

**APPLICATION NUMBER:** WD/D/18/002146

**APPLICATION SITE:** Land East of Mandeville Road, Weymouth

**PROPOSAL:** Outline application for residential development of up to 91 dwellings

**APPLICANT:** East Boro Housing Trust

**CASE OFFICER:** Emma Telford

**WARD MEMBER(S):** Cllr Bartlett, Cllr Gardner & Cllr Dunseith

**RECOMMENDATION SUMMARY:** Refuse

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## **1. DESCRIPTION OF SITE:**

1.1 The application site, Land East of Mandeville Road is an undeveloped, green field site. The topography of the site slopes from east to west and at the eastern side, from south to north.

1.2 To the west of the site is the Value House Stores which benefits from planning permission (WD/D/16/000691) for the demolition of the existing buildings and the erection of 37 dwellings. To the north-west of the site is an open field, with Littlesea holiday Caravan Park beyond. To the north of the site is the residential development of Lanehouse and to the east is open fields which separate the built development. To the south of the site is the built development of Wyke Regis with Mandeville Close immediately adjacent to the site. To the south-east of the site is bounded by Mandeville Road with the MOD tented camp beyond which includes an assortment of structures and enclosures.

## **2. DESCRIPTION OF DEVELOPMENT:**

2.1 The application seeks outline permission for residential development for up to 91 dwellings, with all matters reserved. An indicative layout has been submitted which shows a mixture of housing of 2 bedroom 4 person, 3 bedroom 5 person, 4 bedroom 6 person and flat over garage units and an access off Mandeville Road. The proposal is to provide 50% of the units to be affordable housing.

## **3. RELEVANT PLANNING HISTORY:**

3.1 No relevant planning history.

## **4. RELEVANT PLANNING POLICIES:**

#### 4.1 National Planning policy Framework (NPPF) 2019

As far as this application is concerned the following sections of the NPPF are considered to be relevant:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

#### 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, including brownfield registers and permission in principle, 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.

#### 4.2 Adopted West Dorset and Weymouth & Portland Local Plan (2015)

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

- Int1. Presumption in Favour of Sustainable Development
- Env1. Landscape, Seascape and Sites of Geological Interest
- Env2. Wildlife and Habitats
- Env5. Flood Risk
- Env10. The Landscape and Townscape Setting
- Env11. The Pattern of Streets and Spaces
- Env12. The Design and Positioning of Buildings
- Env16. Amenity
- Sus1. The Level of Economic and Housing Growth
- Sus2. Distribution of Development
- Hous1. Affordable Housing
- Com1. Making sure New Development makes Suitable Provision for Community Infrastructure
- Com7. Creating a Safe and Efficient transport Network
- Com9. Parking Standards in New Development
- Com10. The Provision of Utilities Service Infrastructure

#### **5. OTHER MATERIAL PLANNING CONSIDERATIONS:**

## 5.1 Supplementary Planning Documents

- Design and Sustainable Development Planning Guidelines (adopted 2009)
- West Dorset Landscape Character Assessment 2009
- Dorset AONB Management Plan 2019-24
- DCC Parking standards guidance

## 6. 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

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.

## 7. PUBLIC SECTOR EQUALITIES DUTY:

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.

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 PSED.

The application is for outline permission, all matters reserved and therefore the details are not known at this stage. The application site is however located adjacent to the DDB and in close proximity to facilities.

## 8. CONSULTATIONS:

8.1 Natural England – *No objection, subject to conditions. Biodiversity - Natural England welcomes the submission of an Ecological Assessment dated 24th August 2018, however this application is within the scope of the Dorset Biodiversity Protocol which requires the submission of an approved Biodiversity Mitigation and Enhancement Plan (BMEP) for all developments that affect sites greater than 0.1 ha. Natural England therefore recommends that*

*permission is not granted until a BMEP has been produced and approved by the Dorset County Council's Natural Environment Team (NET). Provided the BMEP has been approved by the DCC NET Team and its implementation in full is made a condition of any permission, then no further consultation with Natural England is required. In the event that a BMEP cannot be agreed through the DCC NET then Natural England should be re-consulted on the proposals so that we can reconsider our advice.*

*Dorset and East Devon Coast World Heritage Site - We also note and support the comments made by the Jurassic Coast Trust in relation to the Dorset and East Devon Coast World Heritage Site.*

### **8.2 Further Natural England - East to West green corridor – Little Francis SNCI to Chesil & the Fleet SSSI, SAC and Chesil Beach & the Fleet SPA**

*The East to West green corridor, which this site forms a part of, has been identified as an important ecological corridor between the designated coastal sites and the Little Francis SNCI, which is then extended via further stepping stones and green corridors to Radipole Lake SSSI. There are a number of records of badgers, bats and birds using the northern boundary of the development site for commuting as well as nesting birds within the hedgerows.*

*While Natural England has no objection in principal to development of this site, we advise that development should be of a quantum and layout which does not affect the ecological function of this east-west corridor. We recommend that the layout of the site is designed in such a way as to ensure a wide buffer in the northern area of the site to ensure this ecological connectivity is not severed. The detail of this buffer should be secured through the BMEP.*

### ***Biodiversity Mitigation and Enhancement***

*Since our previous response, Natural England note that a BMEP has been submitted to your authority and is available to view on the planning portal, however this is not supported by an approval certificate from the Dorset County Council Natural Environment Team (NET). Natural England's advice therefore remains that permission is not granted until a BMEP has been approved by the Dorset County Council's Natural Environment Team (NET).*

*In the event that a BMEP, or financial contributions cannot be agreed through the DCC NET then Natural England should be re-consulted on the proposals so that we can reconsider our advice. Natural England would be happy to discuss any issues relating to this advice directly with the applicant through our Discretionary Advice Service (DAS).*

**8.3 The Jurassic Coast Trust** – *The proposed development does not directly impact the World Heritage Site but may have an impact on its setting. Section 3.2 (page 17) of the current Jurassic Coast Management Plan defines Setting as*

*"...the surrounding landscape and seascape, and concerns the quality of the cultural and sensory experience surrounding the exposed coasts and beaches."*

*Policies 1.4. and 2.3 within the same plan provide for the protection and conservation of landscape quality associated with the World Heritage Site. This aspect of the World Heritage Site is recognised in the West Dorset, Weymouth and Portland Local Plan 2015 in paragraph 2.2.9, stating in reference to the Jurassic Coast that "Its wider landscape setting is also important to its presentation and appreciation."*

*Protection of the setting of the World Heritage Site relies on landscape related designations, definitions and character assessments. This includes AONBs but for this application the Heritage Coast Area is most relevant. Paragraph 114 of the National Planning Policy Framework (March 2012) states that local authorities should: 'maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as heritage coast, and improve public access to and enjoyment of the coast.'. This is also reflected in the Local Plan under ENV1.*

*We recommend that the Heritage Coast Area should be considered as offering protection for the setting of the WHS and that potential impacts and mitigation related to this proposed development should be given due consideration in light of that relationship.*

8.4 Crime Prevention Design Advisor – No comments received at the time of report preparation.

8.5 Wessex Water – No comments received at the time of report preparation.

8.6 Chickerell Parish Council – *Chickerell Town Council recommend refusal of this application based on:*

- *Outside defined development boundary*
- *Contrary to Local Plan*
- *Concerns for surrounding wildlife*
- *Concerns for highway infrastructure*
- *Sustainability*
- *Impact on World Heritage Site*

8.7 DCC Countryside Access Team – *I have no objection to the proposed development, as shown in the plans accompanying the application. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.*

*It should be noted that the use of this footpath by vehicular traffic without lawful authority is an offence contrary to the Road Traffic Act 1988. Any damage to the surface of the path attributable to the development must be repaired to Dorset County Council's specification, in accordance with Section 59 of the Highways Act 1980.*

*The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above path then a Temporary Path Closure Order must be obtained. This can be applied for through this office but the application must be completed and returned at least **thirteen weeks** before the intended closure date. It should be noted that there is a fee applicable to this application.*

*8.8 DCC Natural Environment Team – We note an ecological survey report by Peach Ecology and Environmental Services has been submitted with the application. In order for the Natural Environment Team (NET) to assess the ecological information submitted and provide further comment under the Dorset Biodiversity Appraisal Protocol, a Biodiversity Mitigation and Enhancement Plan (BMEP) should be submitted along with the report.*

*8.9 DCC Highways – A TRAFFIC ASSESSMENT will be required in order to assess the implications of the additional traffic generated on the highway network. The County Highway Authority therefore recommends that the Applicant/Agent contacts the Local Highway Authority to discuss this requirement in more detail.*

*8.10 In response to the comments raised by DCC Highways, a Traffic Assessment was submitted and the following further comments made:*

*8.11 Further DCC Highways –*

*The County Highway Authority requires the Developer to enter into a suitable Agreement for contributions towards enhancing sustainable transport serving the site as follows :-*

- 1. Public Right of Way improvements (Cockles Lane) - £10K.*
- 2. Enhanced Pedestrian and Cycle Facilities at B3156/Camp Road Junction - £35K.*

*Provided this is secured the following conditions are recommended :-*

***Outline Estate Road Construction (adopted or private) -***

*No development must commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority.*

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

**Outline Travel Plan to be submitted**

*Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:*

- *Targets for sustainable travel arrangements.*
- *Effective measures for the on-going monitoring of the Travel Plan.*
- *A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.*
- *Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development*

*The development must be implemented only in accordance with the approved Travel Plan.*

*Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.*

**INFORMATIVE NOTE: Developer-Led Infrastructure**

*The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under **Section 38 of the Highways Act 1980**, the applicant should contact Dorset County Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at **Estate Road Construction (adopted or private)** Development team, Dorset Highways, Environment and the Economy, Dorset County Council, County Hall, Dorchester, DT1 1XJ.*

*8.11 DCC Flood Risk Management Team – In compliance with the recommendations of the recently revised National Planning Policy Framework, the proposed development must be supported by a strategy of surface water management that is both viable and deliverable if both the proposed development and adjacent properties are not be placed at risk, or subject to worsening. The necessary strategy will need to be substantiated by appropriate assessment and ground investigation.*

*Whilst we appreciate that the current submission is Outline in nature, the supporting documents;*

- *Design & Access Statement*
- *Flood Risk Assessment*

*do not provide sufficient clarification or substantiation of a conceptual strategy of surface water management.*

*Therefore, we (DCC FRM) strongly recommend that a (Holding) Objection be applied to this application, pending the supply of adequate conceptual information, outlining a viable and deliverable scheme of surface water management.*

*8.12 DCC Planning Obligations – On the understanding that the open market housing will be CIL liable I have no comments from a wider Obligations perspective.*

*This is, however, without prejudice to any other DCC observations i.e. Highways, FRM, NET etc. which may require site specific prerequisites which may necessitate a s106 / UU / Conditions in addition to any CIL liability.*

*8.13 DCP Technical Services – With regards to this application I wish to comment as follows. The greenfield site is located within EA flood zone 1 – low probability of fluvial flooding. The EA's surface water flood risk maps do indicate that a very small part of the site is at low risk of surface water flooding. Given the size of the development, DCC in their role as LLFA have been consulted regards the surface water management proposals for the site and i suggest you refer to their comments in this regard.*

*8.14 DCP Environmental Health – Contamination - Due to the historic land use associated with the proposed development site, and the surrounding area, it is considered that the applicant should be required to satisfy the planning authority that the site is adequately characterised in terms of land contamination issues. Environmental Protection would expect that the applicant as a minimum provides a Phase 1 Desk Study as part of any formal planning application for this site.*

*Air Quality - There is no regard to the impacts that the proposed development may have upon the surrounding air quality. There are areas within the Weymouth and Portland Borough Council area that may be adversely affected by additional traffic movements associated with the development. An air quality assessment is required.*

*Noise - The information does not specify whether any alternative provision for heating or ventilation will be used within the dwellings. Environmental Protection would expect this to be addressed within the formal application stage, by way of a suitable noise assessment.*

*General - The proposed development is located adjacent to a residential area and therefore is likely to have significant effects upon the environment and residents. It is recommended that the developer includes arrangements for protecting the environment and residents from Noise, Vibration and Dust. This shall also include proposed provisions for the removal of any potentially hazardous waste found / generated on site. A Construction Environmental Management Plan would be an appropriate way to demonstrate that the*



*developer has fully considered these matters. This would need to be submitted to, and agreed by the Local Planning Authority prior to commencement of demolition, and construction.*

*Due to the close vicinity of existing residential dwellings to this site, a Construction Environmental Management Plan having regard to the protection of residents from nuisance would be required.*

8.15 DCP Trees Officer – No comments received at the time of report preparation.

8.16 DCP Housing Enabling Team – *There is a need for affordable housing in the district of West Dorset that these homes would help to meet. Consideration will need to be given on protecting the affordable low cost homes in perpetuity.*

8.17 DCP Urban Design Officer – *This is an outline application for 91 residential units with a 50% affordable housing provision. For the purposes of the outline application, I will be making some general comments about the character of the surrounding area, as well as commenting on the submitted layout and highlighting any design issues that need to be addressed as part of a reserved matters application. However, these comments are not notwithstanding any fundamental issues regarding the impact of the proposal on the Heritage Coast.*

*The area surrounding Mandeville Road is a mix of mid and late 20th century housing. While there is no strong character defining the area, it has a suburban feel with a relatively low density mix of bungalows and two storey developments. Housing types consist of detached and terraced housing as well as some semi detached houses with adjoining garages. Roofs are predominantly pitched with chimneys while the 1960s properties in the Barrow Rise area have inverted 'butterfly' roofs. Front gardens are relatively generous with many accommodating off road parking. Frontages tend to be bounded by low walls with some hedging. Materials include brick, stone render and cladding with concrete or clay tiled roofs. The design and layout is very much 'of its time' and it is not necessary to use this to inform proposals for new development in the area.*

*Given that the heritage coast is characterised by a predominately open landscape, any new development will have a significant impact and therefore a reserved matters application should take every opportunity to create a scheme that is sensitive to its setting. Landscaping must be a central theme of any proposal with adequate provision also given to any important ecological corridors across the site. Proposed materials and colour palettes should be natural and muted. Timber cladding, green roofs and other features that over time would help blend the scheme into the landscape are to be encouraged. A sensitive street lighting scheme would also help to reduce the impact of the scheme at night time.*

8.18 DCP Landscape Officer – Paragraph 2.2.7 of the West Dorset, Weymouth & Portland Local Plan 201 states:

*Where development may be visually prominent or adversely affect landscape character, production of a Landscape and Visual Impact Assessment, a strategic landscape masterplan and/or a landscape management plan detailing mitigation proposals may be required.*

*Given the elevated location of the site and the scale of the proposed development, I anticipate the development will be visibly prominent within the Heritage Coast area and there is also potential for the development to be seen from the World Heritage Coast.*

*I request that the applicant submits a Landscape and Visual Impact Assessment that has been undertaken in accordance with the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment (3rd Edition).*

8.19 In response to the comments of the DCP Landscape Officer an LVIA was submitted and the following further comments made:

8.20 Further DCP Landscape Officer – *In summary, I believe that the proposed application (and illustrative plan) would:*

- *Will harm the character, special qualities or natural beauty of the Heritage Coast. Including harm to its characteristic landscape quality, uninterrupted panoramic views and sense of tranquillity and remoteness.*
- *Will detract from the local landscape character and no mitigation has been offered that will enhance this character.*
- *Does not contribute positively to the maintenance and enhancement of local identity and distinctiveness. Through the merging of the Wyke and Lanehouse settlements and breaking of the green upper slopes of the Wyke ridge.*
- *Is not informed by the character of the site and its surroundings.*
- *Does not relate positively to adjoining routes, open areas and other features that contribute to the character of the area (green slopes to the ridge).*

*I therefore cannot support this application as it will result in visual and townscape impacts that are not in accordance with the following Local Plan policies.*

- *Policy ENV 1*
- *Policy ENV 10*
- *Policy ENV 12*

8.21 All full consultee responses and representations can be viewed on [www.dorsetforyou.com](http://www.dorsetforyou.com)

## **9. REPRESENTATIONS:**

9.1 Seventy-four third party comments have been received in response to the applications, the concerns raised have been summarised below:

#### Principle

- Site lies outside of the defined development boundary
- Unsustainable location people will be reliant on cars
- Not included in the Local Plan
- Not included as a preferred option in the Local Plan Review
- Does not represent sustainable development with the insufficiency of local employment
- Make use of existing empty properties
- Do not have the jobs available in this area to support extra people
- Policy CHIC 5 states that 'the development will only be permitted if the overall scheme enhances the special character of the Heritage Coast'

#### Highways

- Highway safety concerns due to the increased traffic generated by the proposal
- A serious increase of regular traffic movement
- Concerns over capacity of the road system to accommodate the increase in vehicles in addition to the 37 already permitted at the Value House site
- Concerns over road junction
- Road access is in a very poor state of repair
- Safety concerns of pedestrians on footpaths – narrow footpath
- Virtually no public transport available and none on weekends
- Already existing traffic issues

#### Visual Amenity

- Undeveloped countryside
- Overdevelopment of the site
- Cramped form of development
- Impact on the nature of the World Heritage Site
- Proposal would turn a semi-rural area into part of the urban sprawl
- Detract from openness of the area and its landscape and ecological value
- Undesirable precedent for further greenfield site development in the heritage coast
- Site abuts public rights of way
- Close proximity to the World Heritage Site
- Highly visible from all directions except the south
- Elevated position
- Design is not in keeping with surrounding built development
- Proposal does not involve any landscaping
- Spoil the natural beauty of the coastal environment
- Change the character of the area
- Loss of open gap between built up areas

- Last piece of open green space in the area
- Detrimental impact on the characteristics of the surrounding landscape
- The proposal does not enhance either the landscape or seascape and will have an adverse effect on the remoteness and tranquillity of the geological area
- Out of scale with surrounding properties
- Proposal would not soften or contribute positively to the enhancement of the local identity
- High density without any landscaping
- Undesirable precedent for further greenfield site development in the Heritage Coast

#### Residential Amenity

- Loss of recreational/amenity space
- Provides and supports physical and mental well-being
- Local infrastructure are already overburdened
- Impact on schools and doctors
- No provision for amenities in the proposal such as doctors, schools and other services
- Detrimental impact on the quality of life of local people
- Concerns of the proposed unit sizes and the need for them
- Overlooking of neighbouring properties due to the topography of the site
- Highly used by dog walkers and walkers
- Increase in noise and disturbance

#### Biodiversity

- Loss of part of a green corridor
- Impact on wildlife habitats including badgers and other species
- All development should be delivering Net Gain for biodiversity in line with the revised NPPF
- Level of ecological information submitted is currently inadequate to make an assessment
  - No assessment to determine how important this field is as a flyway for both bird and bat species
  - Strategically significant location and contributes to one of two relatively unlit and more or less continuous green corridors linking these important sites for wildlife
  - Assessment undertaken in August in a hot, dry year when it would not have been possible to identify any rare or local species

#### Other

- Removal of a large area of soak-away and replacing with buildings and roads could result in flooding
- Impact on house prices of surrounding properties
- Further impact on existing low water pressure

- Impact on tourism due to the impact on the Jurassic coast
- Cumulative impact with other permissions/allocations including Value House site and Curtis Fields
- Harm caused by extra pollution from fumes caused by the development
- Impact on right of way through/round the field
- Drainage problems with such a large development
- Impact on tourism
- Loss of agricultural land

9.2 Concerns have been raised regarding the impact of the proposal on house prices however this is not considered a material planning reason and will not be considered as part of this application.

## **10. PLANNING ISSUES:**

- Principle of development
- Visual Amenity, Landscape and Heritage Coast
- Residential Amenity
- Highway Safety
- Surface Water Drainage
- Biodiversity
- Contamination
- Right of Way
- Community Infrastructure Levy
- Affordable Housing

## **11. PLANNING ASSESSMENT:**

### 11.1 Principle of Development

The application site adjoins the Defined Development Boundary (DDB) for Weymouth. Policy SUS 2 of the Local Plan advises that development outside of a DDB will be 'strictly controlled' and limited to exceptions listed in bullet point ii) of the policy. This includes affordable housing, but not open market housing. Therefore the provision of open market housing on the site is contrary to SUS 2 as it lies outside of the DDB for Weymouth.

The Council cannot currently demonstrate a five-year supply of deliverable housing sites. The Councils have 4.88 years of supply across the local plan area. This means that para 11, footnote 7 of the NPPF is 'engaged' and relevant policies for the supply of housing, including Policy SUS 2, may no longer be considered to be up-to-date. Where a 'relevant policy' such as SUS 2 is considered to be 'out-of-date', Para 11 of the NPPF is also engaged, indicating that in such cases planning permission should be granted unless:

*i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>, or*

*ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole*

The lack of a 5 year supply, even if the supply is only marginally below 5 years, means that less weight has to be given to policies such as Policy SUS 2 in decision-making. The local plan inspector's comments, which raised concerns about the marginal nature of the council's housing land supply, remain just as relevant to decision-making, now the supply has slipped below 5 years. The application adjoins a settlement with a DDB in the Local Plan and the Local Plan regards Weymouth as a sustainable location for further development. Furthermore the application WD/D/16/000691 granted planning permission for the erection of 37 dwellings at the Value House Store site which too is outside of the DDB and adjacent to the site being considered. Also in the Preferred Options for the review of the West Dorset, Weymouth & Portland Local Plan (consultation on which closed in October 2018), CHIC 5 looks at the potential for the former tented camp, Mandeville Road for a small-scale development of approximately 30 houses as part of an overall scheme, which would secure visual enhancements and open space provision to enhance the special character of the Heritage Coast.

However, footnote 6 of the NPPF states that:

*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.*

The application site is within the Heritage Coast and therefore para 11 d) i of the NPPF is applicable in this instance, the impact of the proposal on the Heritage Coast is considered in the next section of this report.

## 11.2 Visual Amenity, Landscape and Heritage Coast

The application seeks outline permission for the erection of up to 91 dwellings, with all matters reserved. The application site is greenfield and located within the Heritage Coast. As the application is for outline, details of the proposed units are

not known at this stage, an indicative site plan has been submitted to show how the units could be positioned on the site. The DCP Landscape Officer was consulted on the application and it was considered that given the elevated location of the site and the scale of the proposed development within the Heritage Coast that a Landscape and Visual Impact Assessment (LVIA) should be undertaken and submitted. In response to these comments an LVIA was submitted and the DCP Landscape Officer was re-consulted on the application.

The application site is located on elevated ground, in between the settlements of Wyke Regis and Lanehouse. The site is located on the western edge of a prominent ridge and is currently a green open space within the landscape. Given this elevated location, the site is considered to be highly visible from a number of sensitive receptors within close proximity from a number of footpaths and from over 2km away (as evidenced in the submitted LVIA). The site is also located within the West Dorset Heritage Coast and is within 650m of the Dorset and East Dorset Coast World Heritage Site. The site is part of a wider area of pasture and grassland between Lanehouse Rocks Road and Mandeville Road and this area provides a clear break between the settlements. This space helps ensure the settlements remain separate and avoid the built development covering the highly visible slopes of the ridge.

The proposal is for outline of up to 91 dwellings and the indicative site plan shows the built development covering the whole of the site. Proposed dwellings are located close to the boundary on Mandeville Road where there are open and elevated views towards the Dorset and East Devon Coast World Heritage Site and proposed dwellings are also located close to the north-eastern boundary where there are open and elevated views across Weymouth.

The DCP Landscape Officer considered that the development on the site would be visible within a wide area including the Dorset and East Devon Coast World Heritage Site and the South West Coast Path. *From the direction of The Fleet (Viewpoint 8 from the submitted LVIA illustrates the view), this application will result in the spread of the Wyke settlement along the ridgeline so that it merges with the Lanehouse settlement and new development at the former Value House site. This would result in a continuous ridgeline settlement along this section of the heritage coast. From the direction of Lanehouse Rocks Road, the development will be visible along the slope between North Road and Cockles Lane. From this direction the spread of development along the ridge and the combining of the Wyke and Lanehouse settlements will be pronounced. From views in the wider Weymouth area (for example, from viewpoints 9, 10 and 11 in the submitted LVIA) the development will be a highly visible spread of built-form down the ridge between the Wyke and Lanehouse settlements. It will also break the "green" upper slope of the Wyke Road ridge that is apparent from north of Purbeck Close to the Heritage Coast.*

The application site does adjoin the Value House Store site which under the application WD/D/16/00691, permission was granted for the erection of 37 dwellings. However the application site was brownfield and therefore this brownfield status of the site was recognised within the visual baseline and the visual impact of the proposal. Land to the west of Mandeville Road, the Former Tented Camp is considered in the Preferred Options for the review of the West Dorset, Weymouth & Portland Local Plan (consultation on which closed in October 2018) under CHIC 5. The document states that *the site could potentially accommodate a small-scale development of approximately 30 houses as part of an overall scheme, which would secure visual enhancements and open space provision to enhance the special character of the Heritage Coast*. The proposed policy clearly states that *the development will only be permitted if the overall scheme enhances the special character of the Heritage Coast*. That site also differs from the site under consideration as it would involve the removal of the existing derelict buildings and areas of hardstanding and the allowance of development of the eastern part of the site would result in the improvement of the remainder site resulting in an enhancement of the Heritage Coast. Whereas the site under consideration is a green field.

Given all of the above, it is considered that the proposal would result in harm to the character, special qualities or natural beauty of the Heritage Coast – including harm to its characteristic landscape quality, uninterrupted panoramic views and sense of tranquillity and remoteness and therefore would not comply with local plan policy ENV 1. Para 11, d) states that:

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*

The Heritage Coast as set out in footnote 6 is considered an area of particular importance. Para 173 of the NPPF states that *Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character*. The proposal is not considered to be compatible for the reasons as set out above and is therefore contrary to this para of the NPPF and local plan policy ENV 1. The proposal is therefore considered to fail the NPPF Presumption in favour of sustainable development under para 11, d) i. Furthermore the proposal is not considered to contribute positively to the maintenance and enhancement of local identity and distinctiveness through the merging of the Wyke and Lanehouse settlements and breaking of the green upper slopes of the Wyke Ridge. Therefore it is not considered to comply with local plan policies ENV 10 or ENV 12.



### 11.3 Residential Amenity

The site is bounded on the south-east by the residential development of Mandeville Close and in the western corner there is a single residential unit. Third party concerns have been raised regarding the impact on residential amenity due to overlooking from the proposed properties. However the application is for outline permission for up to 91 dwellings, with all matters reserved. An indicative plan has been submitted as part of the application which shows separation between the proposed properties and the existing by both the gardens of the existing properties and the gardens of the proposed units. It is considered that in residential amenity terms there is ample scope to position and align proposed dwellings such that no unacceptable overlooking would occur on a reserved matters application.

The indicative site plan does not include any open space provision however the proposal is not considered to meet the threshold for on-site provision and the development would be CIL liable which would contribute to improving existing facilities and their accessibility. Concerns have also been raised by third parties due to the impact of the proposal on local services for example schools and doctors surgeries due to the increased number of people. However the proposal would be CIL liable and therefore the financial contributions gained through CIL would go into local infrastructure.

### 11.4 Highway Safety

The proposal is for outline permission for up to 91 dwellings, all matters are reserved and therefore the access is not a consideration at this stage. However the submitted indicative plan shows how access to the site could be accommodated off Mandeville Road. A high level of concerns have been raised by third parties regarding the impact of the proposal on highway safety in particular the increase in vehicular movements on the local roads and junctions that would result from the proposal. DCC Highways were consulted on the application and required a Traffic Assessment to be submitted. This was subsequently submitted. DCC Highways were re-consulted on the application and required that the *Developer enter into a suitable Agreement for contributions towards enhancing sustainable transport serving the site as follows:*

- 1. Public Right of Way improvements (Cockles Lane)*
- 2. Enhanced Pedestrian and Cycle Facilities at B3156/Camp Road Junction*

DCC Highways stated that provided the financial contributions were secured then conditions would be required for the estate road construction and a travel plan to be submitted. It was considered that the Traffic Assessment fails to explore the likelihood of modal shift and the increase in non-motorised trips. The contribution

for Cockles Lane would be to improve the surface of the public footpath to make it more useable by pedestrians and the junction improvement would be designed to better accommodate cycle and pedestrians movements including a better refuge island. A S106 for financial contributions for the enhancement of sustainable transport serving the site has not been entered and therefore the proposal is not considered to comply with local plan policy COM 7, i) which states that ... *the use of sustainable transport modes including public transport, walking and cycling can be maximised*. Para 108 of the NPPF also states that:

*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.*

### 11.5 Surface Water Drainage

The application site falls within Flood Zone 1, however given it is major development, the proposal must be supported by a strategy of surface water management that is both viable and deliverable. DCC Flood Risk Management (FRM) were consulted on the application and placed a holding objection *pending the supply of adequate conceptual information, outlining a viable and deliverable scheme of surface water management*. It was considered that the information provided as part of the Design & Access Statement and Flood Risk Assessment did not provide sufficient clarification or substantiation of a conceptual strategy of surface water management. In response to the comments made by DCC FRM no further information was submitted and therefore an appropriate and achievable surface water management scheme has not been agreed in principle. Therefore without a strategy in place, the proposed development could result in additional surface water flooding on the site and potentially to neighbouring sites. It is considered therefore, with the continued objection from the Lead Flood Risk Authority and lack of appropriate drainage strategy, this will form a reason for refusal as it is contrary to policy ENV5 of the Local Plan. Criteria i) states that *the risk of flooding will be minimised by:*

...

- *ensuring development will not generate flooding through surface water runoff and/or exacerbate flooding elsewhere.*

Also the NPPF in paragraph 163 states the following;

*When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the*

*light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

## 11.6 Biodiversity

A high level of concerns have been raised regarding the impact of the proposal on biodiversity and various species including badgers on the site. A Biodiversity Mitigation & Enhancement Plan (BMEP) was submitted. DCC NET commented on the plan and considered that it did not comply with guidance. It was considered that the BMEP did not mitigate for the loss of grassland which would need to be on site-mitigation due to the importance of the site within Weymouth as an east-west ecological corridor. Further details of the hedgerow were also required and that bat activity surveys should be undertaken to establish its value for commuting and foraging bats to ensure appropriate mitigation. This is supported in the comments of Natural England who held no objection in principal to development of the site, but considered that *“development should be of a quantum and layout which does not affect the ecological function of this east-west corridor. We recommend that the layout of the site is designed in such a way as to ensure a wide buffer in the northern area of the site to ensure this ecological connectivity is not severed. The detail of this buffer should be secured through the BMEP.”* In response to these comments the BMEP has not been amended to address the concerns raised. Given the above, the proposal is considered to have a detrimental impact on biodiversity that has not been appropriately mitigated. Therefore in line with para 175 of the NPPF, *if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

## 11.7 Contamination

The application site is located within a contaminated land buffer. DCP Environmental Health were consulted on the application and it was considered that due to the historic land use associated with the proposed development site

and the surrounding area that a condition would be placed on any approval for further information including a desk study report.

### 11.8 Right of Way

There is an existing footpath that goes around the site to the north-west and north-east, the right of way is not within the application site. However in the western corner of the site the public footpath does cross the site adjacent to the rear of the existing bungalow and Value House Stores site. The indicative plans submitted shows the route of the footpath being undisturbed and therefore it is considered that the development could be achieved without impacting on the existing footpath. DCC Countryside Access Team were also consulted on the proposal and held no objections.

### 11.9 Community Infrastructure Levy

The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate.

The development proposal is CIL liable.

### 11.10 Affordable Housing

Para 63 of the NPPF states that *Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 unit or fewer)*. Major development for housing is defined in the NPPF as *development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more*. The proposed development exceeds this threshold and therefore local plan policy HOUS 1, requires 35% of the development to be for affordable housing. As part of the application submission it states that 50% of the development would be affordable housing. However a S106 has not been entered into and therefore the absence of a S106 agreement to secure the provision of affordable housing will form a refusal reason.

## **12. CONCLUSION/SUMMARY:**

12.1 The proposed development is considered to fail para 11, d) i. of the NPPF as the proposal would result in harm to the Heritage Coast and would not be consistent with the special character of the area and therefore the recommendation is for refusal on this basis. Furthermore, the proposal would not

contribute to the local identity or distinctiveness and would therefore be contrary to the NPPF (2019) and Local Plan policies ENV 1, ENV 10 and ENV 12. It would also have a detrimental impact on biodiversity and would not adequately mitigate against this harm and is therefore contrary to the NPPF (2019) and Local Plan policy ENV 2. Nor would the proposal secure the provision of affordable housing contrary to policy HOUS 1 and the NPPF (2019). It would fail to enhance sustainable transport failing policy COM 7 and the NPPF (2019) and the absence of a surface water management strategy means the development could result in surface water flooding of the site and neighbouring properties contrary to policy ENV 5 and the NPPF (2019).

### **13. RECOMMENDATION:**

#### 13.1 Refuse

*1. The development of this land would result in a seriously detrimental impact on the character, special qualities and natural beauty of the Heritage Coast. The proposal fails to contribute positively to the maintenance and enhancement of local distinctiveness through the merging of the Wyke and Lanehouse settlements and breaking of the green upper slopes of the Wyke Ridge. The proposal is therefore contrary to policies ENV1, ENV10 and ENV 12 of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 15 of the National Planning Policy Framework (2019).*

*2. In the absence of a S106 agreement to secure financial contributions for public right of way improvements to Cockles Lane and enhanced pedestrian and cycle facilities at the B3156/Camp Road Junction it is considered that the proposed development would fail to enhance the provision of sustainable transport. Hence the development is contrary to policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 9 of the National Planning Policy Framework (2019).*

*3. In the absence of a strategy of surface water management that is both viable and deliverable, the proposed development could result in worsening surface water flooding on to neighbouring sites, the adjacent highway and the site itself. As such, this is contrary to policy ENV5 of the West Dorset, Weymouth & Portland Local Plan (2105) and Section 14 of the National Planning Policy Framework (2019).*

*4. The Biodiversity Mitigation & Enhancement Plan submitted in support of the application is considered to be insufficient in terms of appropriate mitigation. In the absence of such information, the Local Planning Authority is not satisfied that the proposal makes suitable mitigation against the harm caused. As such, this is contrary to policy ENV 2 of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 15 of the National Planning Policy Framework (2019).*

*5. The development by reason of the lack of a suitably worded S106 agreement to secure the 35% affordable housing provision on site and financial contribution is considered to be contrary to policy HOUS1 of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 5 of the National Planning Policy Framework (2019).*