

Officer Report

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| Application Number: | P/VOC/2024/01066 |
| Webpage: | https://planning.dorsetcouncil.gov.uk/ |
| Site address: | 4 Verne Road Weymouth DT4 0RX |
| Proposal: | Renewal of permission for change of use to hostel (permanent approval requested) - Variation of condition 2 of planning permission 4/91/0110T to allow the use to apply to the land rather than the applicant |
| Applicant name: | Mrs Vikki Jeffrey, Dorset Council |
| Case Officer: | Thomas Whild |
| Ward Member(s): | Cllr Heatley, Cllr Sutton and Cllr Wheeler |

1.0 In accordance with the Council's constitution the application is referred to the Planning Committee as Dorset Council is the applicant.

2.0 Summary of recommendation: Grant

3.0 Reason for the recommendation:

- The use of a personal planning permission in this instance fails the tests of being *necessary* and *reasonable* and it is therefore appropriate for the condition to be removed.
- Removal of the condition would not give rise to a conflict with Local Plan Policies.
- The removal of the condition will allow the building to continue to provide supported accommodation for 6 people.

4.0 Key planning issues

| Issue | Conclusion |
|--------------------------|---|
| Principle of development | The principle of removing condition 2 is acceptable and would not result in a conflict with the development plan. |

5.0 Description of Site

5.1 The application site comprises 4 Verne Road which is one of a pair of semi-detached Edwardian houses on the north eastern side of Verne Road. The house is 2.5 storeys (2 storeys with rooms in the roof) and is constructed of red brick with buff brick banding and a tile roof. The front of the building is mainly laid to hardstanding with some planting beds. There is a garden space to the rear which is mainly laid to hardstanding. The boundaries are defined by timber fencing to the south east and a mature hedge to the north west.

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5.2 The former house was converted to a hostel in the 1980s initially through temporary permissions, and eventually being made permanent in 1991. The planning consent for the site is subject to a 'personal' planning condition (condition 2) which links the use to the applicant (the Bruised Reed Trust) only.

6.0 Description of Development

6.1 The application is made under Section 73 of the Town and Country Planning Act 1990 and seeks the removal of condition 2, such that the hostel is no longer for use solely by the Bruised Reed Trust. The site is being purchased by Dorset Council with the intention that it is used as a hostel for up to 6 people, to be run directly by the Council. Historically the hostel has been occupied by male veterans. It is intended that in the future it will be available for up to 6 people with the intention that round the clock support would continue to be provided.

7.0 Relevant Planning History

86/00648/COU Decision: GRA Decision Date: 23/02/1987

CHANGE OF USE FROM DWELLINGHOUSE TO A HOSTEL FOR A MAXIMUM OF 6-8 MEN (PLUS A RESIDENT HOUSE MANAGER).

88/00104/TEMP Decision: GRA Decision Date: 28/03/1988

RENEWAL OF PERMISSION FOR CHANGE OF USE TO A HOSTEL.

91/00110/TEMP Decision: GRA Decision Date: 30/04/1991

RENEWAL OF PERMISSION FOR CHANGE OF USE TO HOSTEL (PERMANENT APPROVAL REQUESTED).

8.0 List of Constraints

Connaught Road Conservation Area - Distance: 24.84

Defined Development Boundary; Weymouth

Landscape Character; Urban Area; Weymouth Urban Area

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 23.42

Dorset Council Land (Freehold)

Local Geological Site: G SY67/12 - Rodwell Cutting; - Distance: 11.14

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Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); -
Distance: 1949.3

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); -
Distance: 1935.63

9.0 Consultations

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

Consultees

1. **Weymouth Town Council** – No objection
2. **Ward Members** – No comments received.

Representations received

| Total - Objections | Total - No Objections | Total - Comments |
|--------------------|-----------------------|------------------|
| 0 | 0 | 0 |

| Petitions Objecting | Petitions Supporting |
|---------------------|----------------------|
| 0 | 0 |
| 0 Signatures | 0 Signatures |

10.0 Duties

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.

11.0 Relevant Policies

Development Plan

Adopted West Dorset and Weymouth & Portland Local Plan:

11.1 The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV15 - Efficient and Appropriate Use of Land
- ENV 16 - Amenity

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- SUS2 - Distribution of development

Emerging Neighbourhood Plans

11.2 Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making.

Material Considerations

Emerging Local Plans:

11.3 Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

11.4 **The Dorset Council Local Plan** Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

11.5 The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

National Planning Policy Framework

11.6 Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

11.7 Other relevant NPPF sections include:

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- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Paragraph 56 – Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
- Section 11 'Making effective use of land'

Other material considerations

All of Dorset:

- 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.
- Landscape Character Assessment (Weymouth & Portland)

12.0 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.

12.1 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.

13.0 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.

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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. This proposal will ensure continued access to supported housing for people in need.

14.0 Financial benefits

| What | Amount / value |
|-----------------------------|----------------|
| Material Considerations | |
| None | |
| | |
| Non Material Considerations | |
| None | |
| | |

15.0 Environmental Implications

15.1 The proposal would lead to the continued CO2 emissions from the building but would not result in an increase in emissions compared to the baseline.

16.0 Planning Assessment

16.1 As has been noted, the application seeks to remove a planning condition which limits the use of the building to the original applicant, The Bruised Reed Trust. The condition in question states:

This permission shall enure for the benefit of the applicant only and not for the benefit of the land to which the application relates.

Reason: To meet the special needs of the applicant.

16.2 The use of this condition is carried forward from the original, temporary, planning consents for the use which were granted from 1987. The condition appeared on the original temporary consent, reference 86/0648 and the subsequent renewal reference 88/00104 before being included on the consent to which this application relates, which allowed for the permanent retention of the use.

16.3 In order to be imposed, planning conditions must meet 6 tests these being:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

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- 16.4 Where a condition fails one of these tests it should not be imposed and where it has previously been imposed, it is appropriate for the condition to be removed. Planning permission generally runs with the land and the Government's Planning Practice Guidance advises that it is rarely appropriate to provide otherwise. The guidance does indicate that there may be exceptional occasions where development that would not normally be permitted may be justified because of who would benefit from it (for example, new dwellings in the countryside being limited to agricultural workers). The guidance also states that a condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.¹
- 16.5 Records for the 1991 planning consent indicate that the re-imposition of the personal condition was recommended but do not indicate whether any specific consideration was given to its necessity as by that point it was established as part of the consent that was being made permanent. The case officer's report for the initial planning consent in 1987 indicated that a temporary consent was necessary to allow for a trial period of assessment of the use's impacts but did not set out any specific justification for the planning permission being made personal to the applicant. There was however considerable objection to that initial application so it may be surmised that this was considered necessary to ensure appropriate management arrangements would be in place, even though this is not stated.
- 16.6 In light of current guidance as set out above, it is not considered that there is adequate justification for planning permission remaining on a personal basis only and not running with the land. Furthermore, given that the original application was not an individual but a charity, the use of a personal permission runs contrary to the advice in the Government's Planning Practice Guidance that limiting the benefit of a permission to a company is inappropriate. Although currently empty the building has been used as a hostel for a considerable period and the continuation of that use, albeit under management by Dorset Council would not alter the overall impact of the use.
- 16.7 It is therefore considered that condition 2 fails the tests of being *necessary* and *reasonable*. Therefore, it is appropriate for the condition to be removed. The removal of the condition will allow for the provision of supported housing to 6 individuals in a sustainable location, making the best use of an existing and established facility without causing additional impacts to neighbouring amenity. It would therefore comply with policies INT1, ENV15, ENV16 and SUS2 of the West Dorset Weymouth and Portland Local Plan 2015.
- 16.8 The 1991 planning consent to which this application relates is subject to two conditions. The personal restriction being the second and the first being a time limit for the implementation of the consent. As the consent has already been implemented, it is not necessary to reimpose the time limit condition. It is not considered necessary to impose any additional conditions as part of this application and therefore a grant of planning consent in this instance would be unconditional.

¹ Planning Practice Guidance Paragraph 015, Reference ID 21a-015-20140306

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17.0 Conclusion

17.1 The planning condition to which this application relates is considered to fail the tests of being *necessary* and *reasonable* and it is therefore considered appropriate for the condition to be removed. The removal of the condition would not give rise to any conflict with the development plan and will allow for the building to continue to provide supported accommodation for 6 people.

18.0 Recommendation

Recommendation: Grant

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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The application was acceptable as submitted and no further assistance was required.