

## 1. Application Details

Reference: [WP/20/00814/FUL](#)

Site Location: Mount Pleasant Park and Ride Car Park, Mercery Road, Weymouth DT3 5FA

Proposal: Temporary use of land for the stationing of mobile accommodation units for rough sleepers and associated facilities with subsequent reversion to use of site for park and ride parking.

Applicant: The Bus Shelter Dorset

Case Officer: Huw Williams

Ward Members: Cllr Peter Barrow  
Cllr David Gray

The application relates to land owned by Dorset Council and is reported to Committee in accordance with Dorset Council's Constitution.

The application, the plans and further information about the application may be inspected online on the application webpages accessible by entering the application reference at <https://planning.dorset.gov.uk/public-access/>.

## 2. Recommendation

2.1 Grant planning permission subject to the conditions set out in paragraph 11.1 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 of 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 adopted West Dorset, Weymouth and Portland Local Plan 2015 ('the Adopted Local Plan').
- 3.3 The Policies Map of the Adopted Local Plan shows the park and ride car park to be located outside but adjacent to the defined development boundary for Weymouth and not subject of any site specific policies or land use allocations. Policies INT1 and HOUS2 allow for the development of affordable housing beyond the defined development boundary.
- 3.4 The application proposal provides for the temporary use of the application site to provide a specialist form of supported housing and associated services for which there is a recognised local need with subsequent reversion to use for park and ride parking.

- 3.5 The application site is well-located in relation to service need and could be utilised without any material impact on existing transport services without any unacceptable impact on the character, appearance or the amenities of the locality. The site is at low risk of flooding and benefits from access to mains services and other infrastructure. Through the delivery of proposed mitigation and enhancement measures, the proposed development would provide for net gain for biodiversity.
- 3.6 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.

#### **4. Background**

- 4.1 The Bus Shelter Dorset ('the Applicant') is a registered charity whose charitable objects are:

"To relieve the need of people who are rough sleeping in Dorset by providing shelter, warmth, food and support."

- 4.2 The charity believes that if people have their basic needs of sleep, food, water, warmth and safety met, they will be able to work positively on achieving their goals and improving their future.
- 4.3 In 2018 the charity converted a double decker bus into temporary accommodation ('the Bus Shelter') to provide rough sleepers with safe 'first stop' accommodation. Between June 2018 and the spring of 2020, the Bus Shelter and associated facilities were stationed at the Preston Beach Road Car Park, Weymouth. During that time, the Bus Shelter provided accommodation for a total of 50 guests, roughly a third of whom moved on successfully to other accommodation, with roughly a fifth remaining as guests 'on the Bus'.
- 4.4 Following the declaration of the COVID-19 emergency, owing to concerns over the safety of communal sleeping arrangements and the lack of a mains water supply at the Beach Road Car Park, the project relocated temporarily to The Riviera Hotel and is currently operating from Swanage Youth Hostel. Use of the Youth Hostel is likely to continue until March 2021 but a longer-term base is needed if the Bus Shelter is to remain operational, preference being for a site within or close to Weymouth with scope for providing or accommodating individual units of accommodation and associated facilities.
- 4.5 Following discussions with various officers of Dorset Council, land within the Mount Pleasant Park and Ride Car Park was identified as potentially suitable and potentially available for medium-long term use.
- 4.6 Funding is available through the government's Next Steps Accommodation Programme that would allow for the purchase and stationing of new, purpose built mobile accommodation units that could be utilised in conjunction with the existing bus and other associated facilities to provide individual units of accommodation and additional and improved service facilities.

- 4.7 In addition to the requisite form, certificate, fee and location plan (Drawing No. 20201028\_ParkRide\_Layout\_9C Sht 2), the application includes:
- (i) a Design, Access and Planning Statement that explains the application proposal and which addresses relevant planning policy and other material considerations:
  - (i) a Biodiversity Plan prepared in accordance with the Dorset Biodiversity Appraisal Protocol; and
  - (ii) plans and drawings illustrating the application proposal comprising:
    - an indicative Site Plan (Drawing No. 20201028\_ParkRide\_Layout\_9C Sht 1) showing the envisaged site layout and servicing arrangements;
    - indicative Elevation Drawings (Drawing Nos. 20201028\_ParkRide\_Layout\_9C Shts 3 and 4); and
    - indicative specifications for the accommodation units (NewSpace Drawing No. FPR-BS-48x10-17-9 and Phase 2 Accommodation Image).

## **5. The Application Site and Surrounding Area**

- 5.1 The Mount Pleasant Park and Ride Car Park is situated on the urban fringe of Weymouth to the east of the Mount Pleasant Business Park and to the north of playing fields at Weymouth Rugby Club. The Lorton Valley Nature Park lies to the north and east.
- 5.2 Vehicular access to and egress from the park and ride is via Mercery Road which connects to the A354 Weymouth Relief Road at the Veasta Roundabout. Mercery Road also provides access to the Mount Pleasant Business Park and the adjacent Sainsbury's supermarket.
- 5.3 Pedestrian and cycle access to the park and ride is available from the A354 and from the Jurassic Cycle Trail (Weymouth Trail) which passes between the park and ride and the Mount Pleasant Business Park.
- 5.4 The car park has capacity for over 1,000 vehicles and includes a tarmacked parking area measuring approximately 1.3 hectares and a gravelled overflow parking area measuring approximately 1.6 hectares, the tarmacked area being mostly to the north of the bus pick-up/drop-off and turnaround around area, the gravelled overflow area being to the south.
- 5.5 The application site comprises approximately 1,400 sqm of land within the north-western section of the gravelled overflow parking area to the south of the bus turnaround area.
- 5.6 At its nearest point, the application site is approximately 25 metres from the Jurassic Cycle Trail, approximately 90 metres from Mount Pleasant Business Park, approximately 120 metres from the Lorton Valley Nature Park and approximately 140 metres from the playing fields. The nearest residential properties are more than 300 metres from the application site.

## **6. The Proposed Development**

- 6.1 The application proposal provides for the temporary use of the application site to provide a specialist form of supported housing and associated services with subsequent reversion to use for park and ride parking.
- 6.2 It is intended that the temporary use be developed in two phases.
- 6.3 In the initial phase, 3 purpose-built mobile accommodation units, a separate kitchen unit, a communal social space, a learning centre, a workshop, a storage container and the converted bus would be stationed on the application site with the accommodation units, learning centre and bus sited to create an inward-looking perimeter enclosing courtyard areas around the communal social space, workshop and kitchen. The accommodation units would be 14.6 metres long and 3 metres wide with each unit being sub-divided to provide four 6.5 sqm bedrooms, each bedroom having a 2.75 sqm en-suite shower room equipped with an electric shower, basin and toilet.
- 6.4 Subject to funding, phase 2 would involve the stationing of up to 5 further accommodation units to the south of the phase 1 development, these units measuring 9.1 metres by 3 metres and each unit being configured as a self-contained micro flat.
- 6.5 All the accommodation units would be constructed from Corten Steel and outwardly would have the appearance of shipping containers but would incorporate UPVC windows and doors, would be well insulated and would be suitable for year-round use.
- 6.6 Each unit would be stationed on temporary pad foundations, with the top of the units being approximately 3.5 metres above ground level. Although the units would be designed and constructed to be suitable for stacking, no stacking of units is proposed.
- 6.7 The accommodation units and other facilities would be connected to existing mains infrastructure (water, electricity and sewerage). The existing bus would not be used to provide accommodation, but being synonymous with the project, would be repurposed to provide an office, interview space and storage.
- 6.8 The application makes clear that the intention is for the proposed use to operate in very much the same way as the charity previously operated at the Beach Road Car Park, with the application site providing 'first stop' accommodation for rough sleepers and those at risk of rough sleeping. As now, guests would be referred to the Bus by Dorset Council, The Lantern Trust and Julian House.
- 6.9 Stays in the Phase 1 accommodation would not be time limited but guests would be expected to engage with staff and set realistic individual goals and participate in regular support reviews. Stays within a micro flats would be limited to a maximum of 2 years during which time guests would be supported to find work and accommodation and be required to contribute to running costs in preparation for independence.

- 6.10 Following a successful stay in a micro flat, the expectation is that individuals will feel enabled to live independently and away from the Bus community. Should a stay in a micro flat prove unsuccessful, guests could be reintegrated back into one of the individual accommodation units.
- 6.11 All guests would have allocated tasks and responsibilities to undertake and all guests would be required to abide by the 3 simple rules currently embedded in the structure of the Bus – no smoking in any indoor facilities and no alcohol or drugs on the compound or the immediate surrounding area. Guest behaviour would also continue to be managed through the use of an established warning and eviction protocol.

## **7. The Development Plan and Other Material Considerations**

- 7.1 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.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### The Development Plan

- 7.3 The development plan includes the adopted West Dorset, Weymouth and Portland Local Plan 2015 ('the Adopted Local Plan'), which set out a vision for Weymouth and Portland and provides a basis for planning decisions in the plan area for the period to 2031.
- 7.4 There is no made neighbourhood plan and no post-examination draft neighbourhood plan material to the application.
- 7.5 The Policies Map of the Adopted Local Plan shows the park and ride car park to be located outside but adjacent to the defined development boundary for Weymouth and not subject of any site specific policies or land use allocations.
- 7.6 The Lorton Valley Nature Park is identified on the Policies Map and comprises 194 hectares of land that links the Lodmoor Nature Reserve, Two Mile Copse and Lorton Meadows (all Sites of Special Scientific Interest) and two areas of land provided as habitat restoration sites in conjunction with the construction of the Weymouth Relief Road. Parts of the Nature Park are identified as being of Local Landscape Importance.
- 7.7 Having regard to the location of the application site and to the nature of the proposed development, the most relevant policies of the Adopted Local Plan are:

- INT1 – Presumption in Favour of Sustainable Development;
- SUS2 – Distribution of Development;
- HOUS2 – Affordable Housing Exception Sites;
- HOUS4 – Development of Flats, Hostels and Houses in Multiple Occupation];
- ENV1 – Landscape, Seascape and Sites of Geological Interest;
- ENV2 – Wildlife and Habitats;
- ENV5 – Flood Risk;
- ENV9 – Pollution and Contaminated Land;
- ENV10 – The Landscape and Townscape Setting;
- ENV11 – The Pattern of Streets and Spaces;
- COM7 – Creating a Safe and Efficient Transport Network; and
- COM9 – Parking Standards in New Development.

7.8 Each of the above policies is addressed in the appraisal presented in section 11 of this report.

#### Local Finance Considerations

- 7.9 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.
- 7.10 The application proposes a use of land rather than the erection or alteration of a building such that the proposal is not subject to the Community Infrastructure Levy.
- 7.11 Although accessed by Dorset Council, the Government funding available through the Next Steps Accommodation Programme has been awarded to the Applicant not a relevant authority, so does not constitute a local finance consideration for the purpose of section 70.
- 7.12 Accordingly, there are no local finance considerations that are material to the determination of the application.

#### Other Material Considerations

- 7.13 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. Material in this instance are:
- (i) government planning policy set out in the National Planning Policy Framework (‘the NPPF’) and associated planning practice guidance (‘PPG’);
  - (ii) the Government’s Rough Sleeping Strategy published in August 2018;
  - (iii) the Dorset Homelessness Strategy Annual Update 2018 to 2019; and
  - (iv) written representations made about the application.

## **8. Consultations**

### **8.1 Dorset Council Ward Members**

No response received.

### **8.2 Weymouth Town Council**

Responded advising that the application was considered by Planning and Licensing Committee on 1st December 2020.

Reported that Members agreed this is an essential service to support people to move on with their lives, but queried location of proposed units. Comment this is an innovative design and similar schemes run elsewhere in the South-West. Some Members were concerned that development might be located too far from town centre, and therefore be less attractive to potential service users. Others felt that proposed site is close to shops and public transport, and that it is not too long a walk to town centre. Noted that application for temporary use of land, but unclear how long "temporary" meant.

Members felt current scheme is well managed and has helped people get on their feet. It is supported by local businesses and works with local partners. Proposed scheme is modest and is quite remote from residential houses. If proposed scheme runs in same way as current bus shelter, it will not create disturbance. The Bus Shelter selects service users carefully and has rules that have to be adhered to.

Suggested that Dorset Council supports initiative by offering space in car park, but Members wondered what other locations have been considered.

It has been confirmed that where service users are from outside Weymouth, aim is to rehouse them in an area where they have close connections.

Members voted unanimously in favour of application and to submit a comment of "no objection" but would like to support the idea that it is a temporary provision and would recommend a period of 5 years. The Council welcomes this innovative and essential service.

### **8.3 Dorset Council Transport Development Management**

No objection.

### **8.4 Dorset Council Environmental Health Officer**

No comment.

### **8.5 Dorset Council Pollution Control**

No response received.

### **8.6 Dorset Council Property Services**

The Commissioning Team for waste services manages the closed landfills operated by the previous local authorities in Dorset, including Lodmoor North where the Park

and Ride is located. This site is a former landfill and is not managed or monitored under an Environmental Permit. No monitoring for the presence of landfill gas is currently carried out on this site. Recommend that a full landfill gas risk assessment is carried out by a technically competent person before any development of this site is considered.

8.7 Dorset Council Streetscene Manager

No response received.

8.8 Dorset Police Crime Prevention Design Adviser

No objection.

8.9 Dorset and Wiltshire Fire and Rescue Service

No response received.

**9. Publicity and Other Representations**

9.1 The application was advertised by site notice displayed on 20<sup>th</sup> November 2020. One further representation was received commenting that:

- proposal will confer significant benefit to the local area;
- project provides invaluable support to individuals with a history of rough sleeping and homelessness;
- approving proposal will allow a small cohort of individuals to continue their journey from social exclusion to integration and autonomy;
- project will stop individuals returning to homelessness and or rough sleeping in unauthorised parts of Weymouth;
- approval is the ethical response and also a sensible use of finance;
- siting has been considered carefully; and
- proposed site will have a low impact on local community while being hugely beneficial to service users.

**10. Appraisal**

10.1 The main issues in the determination of the application relate to:

- (i) the acceptability in principle of the proposed development;
- (ii) socio-economic impact;
- (iii) the suitability of the site for the proposed use having regard to ground conditions;
- (iv) impact on biodiversity;
- (v) flood risk and climate change;
- (vi) design and impact on the character, appearance and the amenities of the locality;
- (vii) impact on amenity; and
- (viii) equalities and human rights.

Principle of Development

10.2 The NPPF is 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 – economic, social and environmental – 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 NPPF further provides 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 that decision-makers at every level should seek to approve applications for sustainable development where possible (paragraph 38).

- 10.3 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 (paragraph 10), which, for decision taking, amongst other matters, means:

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

- 10.4 Although pre-dating the current version of the NPPF, Policy INT1 of the Adopted Local Plan similarly provides that there will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the plan area.
- 10.5 Policy SUS2 of the Adopted Local Plan addresses the distribution of development in the plan area directing most development to the main towns (Weymouth and Dorchester) and to other settlements with defined settlement boundaries within which residential, employment and other development to meet the needs of the local area will normally be permitted. Outside of the defined development boundaries, policy SUS2 states that development is to be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints, and is restricted to specified forms of development identified to include affordable housing.
- 10.6 The application site is located outside but close to the defined development boundary for Weymouth and comprises already developed land that is not subject to any site specific development plan policy land use allocation and which is not subject to any statutory landscape, heritage or nature conservation designations. The Environment Agency’s Flood Risk Map for Planning shows the application site to be in Flood Zone 1 and consequently to be at very low risk of flooding from rivers or the sea.
- 10.7 Policy HOUS2 of the Adopted Local Plan refers specifically to affordable housing exception sites and provides that small scale sites for affordable housing adjoining settlements may be permitted provided that:
- the council is satisfied that the proposal is capable of meeting an identified, current, local need within the town, local parish or group of parishes, which cannot otherwise be met;
  - the scheme is of a character, scale and design appropriate to the location; and
  - there are secure arrangements to ensure that the benefits of affordable housing will be enjoyed by subsequent as well as initial occupiers.

- 10.8 The impact of the proposed development on the character and appearance of the surrounding area, flood risk and biodiversity are considered later in this appraisal.
- 10.9 Affordable housing is defined in the Adopted Local Plan to include a range of housing supply models provided to eligible households whose needs are not met by the market. The proposed development provides for a specialist form of affordable accommodation such that the application site may be regarded as an exception site.
- 10.10 As the housing authority for the area, Dorset Council is required to have in place a homelessness strategy that sets out the authority's plans for the prevention of homelessness and for ensuring that sufficient accommodation and support are or will be available for people who become homeless or who are at risk of becoming so. The continued operation of the Bus Shelter comprises a key element of the Rough Sleeper Initiative identified within the latest annual review of the Dorset Homelessness Strategy evidencing need for the proposed accommodation. Submission of the application follows a review of potential alternative sites that did not identify any other land as being suitable, available and preferable to the use of the application site. I am therefore satisfied that the proposal is capable of meeting an identified, current, local need for specialist supported accommodation that might otherwise not be met.
- 10.11 As with the applicant's previous use of the Beach Road Car Park, use of the application site would be under lease from Dorset Council with the lease regulating the nature of the use and including provision for early its termination on notice from either party. Secure arrangements would therefore exist to regulate the use of the site so as to maintain the purpose and benefits of the proposed development.
- 10.12 The application does not specify a maximum period for the operation of the proposed temporary use, but the duration of the temporary use may be limited by planning condition. When planning permission to develop land is granted for a limited period, planning permission is not required for the resumption at the end of that period of its use for the purpose for which it was normally used before the permission was granted. In this instance, reversion to the ongoing lawful use would not be contrary to the development plan and is not considered to be either contentious or objectionable.
- 10.13 I am therefore satisfied that the application proposal is acceptable in principle.

#### Socio-Economic Impact

- 10.14 Through the provision of a specialised form of accommodation and associated support services for which there is a clearly recognised need, the social economic benefits associated with the proposed temporary use weigh heavily in favour of granting planning permission.
- 10.15 Ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations is a key objective of the planning system. Rough sleeping is a dangerous and isolating experience, with people that rough sleep more likely to be victims of crime and prolonged periods of rough sleeping commonly having a significant impact on both mental and physical health. Many people who rough sleep suffer violence and abuse and many develop issues with

drugs and alcohol. The longer someone experiences rough sleeping for, the more likely it is they will develop additional mental and physical health needs, substance misuse issues and have contact with the criminal justice system (collectively known as complex needs) and the more complex needs someone has, the more help they are likely to need to move on from homelessness and to rebuild their lives.

- 10.16 The government's Rough Sleeping Strategy recognises that the human cost of rough sleeping is unacceptable and sets out a vision for halving rough sleeping in England by 2022 and ending it by 2027. The government's strategy is reliant on central and local government, as well as business, communities, faith and voluntary groups and the general public working together in new ways and specifically recognises the value of sufficient and good quality supported housing.
- 10.17 As well as access to safe accommodation, guests on the Bus would benefit from a registered address so that they are able to apply for work, register with a GP and make benefit claims and Bus Shelter staff work collaboratively with other local support agencies to help and encourage guests to:
- (i) address issues having a negative impact on their lives;
  - (ii) access specialist services;
  - (iii) move into suitable accommodation;
  - (iv) reconnect with family and build positive support systems; and
  - (v) integrate or re-integrate into society.
- 10.18 Accordingly, for as long as the need for the Bus Shelter persists, the proposed temporary use of the application site would be likely to make an important contribution to meeting housing need and to improving the social and economic conditions in plan area.

#### Site Suitability

- 10.19 Dorset Council's Commissioning Team for Waste Services has noted that the application site comprises a former landfill and that no monitoring for the presence of landfill gas is currently carried out on this site. In consequence, it has been recommended that a full landfill gas risk assessment is carried out by a technically competent person before any development of this site is considered.
- 10.20 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).
- 10.21 Paragraph 179 of the NPPF provides that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner, but paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, ensuring that adequate site investigation information is available to inform assessment of suitability and mitigation.

- 10.22 Policy ENV9 of the Adopted Local Plan similarly provides that planning permission for development on or adjoining land that is suspected to be contaminated will not be granted unless it can be demonstrated that there is no unacceptable risk to future occupiers of the development, neighbouring uses and the environment from the contamination.
- 10.23 The landfill underlying the application site is understood to be contained within a methane barrier overlain with clean (uncontaminated) cover material to a minimum depth of 1 metre. No development is proposed to be undertaken at a depth beneath the methane membrane, the intention being that the use and all ancillary operations including the installation of site services will be undertaken so as not to impact the membrane.
- 10.24 Ground conditions at the application site are very similar to those at the Beach Road Car Park which were assessed and deemed suitable for use. The Applicant has commissioned a two-stage ground-gas assessment and investigation similar in scope to that undertaken for the Beach Road Car Park. The assessment and investigation is ongoing but, having regard to available information and the similarity of the site contexts, it is expected that the assessment will identify practicable impact avoidance and other risk mitigation measures.
- 10.25 In the circumstances, it is considered that requirements for the submission and approval of the commissioned ground-gas assessment and investigation reports and for the approval and implementation of any recommended mitigation measures can reasonably be secured by planning condition.

#### Biodiversity

- 10.26 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 places a duty on planning authorities 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.
- 10.27 Policy ENV2 of the Adopted Local Plan provides for 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.
- 10.28 Amongst others matters, paragraph 170 of the NPPF provides that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 10.29 The Biodiversity Plan submitted in support of the application has been prepared in accordance with the Dorset Biodiversity Appraisal Protocol such that conditioning its implementation is considered adequate to secure regulatory and policy compliance. An appropriate condition requiring implementation of the mitigation and enhancement measures set out in the Biodiversity Plan is recommended.

### Flood Risk and Climate Change

- 10.30 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, amongst other matters, helping to minimise vulnerability and improve resilience.
- 10.31 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.
- 10.32 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.
- 10.33 The proposed accommodation units are designed and manufactured to be suitable for year-round occupation and the availability of mains services at the park and ride is environmentally preferable to the permitted arrangements at the Beach Road Car Park.
- 10.34 The Environment Agency's Flood Risk Map for Planning shows the application site to be in Flood Zone 1 and consequently to be at very low risk of flooding from rivers or the sea.
- 10.35 The park and ride car park is largely contained by landscape areas which operate as swales created as part of the surface water management regime for the former landfill site and which incorporate a number of balancing and attenuation ponds. The existing surface water management infrastructure also includes storage cells that are located under the overflow car park area and which discharge at a controlled rate to an attenuation pond to the east of the car park.
- 10.36 No change is proposed to the existing surface water management arrangements and the existing surface water infrastructure would not be materially impacted by the proposed development. In consequence, the proposed use would not result in a material increase in the risk of flooding either at the application site or elsewhere and is considered to be in accordance with policy ENV5.

### Design and Impact on Character, Appearance and Amenity of Locality

- 10.37 Paragraph 91 of the NPPF provides that planning decisions should aim to achieve healthy, inclusive and safe places which:
- (i) promote social interaction;
  - (i) are safe and accessible; and
  - (ii) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

10.38 Paragraph 124 of the NPPF is clear that the creation of high quality 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.

10.39 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.

10.40 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.”

10.41 Policy ENV1 of the Adopted Local Plan provides that development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character and 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.

- 10.42 Amongst other matters, Policy ENV11 of the Adopted Local Plan provides that within and adjoining 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. Policy ENV15 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.
- 10.43 Policy HOUS4 of the Adopted Local Plan provides that proposals for flats, hostels and houses in multiple occupation should be compatible with the character of the area; not result in a cramped form of development; and provide sufficient private amenity space within the site for the likely future occupants.
- 10.44 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.
- 10.45 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).
- 10.46 Policy COM9 further states that cycle parking facilities should be provided where suitable private storage is not provided.
- 10.47 The application site is readily accessible by road, by bus, by bike and on foot and benefits from ready access to the adjacent nature park as well as convenient links to both the seafront and Weymouth town centre.
- 10.48 The indicated site layout incorporates space for staff/visitor parking, cycle parking, refuse bins and other service requirements and the enclosed courtyard area, the bus and the indoor social space would function as amenity space for guests and visitors.
- 10.49 Vehicular movements associated with the proposed temporary use are unlikely to have any material impact on highway efficiency, safety or amenity and the proposed use would be confined to small part of the overflow car park area which is not currently in regular use for park and ride parking with no impact on the existing transport services with the remainder of the overflow car park remaining available for use for vehicular parking as and when required.

- 10.50 The proposed use is consciously high density and the proposed site layout deliberately inward looking, an arrangement that suits the project ethos, the indicated site layout planned to help engender a feeling of community togetherness and also minimise impact on potential concurrent use of the park and ride.
- 10.51 The proposed accommodation units and the associated facilities are somewhat utilitarian in design, but the application site is some distance from the nearest existing buildings which have a commercial or light industrial character. The application site is not located within a designated landscape area and there are no designated heritage assets either within or in the immediate vicinity of the park and ride car park, the nearest designated heritage asset being the Radipole Conservation Area approximately 0.7 km to the west. When viewed from locations beyond the application site, it is considered that the site would have the appearance of a temporary works compound of the form commonly found on or near to development sites. As such, whilst perhaps neither echoing or reinforcing local distinctiveness, it is considered that the proposed use would not appear unduly incongruous in the park and ride. No trees or other features that make a positive contribution to the character and appearance of the surrounding area would be lost to the proposed development and it is considered that the park and ride and already contains sufficient landscaping to successfully integrate the proposed use into the character of the site and its surroundings.
- 10.52 Internal space provision within the accommodation units would not be in accordance with the Government's Technical Housing Standards, but the accommodation units would be built to a high specification, be well insulated and would provide a safe and secure environment far preferable to sleeping rough.
- 10.53 Overall, the design of the accommodation units and the layout of the associated facilities are considered to be adequate for the purposes of the proposed development, satisfactory and broadly in accordance with the development plan.

#### Impact on Amenity

- 10.54 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.

10.55 With the nearest residential properties being more than 300 metres from the application site, the proposal is considered to be in accordance with Policy ENV16.

### Equalities and Human Rights

- 10.56 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;
  - (i) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (ii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.57 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.
- 10.58 Being focussed on the provision of specialist accommodation and associated services, it is considered that the proposed development would help to advance equality of opportunity and assist in fostering good relations.
- 10.59 The Human Rights Act 1998 imposes an obligation on public authorities not to act incompatibly with the European Convention on 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.
- 10.60 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.
- 10.61 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.
- 10.62 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.
- 10.63 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.
- 10.64 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.

10.65 I am further 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.

10.66 Having considered the impact of the development, as set out in the appraisal above as well as the rights of the applicant and the general interest, the opinion is that any effect on human rights does not outweigh the granting of the permission in accordance with adopted and prescribed planning principles.

### Conclusion

10.67 For the reasons set out above, subject to the conditions set out in paragraph 11.1 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.

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

### **11.1 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).

#### Use of Land in Accordance with Proposed Arrangements

2. Use of the land edged red on the application Site Location Plan (Drawing No. 20201028\_ParkRide\_Layout\_9C Sht 2) for the stationing of mobile accommodation units and associated ancillary facilities shall be in accordance with the arrangements detailed in the Planning Design and Access Statement dated 6<sup>th</sup> November 2020 submitted in support of the application with the accommodation units and associated facilities stationed in accordance with the indicative Site Plan (Drawing No. 20201028\_ParkRide\_Layout\_9C Sht 1). No accommodation unit or other facility shall be stationed on top of another accommodation unit or facility.

#### Reason

In accordance with the application proposal and to regulate to the use of the application site in the interest of visual amenity having regard to policies ENV1 (Landscape, Seascape and Sites of Geological Interest), ENV10 (The

Landscape and Townscape Setting) and ENV11 (The Pattern of Streets and Spaces) of the adopted Weymouth and Portland Local Plan 2015.

#### Landfill Gas Investigation and Assessment

3. Prior to the use of the application site for the stationing of mobile accommodation units, a landfill gas investigation and assessment report shall be submitted to and approved by the local planning authority and all risk mitigation and avoidance measures detailed in the approved report shall be implemented in accordance with the approved arrangements.

#### Reason

To ensure that appropriate risk mitigation and avoidance measures are implemented prior to the first use of the application site for the stationing of mobile accommodation units having regard to Policy ENV9 (Pollution and Contaminated Land) of the adopted Weymouth and Portland Local Plan 2015.

#### Implementation of Biodiversity Plan

4. The biodiversity mitigation and net gain measures set out within the Biodiversity Plan submitted in support of the application as certified by Dorset Council's Natural Environment Team on 04 December 2020 shall be implemented in accordance the certified arrangements.

#### Reason

To adequately mitigate biodiversity impact and to secure net gain for biodiversity having regard to policy ENV2 (Wildlife and Habitats) of the adopted Weymouth and Portland Local Plan 2015.

#### Limit on the Duration of the Proposed Temporary Use

5. Unless permitted to remain under a further grant of planning permission, use of the application site for the stationing of mobile accommodation units and associated ancillary facilities shall cease no later than 31<sup>st</sup> January 2028.

#### Reason

In limit the duration of the proposed temporary use of the application site in accordance with the application proposal.

#### Site Clearance

6. Within 3 months of the permanent cessation of use of the application site for the purposes of stationing mobile accommodation units and associated ancillary facilities, the application site shall be cleared of all accommodation units and associated facilities.

#### Reason

In the interest of visual amenity having regard to to policies ENV1 (Landscape, Seascape and Sites of Geological Interest) of the adopted Weymouth and Portland Local Plan 2015.

### 11.2 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) updating the applicant of issues as they arose in the processing of the application;
- (iii) discussing possible solutions to material concerns raised; and
- (iv) 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: 22 January 2020