setting of the listed building.
- 5.18 Under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) in the exercise of any functions under the Planning Acts with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.19 As the Application is located within the designated Lodmoor Hill Conservation Area, special attention must be paid to the the desirability of preserving or enhancing the character or appearance of that area.

#### Biodiversity

- 5.20 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 places a duty on the planning authority, in considering an application for planning permission, to have regard to its effects on European protected species and section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on planning authorities to have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity.

5.21 The Biodiversity Plan submitted as part of the application has been prepared in accordance with the Dorset Biodiversity Appraisal Protocol such that the plan either avoids the likelihood of deliberate disturbance or otherwise provides sufficient measures likely to remedy any disturbance whereby Natural England, in considering an application for a disturbance licence, would likely be satisfied that the test in Regulation 55(9)(b) of the Habitats Regulations 2017 is capable of being met. Provided that full implementation of the Biodiversity Plan is secured by means of planning condition, the submitted Plan may also be taken to provide reasonable ecological mitigation and enhancement measures to meet the duty under section 40 of the Natural Environment and Rural Communities Act 2006 and to accord with development plan policy for biodiversity.

### Equalities

- 5.22 Section 149 of the Equalities Act 2010 (as amended) provides that in the exercise of its functions a public authority must have due regard to the need to:
- (i) eliminate discrimination, victimisation and any other conduct that is prohibited by or under the Act;
  - (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.23 Commonly referred to as 'the Public Sector Equalities Duty', the relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.24 Being focussed on meeting the needs of children in care and including design measures to assist people with disabilities and/or impaired mobility, it is considered that the proposed development is likely to advance equality between persons who share a relevant characteristic particularly in respect of age and/or disability and is unlikely to lead to discrimination, victimisation or any other conduct prohibited by or under the Equalities Act 2010.

### Human Rights

- 5.25 The Human Rights Act 1998 imposes an obligation on public authorities not to act incompatibly with the European Convention on Human Rights, such that persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. The articles/protocols of particular relevance are:
- (i) Article 6 - Right to a fair and public hearing;
  - (ii) Article 8 - Right to respect for private and family life; and
  - (iii) The First Protocol, Article 1 - Protection of Property.
- 5.26 Rights under Article 6 and 8 are qualified rights, meaning that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- 5.27 Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. The term “possessions” may include material possessions, such as property, and also planning permissions and possibly other rights.
- 5.28 Any interference with a Convention right must be proportionate to the intended objective, such that any interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.
- 5.29 I am satisfied:
- (i) that the subject application has been subject to proper public consultation;
  - (ii) that the public have had an adequate opportunity to make representations in the normal ways; and
  - (iii) that the representations received are addressed in this report.
- 5.30 Any further representations made about the application during the ongoing consultation period will be reported at Committee.
- 5.31 European case law suggests that interference with the human rights noted above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. For the reasons set out in this report, I am satisfied that the proposed development should not:
- (i) impact on the right to live one’s personal life without unjustified interference such that Article 8 would be engaged; nor
  - (ii) unreasonably deprive any person of either their right to the peaceful enjoyment of their possessions or of their right to their possessions.

## 6. Planning Policy Framework

### National Planning Policy

- 6.1 Published in February 2019 and modified in June 2019, the National Planning Policy Framework (hereafter referred to as ‘the NPPF’) sets out the Government’s planning policies for England and how these are expected to be applied.
- 6.2 The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7) and that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives (paragraph 8), the overarching objectives identified to be:
- “(a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - (b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations;

and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- (c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

6.3 Paragraph 9 of the NPPF makes clear that the overarching objectives are not criteria against which every planning decision can or should be judged, noting that decisions should play an active role in guiding development towards sustainable solutions but, that in doing so, should take local circumstances into account so as to reflect the character, needs and opportunities of each area.

6.4 In order that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development (NPPF paragraph 10), which, for decision taking, amongst other matters, means:

“... approving development proposals that accord with an up-to-date development plan without delay”.

6.5 In relation to decision making, paragraph 38 of the NPPF states that local planning authorities should approach decisions on proposed development in a positive and creative way, using the full range of planning tools available and working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and further states that decision-makers at every level should seek to approve applications for sustainable development where possible.

6.6 Paragraph 54 of the NPPF provides that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations but notes that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

6.7 Paragraph 55 of the NPPF provides that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. It is further stated that agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making and that conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

6.8 Paragraph 56 of the NPPF provides that planning obligations must only be sought where:

- (i) necessary to make the development acceptable in planning terms;
- (ii) directly related to the development; and

(iii) fairly and reasonably related in scale and kind to the development.

6.9 The NPPF further provides pertinent policy on a range of matters including:

- Delivering a sufficient supply of homes;
- Building a strong, competitive economy;
- Promoting healthy and safe communities;
- Promoting sustainable transport;
- Making effective use of land;
- Achieving well-designed places;
- Meeting the challenge of climate change, flooding and coastal change;
- Conserving and enhancing the natural environment; and
- Conserving and enhancing the historic environment.

6.10 The policies set out in the NPPF are supplemented by national Planning Practice Guidance (NPPG), the intention being that the NPPF and the PPG are read and applied together.

West Dorset, Weymouth and Portland Local Plan 2015 (the Adopted Local Plan)

6.11 The strategic objectives of the Adopted Local Plan provide a concise expression of the Plan's priorities and are listed as being:

- Support the local economy to provide opportunities for high quality, better paid jobs
- Meet local housing needs for all as far as is possible
- Regenerate key areas including Weymouth and Dorchester town centres, to improve the area's retail, arts, cultural and leisure offer; and increase employment opportunities
- Support sustainable, safe and healthy communities with accessibility to a range of services and facilities
- Protect and enhance the outstanding natural and built environment, including its landscape, biodiversity and geodiversity, and the local distinctiveness of places within the area – this will be the over-riding objective in those areas of the plan which are particularly sensitive to change
- Reduce vulnerability to the impacts of climate change, both by minimising the potential impacts and adapting to those that are inevitable – this will be the over-riding objective in those areas of the plan which are at highest risk
- Provide greater opportunities to reduce car use; improve safety; ensure convenient and appropriate public transport services; and seek greater network efficiency for pedestrians, cyclists and equestrians
- Achieve high quality and sustainable in design, reflecting local character and distinctiveness of the area

6.12 For each of the objectives, the Adopted Local Plan sets out more detailed policies to be applied to particular assets, locations and/or types of development, the following policies being particularly relevant to the determination of the application:

- INT1. Presumption in Favour of Sustainable Development
- ENV2. Wildlife and Habitats
- ENV4. Heritage Assets
- ENV5. Flood Risk

- 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
- ENV15. Efficient and Appropriate Use of Land
- ENV16. Amenity
- SUS2. Distribution of Development
- HOUS4. Development of Flats, Hostels and Houses in Multiple Occupation
- HOUS5. Residential Care Accommodation
- COM2. New or Improved Local Community Buildings and Structures
- COM3. The Retention of Local Community Buildings and Structures
- COM7. Creating A Safe and Efficient Transport Network
- COM9. Parking Standards in New Development
- COM10. The Provision of Utilities Service Infrastructure
- COM11. Renewable Energy Development

## **7. Consultee Response**

### **7.1 Dorset Council Ward Member**

No response received.

### **7.2 Weymouth Town Council**

No objection.

### **7.3 Dorset Council Transport Development Liaison Engineer**

Advises that the Highway Authority considers that the proposals do not present a material harm to the transport network or to highway safety and consequently has no objection.

Condition requested securing provision, retention and maintenance of proposed turning and parking.

Notes concern about suggested closure of Dorchester Road footway fronting site during the demolition phase commenting that avoiding one hazard with another is not acceptable and questioning whether the use of hoarding or fencing has been fully considered.

### **7.4 Dorset Council Conservation and Design Officer**

Notes that they been involved in design development for the project and that they have a design reservation about the proposal. Comments that:

“In terms of site and building layout etc there are no concerns however the building design and use of modular components does not conform with the traditional building form, of dual pitched roofs and gable ends.

I understand there is a desire to reduce build costs and modular construction certainly reduces site time, however this is a contemporary building technique

which is very much a "modernist" modular technique which is not considered compatible with traditional construction form.

The proposal seeks to rebuild a similar building form but using different building materials and methods and this is considered a mistake. Either use the right material or make the design appropriate to the construction materials.

Nevertheless I see any harm limited to design only and overall the harm caused to the conservation area would be considered less than substantial and other benefits may well outweigh the level of harm perceived from the design."

#### **7.5 Dorset Council Tree Officer**

No response received.

#### **7.6 The Theatres Trust**

No comment.

### **8. Other Representations Received**

- 8.1 In addition to the consultation responses summarised above, 1 other representation has been received from the Weymouth Civic Society noting:

"We appreciate the potential benefit to the town of proper provision for disadvantaged children.

However, we object strenuously to the design of the proposed new building. The materials in particular are utterly inappropriate. It is totally out of keeping with the adjacent buildings. It does not respect the character of the Conservation Area or make any positive contribution to it.

This should be an opportunity to construct a pleasing building in this important location on the main road into Weymouth. Numbers 43, 45 and 47 Dorchester Road are locally important and of a quality and age to be candidates for a Local List of Heritage Assets. Together with the former Weymouth College opposite, they form a significant group within the Conservation Area.

An example of a new structure blending with the original building can be seen at 47 Dorchester Road (Kildare Court), where the building immediately adjacent to this current site is a large extension which was constructed on the south side of the original house in 2007 (photo).

We also note that the proposed development will result in the loss of available parking, and we trust that the highway officer will take this into account."

### **9. Case Officer's Appraisal**

- 9.1 Having regard to the provisions of the development plan, the information submitted in support of the application and the representations received, the main issues in the determination of the application relate to:

- (i) the adequacy of information submitted in support of the application;
- (ii) the acceptability in principle of the proposed development;
- (iii) climate change, flooding and impact on the natural environment;
- (iv) access, parking and accessibility;
- (v) the acceptability of the proposed design and its implications for the character and appearance of the application site and the surrounding area;
- (vi) the impact of the proposed development on the historic environment; and
- (vii) impact on amenity.

#### Adequacy of Information Submitted in Support of Application

- 9.2 Paragraph 43 of the NPPF is clear that the right information is crucial to good decision-making, particularly where formal assessments are required, but national practice guidance is equally clear that planning authorities should take a proportionate approach to the information requested in support of applications (PPG, Reference ID: 14-038-201403060).
- 9.3 The subject application is supported by a detailed Design and Access Statement and further supported by specialist reports addressing arboricultural and ecological issues. Environmental impact assessment pursuant to the EIA Regulations has not been undertaken but has not been deemed necessary.
- 9.4 No particular concerns have been raised in representations about the adequacy of the information submitted in support of the application and it is considered that such further details and actions as are necessary to ensure a satisfactory level of compliance with the development plan can reasonably be secured by means of planning condition.
- 9.5 Accordingly, subject to imposition of the planning conditions set out in section 10.1 below, I am satisfied that adequate information has been provided to enable the application to be determined and for planning permission to be granted.

#### Principle of Development

- 9.6 Amongst other matters, paragraph 118 of the NPPF provides that planning decisions should:
- (i) encourage multiple benefits from urban land;
  - (ii) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs;
  - (iii) support appropriate opportunities to remediate despoiled, degraded or derelict land; and
  - (iv) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 9.7 The Application Site comprises previously developed land that has a history of community and employment use and which is shown on the Policies Map of the Adopted Local Plan to be located within the defined development boundary for Weymouth. Accordingly, the Application Site is shown to be within a main settlement identified as a highest priority location for development and wherein Policy SUS2 of

the Adopted Local Plan provides that residential, employment and other development to meet the needs of the local area will normally be permitted.

- 9.8 The Application Site is further shown to be within a designated Conservation Area, wherein special attention must be paid to the the desirability of preserving or enhancing the character or appearance of that area but is not subject to any site-specific land use policy or allocation.
- 9.9 The Environment Agency's Flood Risk Map for Planning shows the Application Site is shown to be in Flood Zone 1 and consequently to be at very low risk of flooding from rivers or the sea and is regarded as being at low risk of surface water flooding. The Site further benefits from existing mains service connections and is not subject of any statutory nature conservation designation.
- 9.10 The Design and Access Statement submitted in support of the application notes that the Application Site is situated in a convenient location, close to and within walking distance of local amenities; approximately 1.2 km (15 minute walk) from Weymouth town centre; 0.95 km (12 min walk) from Weymouth train station; approximately 0.6 km (7 minute walk) from the Weymouth College and 230 metres (3 minute walk) from the Weymouth Community Hospital. It is further noted that Dorchester Road is one of the principle thoroughfares into Weymouth and is well served by public transport, the nearest bus stop being immediately adjacent to the Application Site.
- 9.11 The application proposal provides for:
- (i) the demolition of some existing development that is considered to be of poor architectural quality and to be of no particular heritage significance, the demolition of which would enhance the character and appearance of the Lodmoor Hill Conservation Area;
  - (ii) the change of use of retained property to provide residential accommodation for care leavers to meet local needs;
  - (iii) the erection of a two-storey Residential Children's Home to meet local needs; and
  - (iv) the removal of areas of hard surfacing currently given over to vehicular parking and their replacement with landscaped amenity space to the benefit of biodiversity and the character and appearance of the area.
- 9.12 Parts of the retained building would also be used for office and administrative space for Children's Services and for other services to support looked after children and care leavers.
- 9.13 In relation to the proposed uses, the Design and Access Statement submitted in support of the application explains that Dorset Council needs to take steps to increase the availability of accommodation for children in care within Dorset in order to meet the county's statutory duty to ensure that there is sufficient accommodation for looked after children and that creating this residential provision will improve the service quality and outcomes for young people in Dorset. The Statement further notes that the existing building would be adapted to accommodate bed-sit type accommodation for care leavers with communal kitchen/dining/lounge facilities to the upper floors separated via the back entrance to the house, thereby keeping the ground floor accessible for the service to use with some office space being required

to ensure day to day roles and functions are carried out to care for the children in Dorset.

- 9.14 Policy HOUS4 of the Adopted Local Plan refers specifically to proposals for flats, hostels and houses in multiple occupation and states that such development should:
- (i) be compatible with the character of the area;
  - (ii) not result in a cramped form of development;
  - (iii) provide sufficient private amenity space within the site for the likely future occupants, normally comprising at least 10% of the site area for conversions providing 4 or more flats, and 20% of the site area for all new build schemes, unless such provision is undesirable in design terms.
- 9.15 Policy HOUS5 refers to residential care accommodation and provides that applications for new care accommodation should:
- (i) be located within a defined development boundary and at an appropriate scale in relation to the settlement;
  - (ii) meet with the strategic aims and objectives of Dorset County Council and NHS Dorset including demonstration of need for the service in the locality; and
  - (iii) provide sufficient private amenity space within the site for the likely future occupants, normally comprising at least 20% of the site area unless such provision is undesirable in design terms.
- 9.16 For the purposes of the Adopted Local Plan the term:
- (i) “community infrastructure” is defined to include a wide range of facilities including schools and social care facilities;
  - (ii) “employment” includes development in the B Use Classes such as offices, workshops and industrial premises and applies to non B class development which provides direct, ongoing local employment opportunities such as tourism and retail, but it does not apply to development that indirectly benefits the local economy (such as housing), and businesses such as farming, care homes and tourist accommodation providers, which are covered by other policies of the Plan;
  - (iii) “employment sites” includes land or premises that are presently in an employment use or, if vacant, previously in an employment use; and
  - (iv) “local community buildings and structures” may include shops, financial and professional services, schools, doctor’s surgeries, village halls, places of worship, restaurants, public houses, sports facilities and recreational open space normally used by the local community in which it is located.
- 9.17 Having most recently been used as a Registrar’s Office and as Adult Education Centre with associated employment, the Application Site falls to be considered as an “other” (i.e. non key) employment site and also constitutes community infrastructure with an existing local community building.
- 9.18 The application proposal provides for a specialist form of residential accommodation that as social care facilities will constitute community infrastructure delivered through the erection of new local building and the partial re-use of an existing local community building.
- 9.19 Policy COM3 of the Adopted Local Plan provides that planning permission for proposals, including change of use, which result in the loss of local community

buildings or structures (including sites which were most recently used for this purpose), will not be permitted unless:

- (i) it can be demonstrated that there is no local need for the facility or that such a facility is no longer likely to be viable; and
- (ii) an appropriate alternative community use to meet local needs is not needed or likely to be viable.

- 9.20 However, Policy COM2 of the Adopted Local Plan provides that proposal for new, replaced or improved local community buildings or structures will be permitted providing the proposal is within or adjoining an existing settlement, provided that the proposal would be well-located to be accessible to its main catchment population and would not generate significant additional single purpose trips by private transport and would not undermine the commercial viability of nearby community facilities which may be better placed to serve the needs of the community. It is further stated that regard will be had to the desirability of concentrating new community buildings and structures in settlements, especially where new housing development is permitted, and also ensuring that, where practicable, the design allows for a range of current and future uses.
- 9.21 In relation to other employment sites, Policy ECON3 of the Adopted Local Plan provides that 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 redevelopment of the site would offer important community benefits or no significant loss of jobs / potential jobs.
- 9.22 The application addresses the development and use of the whole 'employment site', each of the former site uses having been relocated elsewhere such that the proposed development would not result in any job losses.
- 9.23 The proposal is for an appropriate alternative use to meet local needs that would involve a level of on-site employment, albeit with some positions falling outside of the definition of employment set out in the Adopted Local Plan.
- 9.24 The design merits and broader environmental implications of the proposed development are considered later in this appraisal, but the the proposed layout would not result in an unduly cramped form of development with well over 20% of the site area to be laid out out as private amenity space for likely future occupants.
- 9.25 Accordingly, the application proposal provides for an appropriate and beneficial form of development that would make more effective use of vacant, previously developed land for purposes that are in accordance with national and local land use policy and that would also be to the benefit of the local economy. The proposal is therefore acceptable in principle.

#### Climate Change, Flooding and Impact on the Natural Environment

- 9.26 Paragraph 148 of the NPPF provides that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and help to:

- (i) shape places in ways that contribute to radical reductions in greenhouse gas emissions;
- (ii) minimise vulnerability and improve resilience;
- (iii) encourage the reuse of existing resources, including the conversion of existing buildings; and
- (iv) support renewable and low carbon energy and associated infrastructure.

9.27 Paragraph 150 of the NPPF states that new development should be planned for in ways that:

- (i) avoid increased vulnerability to the range of impacts arising from climate change; and
- (ii) can help to reduce greenhouse gas emissions, such as through its location, orientation and design, further stating that any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

9.28 Amongst others matters, paragraph 170 of the NPPF provides that planning decisions should contribute to and enhance the natural and local environment by;

- (i) minimising impacts on and providing net gains for biodiversity;
- (ii) helping to improve local environmental conditions; and
- (iii) remediating and mitigating despoiled, degraded and derelict land, where appropriate.

9.29 Policy ENV2 of the Adopted Local Plan provides the protection of important wildlife and habitats and further provides that proposals that conserve or enhance biodiversity should be supported and that opportunities to incorporate and enhance biodiversity in and around developments will be encouraged.

9.30 Policy ENV5 of the Adopted Local Plan provides that new development should be planned to avoid risk of flooding where possible and that the risk of flooding will be minimised by:

- (i) steering development towards the areas of lowest risk and avoiding inappropriate development in the higher flood risk zones;
- (ii) ensuring development will not generate flooding through surface water runoff and/or exacerbate flooding elsewhere.

9.31 Policy ENV13 of the Adopted Local Plan provides that new buildings and alterations/extensions to existing buildings are expected to achieve high standards of environmental performance.

9.32 The Environment Agency's Flood Risk Map for Planning shows the Application Site is shown to be in Flood Zone 1 and consequently to be at very low risk of flooding from rivers or the sea and is regarded as being at low risk of surface water flooding. The Site further benefits from existing mains service connections and is not subject of any statutory nature conservation designation.

9.33 The proposal is for foul and surface waters to be discharged to the main sewers, but the application proposal would see a reduction in hard surfaced area, resulting in increased infiltration of surface water thereby improving the sustainability of the existing drainage arrangement.

- 9.34 Tree loss to the proposed development would be limited to two poor quality trees, with all tree works to be undertaken outside the bird nesting season and the overall impact of the application proposal on biodiversity likely to be beneficial.
- 9.35 In relation to energy requirement, the Design and Access Statement notes that for the new building this will be reduced by the installation of doubled glazed window units throughout and building insulation to attain Simplified Building Energy Model (SBEM) calculations to the satisfaction of Dorset Council. It is further noted air source heat pumps will be used to provide heating and hoped that photovoltaic panels can be used on the rear roof pitch of the two storey section of the new building in accordance with Dorset Council's Sustainability Policies and Strategy.
- 9.36 Accordingly, it is considered that policy requirements in respect of climate change, flooding and the natural environment have been addressed adequately.

#### Access, Parking and Accessibility

- 9.37 Paragraph 91 of the NPPF provides that planning decisions should aim to achieve healthy, inclusive and safe places which:
- (i) promote social interaction;
  - (ii) are safe and accessible; and
  - (iii) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
- 9.38 In relation to promoting sustainable transport, paragraph 108 of the NPPF provides that in assessing applications for development, it should be ensured that:
- (i) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - (ii) safe and suitable access to the site can be achieved for all users; and
  - (iii) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.39 However, paragraph 109 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.40 In relation to achieving well-designed places, amongst other matters, paragraph 127 of the NPPF provides that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.41 Policy COM7 of the Adopted Local Plan provides that development should be located where the volume of traffic likely to be generated can be accommodated on the local highway network without exacerbating community severance and further provides that development will not be permitted:
- (i) where the residual cumulative impacts on the efficiency of the transport network are likely to be severe; and

- (ii) unless it can be demonstrated that it would not have a severe detrimental effect on road safety, or measures can be introduced to reasonably mitigate potentially dangerous conditions.
- 9.42 Policy COM9 of the Adopted Local Plan provides that parking should be provided in association with new residential development, with the amount of parking to be provided assessed under the methodology set out in the Bournemouth, Poole & Dorset Residential Car Parking Study, taking account of the following factors:
- (i) levels of local accessibility;
  - (ii) historic and forecast car ownership levels;
  - (iii) the size, type, tenure and location of the dwellings;
  - (iv) the appropriate mix of parking types (e.g. unallocated, on-street, visitor etc).
- 9.43 Policy COM9 further states that cycle parking facilities should be provided where suitable private storage is not provided, at a ratio of one cycle space per 2 dwelling units.
- 9.44 As set out above, the Application Site is situated in a convenient, accessible location, close to and within walking distance of local amenities and readily accessible by public transport services.
- 9.45 In relation to vehicular access, the Design and Access Statement submitted in support of the application notes that the existing access from Dorchester Road was widened in 2015 from 3.850 metres to 6.075 metres to accommodate mini-buses used by Adult and Community Services, the proposal being that the access be reinstated to its original width so as *“to give the property more of a residential feel”*.
- 9.46 With regard to the demolition and construction period, the Design and Access Statement comments that:
- (i) the existing access is adequate and suitable for a contractors access;
  - (ii) access for parking on the application site will be excluded during the works; and
  - (iii) the footway and bus stop adjacent to the site will be temporarily closed during the demolition phase and when the off-site constructed Residential Children’s Home is due to be crane lifted into its designated location, pedestrians being redirected to use the footway on the other side of the road.
- 9.47 Dorset Council’s Transport Development Liaison Engineer has indicated that the development proposals do not present a material harm to the transport network or to highway safety but has noted some concern relating to the suggested temporary footway closure. However, any such closure would require highway authority approval and hence is primarily a matter for regulation under highways, rather than, planning legislation.
- 9.48 The Application Site currently includes approximately 29 parking spaces, the proposal being for 9 car spaces including 2 accessible spaces plus stands for up to 10 bicycles, this reflecting anticipated operational requirements.
- 9.49 The Design and Access Statement further includes an Access Statement which, amongst other matters, indicates that:

- (i) the main and secondary entrance/exit doors will have level thresholds or be served by a suitable level platform with non-slip surfaces, and will have a minimum 30 points colour difference to the main structure;
- (ii) the existing level access to the existing building will be improved with a designated pedestrian access being separated from vehicular traffic;
- (iii) the proposed Residential Children's Home will have level access with access paths at accessible gradients of 1:21 or shallower and that steps and ramps if any required will comply with Part M of the Building Regulations;
- (iv) adequate signage will be provided throughout, all to comply with Part M of the Building Regulations;
- (v) the entrance lobby is suitable for wheelchair users;
- (vi) all internal doors to the new building will be a minimum 914 mm wide;
- (vii) internal floor finishes will be carpet or vinyl where appropriate with no trip hazards;
- (viii) toilet accommodation will be provided, including an accessible toilet on the ground floor;
- (ix) height of electrical switches, door handles and door openings etc. have all been considered in this design, but it is intended that when a child is placed in the new building, adequate/additional facilities will be provided to aid each individual child;
- (x) no lift will be provided, but appropriate/alternative accommodation for children with disabilities will be drawn up in a management plan by the end user, if required; and
- (xi) no particular provision has been made for people with hearing difficulties within the new building.

9.50 Accordingly, it is considered that policy requirements in respect of access, parking and accessibility have been addressed adequately.

#### Design, Character and Appearance

9.51 Paragraph 124 of the NPPF is clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

9.52 Amongst other matters, paragraph 127 of the NPPF provides that planning decisions should ensure that developments:

- (i) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (ii) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (iii) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- (iv) establish or maintain a strong sense of place;
- (v) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and
- (vi) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future

users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.53 Paragraph 130 of the NPPF provides that:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.”

9.54 Policy ENV10 of the Adopted Local Plan provides that:

- (i) all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness and that development should be informed by the character of the site and its surroundings;
- (ii) development will provide for the future retention and protection of trees and other features that contribute to an area’s distinctive character, noting that such features may not always be designated or otherwise formally recognised;
- (iii) development should only be permitted where it provides sufficient hard and soft landscaping to successfully integrate with the character of the site and its surrounding area; and
- (iv) opportunities to incorporate features that would enhance local character, including public art, or that relate to the historical, ecological or geological interest of a site, should be taken where appropriate.

9.55 Amongst other matters, Policy ENV11 of the Adopted Local Plan provides that within existing settlements, development should ensure that provision is made for bin stores, recycling facilities, drying areas, cycle parking, mobility scooter storage and private amenity/garden space (and associated storage and composting facilities) appropriate to the uses proposed and character of the area and further provides that places should be designed to reduce opportunities for, and fear of, crime.

9.56 Policy ENV12 of the Adopted Local Plan addresses the design and position of buildings stating that development will achieve a high quality of sustainable and inclusive design and will only be permitted where it complies with national technical standards and where the siting, alignment, design, scale, mass, and materials used complements and respects the character of the surrounding area or would actively improve legibility or reinforce the sense of place. It is further explained that this means that:

- (i) the general design should be in harmony with the adjoining buildings and the area as a whole;
- (ii) the position of the building on its site should relate positively to adjoining buildings, routes, open areas, rivers, streams and other features that contribute to the character of the area;
- (iii) the scale, mass and positioning of the building should reflect the purpose for which the building is proposed;

- (iv) the quality of the architecture is appropriate to the type of building with particular regard to its architectural elegance, symmetry and rhythm, and richness of detail;
- (v) materials are sympathetic to the natural and built surroundings and where practical sourced locally;
- (vi) any alterations to or extensions of buildings should be well related to, and not overpower, the original building or neighbouring properties, unless they achieve significant visual enhancement to both the building and surrounding area;
- (vii) new housing should meet and where possible exceed appropriate minimum space standards.

9.57 Policy ENV15 of the Adopted Local Plan provides that development should optimise the potential of the site and make efficient use of land, subject to the limitations inherent in the site and impact on local character.

9.58 The Lodmoor Hill Conservation Area includes a range of residential, commercial and other uses and a diversity of building styles, but with the buildings that most define the character and significance of the designated mostly constructed as grand Victorian and Edwardian villas many of which have now been converted into flats or adapted for other uses. The area also includes some more recent buildings that have a negative impact on the character and appearance of the area.

9.59 Where buildings have been converted and altered within the Conservation Area, the plot pattern has generally been retained. Low brick front boundary walls are part of the setting of many of the historic buildings within the Conservation Area. Where the walls have been lost this has had a negative impact on the appearance of the Conservation Area. Although many buildings now have car parking areas to their frontage, some retain their original gardens, this generally being to the benefit of both character and appearance of the area.

9.60 The buildings at Nos 43, 45 and 47 Dorchester Road are not listed but form part of a wider cluster of surviving, albeit much altered, Victorian and Edwardian buildings of aesthetic notes and which also includes the Grade II listed Cranford House opposite the application and the now converted Old College Chapel to the south of Ricketts Close. The significance of these assets resides primarily and roughly equally in their architectural and historic interest which tells of the growth of, an investment in, the Melcombe Regis area in the late 19<sup>th</sup> and early 20<sup>th</sup> century,

9.61 In relation to the historical context of the Application Site, the Design and Access Statement submitted in support of the application notes that:

“Buildings, such as 45 Dorchester Road, did not always follow a true Architectural style but were more about showing the wealth of the owner, hence the turrets and castellated elevations etc. A true reflection therefore, of history cannot always be achieved by copying what is there, too closely.

Many of the local buildings prior to this period were smaller cottages or terraced family properties, such as Sharrow Buildings, built circa 1830, which had a Stucco Render finish. Similarly Radipole Terrace, which was part of the Old Radipole Barracks, had a ‘Mathematical Tiles’ finish to its elevations.

As with the Old Weymouth College Building some of the older properties in the area have either been demolished, extended or converted, the latter usually as multi-use residential buildings.

The neighbouring building located at 47 Dorchester Rd, built at a similar time, to No. 45, has been vastly extended to create a three storey apartment block, circa 2005. This was created by mimicking the original building. However, between the original house and extension a full height glazed atrium was installed providing a clear visual break between the new and the old.

Other properties that have been erected in the area over recent years have been developed as a pastiche of earlier buildings. By doing this however, historical context can be lost over time by the continuation of this design method.”

- 9.62 The application proposal provides for the demolition of the modular building in the rear part of the site and for the demolition of the single storey link corridor that connects to the original building. None of the built form that would be lost to the proposed development is considered to make a positive contribution to the character and appearance of the Lodmoor Conservation Area, such that their demolition would of itself enhance the character and appearance of the designated area.
- 9.63 The Application Site has a number of large trees which are desirable to retain. The application provides for the removal of two poor quality with significant amount of decay and other tree works including crown lifting and reduction of lateral branches as recommended by the Council’s Arboricultural Officer, some works having now been undertaken so as to facilitate the safe demolition and removal of the modular building.
- 9.64 The proposed change of use of the remaining building would see the ground floor accessible for service use, whilst the upper floors would be reinstated to residential use, albeit in multiple, rather than single occupation. All bed-rooms would have an en-suite bathroom and all residents would have access to communal kitchen/dining/lounge facilities.
- 9.65 It is considered that the re-instatement of residential use to the former villa as proposed would be undertaken without material harm to character, appearance or amenity of the surrounding area and without unacceptable harm to the heritage significance of the building itself.
- 9.66 In relation to the new building, amongst other matters, the Planning Statement contained in the Design and Access Statement submitted in support of the application notes that:
- “1. The proposal is to demolish an existing modular building and replace with a new building to be sited forward of the demolished building but within the building line of the adjacent properties.
  2. The new building will be of an off-site construction has been designed to suit the surrounding properties and to sit comfortably within the local conservation area.

3. The external appearance of the new building has therefore been developed to compliment its surroundings and has not been designed to look like the main house or adjacent properties, which were Grand Edwardian Family Villas.
4. The new building is to have a subservient feel of a Victorian Terrace property, as per the houses of 5 – 8 Spring Court which are located between the properties of 41 and 43 Dorchester Road.
5. The new building is located between the main house of 45 Dorchester Road and the large extension of 47 Dorchester Road and would fit with the existing ribbon development style of this area.
6. In keeping with this theme, the rear of the property has been created to look like one of the coach houses to the main properties, such as the new build to the rear of the neighbouring 43 Dorchester Road.
7. The proposed finishes are of a modern design and use modern materials, in keeping with the off-site construction and up to date regulations, have been designed to appear as similar lesser properties in the area. The cement fibre rainscreen panels are to be fitted to present a stacked pattern, windows with a conservative design to compliment the walls will mirror the simple narrow sash windows of other properties within the neighbourhood. The roof will have a Welsh slate tile, or similar approved, finish to blend with some of the surrounding buildings.
8. It is intended to retain all of the existing trees on site except for 2 of poor quality, as detailed in the tree survey information.
9. As part of the re-development of the site there will be a re-organisation of the existing car park/tarmac area.
10. Revised/new landscaping will also be included in the works to improve the greenspace on site and to soften the impact of the new building.”

9.67 Elsewhere the Design and Access Statement variously comments that:

“The brief, from Dorset Council Children’s Services, was to create a building that would not be institutional but to have something that would feel like a home and give a sense of belonging. These vulnerable children require a building with privacy and a homeliness that they may not have found previously.

We have designed the building along these lines by locating the children’s bedrooms, with en-suite facilities on the first floor as you would find in any residential property. The lounge, Kitchen and Dining Area are located on the ground floor to suit, along with some ancillary rooms such as Staff Bedrooms, a Laundry and a Chill-out Room.

This will provide a self contained living space for these children and will offer a safe place to live and grow.

... This is a building with smaller proportions to that of its neighbours and the existing Edwardian Villa that is located within the boundary of the site. The size and mass of the building replicates some of the other 'lesser' buildings in the local area.

There are a few examples of properties constructed in the area that show they have been designed to be of a subservient style building to the grand buildings and villas that dominate the neighbourhood. One of these being the terrace of cottages known as Spring Grove Court. ...

The proposed new building has not been designed as a pastiche of existing buildings, it is clearly a new building of a contemporary style which does not try to copy adjacent architecture styles.

The elevations to the building are to be clad in a fibre cement rainscreen cladding this will be arranged in a stacked formation with a colour to suit the local area and to be agreed by Dorset Council, the Local Planning Officer and the Conservation Officer. The windows will be of a simple design to reflect the narrow sash windows of other smaller properties in the locale. The roof will be covered with a Welsh Slate, or similar approved, tile to complement its surroundings.”

“These proposals follow the initial brief that was set out by Children’s Services to provide a building with a homely, residential feel. We have followed guidance from Planning and Conservation Officers to offer a suitable design for the area. This new building is designed to stand amongst grander buildings and still make a statement, it will also provide a valuable service to the local community of Weymouth for years to come.”

9.68 The site proposal further includes:

- (i) the partial conversion of existing car park area to landscaped gardens with ornamental, herb and vegetable planters, paths and designated sitting areas for the Children’s Home;
- (ii) the creation of smaller pocket gardens to the front and rear of the surviving building with sitting for young people to relax;
- (iii) improvement of the existing vegetation and creation of additional green spaces and native planting for wildlife;
- (iv) improvement of existing fencing arrangement and installation of perimeter fencing and railings;
- (v) restoration of the the former vehicular access and gates with restored metal railing added to existing Dorchester Road boundary wall to match adjacent property;
- (vi) black metal railings and gates are to be added to the perimeter of the proposed Residential Children’s Home;
- (vii) creating of a secure perimeter boundary, the low-level red brick boundary wall off Park Lane to be adjusted and repaired, and timber screen fencing to be added to match adjacent property fencing; and

- (viii) the rearrangement of on-site parking to provide spaces for 9 cars including 2 accessible spaces and cycle stands for up to 10 bicycles.

9.69 In relation to the landscape proposal, the Design and Access Statement notes that:

“The proposed landscape layout was designed for end-users; vulnerable children and young people of Dorset. The provision of a variety of safe outdoor spaces will create an opportunity for children's engagement with nature, an opportunity for outdoor learning and play areas on their doorstep. The landscaped garden will help children and young people to connect with nature, become more active, learn outdoors and have fun.

The inspiration for the materials used was taken from the existing site and adjacent properties. The colours, textures, style for the external materials are appropriate for both the Edwardian Villa and the new Residential Children's Home. Creation of the same style for both properties will give a feeling of unity between them. The brick planting beds are laid out geometrically and symmetrically, buff colour paving and resin-bound gravel is kept simple and not complicated. All proposed paths have accessible gradients. The colours of the proposed materials are complimentary to existing brick walls and the main building façade materials.

The proposed planting is simple, colourful and engaging. The low maintenance ornamental planting, herb & vegetable planting brings an element of fun with different shapes, colours and fragrances.

A mixture of grassed areas, planters, native planting with paving and resin-bound gravel gives variety of sensory experiences.”

9.70 In relation to impact on heritage and the Conservation Area, the submitted Design and Access Statement comments:

“The existing modular building in the grounds of the site has no relevant Architectural connection to its location. The demolition of this building and the brick wall that 'hides' it from the main road can only improve the negative impact that these structures project.

A large amount of the tarmac hardstanding will be removed and replaced with a softer residential style of landscaping. The site will then be left with the existing Edwardian Villa, the new Children's Residential Home and a fully landscaped garden surrounding the site, giving an appearance of how the original residential site would have been intended.

The new building will have the mass and scale of some of the subservient properties in the neighbourhood, being of a two storey design and of similar proportions to the terrace at Spring Grove Court, reflecting the fact that it stands within the grounds of the more important and historical building.

This new building will stand within the building line of the adjacent properties and well forward of the rear boundary, where new landscaping will create a rear garden for its residents.

The proposals for 45 Dorchester Rd. are to recreate a family home appearance and to remove the look, which it has at present, of a once characterful residential building being turned into private offices or an institutional campus. This will enhance the impact on the local heritage and Conservation Area.”

“The existing Edwardian property will have minimal works carried out externally, only remedial maintenance works, thus keeping its integrity and historical heritage intact.

The new building will have elevations that use simple contemporary materials that provide a clear statement that this is a new building while using the form of more traditional construction. This will create a building sympathetic with some of the more subservient terrace or cottage style properties in the neighbourhood.

A limited palette of materials has been chosen where the materials complement each other and create a contemporary expression. These will be harmonious with the location and the surrounding buildings, without resorting to pastiche.

The site as it is, does not impact kindly upon the Conservation area that it is located in and although a new/replacement building will be created, the project as a whole has been designed to compliment its surroundings. This will bring the heritage asset of the existing Edwardian Villa back to its original intentions.”

- 9.71 In response to the application proposal Dorset Council’s Conservation and Design Officer has indicated that there are no concerns in terms of the site and building layout, but expressed reservation that the building design and use of modular components does not conform with the traditional building form of dual pitched roofs and gable ends, and that the contemporary building technique is not considered to be compatible with traditional construction form.
- 9.72 It must, however be noted that the development plan does not preclude the use of contemporary building techniques and paragraph 127 of the NPPF is clear that planning decisions should ensure that developments are
- “... sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”.
- 9.73 The Weymouth Civic Society object to the design of the proposed buildings, commenting that the materials are “utterly inappropriate”; that the proposed building is totally out of keeping with the adjacent buildings; and that it does not respect the character of the Conservation Area or make any positive contribution to it.
- 9.74 In my opinion, the application proposal is sympathetic to the local character and historic environment and, subject to the careful selection, approval and use of appropriate external materials and finishes, would not harm either the character or appearance of the Lodmoor Hill Conservation Area nor detract from the setting of

any other designated heritage asset. Indeed, replacement of the existing, unsightly, and poor quality single storey elements with a detached, two-storey building sited between the taller neighbouring buildings and the associated landscaping proposals will enhance the character and appearance of the designated Conservation Area and not materially detract from the setting of the Grade II listed former Weymouth Technical College.

- 9.75 Accordingly, having regard to the content of the submitted Design and Access Statement and having particular regard to the desirability of preserving the setting of the Grade II listed former Weymouth Technical College and of preserving or enhancing the character or appearance of the Lodmoor Hill Conservation Area, I am satisfied the proposed design is acceptable and should be considered to be in accordance with both national and local design policy.

#### Impact on the Historic Environment

- 9.76 Paragraph 184 of the NPPF notes that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 9.77 Policy ENV4 of the Adopted Local Plan provides that the the impact of development on a designated or non-designated heritage asset and its setting must be thoroughly assessed against the significance of the asset, and that development should conserve and where appropriate enhance the significance.
- 9.78 As set out above, it is considered that the application proposal is sympathetic to the local character and historic environment and would not harm either the character or appearance of the Lodmoor Hill Conservation Area nor materially detract from the setting of the Grade II listed former Weymouth Technical College.
- 9.79 The archaeological potential of the Application Site is considered to be sufficiently limited that mitigation by recording is not considered necessary.
- 9.80 Accordingly, I am satisfied that the application is in accordance with local and national planning policy for the conservation and enhancement of the historic environment.

#### Impact on Amenity

- 9.81 Policy ENV16 of the Adopted Local Plan states that proposals for development should be designed to minimize their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it and that, as such, development proposals will only be permitted provided:
- (i) they do not have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy;
  - (ii) they do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, overbearing impact or flicker;

- (iii) they do not generate a level of activity or noise that will detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties; and
- (iv) they do not generate unacceptable pollution, vibration or detrimental emissions unless it can be demonstrated that the effects on amenity and living conditions, health and the natural environment can be mitigated to the appropriate standard.

- 9.82 The proposal allows for residential and office use within a predominantly residential area and is considered unlikely to generate a level of activity or noise that would detract significantly from either the character and amenity of the area or the quiet enjoyment of neighbouring residential properties.
- 9.83 Some concern was expressed during pre-application discussions with third parties that the proposed building would impact on side facing, habitable room windows present in apartments at Kildare Court, with suggestions advanced that:
- (i) the proposed building should be moved further away from Kildare Court; and
  - (ii) that a hipped-roof should be used in preference to gable ends so as to reduce the physical mass of the proposed building.
- 9.84 These suggested changes have not been incorporated into the proposed design, but it is proposed to locate the new building centrally between the neighbouring buildings and the Design and Access Statement submitted in support of the application includes a shadowing assessment indicating only slight change at Kildare Court.
- 9.85 Having regard to the relative positioning of the proposed and existing building, I am content that the proposal would not have an unacceptable impact on residential amenity on account of increased over-shadowing and that the proposed development would not appear either unduly dominant or unacceptably over-bearing when viewed from the neighbouring properties. I am also satisfied that the proposed development would not have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy.

### Conclusion

- 9.86 For the reasons set out above, subject to the conditions set out in paragraph 10.1 below, it is considered that the application proposal is in general accordance with the development plan and that there are no material considerations warranting determination of the application other than in accordance with the development plan. Accordingly, planning permission can and should be granted.

## **10. Details for Inclusion in Decision Notice**

### **10.1 Recommended Planning Conditions**

#### Time Limit – Commencement of Development

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

#### Reason

In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

### Development in Accordance with Approved Plans and Drawings

2. Unless otherwise required by the conditions of this permission the development hereby permitted shall be carried out in accordance with the following approved plans and drawings:
- (i) Dorset Property Drawing No. L101 Revision P1 dated 20.04.20 and titled Site Location Plan;
  - (ii) Dorset Property Drawing No. L102 Revision P1 dated 20.04.20 and titled Tree Constraints and Demolition Plan Site as existing;
  - (iii) Dorset Property Drawing No. L110 Revision P1 dated 07.07.2020 and titled Proposed Site Layout Landscape Strategy Plan;
  - (iv) Dorset Property Drawing No. A300 Revision P3 dated 15.07.2020 and titled Proposed GA Plans;
  - (v) Dorset Property Drawing No. A301 Revision P2 dated 15.07.2020 and titled Proposed Elevations and Site/Location Plan;
  - (vi) Dorset Property Drawing No. A302 Revision P1 dated 15.07.2020 and titled Proposed External Elevation Finishes Plan; and
  - (vii) Dorset Property Drawing No. 2 010 dated 16.07.2020 and titled Proposed Planning Plans.

#### Reason

To ensure appropriate control over the proposed development having regard to policies ENV2 (Wildlife and Habitats), ENV4 (Heritage Assets), 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) and ENV16 (Amenity) of the adopted Weymouth and Portland Local Plan 2015.

### Submission and Approval of External Materials

3. The erection on-site of the Residential Children's Home hereby permitted shall not commence unless and until details and samples of all external materials and finishes to be used in the construction of the building have been submitted to and approved in writing by the local planning authority. The Residential Children's Home shall be constructed using the materials and finishes as approved.

#### Reason

In the interest of the character and appearance of the locality having regard to policies ENV4 (Heritage Assets), ENV10 (The Landscape and Townscape Setting), ENV12 (The Design and Positioning of Buildings), and ENV16 (Amenity) of the adopted Weymouth and Portland Local Plan 2015.

### Implementation and Maintenance of Landscape Proposals

4. Hard and soft landscaping shall be undertaken in accordance with the arrangements detailed on the approved plans and drawings listed in condition 2 of this permission. All planting and seeding comprised in the soft landscaping proposals shall be carried out before the end of the first planting season (October to March) following the substantial completion of any adjacent development hereby permitted. Any trees or plants that within a period of five years after planting are removed, die or become seriously damaged or defective shall be replaced as soon as practicable with others of species, size and number as originally approved.

### Reason

In the interest of the character and appearance of the locality, amenity, biodiversity and climate change mitigation having regard to policies ENV2 (Wildlife and Habitats), ENV4 (Heritage Assets), ENV10 (The Landscape and Townscape Setting), and ENV11 (The Pattern of Streets and Spaces) of the adopted Weymouth and Portland Local Plan 2015.

### Access and Parking Arrangements

5. Prior to the first occupation of the Residential Children's Home hereby permitted the access, turning and parking arrangements shown on Dorset Property Drawing No. L110 Revision P1 dated 07.07.2020 and titled Proposed Site Layout Landscape Strategy Plan shall be laid out and constructed in accordance the arrangements shown on that Plan. Thereafter these areas shall be kept free from obstruction and shall be made available and maintained for the purposes specified.

### Reason:

To ensure the proper and appropriate development of the site having regard to policies ENV4 (Heritage Assets), ENV10 (The Landscape and Townscape Setting), and ENV11 (The Pattern of Streets and Spaces) of the adopted Weymouth and Portland Local Plan 2015.

### Tree Protection and Implementation of Biodiversity Plan

6. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement dated 19th May 2020 prepared by Dorset Council's Arboricultural Officer submitted with the application the biodiversity mitigation and enhancement measures documented in the Biodiversity Plan dated 30.06.20 prepared by Dorset Council's Natural Environment Team and submitted with the planning application shall be implemented in accordance with that Pan.

### Reason

In the interest of biodiversity having regard to policy ENV2 (Wildlife and Habitats) of the adopted Weymouth and Portland Local Plan 2015.

## **10.2 Informative Notes to be Included on Decision Notice**

### Statement of Positive Involvement

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Dorset County Council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the applicant/agent in a positive and proactive manner by:
  - (i) providing a pre-application advice service;
  - (ii)
  - (iii) updating the applicant's agent of issues as they arose in the processing of the application;
  - (iv) discussing possible solutions to material concerns raised; and
  - (v) providing the applicant with the opportunity to address issues of concern with a view to facilitating a recommendation to grant permission.

Reason for Granting Planning Permission

2. The reason for granting planning permission is set out in the Planning Officer's report which may be viewed online through the application webpages accessible by entering the application details at <https://planning.dorset.gov.uk/public-access/>.

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Economic Growth and Infrastructure, Dorset Council

Completed: 24 November 2020