

<b>Application Number:</b>	P/FUL/2023/06544
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Lakeside Superbowl St Nicholas Street Weymouth Dorset DT4 8AD
<b>Proposal:</b>	Demolition of existing building and restoration of the site through the construction of a temporary surface car park
<b>Applicant name:</b>	Dorset Council
<b>Case Officer:</b>	Penny Canning
<b>Ward Member(s):</b>	Cllr Orrell

### 1. Reason application is going to committee

- 1.1. The application has been made by Dorset Council in relation to land that is owned by Dorset Council and is reported to committee for consideration in accordance with the requirements of the Constitution.

### 2. Summary of recommendation:

- 2.1. GRANT subject to conditions.

### 3. Reason for the recommendation:

- 3.1. The principle of development is considered to be acceptable and in accordance with town centre policies and site specific policy WEY1.
- 3.2. Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- 3.3. The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- 3.4. There is not considered to be any significant harm to neighbouring residential amenity.
- 3.5. The impact is considered to be acceptable in terms of flood risk, highway safety and impact on protected species.
- 3.6. There are no material considerations which would warrant refusal of this application.

### 4. Key planning issues

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The principle of demolition is considered acceptable, and in turn the provision of a car park in this location is considered to be policy compliant. In recognition that the proposal seeks use of the site as a car park for only a temporary period, and acknowledging the

	<p>benefits of bringing forward future development on this site which would better lend itself to meeting the objectives of Policy WEY1, it is considered appropriate to apply a condition ensuring its use as a car park is permitted for a temporary period only.</p>
<p>Heritage Consideration</p>	<p>It is considered that the proposal would not adversely affect the setting of listed buildings nearby, such that there would be no harm, having regards to Section 16 of the NPPF. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy ENV4 (heritage assets). Furthermore, the proposal is considered to preserve the character and appearance of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy EN4.</p>
<p>Residential amenity</p>	<p>It is not considered that the demolition of the building and expansion of the car park would present a significant impact on the amenity of occupiers such as to warrant refusal of the application, and the proposal is considered to be consistent with the provisions of Local Plan Policy ENV16 (residential amenity). This is subject to securing by condition the submitted Construction and Environmental Management Plan (CEMP) which puts appropriate safeguarding measures in place.</p>
<p>Flood Risk</p>	<p>A car park is considered a less vulnerable use than the former use and is compatible with the flood risk zones within which the site lies. The submitted Drainage Strategy makes recommendations to improve existing gullies and provide oil separators, thereby improving the existing drainage arrangements to the betterment of the wider site. A condition should be placed on any consent ensuring implementation of the recommendations set out</p>

	within the Drainage Strategy, as set out on drawing P01, in accordance with policy ENV5 of the Local Plan.
Highway Safety	The car parking layout having regard to the size and positioning of bays, the provision of blue badge bays, and the design of the surrounding space through provision of levelled footways and provision of pedestrian safe zones is considered to be appropriate, and details of traffic management are contained within the submitted CEMP. The proposed development is considered to be acceptable in terms of Highway Safety and is considered to be in accordance with Local Plan policies COM7 and COM9.
Ecological Considerations	The proposed development sets out appropriate mitigation measures to safeguard protected species and, subject to conditions, is considered acceptable on a temporary basis, having regard to protected species and Local Plan policy ENV2.
Land Contamination	The application is accompanied by a Risk Assessment and CEMP which seeks to address risks on site. Appropriate land contamination conditions are considered necessary on any consent if permission is granted. Subject to conditions, the proposed works are considered to be acceptable having regard to Local Plan Policy ENV9 (land contamination).

## 5. Description of Site

- 5.1. The application site is located adjacent to Weymouth Town Centre, within Melcombe Regis Ward and accessed off St. Nicholas Street. Formerly used as a bowling centre, the site comprises a substantial building, bound by West Street, John Street, and St. Nicholas Street on its three sides, and with an associated parking area located to the south, adjacent to the building's principle elevation. Its central location means that the site is surrounded on all sides by built development comprising a mixture of commercial, retail and residential uses.
- 5.2. The building is currently vacant and comprises a red brick two storey building with two gently pitched roof structures, largely hidden by a brick parapet, and with a glazed element on its principle elevation. Due to the intended commercial nature of the building (which was formerly a Texas Store), the building is largely devoid of windows, but with several commercial entrances on its side and rear elevation. The design of the building could perhaps be

described as unprovoking, but equally a fairly uninspiring example of modern architecture, largely devoid of detailing or architectural interest, with its design clearly linked to its intended use. The sheer mass of the building certainly dominates a large portion of the street scene, and due to its orientation on its plot offers no active street frontage. Within the immediate vicinity are a range of varying architectural styles and buildings of varying heights, reflective of a range of uses, and of different time periods. The site falls within the Weymouth Conservation Area.

## **6. Description of Development**

- 6.1. The application proposal provides for the demolition of the Weymouth Bowl building and its replacement with 57 surface level car parking spaces, including 4 disabled parking bays. This would form an extension to the existing parking area currently accessed off St. Nicholas Street and located at the front of the Lakeside Bowl Building, extending car park provision at the site to a total of 149 parking spaces, including 13 disabled parking spaces.
- 6.2. The proposed car park extension would be provided by way of a temporary surface provided over the slab foundation of the building. 3 existing car parking spaces would be lost to provide access to the proposed car park area, which would be via an asphalt ramp. A pedestrian only zone would be created adjacent to the ticket machine and at the pedestrian access point of the car park.
- 6.3. Existing differences in levels (including existing stepped accesses along West Street, and the raised flower bed, and sunken accesses along St. Nicholas Street) are to be removed.
- 6.4. The provision of a car park is proposed as an interim step ahead of formalising plans to redevelop the site. The use of land as a car park is consequently sought for a temporary period only. In terms of the wider vision for the site, the Council went out to public consultation in 2021 on a mixed use scheme of retail and commercial units at ground floor, and residential accommodation in the form of 59 flats on the upper floors. Following consultation, the Council are yet to formalise their plans for the site, and these plans do not form part of the application under consideration, but offers some context to the application submitted for the site for the demolition of the building and use of the site for parking.

## **7. Relevant Planning History**

- 7.1. 96/00349/COU - Decision: GRANT - Decision Date:  
16/09/1996  
  
Change of use (from Texas store) to 18 lane bowling centre with food and drink facilities
- 7.2. P/PAP/2021/00240 - Decision: RESPONSE - Decision Date:  
16/03/2022

Pre-application advice - Redevelopment of the former Weymouth Bowl site and North Quay WPBC offices

## 8. Constraints

Within Defined Development Boundary;

Risk of Surface Water Flooding Extent 1 in 1000;

Flood Zone 3;

Flood Zone 2;

Natural England Designation - RAMSAR: Chesil Beach & the Fleet;

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet;

Area of Archaeological Potential;

Within the Weymouth Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).

## 9. Consultations

9.1. All consultee responses can be viewed in full on the Council's website.

### 9.2. Consultees

9.2.1. **Natural England** – confirm agreement with the Appropriate Assessment, and raise no objection;

9.2.2. **Highway Authority** – raise no objection subject to conditions;

9.2.3. **The Archaeological Officer** – recommends a condition to be attached to any consent.

9.2.4. **The Design and Conservation Officer** – raises no objection;

9.2.5. **Environmental Health** – have no material comments to make but recommend an informative.

9.2.6. **WPA Environmental Consultants** – note the site has the potential to be at risk from contaminated land and other hazards, and recommend the development be subject to contaminated land conditions so that further site investigation and risk assessment can be ensured prior to construction.

9.2.7. **Planning Policy Team** – Advise that the last use does not fall to be considered as a 'community facility' for the purposes of the Local Plan, and should be considered against the 'town centre' policies.

9.2.8. **Weymouth Town Council** – raise no objection.

### 9.3. Representations Received

9.3.1. 7 Third party comments have been received objecting to the proposal for the following reasons:

- Concern relating to the loss of an indoor family entertainment facility within Weymouth, causing people to have to travel outside of Weymouth to access such facilities.
- The site should be considered for retail/leisure/entertainment/commercial use as opposed to housing.
- Additional parking is not needed within the town centre and encourages additional traffic/congestion and adds to pollution within the town centre.
- Further archaeological investigation should be undertaken.
- The provision of additional parking within the town centre contradicts the aims of the Draft Neighbourhood Plan for Weymouth.
- No certainty over future use could result in permanent car park.
- Impact to flood risk from impermeable surfacing of the site.
- Misuse of Levelling Up funds.

9.3.2. 1 further third party comment has been received enquiring whether the building can be used for an alternative use.

## 10. Duties

10.1. s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

10.2. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## 11. Relevant Policies

### 11.1. Development Plan Policies:

#### 11.1.1. West Dorset, Weymouth and Portland Local Plan (2015)

- INT1 - Presumption in Favour of Sustainable Development
- ENV1 - Landscape, Seascape and Sites of Geological Interest
- ENV2 - Wildlife and Habitats
- ENV4 - Heritage Assets
- ENV5 - Flood Risk
- ENV9 - Pollution and Contaminated Land
- ENV10 - The Landscape and Townscape Setting
- ENV11 - The Pattern of Streets and Spaces

- ENV15 - Efficient and Appropriate Use of Land
- ENV16 - Amenity
- ECON3 - Protection of other employment sites
- ECON4 - Retail and Town Centre Development
- SUS1 - The Level of Economic and Housing Growth
- SUS2 - Distribution of Development
- COM7 - Creating A Safe and Efficient Transport Network
- COM9 - Parking Standards in New Development
- WEY1 - Weymouth Town Centre Strategy

## 11.2. Other material considerations

### 11.2.1. National Planning Policy Framework (2023)

11.2.1.1. As far as this application is concerned the following sections from the NPPF are particularly relevant:

- Section 2 Achieving sustainable development
- Section 3 Plan Making
- Section 4 Decision-making
- Section 6 Building a strong, competitive economy
- Section 7 Ensuring the vitality of town centres
- Section 8 Promoting health and safe communities
- Section 9 Promoting sustainable transport
- Section 11 Making effective use of land
- Section 12 Achieving well designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

### 11.2.2. National Planning Policy Guidance (DCLG) (NPPG)

### 11.2.3. Weymouth Town Centre Conservation Area Character Appraisal

### 11.2.4. Weymouth Town Centre Masterplan SPD 2015

### 11.2.5. Dorset Council Parking Standards

### 11.2.6. Dorset Council Natural Environment, Climate and Ecology Strategy 2023- 25

11.2.7. Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

11.2.8. The Weymouth Town Centre Level 2 Strategic Flood Risk Assessment

## **12. Human rights**

12.1. Article 6 - Right to a fair trial.

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

12.3. The first protocol of Article 1 Protection of property.

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

## **13. Public Sector Equalities Duty**

13.1. 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.

13.2. 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.

13.3. The increased availability of car parking in close proximity to shops and facilities would benefit people with protected characteristics in terms of facilitating access. In particular, the scheme seeks to provide 4 accessible parking bays for blue badge holders, conveniently located near to the pedestrian access, which meets the recommended 6% of parking to be allocated for blue badge holders, as advocated within Inclusive Mobility Guidance.

13.4. Existing differences in levels (including existing stepped accesses along West Street, and the raised flower bed, and sunken accesses along St. Nicholas Street) are to be removed, reducing hazards within the footway. Creating a level surface within the footway is considered to respond appropriately to Inclusive Mobility guidance and enhance use of the footway for those with protected characteristics.



13.5. A pedestrian zone is also proposed in front of the ticket area, representing an improvement on the existing arrangements. It is proposed that this area be flush with existing levels to aid access.

#### **14. Financial and public benefits**

##### 14.1. Material considerations:

14.1.1. Increased revenue from additional parking spaces

14.1.2. Savings on maintenance costs of building

14.1.3. Employment during demolition/construction phase

##### 14.2. Non material considerations:

14.2.1. None.

#### **15. Environmental Implications**

15.1. The proposed scheme involves the demolition of an existing building with the intention that the site be used for parking on a temporary basis, prior to the redevelopment of the site. Details of any future redevelopment have not been provided under this application.

15.2. The re-use of buildings is considered a more sustainable practice, but this or course brings limitations to any redevelopment in terms of making improvements to the character of the street and wider area, and limitations in terms of the functionality of the building and any future use. There are also the practicable matters relating to the condition of the building which is reported to be in need of refurbishment. The agent has advised that repairs to the roof alone have been estimated to be around £200K, and this together with other factors such as rental and operation costs offer significant doubt over the viability of any future use of the building. One third party has provided written representation enquiring about the potential for re-use, and this is currently being reviewed by the owner of the site. At the time of writing this report, it is yet to be established whether the building would indeed prove a viable space, taking into account the associated costs for repair and conversion. Due to the elementary stage of the enquiry, and the known challenges surrounding the buildings re-use, little weight, if any, can be attached to the fact that an enquiry has been received during the course of the consideration of this application.

15.3. The loss of the building thus needs to be weighed against the likelihood of finding a viable use and considered in light of the merits of advancing the site towards a condition which would lend itself to its potential redevelopment, together with the temporary benefits of clearing an underused site for an intermediate use as a car park.

15.4. In terms of the works, use of powered machinery releasing CO<sub>2</sub> and carbon monoxide during demolition phase will have an impact and there will be a loss of embodied energy in the building materials, owing to the site needing to be cleared. Maximising re-use of existing on-site materials, such as the

foundation slab, will to some limited extent reduce off-site transport of materials and any consequent emissions.

- 15.5. The provision of a larger parking area has the potential to increase emissions from increased use by vehicles powered by fossil fuels, and this needs to be weighed in the balance. No EV charging is proposed in the current scheme. However, the provision of car parking is intended only as a temporary measure, seeking to make the most efficient use of land, until a permanent use for the site is secured. A condition can be applied to secure the use as a temporary measure only, and any future proposal for the site following that temporary period would be expected to provide EV charging as appropriate.

## **16. Planning Assessment**

### **16.1. Principle of development**

- 16.1.1. The site lies within the defined development boundary of Weymouth town where development is normally permitted subject to relevant material planning considerations.
- 16.1.2. The site comprises brownfield land, and its use as a car park is proposed as a short term temporary use as a first step in a longer term plan to redevelop the site. This is reflected in the inclusion of the site as a 'specific large windfall site' in the councils published five-year housing land supply for West Dorset, Weymouth and Portland. Temporary uses can help improve the physical appearance of vacant or partially-utilised land or buildings, and provide space for other services and uses until more permanent development is delivered. The National Planning Policy Framework (NPPF) promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It supports the development of under-utilised land and buildings and gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposed use as a car park should not prevent the future development of the site for alternative uses.
- 16.1.3. So, in broad terms the proposal seeks to redevelop brownfield land within the defined development boundary for Weymouth which would be consistent with policy.
- 16.1.4. The site is within the town centre of Weymouth and the Weymouth Town Centre Strategy Area in the Adopted Local Plan. Policy ECON4 of the local plan relates to town centre development. Criterion (v) expects an appropriate concentration and mix of retail uses and town centre uses to be maintained and stipulates the proportions of retail and other uses expected within primary and secondary shopping frontages. While the site is within the town centre area it is not within a designated frontage and there is no requirement under Policy ECON4 for the retention of its current use.
- 16.1.5. The adopted West Dorset, Weymouth and Portland Local Plan 2015 Policy WEY1 (Weymouth Town Centre Strategy) is relevant to the

application site. This includes reference to the adopted Weymouth Town Centre Masterplan (2015) Supplementary Planning Document (SPD) which sets out key objectives which aim to guide town centre development.

- 16.1.6. The Masterplan sets out the overall vision for Weymouth Town Centre as follows:

*“to be a place of unique character and distinctiveness, which builds on its maritime heritage and family friendly offer, to provide a vibrant mix of shopping, cultural and leisure activities, supported by thriving businesses, tourism, commercial and cultural sectors”.*

- 16.1.7. Policy WEY1 supports this vision by seeking to retain and enhance the area’s rich and distinctive local character; seek an attractive public realm; to support a thriving town centre; and to fill the evening gap in activity through introducing more family friendly activities. Other priorities under Policy WEY1 relate to improving the towns gateway sites and their links into the town centre and recognising the need to manage flood risk.
- 16.1.8. While falling outside of the primary shopping street, and outside of the designated ‘Town Centre Core’, under Policy WEY2, the Masterplan identifies the area as part of the retail quarter but does not identify any key aspirations for the application site and its immediate area. The Masterplan also does not refer to a requirement for a bowling alley. It does set out that car parking was identified as a particular issue for the town centre both in terms of providing sufficient convenient parking to support the vitality of the town centre and the need to discourage traffic to circulate looking for spaces to park.
- 16.1.9. In principle, the loss of the proposed building and provision of a temporary car park in its place is not considered to conflict with the Local Plan Policy objectives or Vision as set out within Policy WEY1. The building as it stands, is of little merit in terms of its contribution to the character of the area and fails to contribute positively to the public realm. Its replacement with a temporary car park is not consequently considered to significantly detract from the character of the area, and increasing town centre parking would support town centre uses and has the potential to indirectly contribute to the vibrancy of the town.
- 16.1.10. A number of comments have been received raising concerns over the loss of the building as an indoor family entertainment facility. The concerns are understood; the use of the site as a bowling alley was clearly a family friendly activity which helped fill the gap in activity between 5pm-9pm, which Policy WEY1 seeks to support, as well as providing a wet weather venue. That said, despite policy support for proposals which fill this gap, there are no policies within the Local Plan which directly seek to retain such facilities. Policy COM3 which seeks to protect community facilities is not considered applicable in this case, with commercial entertainment facilities falling outside of the definition of a ‘community facility’. This is supported by advice provided by the Planning Policy Team and is consistent with the Proposals Map contained within

the Weymouth Town Centre Masterplan, which does not identify the site as a community use.

- 16.1.11. It is also relevant, that this application represents an interim step in preparing the site for potential redevelopment in the future, whilst ensuring the site continues in an appropriate use in the meantime. What that future development comprises is for consideration on receipt of an application, but the demolition of the building does not preclude a development which continues to provide a similar use in line with the ambitions of Policy WEY1.
- 16.1.12. It is also noteworthy that the site has been previously occupied by multiple bowling alley operators, and on both occasions the businesses were not able to viably operate. Following MFA Bowl UK falling into administration, the site was taken over by Disco Bowl in early 2019. Disco Bowl however failed to open the property due to the significant renovation costs (including a new roof) that were required, and the site has been vacant since 2019. The site was marketed by Savills for a period of time until eventually Dorset Council purchased the leasehold to obtain vacant possession, having already owned the freehold.
- 16.1.13. This is relevant to understanding the significant constraints presented by the site as an entertainment facility, and goes some way to demonstrating, through different operators and marketing exercises, the difficulties in finding a viable use for the building in its current form. The cost of refurbishment is understood to be significant, with the cost for refurbishing the roof estimated to be within the region of £200K. These are all indicators of viability issues and it would be reasonable to say, it is a building which would require significant work and expenditure if it was to be retained for a beneficial use. This forms a material consideration in terms of the current application to demolish the building.
- 16.1.14. Whilst an initial enquiry has been received by a third party during the course of this application, showing interest in the re-use of the building, the viability and acceptability of that use is yet to be established. Due to the elementary stage of the enquiry, little weight, if any, can be attributed to that enquiry.
- 16.1.15. In terms of the use of the site as a temporary car park, there are no policies within the Local Plan which seek to preclude the provision of car parks within town centres. A third-party comment notes potential conflict with the draft Weymouth Neighbourhood Plan. In this respect it is noted that the Draft Neighbourhood Plan seeks to allocate the site for high density residential development and also includes policies which support the redevelopment of town centre car parks where the loss of parking can be justified, with an emphasis on enhancing the Park and Ride. Currently little weight can be given to the Neighbourhood Plan due to its elementary stage in its preparation. Nevertheless, taking into account the proposed temporary nature of the car park, and wider ambitions for the site, the current scheme would not necessarily preclude its future development in line with the Neighbourhood Plan aspirations, and Weymouth Town Council raise no objection to the proposal.

16.1.16. In light of the above, the principle of demolition is considered acceptable, and in turn the provision of a car park in this location is considered to be policy compliant. In recognition that the proposal seeks use of the site as a car park for only a temporary period, and acknowledging the benefits of bringing forward future development on this site which would better lend itself to meeting the objectives of Policy WEY1, it is considered appropriate to apply a condition ensuring its use as a car park is permitted for a temporary period only, whilst the Council consider its options for future development, and while the Weymouth Neighbourhood Plan proceeds through the relevant stages.

## **16.2. Heritage Consideration**

- 16.2.1. The site lies within the Conservation Area and within the setting of listed buildings; those nearest to the application site located are fronting St. Thomas Street. A Heritage Statement has been provided with the application which reviews the site sensitivities and likely impacts of the proposal. The applicant has also submitted an Archaeological Evaluation following trench work within the former car park of the Lakeside Bowl site. The Heritage Statement and Archaeological Evaluation provide an insight into the history of this part of Weymouth, formerly Melcombe Regis, and in particular the application site. The results of the works carried out demonstrate that despite modern development, evidence of past developments is relatively well preserved.
- 16.2.2. Finds included remnants of the Eastern wall of the Congregational Chapel, built in 1804, and a brick wall found, which is understood to be a wall to the pit entrance to the former theatre, which was added when the Congregational Chapel was converted in 1865. Other finds indicative of the former theatre use were revealed as well as finds of pottery dating from the 13<sup>th</sup> and 14<sup>th</sup> Century, and 17<sup>th</sup> Century. The archaeological investigation also found evidence of a medieval property and well, which would have likely sat on a burgrave plot, and offers an insight to the first wave of development by Edward I and the grafting of a new town layout. The findings have enhanced understanding of the congregational chapel and its subsequent uses as a theatre and commercial premises, as well as offering a measure of conjecture in relation to the earlier meeting houses and cottages which would have been present on the site.
- 16.2.3. The Heritage Statement acknowledges that there is an assumption that the MFA Bowl building has removed the majority of any remains along the rest of the street and within its footprint but notes that other areas within the car park could reveal other interesting finds. The finds to date indicate that the impacts of modern development, certainly within the existing car park area, is far less than might have been anticipated and there is a high potential for further discoveries across the site. The proposed works to demolish the building and bring the site forward as a car park, would involve some limited ground works as shown on the drainage plans, and in light of the high potential for archaeological finds, the Archaeological Officer recommends a condition securing a programme of archaeological work be submitted and agreed prior to any

commencement in the interests of better understanding the heritage value of the site.

- 16.2.4. In terms of the site's contribution to the character of the conservation area, the Conservation Area Appraisal includes the site in its category of "detrimental characteristics", stating the following:

*St Nicholas St is fragmented and untidy with a mixture of building character and materials (the area was badly bombed and has been redeveloped with a mixture of uses); the improvement of boundaries would be beneficial, and the improvement of the boundary and landscaping of the Lakeside Superbowl car park would have a particularly beneficial effect.*

- 16.2.5. The building on the site is substantial in its scale and is dominant in the street scene. It is an example of post war development, with its design reflective of its intended commercial use, largely devoid of windows, but with several commercial entrances on its side and rear elevation. The visual experience of the site is largely contained to near-range views, and despite a plethora of Listed Buildings within the locality, direct views between the listed buildings and application site are limited. The Conservation Officer confirms that the existing building is of no architectural or historic merit and does not enhance the Conservation Area. The Design and Conservation Officer subsequently raises no objection to its demolition.
- 16.2.6. Having regard to the above, it is considered that the proposal would not adversely affect the setting of listed buildings nearby, such that no harm is identified for the purposes of Section 16 of the NPPF. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy ENV4 (heritage assets) and Section 16 of the NPPF. Furthermore, the proposal is considered to preserve the character and appearance of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy EN4 and Section 16 of the NPPF.

### **16.3. Residential amenity**

- 16.3.1. The site is surrounded by a mix of uses, including a significant number of residential flats. The removal of the building from the site is unlikely to have a significant detrimental impact on neighbouring occupiers having regard to impacts of light and noise. The removal of the building would arguably improve this for some, improving the outlook of units and removing a use that would be associated with a certain level of activity in itself, including into the evening. In terms of any future use proposed for the site, careful consideration will be needed of potential impacts upon the amenity of neighbouring occupiers, but this will be a matter to consider under any such future application.

- 16.3.2. In terms of the provision of a temporary car park, its use as a car park will increase the capacity of the site as a whole for parking, and in turn the level of activity associated with the comings and goings of vehicles and users of the car park. The impacts of this would be consistent with the impacts of the existing car park at the site and have to be considered in the context of a mixed use area located centrally within the town, where a certain level of activity can be accepted.
- 16.3.3. The demolition works themselves would have an impact on the amenity of the area, however, this would be short term, and could not form reason to refuse the application, given no long terms effects. It would however be important to secure the submitted Construction and Environmental Management Plan (CEMP) which includes measures to minimise the impacts from the demolition phase having regard to reducing impacts from dust, disturbance, traffic and noise through adopting appropriate demolition methods, provision of boarding, use of a banksperson, and setting site operating hours and delivery hours. This should form a condition of any consent.
- 16.3.4. In light of the above considerations, it is not considered that the demolition of the building and expansion of the existing car park would present a significant impact on the amenity of occupiers such as to warrant refusal of the application, and the proposal is considered to be consistent with the provisions of Local Plan Policy ENV16 (residential amenity) and para 191 of the NPPF.

#### **16.4. Flood Risk**

- 16.4.1. A Flood Risk Opportunities and Constraints Note has been submitted as part of the application, together with a Flood Risk Assessment (FRA) and Flood Warning Plan. The FRA identifies the site as falling within Flood Zone 2 and 3 and at a high risk of fluvial flooding. Flood zone 3 is subdivided into zones 3a and 3b, the latter being classified as functional floodplain. The Weymouth Town Centre Level 2 Strategic Flood Risk Assessment (SFRA2) identifies the application site as falling within flood zone 3a. The FRA identifies Weymouth Town Centre is also at high risk from tidal flooding. The site is identified at '1 in 1000 year' risk of surface water flooding, which is considered to be low, and is also at low risk from groundwater flooding.
- 16.4.2. The recently published SFRA2 shows predicted levels of flooding 100 years on from the Local Plan period (for the year 2138) taking into account planned flood defences and climate change. For fluvial flooding, the '1 in 1000 year' (0.1% chance) mapping shows flood waters across the site between 0.3 and >0.9m deep during a flood event. The '1 in 100 year' (1% chance) and '1 in 30 year' (3.3% chance) mapping shows flood waters across the site between 0.1 and 0.9m deep during a flood event.
- 16.4.3. From tidal flooding, the SFRA2 '1 in 1000 year' (0.1% chance) and '1 in 200 year' (0.5% chance) mapping shows floodwaters across the site greater than 0.9m deep during a flood event. It also shows a water depth ranging from 0.6 to greater than 0.9m deep in a '1 in 30 year' (3.3% chance) flood event.

- 16.4.4. The above mapping indicates that the site is at a high risk from future flood events.
- 16.4.5. Having regard to the acceptability of the proposed use at this location, a car park is considered a 'less vulnerable' use having regard to Annex 3: Flood Risk Vulnerability Classification of the National Planning Practice Guidance (NPPG) and is considered to be a less vulnerable use than the last use of the site as a bowling alley. Table 2 of the NPPG: Flood Risk Vulnerability and Flood Zone Compatibility, considers less vulnerable uses, such as the proposed car park, to be compatible with flood risk zone 3a. As such, the principle of the proposed temporary car park is considered acceptable in this location.
- 16.4.6. The residual risk of the proposed temporary car park would be to vehicles parked in the car park during a flood event, which could be subject to damage or become inaccessible due to rising flood waters. The applicant seeks to mitigate this risk through the implementation of a Flood Warning Plan. This seeks to ensure the owner (Dorset Council in this case) is signed up to the Environment Agency's Flood-line early warning system, and that appropriate procedures are in place to close the car park prior to flood events occurring. The basis of the submitted Flood Warning Plan is considered acceptable, though further detail would be required to understand the details of how this is operated in practice to allow cars to exit prior to closure and provide suitable warning to car users. It is considered appropriate that a more detailed Flood Warning Plan forms a condition of any consent.
- 16.4.7. The extended car park would not increase the impermeable area at the site, and the FRA confirms that flows leaving the site would be consistent with those existing. The applicant has submitted an amended Drainage Strategy which makes recommendations to improve existing gullies and provide oil separators, thereby improving the existing drainage arrangements to the betterment of the wider site. A condition should be placed on any consent ensuring implementation of the recommendations set out within the Drainage Strategy, as set out on drawing 60704201-ACM-WB-XX-DR-C-0500 P02.
- 16.4.8. The FRA notes that the demolition of the existing building on site would increase the floodwater storage capacity of the site, which in turn would offer betterment to surrounding land and properties. This is however wholly dependant on the finished floor levels of the car park which have not yet been confirmed. It is considered appropriate therefore that a condition be placed on any consent to first agree finished floor levels of the car park ahead of its use, to ensure no flood worsening occurs on adjacent land.
- 16.4.9. Subject to the above conditions, the proposed works are considered to be in accordance with the provisions as set out within Policy ENV5 of the adopted Local Plan and Section 14 of the NPPF. At the time of writing, no comments have been received from the Environment Agency, and any late comments would need to be taken into consideration.

## **16.5. Highway Safety**



- 16.5.1. The new car parking spaces are to be accessed from the existing internal circulation routes within the car park, with no proposed modifications to the existing access off St. Nicholas Street. Three spaces within the existing car park would be lost to accommodate access to the additional parking, which would provide for an additional 57 spaces accessed via a circulation route, 4 of which would be accessible spaces for Blue Badge holders.
- 16.5.2. Parking bays would be appropriately sized measuring approx. 2.8m x 5m, and the aisles are also considered to be of a suitable width to aid ease of access. This is in accordance with the guidance contained within the Residential Parking Study, which provides the most up-to-date guidance on parking standards within Dorset. Existing cycle parking (currently attached to the building) would be replaced with free standing cycle parking for up to 10 bikes.
- 16.5.3. The Highway Authority query whether the site could provide a suitable space for a bike hire parking bay. Regrettably, this does not form part of the submitted proposal; however, there is no policy requirement for such provision, and therefore this could not form reason to refuse the application.
- 16.5.4. The proposed level pedestrian zone in front of the ticket machine and at the pedestrian access to and from the car park and St. Nicholas Street would represent an improvement to the existing arrangements and would aid pedestrian access and improve safety. The existing bollards in this area would be retained, further safeguarding the area as a pedestrian only zone.
- 16.5.5. Level differences within the footway would be rectified through the removal of existing stepped entrances. It is proposed that the bollards within the footway along St Nicholas Street are retained to avoid anti-social parking.
- 16.5.6. The car parking layout demonstrates that due regard has been given to Inclusive Mobility guidance at the planning stage, having regard to size and positioning of bays, the provision of blue badge bays, and the design of the surrounding space through provision of levelled footways and use of bollards to create pedestrian safe zones.
- 16.5.7. The applicant has submitted a Construction Environmental Management Plan (CEMP) for the phasing of the demolition works, of which paragraph 3.4 details aspects of the traffic management. It is considered appropriate that the CEMP is a condition of any consent. Subject to conditions, the Highway Authority raise no objection.
- 16.5.8. In light of the above, the proposed development is considered to be acceptable in terms of Highway Safety and is considered to be in accordance with Local Plan policy COM7 and COM9, and Section 9 of the NPPF.

## **16.6. Ecological Considerations**

- 16.6.1. The proposed development will result in the provision of 57 additional car parking spaces approx. 2.5km to the north of the Chesil and the Fleet

European Site. The application has consequently been assessed under the Habitats Regulations through an Appropriate Assessment.

- 16.6.2. It is considered likely that the vast majority of those using the additional car parking will do so to use the services and facilities within Weymouth town centre area, rather than access the Chesil and the Fleet for recreational purposes, given the distance of the car park from the European site and the provision of other more convenient car parking significantly closer to the European Site.
- 16.6.3. Therefore, in the absence of a viable pathway between the proposed development and the increase in recreational pressure at Chesil and the Fleet, the proposed development is not considered to result in a likely significant effect upon the European Site. This conclusion is contained in the Appropriate Assessment and has been agreed by Natural England.
- 16.6.4. Turning to impacts upon protected species, the applicant has submitted an Ecological Impact Assessment (EclA) and Certified Biodiversity Mitigation Plan (BP). While no evidence has been found of protected species at the site, the EclA and BP identify potential for bats and nesting birds to be present and recommends the submission of a Construction and Environmental Management Plan (CEMP), which has been submitted. The submitted CEMP sets out details relating to the storage of materials, construction methodology and dust suppression, in line with the recommendations of the EclA and BP. This represents a commitment to putting appropriate safeguarding measures in place, though the CEMP does not address all matters set out within the recommendations of the EclA and BP and, as such, a condition requiring the submission of a final CEMP to be agreed and submitted prior to works starting would be appropriate. The EclA and BP also recommend pre-bat checks and timings for construction and it is recommended that the measures contained within the BP be secured by condition as part of any consent.
- 16.6.5. The EclA goes on to consider enhancement measures, but the measures set out within the EclA refer to a scheme which has not been submitted, and which there can be no guarantee will be submitted in the future. As such, no weight can be given to these measures at this stage. The BP also fails to identify any net gain measures for biodiversity and the application includes no biodiversity enhancement. It is nevertheless acknowledged that the proposed use of the land for parking is proposed for a temporary period only, and it is in recognition of this that the BP has been certified by the Natural Environment Team. On the basis that there would be opportunity following that temporary period to introduce additional enhancement measures, the proposed scheme is considered acceptable as a temporary measure only, and a condition should be applied to any consent to secure this. Any future proposal for the site following that temporary period would be expected to demonstrate biodiversity net gain.
- 16.6.6. In light of the above, the proposed development sets out appropriate mitigation measures to safeguard protected species, subject to conditions regarding the detail, and is considered acceptable, on a temporary basis,

having regard to protected species and Local Plan policy ENV2 and Section 15 of the NPPF.

### **16.7. Contaminated Land**

- 16.7.1. The application site falls outside of any known contaminated land area.
- 16.7.2. A Risk Assessment has been carried out and accompanies the application. The risks are generally assessed as being low, or low to medium for asbestos and water sensitivity, and contamination from soils/groundwater. The area is also situated within a high risk of UXO (unexploded bombs), for which a separate report is provided.
- 16.7.3. In response to the risks set out, and in accordance with the recommendations of the reports, a Construction and Environmental Management Plan (CEMP) has been submitted which puts in place measures to safeguard against the risks identified, and this should form a condition of any consent. The recommendation of the Risk Assessment is for ground investigation work to be carried out to assess the underlying ground conditions and it is recommended that land contamination conditions, requiring Phase 2 Investigations, a detailed scheme for remedial works, and measures to be taken to avoid risk, be placed on any consent. This is in accordance with the advice from WPA Environmental Consultants. Environmental Health have also been consulted in respect of the application, and raise no objection, but recommend an informative be placed on any consent advising of the relevant consents under Section 61 of the Control of Pollution Act 1974 in respect of noise during demolition.
- 16.7.4. In light of the above assessment and having regard to no objections being raised by WPA or Environmental Health, the proposed works, subject to appropriate conditions, are considered to be acceptable, and to comply with the provisions of Policy ENV9 of the Local Plan and Para 189 of the NPPF.

### **16.8. Other issues**

- 16.8.1. Third party concern has been raised as to whether the demolition of the building and use of the site as a temporary car park makes an appropriate use of the Levelling Up Fund. In this respect Dorset Council have recently asked the Department for Levelling Up, Housing and Communities for permission to reallocate some of the levelling up funding originally intended for the town centre to the Weymouth Bowl site to fund demolition and redevelopment of the former bowling alley. Currently this has not yet been confirmed, but how a development is funded is not a material planning consideration anyway.

## **17. Conclusion**

- 17.1. The proposals seek to redevelop brownfield land within the defined development boundary and town centre area for Weymouth which in broad terms would be consistent with Local Plan Policy WEY1 (Weymouth Town Centre Strategy), together with Policy ENV15 (Making efficient use of land) and para's 123-125 of the NPPF which actively seek the re-use of brownfield sites and under-utilised land and buildings. The development would result in

the loss of a commercial leisure use in a town centre location and therefore the town centre policies (Policy ECON4 and WEY1) of the local plan are of relevance. Local policies are supportive of the introduction of appropriate family friendly activities in this location, however the site is not within a primary or secondary frontage and there is no policy requirement for the retention of the bowling alley. The proposed use is for a surface car park, which while not a town centre use, infrastructure such as car parks can play an important role in supporting the function of town centres. The car park is intended to be temporary and as such it would not preclude future development of the site for alternative uses. The proposed development is not therefore considered to conflict with the provisions set out in Policy ECON4 and WEY1 of the Local Plan, or Section 7 (Ensuring the vitality of town centres) of the NPPF.

17.2. The proposed development is considered to be acceptable having regard to the impacts upon the visual amenity of the area and the character of the Conservation Area and is not considered to significantly impact the setting of listed buildings. An appropriately worded condition securing a Programme of Archaeological Works would address any impacts upon archaeology at the site. These conclusions have been reached having regard to policy ENV10 (the landscape and townscape setting), policy ENV11 (the pattern of streets and spaces) and policy ECON4 (heritage assets) of the adopted Local Plan, and Section 8 (promoting healthy and safe communities) and 12 (achieving well-designed and beautiful places) of the NPPF. The proposed use is considered to be acceptable having regard to flood risk at the site (in accordance with Local Plan policy ENV5 (flood risk) and Section 14 of the NPPF (meeting the challenge of climate change, flooding and coastal change)) and through the inclusion of conditions securing a Construction and Environmental Management Plan (CEMP) and Biodiversity Plan, together with the recommendations of the Ecological Impact Assessment, it is considered that the impact upon biodiversity can be appropriately mitigated (in accordance with Local Plan Policy ENV2 (wildlife and habitats) and Section 15 of the NPPF (conserving and enhancing the natural environment)). In turn, the impact on the residential amenity of the area is also considered to be acceptable (in accordance with Local Plan Policy ENV16 and para 191 of the NPPF), as are the impacts upon highway safety (in accordance with Local Plan policy COM7 and COM9, and Section 9 (promoting sustainable transport) of the NPPF).

## **18. Recommendation**

18.1. Grant subject to conditions:

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

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

2. 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).

3. This permission for use as an additional car parking area shall be limited to the period ending 30th April 2027. At the end of this period the use of the additional car parking area shall cease, and the land restored in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The agreed restoration scheme shall be completed by 30th July 2027.

Reason: To exercise control over the temporary use and to enable review of the potential redevelopment of the site, and in the interests of securing biodiversity enhancements.

4. Prior to commencement of development (including demolition works) an updated Construction and Environmental Management Plan (CEMP) based on the submitted CEMP shall first be submitted to and agreed in writing by the Local Planning Authority. The updated CEMP shall include provisions as set out within the submitted Ecological Impact Assessment and Biodiversity Plan. Thereafter, development shall proceed in strict accordance with the submitted CEMP, as has been agreed, for the full duration of the construction period.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and in the interests of safeguarding the residential amenity of the site and Biodiversity.

5. The car park extension hereby approved shall not be first brought into use until the demolition works have been completed in full, in accordance with the submitted Demolition Site Layout Plan as shown on Drawing 23.039.010.

Reason. To ensure the proper and appropriate demolition of the site.

6. Prior to commencement of development (including demolition works), a scheme showing the precise details of the design, specification and position of wheel washing facilities must be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the wheel washing facilities as have been agreed shall be maintained in full working order for use throughout during the demolition, excavation, site preparation and construction stages of the development.

Reason: To prevent the likely deposit of loose material on the adjoining highway.

7. The car park extension hereby approved shall not be first brought into use until the accesses, geometric layout, turning and parking areas shown on drawing 'Proposed General Arrangement' plan, drawing P02, have been constructed in

accordance with the drawing. Thereafter, the parking area must be maintained, kept free from obstruction and available for the purposes specified.

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

8. Prior to commencement of development (including demolition works), a programme of archaeological work in accordance with a written scheme of investigation shall first be submitted to, and approved in writing by, the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results. Thereafter, the development shall proceed in strict accordance with the approved scheme.

REASON: In the interests of safeguarding the heritage value of the site.

9. The development hereby approved (including demolition works) shall be carried out in strict accordance with the submitted Biodiversity Plan dated 28 Feb 2024.

REASON: In the interests of safeguarding protected species.

10. The car park extension hereby approved shall not be first brought into use until details of the surfacing finish, levels, and boundary treatments shall have first be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details.

Reason: In the interests of preserving the character of the Conservation Area, in the interests of Inclusive Mobility, and to ensure off-site flood risk is appropriately minimised.

11. The car park extension hereby approved shall not be first brought into use until the surface water drainage scheme shall have been fully installed in accordance with drawing 60704201-ACM-WB-XX-DR-C-0500 P02, and until a Drainage Maintenance and Management Plan has been first submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be maintained in accordance with the Drainage Maintenance and Management Plan as has been agreed.

Reason: To ensure appropriate site drainage and its maintenance.

12. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages and incorporating risk assessment which covers contamination and the risk of unexploded bombs. 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases/or unexploded bombs when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a

monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

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

Reason: To ensure risks from contamination are minimised.

14. The car park hereby approved shall not be first brought into use until a more detailed Flood Warning Plan and means of implementation shall first have been submitted to and approved in writing by the local planning authority. This shall include details of the relevant actions and procedure following a flood alert, including implementation timeframe; means of warning car park users; and timescales and method for full closure/reopening. Thereafter the development shall be carried out and maintained in accordance with the agreed details.

Reason: In the interests of minimising risk to public safety.

15. The car park extension hereby approved shall not be first brought into use until the cycle facilities as shown on drawing 60704201-ACM-WB-XX-DR-C-0100 P02 shall have been installed on site. Thereafter, the cycle facilities shall be retained and kept available for their intended use.

Reason: In the interests of Inclusive Mobility.

### **Informatives:**

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 applicants/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.

2. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.
3. Prior to demolition, the applicant is advised to obtain any necessary consent required under Section 61 of the Control of Pollution Act 1974 having regard to noise from demolition.
4. The proposed retaining wall will require the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980 and the applicant / developer is required to submit plans, sections and specifications of the retaining wall for approval, prior to construction works commencing