

Application Number:	P/FUL/2021/02076
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Marsh Sports Complex Full Site Weymouth Outdoor Education Centre Knightsdale Road Weymouth DT4 0HS
Proposal:	Construction of a temporary compound comprising of a kiosk unit to house data exchange for telecommunications (Jurassic Fibre) including concrete slab for placement, and 1.8 metre high steel palisade perimeter fencing.
Applicant name:	Daniel Langworthy-Smith – Jurassic Fibre
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Hope and Cllr Taylor

1.0 The reason this application is being brought before the planning committee is the application relates to Council-owned land.

2.0 Summary of recommendation: That the Committee would be minded to grant planning permission subject to the conditions set out in the report and recommends that the Head of Planning determines the application accordingly.

3.0 Reason for the recommendation: as set out in para 16.1 at end

- The provision of high speed broadband infrastructure is supported by policy COM10 and the NPPF.
- Although functional in appearance the development would not result in harm to the character of the area and would be experienced in the context of existing infrastructure.
- Although in an area of surface water flood risk the nature of the development is such that it would not result in increased risk to life or safety and would deliver wider sustainability benefits.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is considered acceptable as it would support the provision of high speed internet access which is explicitly supported by policy COM10.
Scale, design, impact on character and appearance	The development would have a functional appearance but would be painted to limit its impact so far as possible and would be viewed in the context of Wessex Water infrastructure to the south of the site.

Flood risk	The site is located in flood zone 1 (low risk) but is in an area at risk of flooding. Due to the nature of the development, it would not give rise to increased risk and would deliver wider sustainability benefits.
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5.0 Description of Site

- 5.1 The application site comprises a roughly rectangular area of land on the south western side of Newstead Road at the junction with Knightsale Road and Wardcliffe Road. The site occupies an area of incidental green space. There are Wessex water pumping stations immediately to the south and west of the site and a pedestrian foot bridge crossing Newstead Road to the east as part of the Rodwell Trail. There is a public footpath to the western boundary of the site which runs south from Newstead Road to emerge on Chickerell Road.
- 5.2 The site is set slightly higher than the road, and is largely level, with ground levels rising steeply to the south east due to the presence of the former railway embankment.

6.0 Description of Development

- 6.1 The proposal comprises the siting of a kiosk which will house data exchange equipment for telecommunications – specifically fibre broadband being installed by Jurassic Fibre. The kiosk will be constructed from steel and will be sited on a concrete slab. The kiosk will sit behind 1.8m high steel palisade perimeter fencing. The kiosk will sit above an underground chamber and there will be a separate galvanized power post unit.
- 6.2 The kiosk has been described by the applicant as temporary, although it has been confirmed that it is intended to be on the site for at least 15 years.
- 6.3 The kiosk will be constructed from steel which is to be powder coated in a green colour.

7.0 Relevant Planning History

- 7.2 There is no planning history for the site itself. However, land immediately to the south of the site is occupied by a pumping station operated by Wessex Water, which was granted consent in 2010 under reference 10/00624/FUL

8.0 List of Constraints

- Risk of Surface Water Flooding
- SSSI: Radipole Lake
- Footpath S1/97

9.0 Consultations

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

Consultees

1. **Weymouth Town Council** – This application has been considered by members of the Planning and Licencing Committee. The Council has no objection to the proposals.
2. **Westham Ward** – No comments received.
3. **Scottish And Southern Energy** – No comments received.
4. **DC – Highways** – No objection subject to a condition requiring the agreement of a construction method statement prior to the commencement of development.

Representations received

9.2 No third party representations have been received in respect of this proposal.

10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan

10.1 So far as this application is concerned the following policies are considered to be relevant:

- INT1 – Presumption in favour of sustainable development
- ENV5 – Flood risk
- ENV10 – The landscape and townscape setting
- ENV12 – The design and positioning of buildings
- SUS2 – Distribution of development
- COM10 – The provision of utilities service infrastructure

Other Material considerations

National Planning Policy Framework

10.2 So far as this application is concerned the following sections are considered to be relevant:

- 1. Achieving sustainable development
- 6. Building a strong, competitive economy
- 10. Supporting high quality communications
- 14. Meeting the challenge of climate change, flooding and coastal change

11.0 Human rights

- Article 6 - Right to a fair trial.
- Article 8 - Right to respect for private and family life and home.
- The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

12.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. In this instance It is not considered that the proposals would affect persons with protected characteristics. The proposal has the potential to improve outcomes for persons with protected characteristics by widening availability of high speed internet access.

13.0 Financial benefits

13.1 The proposal would not deliver any direct financial benefits. The proposal would provide general support to businesses by allowing for greater availability of high speed internet access.

14.0 Climate Implications

14.1 The proposal would lead to increased CO₂ emissions through the operation of the equipment within the structure.

15.0 Planning Assessment

Principle of development

15.1 The site is located within the Defined Development Boundary of Weymouth and is not within a conservation area or subject to any other site specific designations. The site is undeveloped, comprising an area of incidental grassland to the southwest of Newstead Road. The provision of infrastructure to support communications is supported by policy COM10 of the adopted local plan , provided that the development will not be unduly detrimental to the appearance of the locality and there is a demonstrable need for the technology.

15.2 The supporting text for the policy at paragraph 6.6.5 of the Local Plan also highlights that delivering superfast broadband is a key priority both in terms of the capacity and coverage of the network. The proposal would contribute to achieving that aim by

allowing the expansion of fibre broadband. It is therefore considered that the proposal is acceptable in principle.

Scale, design and impact on character and appearance

- 15.3 The kiosk would be functional in its appearance, being a pre-fabricated structure with a separate structure providing a power connection, concrete hardstanding and steel palisade fencing for security. It is proposed that the kiosk be painted a dark green colour which would help to reduce its prominence in the street scene. The kiosk would also be read in the context of the existing Wessex Water pumping station infrastructure which sits immediately to the south and which establishes a semi-industrial character for the immediate setting of the site.
- 15.4 The area of greenspace on which the development would be sited does not serve any particular function or purpose and makes a limited contribution to local character. It is not therefore considered that the proposal would result in an unduly harmful impact upon the character of the area.

Flood risk

- 15.5 The site is in an area which has been identified as being at risk of surface water flooding at 1 in 100 year annual event probability and 1 in 1000 year annual event probability. The site is not however located in areas identified as being at risk of flooding from rivers or the sea. The nature of the proposal as communications infrastructure is such that the structure would largely be unmanned and would not therefore lead to additional risk to life or safety in the event of a flood, and it is considered that the proposal would deliver wider sustainability benefits in supporting the provision of high speed internet infrastructure.

16.0 Conclusion

- 16.1 The proposal for a simple and functional building would facilitate the provision of high speed fibre broadband within Weymouth which is supported by local plan policy COM10 and the NPPF. The siting of the building is such that it would not be considered harmful to the character of the area and although located in an area of surface water flood risk, the nature of the development is such that there would not be any increased risk to life or safety and the proposal would deliver sustainability benefits.

17.0 Recommendation

That the Committee would be minded to grant planning permission subject to the conditions set out in the report and recommends that the Head of Planning determines the application accordingly.

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

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

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

Site location plan – JFL 110.01

Proposed Block Plan – JFL.110.102

Compound Plan – JFL.110.001

Compound Elevations – JFL.110.002

Kiosk Elevations – JFL.110.003

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

3. Prior to commencement of development hereby approved a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include details of:

- the parking of vehicles of site operatives and visitors

- loading and unloading of plant and materials

- storage of plant and materials used in constructing the development

- arrangements for a safe working space to separate construction working with passing the highway users to ensure their safety is not compromised or obstructed during works

- arrangements to ensure that the adjacent highway and street furniture are not damaged and if any damage is incurred it is reinstated as per the Highway Authority's specification.

Thereafter the approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

4. Prior to development above ground level, precise details of the colour and finish of the kiosk and fencing shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such details as have been agreed and shall be retained as such thereafter.

Reason: To ensure a satisfactory visual appearance of the development.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

2. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Development, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.