



# Western and Southern Area Planning Committee

**Date:** Thursday, 3 October 2019  
**Time:** 2.00 pm  
**Venue:** Committee Rooms A&B,, South Walks House,  
South Walks Road, Dorchester, DT1 1UZ (DT1  
1EE for sat nav)

## **Membership: (Quorum 6)**

Simon Christopher (Chairman), David Gray (Vice-Chairman), Pete Barrow, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, David Shortell, Sarah Williams and Kate Wheller

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**Chief Executive:** Matt Prosser, South Walks House, South Walks Road,  
Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

**For more information about this agenda please contact Denise Hunt 01305 224878 - [denise.hunt@dorsetcouncil.gov.uk](mailto:denise.hunt@dorsetcouncil.gov.uk)**

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Members of the public are welcome to attend this meeting with the exception of any items listed in the exempt part of this agenda. **Please note** that if you attend a committee meeting and are invited to make oral representations your name, together with a summary of your comments will be recorded in the minutes of the meeting. Please refer to the guide to public participation at committee meetings for more information about speaking at meetings.

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# AGENDA

Page No.

## 1 APOLOGIES

To receive any apologies for absence

## 2 DECLARATIONS OF INTEREST

To receive any declarations of interest

## 3 MINUTES

5 - 44

To confirm the minutes of the meeting held on 5 September 2019.

## 4 PUBLIC PARTICIPATION

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the [Guide to Public Speaking at Planning Committee](#).

## 5 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- a WD/D/19/000811 - The Hare and Hounds Inn, Slape Hill, Waytown, Bridport, DT6 5LQ**

45 - 56

Change of use of land for siting of 4 No. shepherds huts and toilet/shower block to use for holiday purposes.

- b WP/19/00528/FUL and WP/19/00529/LBC - Terrace Adjacent to Beach Chalets, Greenhill Garden, Greenhill, Weymouth**

57 - 66

Removal of temporary RNLI facility and alterations to restore building to its former condition.

- c WP/19/00119/FUL - 34 and 35 Easton Square, Portland, DT5 1BU**

67 - 76

Change the use of a building from an A2 (Bank) use to a C3 (dwellinghouse) use comprising one two bed dwelling and one three bed dwelling, construct a single storey rear extension and

wall and alter fenestration. (Retrospective).

- d WD/D/19/001920 - Clipper Teas LTD, Broadwindsor Road, Beaminster, DT8 3PR**

77 - 82

Modification of planning obligations on Section 106 agreement dated 16 January 2017 on planning approval WD/D/16/000654.

## **6 URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.

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## **DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON THURSDAY 5 SEPTEMBER 2019**

**Present:** Cllrs Simon Christopher (Chairman), David Gray (Vice-Chairman), Pete Barrow, Kelvin Clayton, Susan Cocking, Nick Ireland, Louie O'Leary, David Shortell and Sarah Williams

**Apologies:** Cllrs Jean Dunseith and Kate Wheller

**Officers present (for all or part of the meeting):**

Ann Collins (Area Lead – Major Applications Western Team), Philip Crowther (Senior Solicitor - Planning), Colin Graham (Engineer (Development Liaison) Highways), Hamish Laird (Senior Planning Officer), Ian Madgwick (Transport Development Liaison Engineer), Debbie Redding (Development Manager) and Denise Hunt (Senior Democratic Services Officer)

**29. Apologies**

Apologies for absence were received from Cllr Jean Dunseith and Cllr Kate Wheller.

**30. Declarations of Interest**

Cllr Peter Barrow declared that he had predetermined Application No WP/28/00914/FUL - Marchesi House, Poplar Close, Weymouth. He wished to speak for 3 minutes as a public speaker, however, he would not take part in the debate or vote on this application.

Cllr David Gray declared that he had predetermined Application No WP/28/00914/FUL - Marchesi House, Poplar Close, Weymouth. He would not take part in the debate or vote on this application.

Cllr Kelvin Clayton stated that he had not predetermined Application No WD/D/18/002368 - Former Mountjoy School, Flood Lane, Bridport and had not participated in the debate or vote during its consideration by the Bridport Town Council Planning Committee. He would therefore take part in the debate and vote on the application. He further stated that he had been unable to attend the site visit in respect of Application WP/28/00914/FUL - Marchesi House, Poplar Close, Weymouth and confirmed that he was not familiar with the site.

Cllr Susan Cocking stated that she would take part in the debate and vote on Application No WP/19/00162/PIP - Land adjacent to Former Gatehouse, West Way, Southwell Business Park, Portland as she was not previously a member of the Portland Town Council Planning Committee and had not predetermined

the application. She further stated that she had not attended the site visit in respect of Application No WP/28/00914/FUL - Marchesi House, Poplar Close, Weymouth, but as she was familiar with the site, would take part in the debate and vote on this item.

Cllr Louie O'Leary stated that he had not attended the site visit in respect of Application No WP/28/00914/FUL - Marchesi House, Poplar Close, Weymouth, but as he knew the location of the site very well, he would take part in the debate and vote on this item.

Cllr Nick Ireland stated that he had not predetermined Application No WD/D/16/000378 - Land South of Warmwell Road, Crossways and had not been involved in consideration of the previous application. He would therefore take part in the debate and vote on this application.

Cllr Sarah Williams stated that she had not predetermined Application No WD/D/18/002368 - Former Mountjoy School, Flood Lane, Bridport. Although a member of the Bridport Town Council Planning Committee when previous applications for this site had been considered, she had left the room when this particular application was considered. She would therefore take part in the debate and vote on this application.

31. **Minutes**

The minutes of the meeting held on 8 August 2019 were confirmed and signed.

32. **Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

33. **Planning Applications**

Members considered written reports submitted on planning applications as set out below.

34. **WP/18/00914/FUL - Marchesi House, Poplar Close, Weymouth, DT4 9UN**

*Cllr Peter Barrow and Cllr David Gray moved to the public seating area of the room and did not take part in the debate or vote for this application.*

*Cllr Kelvin Clayton did not take part in the debate and abstained during voting on this application.*

The Senior Planning Officer presented the application for the demolition of the existing flats and erection of 18 houses and 13 flats, comprised of 100% affordable housing within the Defined Development Boundary for Weymouth. The scheme would offer a mix of affordable rent and shared ownership that

would assist in meeting the high level of local housing demand. There were presently 1777 people on the Weymouth & Portland housing register and the housing team would have an input into the allocations with regard to a local letting policy. The scheme was considered suitable in terms of highways standards.

Members were shown the proposed site plan, aerial view and a number of artists impressions and photographs detailing the change in level of the site from north to south and the relationship of the site to the surrounding area, in particular, to Southill Primary School. The potential for construction traffic to interfere with the footpath had been recognised as a potential safety issue and could be dealt with via a construction management plan to cover matters such as vehicle movements/timing and wheel washing.

The Development Manager referred to the update sheet containing minor amendments to the wording of the recommendation and condition 5 that had been circulated to the Committee at the meeting.

Beth Chalker addressed the Committee in objection to the application, raising issues in relation to overbearing, density of dwellings per hectare in comparison with other areas of Southill, increase in number of occupants, traffic and noise, impact on road safety and width of the existing footpath. She considered that the application contradicted Adopted Local Plan policy ENV12 in relation to the design and positioning of buildings and asked whether a full impact analysis had been carried out for Southill Primary School.

Jonathan Dixon addressed the Committee in objection to the application, drawing attention to the density of the development and Adopted Local Plan Policy ENV16 in relation to the impact on amenity given the threefold increase in numbers of people living on the site. The deficiency in the allocated parking would see an increase in numbers of vehicles parking in Sycamore Road.

Stephen Hairsine addressed the Committee in support of the application, highlighting inconsistencies and inaccuracies in the local press with regard to the development. He stated that although stress had been caused by the length of time, the residents of Marchesi House were in support of the scheme and many objections had been addressed at the last open day. Ongoing uncertainty was unnecessary and he urged the Committee to approve the application.

Cllr Peter Barrow addressed the Committee as the Dorset Council Ward Member for Radipole. He confirmed that the 200 objections were truthful representations of the community, who did not want to stop the development altogether. The proposal did not comply with Adopted Local Plan Policy ENV16 in relation to neighbourhood amenity or ENV12 with regard to the design and positioning of buildings and was not in keeping with the Southill area which had a distinct character. There would be significant increase in traffic through a restricted access and additional vehicle movements along

Sycamore Road. He requested a permanent access from Radipole Lane and reduction in density of the development.

Cllr Christine James, Weymouth Town Councillor, stated that Weymouth Town Council had voted against this proposal due to the density of the development and impact on amenity. She had previously been informed that a separate access onto the site beyond the temporary access for construction would not be possible and questioned whether this would result in less properties.

Tom Whild, the agent, spoke in support of the application. He said that the current building was dated and had no future. The proposal was for 100% affordable housing and so would be of significant benefit. The scheme had been designed to minimise its impact and make best use of the site.

The Highways Officer, who had been involved in work around safe routes to school, confirmed that the existing access worked well and had a good safety record whereas an access from Radipole Lane could cause further problems. It was likely that residents from the proposed development could avoid peak school run times. The footpath surrounding the development provided good visibility from Sycamore Road into Radipole Lane and, whilst appreciating concerns for children's safety, the application could not be refused on highways grounds.

Members were advised that the density of the site of 77.5 dwellings per hectare was not unique and was reflective of sites that included flats. The National Planning Policy Framework (NPPF) encouraged making the most efficient use of land and this was a self-contained development that established an identity of its own, taking advantage of the opportunity offered by the levels of the site in an area that already had a mix of properties. It was considered that the scheme would not impact on amenity in terms of lack of privacy.

Members considered that this was a large development for the area that would result in a significant increase in the number of people. Some felt that a smaller development would be more appropriate. Comment was also made in relation to layout and location of the flats on the site, the shortfall in parking provision, the availability of free parking at the nearby shopping centre, the provision of cycle storage and access to the local cycle network, and the lack of a bus service. The need for affordable housing and that the existing building was not fit for purpose was also acknowledged.

Proposed by Cllr David Shortell, seconded by Cllr Nick Ireland.

**Decision: That the application be delegated to the Head of Planning to grant planning permission subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure provision and tenure of Affordable Housing in accordance with Planning Policy and subject to the planning conditions (as amended in the update sheet) outlined in the appendix to these minutes.**



35. **WP/19/00162/PIP - Land Adjacent to Former Gatehouse, West Way, Southwell Business Park, Portland**

The Senior Planning Officer introduced the "permission in principle" (PIP) application for up to 8 dwellings on a site forming part of the car parking area serving the Atlantic Academy at Southwell Business Park. The detail would form part of the technical detail consent at a later stage. Although outside the defined development boundary, the site was located next to existing housing which carried significant weight given the shortfall in the council's 5 year housing supply.

Members were shown a site plan, street views and photos of the car park.

The Section 106 Agreement attached to the school/academy planning permission included a car park management plan and travel plan to be put in place. The site of the application had originally been allocated for staff parking, however, alternative arrangements for parking nearer the school buildings meant that this area of the car park was no longer used. An update of the car park management plan could be pursued with the academy and dealt with as a separate matter.

Andy Matthews, Chairman of the Portland Community Partnership, addressed the Committee in relation to aspects that had been overlooked during discussions with Portland Town Council, including the safeguarding of minerals extraction and the Neighbourhood Plan ECON2 to protect and extend the Southwell Business Park that included the car park area that was the subject of the application. He concluded that it would be premature to accept the application on this basis and in light of other brownfield sites that had been identified that could have been taken account of in the 5 year land supply.

Mr Drayton, the agent, spoke in support of the application. He said the proposal was well located next to existing residential development and that the site had not been used by the Academy for parking for some time.

In response to the issues raised during public participation, it was explained that all detailed considerations, including minerals matters would be considered and addressed at the technical details stage and did not preclude a decision being made on the PIP application.

Members were mindful of the need for housing and that this application avoided the use of greenfield sites.

Proposed by Cllr Kelvin Clayton, seconded by Cllr Nick Ireland.

**Decision: That the application be approved subject to the conditions outlined in the annex to these minutes.**

36. **WD/D/18/002368 - Former Mountjoy School, Flood Lane, Bridport, DT6 3QG**

The Senior Planning Officer presented the application for the erection of 38 retirement living apartments with communal facilities, car parking and landscaping on the site of the former Mountjoy School.

A slide of the location plan showed the proposed site plan with access off Flood lane, 28 car parking spaces to the rear of site, proposed 1 and 2 bed apartments and nearby listed buildings. An aerial photo showed the wider area that included Morrisons, Sydney Gale House and Palmer's Brewery. Amendments made during the application process included widening of the landscape buffer.

Updates to the wording of the recommendation and conditions 8 and 10 had been included in an update sheet that was circulated to the committee at the meeting.

Four further representations in support of the application had been received that raised no new reasons other than those that were already included in the report.

The Highways Officer stated that the footway fronting Flood Lane would be widened to 2m, with little traffic on the east of the site where it became narrower. The parking arrangements were compliant with the Adopted Local Plan and evidence provided by the applicants suggested that people living in the 2 bedroom properties would not necessarily have 2 cars. There were good bus routes in the area with links to cycle routes.

Carla Fumgovi, the agent, spoke in support of the application. She said that the scheme had been significantly amended since it was first proposed and would be in keeping with the area. It would provide better accommodation for older people in the context of an aging local population. In addition, a contribution to affordable housing would be made.

Cllr Sarah Carney, Bridport Town Councillor, stated that the Town Council had strongly objected to this application on two previous occasions. She asked the Committee to view the proposal in the context of child poverty, unaffordable rents and a shortfall in key worker housing in the area and that an affordable housing scheme would be more appropriate. The report did not have regard to the climate emergency or the local or neighbourhood plans.

Although some members were disappointed that this was not an affordable housing scheme, the contribution towards affordable housing was seen as beneficial in providing appropriate housing elsewhere in the locality rather than on a site for sheltered accommodation.

Members were also concerned about flooding, particularly in light of the condition in relation to a flood warning and evacuation plan. It was explained that the amended recommendation was subject to the holding objection being withdrawn by the Flood Risk Management Team and that such a condition

was common to ensure there were mitigation measures in place in the event of a flood.

Members questioned the need for retirement homes in the context of the Bridport Area Neighbourhood Plan which had a policy for retirement living based on proven need when there was an abundance of retirement flats in the area, some of which were vacant. However, there was a demonstrable need for affordable and social housing which should be a priority on a council owned site.

The Development Manager advised that ownership of the site could not influence the decision. The affordable housing policy requirement of 35% was to be made as a financial contribution that had been supported by the housing team and there was no reason to refuse the application on this basis from a planning point of view.

Members felt that Adopted Local Plan Policy ENV4 should also be a consideration in respect of listed buildings around the application site which was also in the AONB.

Slides were revisited that showed the relative heights of surrounding buildings including the Palmer's Brewery and Sydney Gale House. The design and layout of the scheme had been amended as a result of comments and Conservation, Landscape and Urban Design Officers considered the proposal to be acceptable.

The AONB was a wider landscape issue, however, as this was a site where there are buildings around it, the proposal was unlikely to be considered harmful in landscape terms.

Proposed by Cllr Louie O'Leary, seconded by Cllr Susan Cocking.

**Decision: That authority be delegated to the Head of Planning to grant planning permission subject to the holding objection being withdrawn by the Flood Risk Management Team and any amendments to surface water drainage conditions requested by the Flood Risk Management Team and the completion of a Legal Agreement under Section 106 of the Town and County Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the following:**

**An affordable housing Contribution of £295,111 index-linked using RPI from the date of this committee report together with conditions and their reasons (as amended in the update sheet) outlined in the appendix to these minutes.**

**37. WD/D/16/000378 - Land South of Warmwell Road, Warmwell Road, Crossways**

The Area Lead – Major Applications Western Team introduced the hybrid application for a full planning application for the erection of 99 open market and affordable dwellings, a new doctor's surgery, replacement village hall, car

park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road; an outline application for 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed Site of Alternative Natural Green Space (SANG) and 2 pumping stations; and a full application for the change of use of 22.4ha of land to the SANG which was situated within 5km of heathland.

Updates to conditions had been circulated to the Committee at the meeting.

The minerals extraction area would be dealt with by a separate application and a separate condition to ensure that extraction took place prior to development.

Members were shown a map of the proposed layout of the full permission that included 99 dwellings, of which 34 affordable housing units had been secured. A total of 1844 people were on the housing register and 42 people on the Crossways register.

Other elements of the full permission including a replacement village hall and new GP surgery were also highlighted. Discussions were ongoing with the Clinical Commissioning Group (CCG) regarding the provision of a new surgery in order to meet future demand in Crossways.

The application had been brought back to the Committee as the applicants wished to change the phasing in relation to the village hall. The GP surgery had also been included in the phasing condition, as well as a condition in relation to the provision of electric charging points for vehicles.

Jan Wardell addressed the Committee on behalf of the Rambler's Association, referring to the DEFRA guidance on rights of way which encouraged applicants and local authorities to address public rights of way at an early stage in the planning process. Unless proposals for new paths were set out in planning documents it was difficult to get a decent path at a later stage which often resulted in footpaths on estate pavements.

Chris Fry, the agent, spoke in support of the application. He stated that there were serious viability issues and therefore the scheme could not carry any further obligations or limiting conditions. He was aware of the process in respect of public footpaths and gave an assurance that the proper negotiations would be entered into going forward to ensure good public links through and into the site that were currently not available.

The Highways Officer stated that although the proposal was to significantly increase the number of dwellings at Crossways, the development was on one side of Warmwell Road which was a 40mph highway and much of the quarry traffic had gone. Highways England had recognised an impact at Max Gate in Dorchester which had a particularly bad accident record and therefore wished to secure funding from this development to deliver highways improvements at that location. Negotiations would take place with Rights of Way officers about how people were able to access the countryside either by rough path or

decent footpath for wider use by the public in accordance with the Equalities Act.

Cllr Nick Ireland spoke as the Dorset Councillor for Crossways, stating that the developer had engaged with residents and the Parish Council and the application in 2016 to expand the village on the opposite side of Warmwell Road had been welcomed. However, the application did not address the aspiration to reduce the speed limit to 30mph due to a fatality in the area or address issues with Silver Lake Road. He also expressed concern regarding the change in phasing of the village hall. The lease for the existing hall was shortly due to expire and may not be renewed. He suggested that the village hall should be built between phases 2 and 3 rather than phase 5 of the development. There was also no guarantee that the GP surgery would be built with no update by the CCG.

The Area Lead – Major Applications Western Team confirmed that the phasing of the village hall had been pushed back due to viability and the financial demands put on the development during the early phases.

Members discussed the obligations, in particular the financial contribution in respect of Poole Harbour and were advised that this contribution recognised the impact of the development on the Poole Harbour catchment area. Appropriate assessment as required under habitat regulations had been supported by Natural England. If no contribution was made then the scheme would fail this assessment and not meet the requirements of the Local Plan to provide effective mitigation.

The Solicitor advised that it was envisaged that the final 100 houses in phase 5 would provide sufficient incentive to enable the developer to build the village hall with the requirement to do so being through the Section 106 Agreement and conditions. The provision of community facilities and need for a village hall and GP surgery were planning policy considerations and the triggers could impact on viability.

The Development Manager stated that officers had recognised that the existing village hall was not of a good standard and a condition specifying that a new village hall was provided before the existing hall was demolished had been included in the conditions which was considered to be a reasonable safeguard. The lease arrangement was not a planning matter.

Cllr Nick Ireland stated that the size of a GP surgery was calculated using a multiplier formula and with the proposed additional homes there was no doubt that the existing surgery would be too small and there were limited opportunities to extend it. He stated that the original application specified that the village hall would be built at the end of phase 1, and that phase 5 was too lenient.

Members asked about public transport in the context of a limited bus service and the Highways Officer explained that this scheme would bring forward improved links to the railway station as outlined in the Local Plan.

Cllr Nick Ireland proposed an amendment to the condition in relation to a change in phasing of the village hall to between phase 2 and 3 (250 houses). This was seconded by Cllr David Gray and supported by the Committee.

**Decision:-**

**That authority be delegated to the Head of Planning to grant planning permission subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Head of Planning to secure the following:**

- 35% of the units as affordable housing with 50/50 tenure split between rented and shared ownership/low-cost affordable housing
- A clause to revisit the viability of the scheme and the affordable housing provision at 100, 200, 300 & 400 units
- Education contribution of £5,444 per dwelling with 2 or more bedrooms, index linked using RPI from the date of this committee report
- Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution of £960,000 and supporting funding provisions of £241 per dwelling (SMM), index linked using RPI from the date of this committee report
- Financial contribution of £149,089 towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour, index linked using RPI from the date of this committee report
- Highway contributions of £560,000 towards off-site highway works to include works to Warmwell Road and a Cycle Route Scheme, index linked using RPI from the date of this committee report,
- Provision of a minimum of three no. Locally Equipped Areas for Play, approval of maintenance and management arrangements and financial contributions towards maintenance of the proposed LEAPs of £58,540 index linked using RPI from the date of this committee report if they are transferred to the Parish Council to manage and maintain

**and subject to the conditions outlined in the appendix to these minutes, including the amended conditions in the update sheet and amendment to Condition 6 in relation to phasing of construction of the village hall.**

**B: Refuse permission for the reasons outlined in the appendix to these minutes if the S106 agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning.**

**38. Duration of Meeting - Time Limit**

A vote to continue the meeting was taken in accordance with Part 2, Paragraph 8.1 of the Council's Constitution as the meeting had been ongoing for a period of 3 hours.

**Decision: That the meeting be extended for a further period to allow the business of the meeting to be concluded.**

**39. WP/19/00445/FUL - Council Offices, North Quay, Weymouth, DT4 8TA**

The Senior Planning Officer introduced the application for the demolition of the former Council Offices at North Quay, Weymouth providing slides of the location plan, car park layout, front elevation of building and photographs of the view of the former Council Offices from the Town Bridge, the existing car park and building, historic buildings to the west and the view to Holy Trinity Church. He stated that removal of the building would open up development opportunities, providing an interim step as well as opening up views of the area.

Key planning matters were outlined including the principle of demolition, heritage, archaeology and highways considerations. No cycle store had been included in the proposal due to the conflict with vehicle movements which was in accordance with policy in relation to car parks. Provision of cycle facilities were available at both ends of the Westham Town Bridge which was near the locality.

Since publication of the agenda, the Environmental Health Officer had confirmed that he was content with the scheme and endorsed the conditions in the report.

Nigel Ewens, Founder and Director of Jurassic Coast Holdings, addressed the Committee, saying that it would be irresponsible and a waste of the council's own resources to demolish the building before a planning application for future development was realised and all other options had been evaluated. He questioned why 6 alternative bids in March 2019 had not been given serious consideration.

Rex Johnson referred to National Planning Policy Framework (NPPF) Section 14 which encouraged the conversion of existing buildings. He highlighted the need for the Council to act responsibly in light of climate change and stated that the proposal had no environmental benefit, would harm the conservation area and demolish an important part of the town's heritage.

Graham Perry, a resident of Weymouth and shop owner, questioned the demolition of a re-usable building at huge economic and environmental cost. He asked the Committee to consider the application in the context of the climate emergency, the area's economic and housing issues and that getting the building back into use should be a priority.

The Senior Planning Officer outlined the relevant planning history and stated that this application should be viewed as the first step to realise redevelopment of the site. The policy background was clear that this was appropriate in the Conservation Area and in the context of Adopted Local Plan Policy Wey7.

Cllr Louie O'Leary stated that the building was old fashioned and would require money to refurbish. It was now dilapidated and not maintained whereas demolition would allow the site to be redeveloped at a later stage.

However, not all members held this view. They questioned the lack of provision of cycle storage when there was provision at Westham Bridge which was also a car park; encouraging further car use; that the declaration of a climate emergency was a material consideration; re-use of the building; provision of affordable housing in light of the social housing crisis and that if approved now the car park could remain in place for a long time. They drew attention to the concerns of Historic England that a car park would not enhance the Conservation Area and that the building should not be demolished until a new scheme for the site was in place.

Members were advised that they needed to consider the proposal before them and not on any alternatives., that consideration should focus on the planning issues and that ownership and finance were not relevant matters for the consideration of this planning application.

Cllr Nick Ireland proposed the introduction of cycle storage and that 50% of the car parking spaces had electric charging points. It was confirmed that a condition could be added for electric charging points, however, the number of charging points may need further detailed consideration. Cllr Nick Ireland later withdrew this proposal following subsequent debate.

Cllr Kelvin Clayton proposed that the application be refused as it was contrary to NPPF paragraph 148 as it did not encourage the reuse of existing resources and conversion of existing buildings. This was seconded by Cllr Nick Ireland.

The Development Manager read aloud the exact wording of NPPF paragraph 148. Legal advice was given that the NPPF was a material consideration but that members would need to reach a conclusion on whether the NPPF outweighed the Adopted West Dorset, Weymouth & Portland Local Plan 2015, recognising the potential tension of policy of redevelopment versus reuse of the building. Members noted this legal advice and considered the NPPF paragraph 148 was applicable and relevant.

**Decision: That the application be refused for the reasons outlined in the appendix to these minutes.**

**Duration of meeting: 2.00 - 5.50 pm**

**Chairman**

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**APPLICATION NUMBER: WP/18/00914/FUL**

**APPLICATION SITE: Marchesi House, Poplar Close, Weymouth, DT4 9UN**

**PROPOSAL: Demolition of existing flats & erection of 18no. Houses & 13no. Flats in two blocks**

**Decision: Delegate Authority to the Head of Planning to grant planning permission subject to:-**

- completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure provision and tenure of Affordable Housing in accordance with Planning Policy;
- and the following planning conditions.

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

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

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

Location Plan & Block Plan - Drawing Number 1730-01A (Amended) received on 21/5/2019

Site Plan - Drawing Number 1730 02D (Amended) received on 21/5/2019

Houses 1 - 3 - Proposed Floor Plans - Drawing Number 1730 03 received on 9/11/2018

Houses 1 - 3 - Proposed Roof Plan - Drawing Number 1730 04 received on 9/11/2018

Houses 1 - 3 - Proposed Front & Side Elevations - Drawing Number 1730 05B (Amended) received on 21/5/2019

Houses 1 - 3 - Proposed Side & Rear Elevations - Drawing Number 1730 06B (Amended) received on 21/5/2019

Houses 4 - 7 - Proposed Floor Plans - Drawing Number 1730 07 received on 9/11/2018

Houses 4 - 7 - Proposed Roof Plan - Drawing Number 1730 08 received on 9/11/2018

Houses 4 - 7 - Proposed Front & Side Elevations - Drawing Number 1730 09B (Amended) received on 21/5/2019

Houses 4 - 7 - Proposed Rear & Side Elevations - Drawing Number 1730 10B (Amended) received on 21/5/2019

Houses 8 - 10 - Proposed Floor Plans - Drawing Number 1730 11 received on 9/11/2018

Houses 8 - 10 - Proposed Roof Plan - Drawing Number 1730 12 received on 9/11/2018

Houses 8 - 10 - Proposed Front & Side Elevations - Drawing Number 1730 13A (Amended) received on 21/5/2019

Houses 8 - 10 - Proposed Rear & Side Elevations - Drawing Number 1730 14B (Amended) received on 21/5/2019

Houses 11 - 14 - Proposed Floor Plans - Drawing Number 1730 15 received on 9/11/2018

Houses 11 - 14 - Proposed Roof Plan - Drawing Number 1730 16 received on 9/11/2018

Houses 11 - 14 - Proposed Front & Side Elevations - Drawing Number 1730 17B (Amended) received on 21/5/2019

Houses 11 - 15 - Proposed Rear & Side Elevations - Drawing Number 1730 18B (Amended) received on 21/5/2019

Houses 15 - 18 - Proposed Floor Plans - Drawing Number 1730 19 received on 9/11/2018

Houses 15 - 18 - Proposed Roof Plan - Drawing Number 1730 20 received on 9/11/2018

Houses 15 - 18 - Proposed Front & Side Elevations - Drawing Number 1730 21A (Amended) received on 21/5/2019

Houses 15 - 18 - Proposed Rear & Side Elevations - Drawing Number 1730 22A (Amended) received on 21/5/2019

Flats (Building 1) - Proposed Ground & First Floor Plan - Drawing Number 1730 23A (Amended) received on 21/5/2019

Flats (Building 1) - Proposed Second Floor Plan & Roof Plan - Drawing Number 1730 24B (Amended) received on 21/5/2019

Flats (Building 1) - Proposed Front & Side Elevations - Drawing Number 1730 25C (Amended) received on 21/5/2019

Flats (Building 1) - Proposed Rear & Side Elevations - Drawing Number 1730 26C (Amended) received on 21/5/2019

Flats (Building 2) - Proposed Lower Ground & Ground Floor Plans - Drawing Number 1730 27B (Amended) received on 21/5/2019

Flats (Building 2) - Proposed First Floor Plan & Roof Plan - Drawing Number 1730 28D (Amended) received on 21/5/2019

Flats (Building 2) - Proposed Front & Side Elevations - Drawing Number 1730 29D (Amended) received on 21/5/2019

Flats (Building 2) - Proposed Rear & Side Elevations - Drawing Number 1730 30C (Amended) received on 21/5/2019

Bin Store - Proposed Floor plans and Elevations - Drawing Number 1730 32A (Amended) received on 21/5/2019

Proposed Street Scene - Drawing Number 1730 33E (Amended) received on 21/5/2019

Proposed Street Scene - Drawing Number 1730 34C (Amended) received on 21/5/2019

Site Plan (Section Lines) - Drawing Number 1730 50 received on 21/5/2019

Site Sections A-A & B-B - Drawing Number 1730 51 received on 21/5/2019

View 1 received on 21/5/2019 View 2 received on 21/5/2019 View 3 received on 21/5/2019 View 4 received on 21/5/2019

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

3. The development hereby permitted shall be undertaken using the building materials listed on the application forms, and approved Drawings referred to in condition 2 of this planning permission.

REASON: To safeguard the character and appearance of the development having regard to its surroundings.

4. The development shall be carried out in accordance with the approved Biodiversity Mitigation Plan prepared by Adam Jessop of Ecosupport Ltd for Ken Parke Planning Ltd dated 24 October 2018, and this shall not be altered without the prior written approval of the Local Planning Authority.

REASON: In order to safeguard and enhance the ecological value of the site.

5. The development hereby approved shall not proceed above finished floor level until hard and soft landscaping and tree planting schemes shall have been submitted to, and approved in writing, by the Local Planning Authority. The approved soft landscaping and tree planting schemes shall be implemented during the planting season November - March inclusive, immediately following commencement of the development, or as may be agreed otherwise in writing by the Local Planning Authority. The approved schemes shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years from their first being planted. The approved hard landscaping shall be completed prior to occupation of the dwellings.

REASON: In the interest of visual amenity.

6. No development above finished floor level of the new build dwellings shall take place until details of the boundary treatments to that property have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be installed in their entirety prior to the first occupation of the dwelling concerned and shall thereafter be retained.

REASON: In the interests of the character and appearance of the area.

7. Prior to the commencement of development, including works related to the demolition of the existing Marchesi House building, a Construction Traffic Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include provision for construction traffic to access the site from Radipole Lane, only. The development shall be carried out in accordance with the approved Construction Management Plan and shall not be altered without the prior written approval of the Local Planning Authority.

REASON: In the interests of the living conditions of nearby occupiers and highway safety.

8. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shall be completed as shown on Drawing Number 1730 02D. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified

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

9. No development shall take place until a detailed and finalised surface water management scheme for the site, based on hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and to protect water quality.

10. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

## **Informatives**

### **National Planning Policy Framework Statement**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

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

In this case:

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

### **S.106 Agreement**

This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated xxxxxxxx

### **INFORMATIVE NOTE: Privately managed estate roads**

As the new road layout does not meet with the County Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

### **INFORMATIVE NOTE: Fire safety**

To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that **Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006** can be fully complied with

**Notes to LPA/Applicant;** as previously highlighted, detailed proposals including finalised calculations will need to be supplied and approved in respect of subsequent submissions and discharge of the requested surface water planning conditions listed above, prior to commencement. Whilst we acknowledge the discussion contained within the above supporting documents with regard to an acceptable discharge rate, relevant design criteria and perceived betterment over the existing drainage arrangements (i.e. 4.2l/s, 100yr plus 40% CC & a 30% betterment) we emphasise that these figures are regarded as preliminary only at this stage and will require further substantiation within the necessary detailed design. Any subsequent alteration or amendment of the preliminary layout should not compromise the agreed conceptual drainage strategy.

Please note that DC/FRM accept no responsibility or liability for any (preliminary) calculations submitted in support of these proposals. We provided an overview of the scheme and compliance with best practise and current guidance only.

**APPLICATION NUMBER: WP/19/00162/PIP**

**APPLICATION SITE: Lane adjacent to former Gatehouse, West Way, Southwell Business Park, Portland**

**PROPOSAL: Erection of up to 8 no. dwellings**

**Decision: Grant Planning Permission subject to the following conditions:-.**

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

REASON: This condition is required to be imposed by the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

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

Location Plan LPC2252 PR01

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

3. The maximum number of residential dwellings permitted by this permission in principle is eight.

REASON: The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 and having regard to the allocation within the SHLAA.

4. Technical detail consent shall be applied for and approved within the three year time limit of this permission in principle consent.

REASON: As directed by the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

**APPLICATION NUMBER: WD/D/18/002368**

**APPLICATION SITE: Former Mountjoy School, Flood Lane, Bridport DT6 3QG**

**PROPOSAL: Erection of 38 retirement living apartments with communal facilities, car parking & landscaping**

**Decision:**

**A) Delegate to the Head of Planning to Grant Planning Permission subject to:-**

- The holding objection being withdrawn by the Flood Risk Management Team and any amendments to surface water drainage conditions requested by the Flood Risk Management Team;
- The completion of a legal agreement under section 106 of the Town and County Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure an affordable housing contribution of £295,111 index-linked using RPI from the date of this committee report;
- And the following conditions:

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

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

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

Location Plan - Drawing Number 01 Rev A received on 10/10/2018

Proposed Mobility Scooter Store - Drawing Number 046 received on 10/10/2018

Proposed Site Plan - Roof Level - Drawing Number SO-2499-03-AC-025 Rev K received on 03/06/2019

Proposed Site Plan - Ground Level - Drawing Number SO-2499-03-AC-026 Rev S received on 03/06/2019

Proposed Ground Floor Plan - Drawing Number SO-2499-03-AC-028 Rev U received on 03/06/2019

Proposed First Floor Plan - Drawing Number SO-2499-03-AC-029 Rev S received on 03/06/2019

Proposed Second Floor Plan - Drawing Number SO-2499-03-AC-030 Rev S received on 03/06/2019

Proposed Elevations 01 (B&W) - Drawing Number SO-2499-02-AC-35 Rev R received on 03/06/2019

Proposed Elevations 02 (B&W) - Drawing Number SO-2499-03-AC-036 Rev P received on 03/06/2019

Proposed Elevations 01 - Drawing Number SO-2499-02-AC-37 Rev D received on 03/06/2019

Proposed Elevations 02 - Drawing Number SO-2499-03-AC-038 Rev D received on 03/06/2019

Proposed Elevations 01 (Colour) - Drawing Number SO-2499-03-AC-41 Rev B received on 03/06/2019

Proposed Elevations 02 (Colour) - Drawing Number SO-2499-03-AC-042 Rev B received on 03/06/2019

Proposed Street Elevations - Drawing Number SO-2499-03-AC-045 Rev B received on 03/06/2019

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

3) The development hereby permitted shall be occupied only by persons 60 years of age and over.

Reason: To ensure there is sufficient parking provision

4) The development hereby approved shall be carried out in accordance with the external facing materials on the Materials Schedule titled Proposed External Materials, drawing number SO-2499-03-AC-051-B. Thereafter, the development shall proceed in strict accordance with such materials as have been agreed.

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

5) Notwithstanding the approved plans no development above Damp Proof Course (DPC) level shall be commenced until a landscaping and tree planting scheme have been submitted to, and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented during the planting season November-March inclusive, immediately following commencement of the development. The scheme shall include tree and plant names, numbers, sizes and provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

REASON: In the interest of visual amenity.

6) Before the development is occupied the Footway improvement to Flood Lane the new access road, geometric highway layout, parking and turning areas shown on Drawing Number 061 Rev A must be constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified

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

7) 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 documenting the ground conditions of the site, a 'conceptual model' of all potential pollutant linkages, detailing the identified sources, pathways and receptors and basis of risk assessment.
3. a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.



Before the development hereby permitted first comes into use or is occupied, a Verification/Validation report to demonstrate that remediation works have been incorporated in the development in compliance with the agreed requirements shall be submitted and agreed in writing by the Local Planning Authority.

REASON: To ensure potential land contamination is addressed.

8) In the event that previously unidentified 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 by the Local Planning Authority. . The approved works shall be carried out in accordance with the approved timescales and 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.

9) The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (Calcinotto, Rev. 3, dated 27 September 2018) and the following mitigation measures detailed therein:-

- 1 Provision of compensatory flood storage (Appendix E of Flood Risk Assessment).
- 2 finished floor levels set no lower than 5.6 metres above Ordnance Datum (AOD).

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants

10) Before the development hereby approved is occupied or utilised a Flood Warning and Evacuation Plan shall be submitted and agreed in writing by the Local Planning Authority. The approved Flood Warning and Evacuation Plan must be displayed in locations on the site agreed in writing by the Local Planning Authority before any part of the development hereby permitted is occupied or is brought into use. Thereafter, the Flood Warning and Evacuation Plan must be permanently displayed in the agreed locations.

REASON: To minimise the impact of future occupiers to the risk of flooding.

11) Prior to first occupation of the development a Noise Report of BS4142 or equivalent on the cumulative impact of any fixed plant at the proposed development against the background levels when in operation shall be submitted to and agreed in writing by the Local Planning Authority. The report shall also address any need for mitigation should the background levels be exceeded and if mitigation is required the mitigation measures will be carried out in accordance with the report prior to first occupation of the development. Thereafter the development should be carried out and maintained in accordance with the agreed report.

REASON: In the interests of residential amenity.

12) No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

REASON: To prevent the increased risk of flooding.

13) No development shall take place until details of maintenance & management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON: To ensure future maintenance of the surface water drainage system and to prevent the increased risk of flooding.

14) The development shall not be commenced until a foul water drainage strategy is submitted and agreed in writing by the Local Planning Authority. The scheme shall include appropriate arrangements for the agreed points of connection. The drainage scheme shall be completed in accordance with the approved details prior to first occupation of the development.

REASON: To ensure that proper provision is made for sewage of the site.

15) The development hereby approved shall be carried out and maintained in accordance with the approved Biodiversity Mitigation Plan signed by John Broomfield and dated 14/08/2018 and agreed by Natural Environment Team on 17/08/2018, unless a subsequent variation is agreed in writing with the Council.

REASON: In the interests of biodiversity mitigation and enhancement.

16) Prior to the commencement of the development, a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities), and details of working hours. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety and neighbouring amenity.

## Informatives

### Highways:

The applicant is advised that the works required to construct the footway improvement in Flood Lane must be completed under a suitable agreement and form part of the Public Highway in order to pursue this the applicant should contact Dorset County Council's Development Team. They can be reached by telephone at 01305 225401, by email at [DLI@dorsetcouncil.gov.uk](mailto:DLI@dorsetcouncil.gov.uk) or in writing at Highway Development Team, Environment and the Economy, County Hall, Colliton Park, Dorchester DT1 1XJ.

### Land Contamination:

Based on information reviewed to date AND providing that the Consultant provides further information regarding an above ground tank indicated at the site in the initial CSM, the Phase 1 Desk Study Report could be considered to comply with Part (a) of the recommended contaminated land planning condition.

For the site investigation works, WPA recommends that a detailed investigation strategy is submitted to the LPA prior to undertaking the intrusive site works, in

order to avoid disagreements over methodology at a later stage. WPA stresses that all site investigation works should comply with current guidance including BS 5930:2015BS, 10175:2011+A2:2017 and BS 8576:2013, BS 8485:2015 and CIRIA C665 for ground gas. Flood

### Flood Risk:

In view of the potential flood risks in this locality, we would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation.

Guidance is available within the Department for Communities and Local Government publication 'Improving the Flood Performance of New Buildings – Flood Resilient Construction, May 2007' available at:-

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced. Water efficiency measures should be incorporated into this scheme. This conserves water for the natural environment and allows cost savings for future occupants. The development should include water efficient systems and fittings such as: dual-flush toilets; water-saving taps; water butts; showers and baths. Greywater recycling and rainwater harvesting should also be considered.

In accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

Foul Drainage:

The developer must agree a scheme of protection works with the Wessex Water Regional Development engineer for construction in close proximity of the rising main. The rising main and easement width must be clearly marked on site and on construction plans.

**B) Refuse permission for the reasons set out below if the agreement is not completed by six months from the date of committee or such extended time as agreed by the head of planning**

1) The development by reason of the lack of a suitably worded S106 agreement to secure the 35% affordable housing provision as a 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).

**APPLICATION NUMBER: WD/D/16/00378**

**APPLICATION SITE: Land south of Warmwell Road, Warmwell Road, Crossways**

**PROPOSAL:** Full planning permission for the erection of 99 open market dwellings & affordable dwellings, a new doctors surgery, a replacement village hall, a car park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road. An outline application for the erection of 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed Site of Alternative Natural Greenspace (SANG) and 2 pumping stations; and a full application for the change of use of 22.4ha of land to Site of Alternative Natural Greenspace (SANG).

**Decision: A: Delegate authority to the Head of Planning to grant planning permission subject to planning conditions as detailed below and the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Head of Planning to secure the following:**

- 35% of the units as affordable housing with 50/50 tenure split between rented and shared ownership/low-cost affordable housing
- A clause to revisit the viability of the scheme and the affordable housing provision at 100, 200, 300 & 400 units
- Education contribution of £5,444 per dwelling with 2 or more bedrooms, index linked using RPI from the date of this committee report
- Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution of £960,000 and supporting funding provisions of £241 per dwelling (SANG), index linked using RPI from the date of this committee report
- Financial contribution of £149,089 towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour, index linked using RPI from the date of this committee report
- Highway contributions of £560,000 towards off-site highway works to include works to Warmwell Road and a Cycle Route Scheme, index linked using RPI from the date of this committee report,
- Provision of a minimum of three no. Locally Equipped Areas for Play, approval of maintenance and management arrangements and financial contributions towards maintenance of the proposed LEAPs of £58,540 index linked using RPI from the date of this committee report if they are transferred to the Parish Council to manage and maintain

**Planning Conditions:**

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

Location Plan - Drawing Number 1677 P 01 received on 12/02/2016 Terrace - Type D - Proposed Floor Plans & Roof Plan - Drawing Number P-D-01 received on 12/02/2016

Terrace - Type D - Proposed Elevations - Drawing Number P-D-02 received on 12/02/2016

Mews - Type F - Proposed Floor Plans & Roof Plan - Drawing Number P- F-01 received on 12/02/2016

Mews - Type F - Proposed Elevations - Drawing Number P-F-02 received on 12/02/2016

Townhouse G - Type G - Proposed Floor Plans & Roof Plan - Drawing Number P- G-01 received on 12/02/2016

Townhouse G - Type G - Proposed Elevations - Drawing Number P-G-02 received on 12/02/2016

Manor - Type I - Proposed Floor Plans - Drawing Number P-I-01 received on 12/02/2016

Manor - Type I - Proposed Roof Plan - Drawing Number P-I-02 received on 12/02/2016

Manor - Type I - Proposed Elevations - Drawing Number P-I-03 received on 12/02/2016

Townhouse K - Type K Proposed Floor Plans & Roof Plan - Drawing Number P-K- 01 received on 12/02/2016

Townhouse K - Type K - Proposed Elevations - Drawing Number P-K-02 received on 12/02/2016

Single Garage - Floor plans and Elevations - Drawing Number P-GAR-01 received on 12/02/2016

Double Garage - Floor plans and Elevations - Drawing Number P-GAR-02 received on 12/02/2016

Refuse & Cycle Store - Floor Plans & Elevations - Drawing Number 1677 P-REF-01 received on 12/02/2016

Garden Store - Floor plans and Elevations - Drawing Number 1677 P- SHE-01 received on 12/02/2016

Surgery - Proposed Elevations - Drawing Number 1677 P SU 03 received on 12/02/2016

Surgery - Perspective - Drawing Number 1677 P SU 05 received on 12/02/2016

Village Hall - Floor Plan - Drawing Number 1677 P VH 01 received on 12/02/2016

Village Hall - West Elevation - Drawing Number 1677 P VH 02 received on 12/02/2016

Village Hall - East Elevation - Drawing Number 1677 P VH 03 received on 12/02/2016

Village Hall - North & South Elevations - Drawing Number 1677 P VH 04 received on 12/02/2016

Proposed Roof Plan - Drawing Number 1677 P VH 05 received on 12/02/2016

Surgery - Proposed Elevations - Drawing Number 1677 P SU 04 Rev. A received on 18/09/2016

Site plan: Drwg. No. 1677 P 02 REV E (Amended) received on 18/09/2016 Block plan: Sheet 2 of 5 Drwg. No. 1677 P 03-2 REV A (AMENDED) received on 18/09/2016

Block plan: Sheet 1 of 5 Drwg. No. 1677 P 03-1 REV A (AMENDED) received on 18/09/2016

Block plan: Sheet 3 of 5 Drwg. No. 1677 P 03-3 REV B (AMENDED) received on 18/09/2016

Block plan: Sheet 4 of 5 Drwg. No. 1677 P 03-4 REV A (AMENDED) received on 18/09/2016

Block plan: Sheet 5 of 5 Drwg. No. 1677 P 03-5 REV A (AMENDED) received on 18/09/2016

Materials Sheet 2 - Drawing Number 1677 P10-2 Rev. A (AMENDED) received on 18/09/2016

Materials Sheet 1 - Drawing Number 1677 P10-1 Rev. A (AMENDED) received on 18/09/2016

Proposed Streetscene A-A - Drawing Number 1677/P07 REV A (AMENDED) received on 18/09/2016

Proposed Streetscene B-B - Drawing Number 1677/P08 REV A (AMENDED) received on 18/09/2016

Cottage - Drwg. No. P-P-02 TYPE P ELEVATIONS received on 18/09/2016

Cottage - Floor Plans Drawing Number P-P-01 TYPE P PLANS received on 18/09/2016

Dovecote Elevations - Drawing Number P-N-02 TYPE N received on 18/09/2016

Dovecote Floor Plan - Drawing Number P-N-01 TYPE N received on 18/09/2016

Lodge Elevations - Drawing Number P-M-02 TYPE M received on 18/09/2016

Lodge Floor Plan - Drawing Number P-M-01 TYPE M received on 18/09/2016

Grange - Elevations: Drawing Number P-J-02 REV A TYPE J (AMENDED) received on 18/09/2016

Grange - Floor Plan: Drawing Number P-J-01 REV A TYPE J (AMENDED) received on 18/09/2016

Townhouse H - Elevations: Drawing Number P-H-02 REV A TYPE H (AMENDED) received on 18/09/2016

Townhouse H - Floor Plan: Drawing Number P-H-01 REV A TYPE H (AMENDED) received on 18/09/2016

Townhouse G (Gable Front) - Elevations: Drawing Number P-G-04 REV A TYPE G (AMENDED) received on 18/09/2016

Townhouse G (Gable Front) - Floor Plan: Drawing Number P-G-03 REV A TYPE G (AMENDED) received on 18/09/2016

Farmhouse - Elevations: Drawing Number P-E-02 REV B TYPE E (AMENDED) received on 18/09/2016

Farmhouse - Floor Plan: Drawing Number P-E-01 REV B TYPE E (AMENDED) received on 18/09/2016

Wide Front - Elevations: Drawing Number P-C-02 REV A TYPE C (AMENDED) received on 18/09/2016

Wide Front - Floor Plan: Drawing Number P-C-01 REV A TYPE C (AMENDED) received on 18/09/2016

Townhouse B - Elevations: Drawing Number P-B-02 REV B TYPE B (AMENDED) received on 18/09/2016

Townhouse B - Floor Plan: Drawing Number P-B-01 REV C TYPE B (AMENDED) received on 18/09/2016

Apartment - Elevations (front & side): Drawing Number P-A-05 REV A TYPE A (AMENDED) received on 18/09/2016

Apartment - Elevations (rear & side): Drawing Number P-A-06 REV A TYPE A (AMENDED) received on 18/09/2016

Apartment - Roof Plan: Drawing Number P-A-04 REV A TYPE A (AMENDED) received on 18/09/2016

Apartment - Ground Floor Plan: Drawing Number P-A-01 REV A APARTMENTS PLOTS 2-7 (AMENDED) received on 18/09/2016

Apartment - 1st Floor Plan: Drawing Number P-A-02 REV A APARTMENTS PLOTS 2-7 (AMENDED) received on 18/09/2016

Apartment - 2nd Floor Plan: Drawing Number P-A-03 REV A APARTMENTS PLOTS 2-7 (AMENDED) received on 18/09/2016

Landscaping scheme - Drawing Number: TD742\_05 PLANTING PLANNING SHEET 1 (AMENDED) received on 18/09/2016

Landscaping scheme - Drawing Number: TD742\_06 PLANTING PLAN SHEET 2 (AMENDED) received on 18/09/2016

Landscaping scheme - Drawing Number: TD742\_07 PLANTING PLAN SHEET 3 (AMENDED) received on 18/09/2016

Landscaping scheme - Drawing Number: TD742\_08 PLANTING PLAN SHEET 4 (AMENDED) received on 18/09/2016

Landscaping scheme - Drawing Number: TD742\_04B WARMWELL RD PLANTING PLAN SHEET 2 (AMENDED) received on 18/09/2016

Surgery - Ground Floor plans: Drawing Number 1677 P SU 01 REV A (AMENDED) received on 18/09/2016

Surgery - 1st Floor & Roof Plan: Drawing Number 1677 P SU 02 REV A (AMENDED) received on 18/09/2016

Affordable Housing Plan - Drawing Number 1677 P 09 Rev. D received on 07/08/2017

Village Hall and Doctors Surgery Materials - Drawing Number 1677 P11 received on 19/10/2017

Proposed Streetscene B-B Drwg no. 1677/P08 Rev A received on 16/09/2016

Refuse & Cycle Store - Floor Plan and Elevations Drwg no. 1677 P-REF- 01 received on 20/08/2019

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

## **Outline Consent**

2. Approval of the details of the access, layout, scale and appearance of the development and the landscaping of the site (hereinafter called the Reserved Matters) for the remainder of the site outside of the full permission granted for Phase1 of this hybrid permission shall be obtained from the Local Planning Authority in writing before any development is commenced on these other phases of the development.

REASON: To ensure the satisfactory development of the site.



3. Application for approval of any “reserved matter” under Condition 2 must be made not later than the expiration of ten years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved

REASON: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

5. Not more than 401 dwellings in total shall be constructed under this outline permission.

REASON: The assessment of the impacts of the scheme are based on a maximum of 500 dwellings across the whole site and additional dwellings would require further assessments of impacts to heathland SSSIs.

## **Phasing**

6. Prior to the commencement of the development a Phasing Plan for the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for:

- a) Extraction of the mineral interest in accordance with a scheme to be first approved in writing by the Local Planning Authority from the area outlined in red on the Site Location Plan Drwg no. 1701 P01 Rev A prior to the commencement of any development the subject of this outline planning permission within that same area.
- b) Delivery of the Village Green as part of Phase 1. No further dwellings in later phases to be constructed until it is complete.
- c) Delivery of serviced employment land as part of the development of the adjacent residential phase.
- d) Provision of allotments as part of the development of the adjacent residential phase.
- e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase.
- f) The proposed village hall and adjacent parking spaces being constructed and ready for first use prior to the demolition of the existing village hall or the occupation of the 250<sup>th</sup> dwelling, whichever is soonest, and the submission of a scheme for the interim landscaping of the proposed village hall site until such time as the village hall is constructed. The interim landscaping scheme for the village hall site is to include details of the planting and its maintenance and shall be implemented and completed in full as part of Phase 1 and shall be maintained and retained thereafter until such time as the village hall is constructed on the site.

- g) Provision of the doctor's surgery.

Thereafter the development shall be carried out in accordance with the phasing plan and any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority.

REASON: In the interests of achieving the objectives of the Local Plan and the site specific policy.

## **Highways**

7. The highway improvements to the Warmwell Road on the site frontage shall be constructed substantially in accordance with the submitted details shown on the application drawings before the development is first occupied.

REASON: In the interests of road safety.

8. The Phase 1 full application hereby permitted shall not be occupied or utilised until the access, geometric highway layout, parking and turning areas shown on the application drawings have been constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

REASON: In the interests of road safety.

9. No more than 100 residential units (to include 35% affordable housing) shall be occupied until the A35 Max Gate junction arrangement, as shown in the WYG Transport drawing "SK09" dated 21 October 2015 is completed and open to traffic, unless any variation in the design of the proposals is otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the safe and efficient operation of the Strategic Road Network (A35).

10. No development shall be commenced until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include construction vehicle movements, operation hours, vehicular routes to and from the site, delivery hours, expected number of vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Practice and a scheme to encourage the use of public transport amongst contractors. The plan shall include contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The plan shall also include a scheme of signing of the heavy vehicle route to the site agreed with advice/warning signs at appropriate points.

The CTMP shall thereafter be implemented in accordance with the approved details upon the commencement of the construction phase of the development and be adhered to for the complete duration of the construction programme, unless a variation to the CTMP is otherwise first agreed in writing by the Local Planning Authority.

REASON: To ensure the safety of traffic on the Strategic Road Network.

### **Travel Plans**

11. Before the development hereby approved is first occupied or utilised the Travel Plan and Strategy included in the submissions shall be implemented and operational.

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.

12. Prior to the submission of any reserved matters under Condition 2 above for the approved employment allocation, a Travel Plan suitable to deal with the travel impacts of the whole 2.5ha employment allocation shall be submitted to and approved in writing by the Local Planning Authority. The employment Travel Plan shall be implemented in accordance with its agreed details prior to the first occupation of any approved employment building on the site.

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.

### **Drainage**

13. No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

REASON: To prevent increased risk of flooding and to improve and protect water quality.

14. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON: To ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding.

### **Foul Water**

15. The development shall not be commenced until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing. The drainage scheme shall thereafter be completed in accordance with the approved details and to a timetable to be agreed in writing with the local planning authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

### **Contaminated Land**

16. Prior to the commencement of development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation, risk assessment and scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

- (a) A survey of the extent, scale and nature of contamination;
- (b) An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (c) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development.

17. Before commencement of development, should a remediation scheme be required based on the outcomes of the investigation and risk assessment required by condition no. 17 and the written response of the local planning authority as to whether a remediation scheme is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, shall be submitted and be subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development.

18. Any approved remediation scheme agreed by the Local Planning Authority as a result of condition no. 18 must be carried out in accordance with its terms, or such other terms which have first been agreed in writing by the Local Planning Authority, prior to the commencement of development other than that required to carry out remediation, unless a remediation phasing scheme is first agreed in writing by the Local Planning Authority, in which case the remediation shall be carried out in accordance with such scheme as has been agreed. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: In the interest of ensuring there is no unacceptable risk to occupiers of the development.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development.

## **Employment Allocation**

20. The development shall provide a minimum of 2.5 hectares of employment land. No dwelling adjoining the eastern boundary of the residential development, adjacent to the proposed employment access road within the Character Areas 4, 5 & 6 as set out on page 48 of the submitted Design & Access Statement, shall be occupied before the employment allocation has been provided as serviced employment land in accordance with the phasing scheme submitted under condition 6 above.

REASON: In the interests of securing the economic benefits of this Key Employment Site allocation in the Local Plan.

21. Buildings constructed within the employment allocation hereby approved shall not exceed a total floorspace of 13,000 square metres (measured externally).

REASON: In the interests of the impacts of the traffic generated by that level of employment development on the strategic highway network.

## **Biodiversity**

22. Prior to the commencement of the development of each phase agreed by condition no. 6, a Biodiversity Mitigation Plan (BMP) for that phase based on up-to-date ecological survey work which is not more than 2 years old at the time of the submission of the BMP shall be submitted to and approved in writing by the Local Planning Authority. Each Biodiversity Mitigation Plan will include details of the review process to be implemented at the time of commencement of development if the survey work on which the BMP is based is more than 2 years old. The development shall thereafter be carried out in accordance with the approved details unless any subsequent variation is agreed in writing by the Local Planning Authority.

REASON: In order to protect the landscape qualities of the area and to safeguard and enhance the ecological value of the site.

## **Scheduled Ancient Monument**

23. The submission of details of reserved matters under Condition 2 shall make provision for a minimum 5m buffer around the identified remains of the Bowley's Plantation enclosure as set out on page 10 of the submitted Settings Assessment by Context One received on 16<sup>th</sup> October 2017.

REASON: In the interests of the setting of the Scheduled Ancient Monument.

## **Broadband**

24. No development above damp proof course of any building hereby approved shall take place until a scheme for facilitating infrastructure to support superfast broadband technology to serve the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a timetable for implementation, including triggers for a phased implementation if appropriate. Thereafter, the development shall proceed in accordance with the agreed scheme.

REASON: To ensure that the utilities service infrastructure is sufficient to meet the extra demands imposed by this development.

## **Phase 1 Detailed Consent**

25. The village hall hereby approved shall be laid out with a full-size badminton court in the main hall as shown on Drwg No. 1677 P VH 01 prior to the Village Hall first being brought into use.

REASON: In the interests of sports provision.

26. The Phase 1 full permission shall be carried out in accordance with the materials details in the approved Drwg No's 1677 P10-1 Rev A, 1677 P10- 2 Rev A & 1677 P11. No development above damp proof course level of any dwelling approved under the Phase 1 full permission shall take place before samples of the materials to be used on that building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area.

27. The development shall be carried out in accordance with the boundary treatments set out in the approved plans Drwg. No's 1677 P 03-1 to 5 Rev A. The boundary treatments to each individual building shall be completed in their entirety prior to the first occupation of the building concerned. The boundary treatments shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area.

28. The development of the Phase 1 full permission shall be carried out in accordance with the landscaping details set out in the approved plans Drwg. No's TD742\_04B & TD742\_05 – 08. The landscaping shall be carried out in accordance with the soft landscape works specification set out on the approved plan Drwg. No. TD472\_08. No development above damp proof course level shall be carried out until a timetable for the implementation of the landscaping has been submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping shall be carried out in accordance with the approved timetable. Any trees or plants which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall thereafter be retained.

REASON: In the interests of the character and appearance of the location.

29. The development shall be carried out wholly in accordance with the Aboricultural Assessment & Method Statement by Barrell Tree Consultancy dated January 2016. The agreed tree protection measures shall be retained during the course of the development and there shall be no variation to the agreed protection measures without the prior written agreement of the Local Planning Authority.

REASON: To protect preserved trees within and adjoining the site during construction in the interests of preserving the character of the area.

### **Sustainable Transport Options**

30. No development above damp proof course of any dwelling in the phase 1 full application area shall be carried out until a scheme showing how the charging of plug-in and other ultra-low emission vehicles is to be provided in safe, accessible and convenient locations has been submitted to and approved in writing by the Local Planning Authority. Furthermore as part of any reserved matters application relating to design, details shall be provided to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority.

REASON: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

### **Informative Notes**

Informative Note: The development of the later phases of the outline permission shall substantially accord with the layout and details of the Illustrative Masterplan Drwg no. 1677/P04 Rev C.

Informative Note: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 and those works under Section 278 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorset.gov.uk](mailto:dli@dorset.gov.uk), or in writing at Development Team, Dorset Highways, County Hall, Dorchester, DT1 1XJ.

Informative Note: If the applicant wishes to offer for adoption any highways drainage to Dorset Council, they should contact the Highway's Development team at [dli@dorset.gov.uk](mailto:dli@dorset.gov.uk) as soon as possible to ensure that any highways drainage proposal meets the Council's design requirements.



Informative Note: Prior Land Drainage Consent (LDC) may be required from Dorset Council's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with S23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team.

Informative Note: The applicant intends to rely heavily on infiltration. They will therefore need to demonstrate, through further post extraction ground investigation, that soakaways remain feasible. Given the proposed use of soakaways across the site, it is important that soakaway tests and ground water readings are representative of all the areas expected to support infiltration. The Council's FRM team as relevant LLFA will be unable to discharge the relevant condition above without detailed information concerning ground conditions that substantiate the use of drainage through infiltration. Should the site, after mineral extraction, be found not to support infiltration, then the applicant will need to propose alternate and detailed designs for capturing and attenuating surface water.

Informative Note: The highway proposals for the A35(T) associated with this consent involve works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact the Asset Manager, Steve Hellier (Tel: 0300 470 4383) at an early stage to discuss the details of the highways agreement. The applicant should be aware that an early approach to Highways England is advisable to agree the detailed arrangements for financing the design and construction of the scheme. Commencement of works will also need to be timed to fit in with other road works on the strategic road network or local road network to ensure there are no unacceptable impacts on congestion and road safety. Please be advised that Highways England will charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period.

Informative Note: At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided for Environmental Health in order for contact to be made should complaints be received. The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site. Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc. made in as part of the determination of this application. Letter drops to adjacent residents in close proximity should be considered as part of the construction phase to give a minimum of 48 hours notice of any exceptional activities proposed. Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste

arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Health must be informed if this occurs.

Informative Note: The applicant's attention is drawn to the response of the Council's Rights of Way officer and the need to secure diversions for the existing rights of way.

**Recommendation B: Refuse permission for the reasons set out below if the S106 agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning.**

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of 35% of the units as affordable housing. In the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the adopted Local Plan.

2. Policy COM1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 sets out that where new development will generate the need for new or improved community infrastructure and this need is not being met through the Community Infrastructure Levy, suitable provision should be made on site. Policy CRS1 of the Local Plan sets out the expected infrastructure for this site and its development. In the absence of a planning obligation to secure the required community infrastructure the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development and to avoid and mitigate for the adverse effects upon internationally designated heathlands and additional nutrient loading upon the Poole Harbour internationally designated sites. It would namely fail to provide for:

Education;

Recreation spaces in the form of Sites of Alternative Natural Greenspace and the supporting maintenance and funding mechanisms required for the future;

Mitigation of the impacts upon the Poole Harbour internationally designated sites;

Highway improvements; Children's play provision.

In the absence of a planning obligation the proposals therefore fail to meet the provisions of Policies COM1, CRS1, INT1, ENV2 and COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019).

**APPLICATION NUMBER: WP/19/00445/FUL**

**APPLICATION SITE: Council Offices, North quay, Weymouth DT4 8TA**

**PROPOSAL: Demolition of existing building and provision of car park.**

**Decision: Refuse permission for the following reason:-**

The demolition as proposed is unacceptable as it does not encourage the reuse of existing resources, including the conversion of existing buildings; and as such is contrary to para. 148 of the National Planning Policy Framework 2019.

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1.0

[WD/D/19/000811](#)

**THE HARE AND HOUNDS INN, SLAPE HILL, WAYTOWN,  
BRIDPORT, DT6 5LQ**

**Change of use of land for siting of 4 No. shepherds huts and toilet/shower block  
to use for holiday purposes**

**Applicant name** - JC & RH Palmer Ltd

**Case Officer** - Lindsay Fello

**Ward Member** - Cllr A Alford

This application is brought to committee at the request of the Nominated Officer in accordance with section 134 of the Officer Scheme of Delegation, following representation received from the Parish Council contrary to the officer recommendation and consultation with the Chair, Vice Chair and Ward member.

2.0

**Summary of Recommendation:** Grant subject to conditions

3.0

**Reason for the recommendation:**

- It is considered that the proposal would be in keeping with the rural character of the area and is acceptably located in relation to existing facilities.
- There is not considered to be significant adverse effect to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

4.0

**Table of key planning issues**

Issue	Conclusion
Principle of development	Acceptable subject to condition to be for holiday use only
Impact on Area of Outstanding Natural Beauty	Acceptable subject to conditions regarding number of huts, siting, landscaping and tree planting
Design	Acceptable subject to conditions regarding materials and colour
Neighbouring amenity	Acceptable taking account of existing use as pub garden
Access and Parking	Acceptable provision of additional parking and no change to existing access

## **5.0 Description of Site**

5.1 The application site is a rural Public House with a large carpark and garden, on the East side of Slape Hill. The Pub and Garden is listed as an Asset of Community Value. There are a cluster of residential properties around the site. The site is within the Dorset Area of Outstanding Natural beauty and outside the development boundary.

5.2 The boundary treatment to the south of the site between Columba Cottage and the site is currently made up of a fence and trees, there is also a hedge to the west of the site that is adjacent to the road. The boundary treatment to the east is more open with a low hedge and views of the AONB. The ground slopes away to the east.

5.3 The Pub is at the north of the site with the Car park directly to the south. There is currently pub garden to the east and south of the car park. The garden to the east has table and chairs but the majority of the southern garden is left as open space.

## **6.0 Description of Development**

6.1 The proposal seeks to change the use of the land for the siting of a maximum of 4 shepherds' huts within the pub garden and to site a toilet/shower block along with additional car parking.

6.2 The huts would be arranged in a row with random orientations along the eastern boundary of the southern area of pub garden. The huts would be typical in appearance for such structures. An indicative plans was submitted which show a hut of approx. 6 metres in length, 2.5 metres in width and 3.6 metres in height. The suggested materials are timber cladding for the walls and mineral felt for the roof.

6.3 The shower/toilet block is proposed to be sited on the Southern boundary close to a high hedge/trees with a close boarded fence. The block is proposed to be approx. 7m in length, 3.5m in width and 3m in height. The suggested materials are timber cladding for the walls and profiled sheet steel for the roof.

6.4 Additional parking is proposed to the south of the existing car park, with the proposed surfacing being gravel.

6.5 The applicant is also proposing some landscaping with the scheme, including the maintenance and laying of hedges and trees to the east boundary and the reinforcement and raising of the hedge to the west.

## **7.0 Relevant Planning History**

7.1 WD/D/17/003026 - Change of use of land for the siting of Shepherds Huts & toilet/shower block - to be used for holiday purposes – Withdrawn.

## 8.0 List of Constraints

8.1 Area of Outstanding Natural Beauty : *(statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)*

8.2 Outside the Defined Development Boundary

8.3 Landscape Character Area – Brit Valley

## 9.0 Consultations

9.1 **Natural England:** Apply Standing Advice

9.2 **Council Highways Officer:** No Highway Objections

9.3 **Council's Tree and Landscape Officer:** Proposed change of use would not have a substantial adverse impact upon character and quality of the AONB. Given careful landscape treatment, any adverse impact could be adequately mitigated.

9.4 **Council's Technical service Officer:** No objections. Soakaway is acceptable providing the ground conditions are suitable.

9.5 **Netherbury Parish Council**  
SUPPORT (received 03/04/2019) then comment was updated to  
OBJECTION (received 07/05/2019).

Negative impact on AONB. Shower block very utilitarian and not in keeping with rural surroundings. The planning application is likely to jeopardise the future viability of the public house rather than assist viability.

## 9.6 Representations

9.6.1 31 letters were received all in objection of the proposal due to the following reasons;

- Extensive loss of amenity space
- Gentrified caravan site
- Would harm the asset of community value
- Damage viability not help
- Parking

- Negative impact on appearance, character of the countryside and AONB.
- Increase in traffic
- Undue pressure on sewage system and septic tank
- Impact on existing holiday businesses, there is already plenty
- Site plan does not show exact measurements, therefore misrepresentation
- Doesn't comply with ECON7
- Site is too small for the proposed development
- Light pollution
- Plans don't show footpaths
- How will the huts be managed, is it open all year round
- If South West access is used for vehicular it would be dangerous
- No mention of how waste and recycling will be disposed of
- Effect character of the neighbourhood
- Unrealistic that the pub customers would carry on using the garden around the shepherds huts.
- View from pub garden will be ruined by the huts.
- No guarantee that the tourist would use the pub facilities as self-catered accommodation.
- Changes compared to previously withdrawn application minimal.

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

## 10.0 Relevant Policies

### 10.1 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
- ENV10. The Landscape and Townscape Setting
- ENV12. The Design and Positioning Of Buildings
- ENV16. Amenity
- SUS2. Distribution of Development
- ECON6. Built Tourist Accommodation
- ECON7. Caravan and Camping Sites
- COM2. New or Improved Local Community Buildings and Structures
- COM7. Creating a Safe and Efficient Transport Network
- COM9. Parking Standards in New Development

### 10.2 National Planning Policy Framework (NPPF) 2019



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

- 6. Building a strong, competitive economy
- 12. Achieving well designed places
- 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.

10.3 Other material planning considerations

10.3.1 WDDC SPD – Design and Sustainable Development Planning Guidelines (2009)

10.3.2 Dorset Area of Outstanding Natural Beauty Management Plan 2019-2024 (2019)

10.3.3 West Dorset Landscape Character Assessment (2009)

- Brit Valley

## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

## **12.0 Public Sector Equalities Duty**

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.

### **13.0 Financial benefits**

13.1 The proposed application would encourage tourists to the area therefore spending extra money in the local vicinity adding to the local economy.

### **14.0 Planning Assessment**

- Principle of development
- Impact on AONB
- Design
- Neighbouring Amenity
- Access and Parking

#### 14.1 Principle of development

14.1.1 This application seeks permission to change the use of the Hare and Hounds pub garden to allow the siting of 4 traditional shepherds huts to provide holiday accommodation and the erection of a shower and toilet block.

Local Plan Policy SUS2 – Distribution of Development states that - “Outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints, and be restricted to - a number of types of development including; new employment, tourism, educational/training, recreational or leisure related development”. Therefore tourist accommodation could be acceptable in this location subject to other policy considerations.

14.1.2 Local Plan Policy ECON6 – refers to built tourist accommodation such as hotels, guesthouses and B&Bs and is therefore not directly relevant to this application. ECON7 – Caravan and Camping sites, is applicable in this instance, as the proposal is for the siting of shepherds huts which are considered similarly to caravans and are not built development. ECON7 supports this types of development where they are well located in relation to existing facilities or make provision for facilities on site. Shower and toilet facilities are proposed on site and whilst there are limited facilities within Waytown itself the huts would be close to the pub and have good footpath links to the surrounding countryside and is approx. 12 miles to Bridport. Therefore the scale and type of accommodation proposed in this location is acceptable in principle being close to and related to the public house.

14.1.3 Public houses are local community buildings and their improvement and diversification is supported by Local Plan Policy COM2 – New or improved local community buildings and structures. The pub which is registered as an Asset of

Community Value (ACV) is not proposed to alter/close as part of this proposal. The Applicants advise that the proposal is to assist/ compliant the operations of the pub.

14.1.4 Additionally, National Planning Policy Framework Paragraph 83 – Supporting a prosperous rural economy, states planning authorities should enable sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings and well-designed new buildings;. Paragraph 83 also states that the retention and development of local services (including public houses) should be promoted.

14.1.5 Therefore National and Local Policies are supportive of this proposal which will benefit the rural economy by potential increased revenue for the Public House; and indirect benefits to the wider local economy as a result of the guests using other local facilities, business and tourist attractions.

#### 14.2 Impact on Area of Outstanding Natural Beauty

14.2.1 Paragraph 172 of the NPPF and Policy ENV 1 of the local plan aims to conserve and enhance landscape and scenic beauty of the AONB. Section 9.3.1 of the current AONB management plan identifies the significance of the landscape and landform, it states that the *'The AONB is valued for its special qualities, which include its undeveloped rural character, exceptional undeveloped coastline, tranquillity and dark night skies. Such landscape attributes need to be maintained for the future and this is best achieved through development that respects the pattern and character of the places in which it is located.'*

14.2.2 The proposed development is considered to be acceptable within the wider AONB landscape as the site is within an existing pub garden and set within a village landscape. The existing pub garden that is to be used to site the Shepherds huts is also relatively well screened from most directions.

14.2.3 The site from the east would be read in the context of the residential property on the West side of Slape Hill, and has some screening to the East boundary where the applicant proposes to manage and lay hedges/trees. However, it is considered that due to the quality of this screening a landscape condition should be added to soften the appearance of the huts. Shepherd huts are visually sympathetic, owing to the rural vernacular of the structure and the association shepherd huts have to rural areas. However, a condition should be added with regards the material/colour of the huts to ensure they are not unduly prominent.

14.2.4 The applicant also proposes reinforce the height of the hedge on the western boundary but does not proposed additional screening to the southern boundary where there is currently high trees/hedge and a close boarded fence. In accordance with the Council's tree and landscape officer's comment and

Policy ECON7 of the Local Plan that states '*Development proposals must include an appropriate landscaping scheme and provision for its ongoing maintenance*' - a condition should be added to ensure suitable landscape treatment to all boundaries to adequately mitigate any impact on the AONB.

14.2.5 The area does not have any street lights at present. The site is located within a small cluster of residential properties and the public house and therefore there will already be some light pollution. However, in order to maintain the dark night skies of the AONB and meet Paragraph 180 of the NPPF which aims to limit the impact of light pollution from artificial light a condition should be added to ensure details of any external lighting scheme is submitted and agreed.

#### 14.3 Design

15.3.1 This application is for the change of use of the pub garden to site the Shepherds huts which are considered similar to caravans, and as such the detailed design is not part of the submission. The typical appearance of a Shepherds' hut is considered acceptable, however it would be appropriate to condition the layout, number, size and materials of the Shepherds huts to be in keeping with the rural location within the AONB.

14.3.2 The shower block is built development and therefore detail plans are submitted to be considered as part of this application. It is considered that the design of the shower/toilet block is acceptable as it is modest in scale and sited close to the southern boundary. The materials proposed are considered appropriate but the external colour should not detract from the special qualities of the AONB therefore a condition should be added with regards colour of the shower block.

#### 14.4 Neighbouring amenity

14.4.1 There are neighbouring residential properties to the South and East. Due to the existing screening, scale of development and distances it is considered that the development would not have a significant adverse effect on the living conditions of the occupiers of these surrounding residential properties through inadequate daylight, loss of privacy or overbearing.

14.4.2 Concerns have been raised with regards the rise in activity and noise from the proposed shepherds huts. However the existing use of the site is a pub garden and therefore the proposed use is considered to be acceptable and would not have a significant adverse effect on the living conditions of the occupiers of surrounding residential properties.

14.4.3 The area of pub garden closest to the pub will remain unaffected and it is suggested that the remaining area adjacent to the huts could be used by the patrons of the pub. As such there would not be a total loss of amenity space

serving the pub and the shepherd huts are suggested to support the business. The main access to the shepherds' huts area is through the pub carpark and therefore a condition is recommended requiring the huts to be incidental to the public house.

#### **14.5 Access and Parking**

14.5.1 Additional parking is proposed for the proposed shepherd's huts adjacent to the existing car park. It is considered that the number of spaces are acceptable and no changes are proposed to the existing pub carpark.

14.5.2 With regards traffic movement along the narrow surrounding roads the change of use is not considered to significantly increase traffic to the site which is already open to the general public.

14.5.3 Highways have raised no objections to the proposal and therefore the access and parking is considered to be acceptable.

### **15.0 Conclusion**

15.1 It is considered that the proposed siting of four shepherds' huts, a toilet and shower block and parking within the Public House's existing garden is acceptable subject to the conditions recommended. The proposal would be acceptable within the AONB, not have a significant adverse effect on the living conditions of the occupiers of surrounding residential properties and would not impact on highway safety.

### **16.0 RECOMMENDATION**

#### **Grant subject to conditions**

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

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

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

Location Plan – PB/125/200 Rev D received 10/09/2019

Wash Room Details – PB/125/201 Rev A received 19/03/2019

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

4. The shepherds huts hereby approved shall be positioned as shown on plan PB125/200 Rev D, shall not exceed 6 metres in length, 2.5 metres in width and 3.6 metres in height; and shall be retained as such thereafter.

REASON: To safeguard the character of the locality

5. The Shepherds Huts hereby approved shall be used solely for holiday letting purposes and not as the main or sole residence of the occupier. The owner/operators of the site shall maintain an up-to-date register of the names and home addresses of all occupiers of the shepherd huts on the site and shall make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

REASON: To limit the intensity of the site and to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

8. No external lighting shall be installed within the car park or Shepherds Hut area hereby approved unless details of the type and siting of the lighting has been submitted to and approved, in writing, by the Local Planning Authority.

REASON: In order to protect the landscape qualities of the Area of Outstanding Natural Beauty and limiting light pollution.

9. The external materials to be used for the shepherd huts hereby approved shall be timber cladding walls and mineral felt roofs. The colour and finish of the cladding shall be submitted to and agreed in writing by the local planning authority prior to the siting off the shepherds huts and shall be retained as agreed thereafter.

REASON: To conserve the character of the locality and wider landscape setting.

10. The external materials to be used for the Shower/toilet block hereby approved shall be timber cladding walls and a profile sheet steel roof. The colour and finish of the cladding and steel roof shall be submitted to and agreed in writing by the local planning authority prior to construction of the shower/toilet block and shall be retained and as agreed thereafter.

REASON: To conserve the character of the locality and wider landscape setting.

11. The shepherds huts hereby permitted shall not be occupied or utilised until the parking shown on the approved site plan has been laid out and constructed. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purpose specified.

REASON: In the interest of road safety

12. Prior to the siting of the Shepherds Huts a landscaping and tree planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. Such scheme shall be implemented during the planting season November - March inclusive, prior to occupation of the Shepherds Huts or as may be agreed otherwise in writing by the Local Planning Authority. The scheme shall include the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years from the date of decision.

REASON: In the interest of visual amenity.

13. The Shepherds' huts hereby permitted shall not be occupied at any time other than for the purposes incidental to the Public House known as 'Hare and Hounds'

REASON: Due to the close relationship with the Public House

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[WP/19/00528/FUL](#) and [WP/19/00529/LBC](#)

## **TERRACE ADJACENT TO BEACH CHALET GREENHILL GARDEN, GREENHILL, WEYMOUTH**

**Removal of temporary RNLI facility and alterations to restore building to its former condition.**

**Applicant:** Greenhill Community Trust

**Case Officer:** Rob McDonald

**Ward Member:** Cllr J Orrell

This application is brought to committee at the request of the Nominated Officer in accordance with section 134 of the Officer Scheme of Delegation, following representation received from the Ward member and consultation with the Chair and Vice Chair.

**1.0 Summary of Recommendation:** Grant Planning Permission and Listed Building Consent (WP/19/00528/FUL and WP/19/00529/LBC) subject to respective conditions.

### **2.0 Reason for the recommendation:**

- The removal of the facility would not result in the loss of a community asset.
- The removal of the facility would preserve and enhance the significance of the heritage assets.
- The removal of the facility would result in a positive visual impact within the character of the area.
- There would be no impact on neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

### **3.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The sub-building is no longer required by the RNLI following approval of a replacement shelter on the beach in 2011. The removal of the sub-building would not result in the total loss of a community facility as the resulting space following demolition would thereafter form part of the larger covered open area on the upper deck of the beach chalet building for the continued use of the community.
Impact on the significance of the heritage assets	The sub-building does not contribute to the architectural interest and aesthetic

	significance of the listed building, nor does it contribute positively to the character of the Conservation Area. Its removal, therefore, would enhance the architectural interest and significance of the listed building and enhance the character and appearance of the Town Centre Conservation Area. Great weight is given to this benefit in the overall planning balance.
Impact within the character of the area	The removal of the sub-building would enhance the visual character of the promenade frontage and Greenhill area.

#### **4.0 Description of site**

4.1 The site forms part of a grade II listed beach chalet building located immediately adjacent to the promenade in the Greenhill area of Weymouth. The two storey terrace building is constructed of concrete with iron columns and railings, with part-glazed timber panelling. It comprises a continuous row of timber fronted part-glazed beach chalets on the ground floor level and some bays on the first floor, some of which accommodate a café. The sub-building subject to this application is of timber construction and positioned towards the southern end of the first floor terrace. It forms part of a covered walkway, spanning about 4 'bays' and is accessed via an open stairwell (although access to this part of the building is gated).

4.2 The sub-building effectively has a lawful use as a "RNLI lifeguard support building", originally approved in 2001 (Ref: 01/00354/TEMP), having been in place and in such continuous use since this period until circa September 2016. Since around this time the sub-building has been occupied by the Weymouth Bay Sea Swimmers non-profit company as a changing facility for members.

4.3 The site lies within the Defined Development Boundary (DDB) of Weymouth, as well as the Town Centre Conservation Area boundary. The site is covered by the Weymouth Town Centre Strategy i.e. policy WEY1 of the adopted Local Plan.

#### **5.0 Description of proposal**

5.1 The applications seek planning permission and listed building consent to demolish the temporary RNLI facility and make alterations to restore the building to its former condition. The timber walls and roof of the sub-building would be removed and the electrics present also made safe.

5.2 No details have been provided of the methodology of the demolition and the restoration of this part of the whole building, however the Conservation Officer is

content with this being secured by way of a condition on the listed building consent to suitably control how this would be carefully carried out.

## 6.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
01/00354/FUL	Erection of temporary lifeguard support building	Approved	31.07.2001
01/00620/TEMP	Erection of temporary lifeguard support building (renewal of temporary permission)	Approved	18.12.2001
03/00345/FUL	Temporary lifeguard support building	Approved	27.07.2003
04/00311/FUL	Temporary lifeguard support building	Approved	20.05.2004
05/00255/FUL	Temporary lifeguard support building	Approved	06.06.2005
06/00293/FUL	Temporary lifeguard support building (renewal)	Approved	21.06.2006
<b>On adjacent land</b>			
WP/11/571/FUL	Install Lifeguard Unit (Retrospective)	Approved	05.09.2011

## 7.0 Relevant Constraints

- Within defined development boundary of Weymouth
- Grade II listed building
- Town Centre Conservation Area setting
- Town Centre strategy

## 8.0 Consultations

### 8.1 Cllr J Orrell (Ward Member)

*I would be grateful if WP/19/00528/FUL could be considered by the full planning committee. This is to enable councillors to consider the Weymouth and Portland plan and the following material planning implications:*

*ECON 4. RETAIL AND TOWN CENTRE DEVELOPMENT states,  
iv) Development likely to lead to significant adverse impacts on existing centres will be refused.*

*ECON.5 TOURISM ATTRACTIONS AND FACILITIES p.92 states,  
i) Proposals for new, or extensions to, tourism attractions and facilities will be encouraged and supported.*

## **8.2 Weymouth Town Council**

*The Council has no objection subject to the Conservation Officer being satisfied. It is requested that this application is considered by the Dorset Council full Planning Committee.*

## **8.3 Design and Conservation Officer**

*Having carried out the pre-application meeting I am satisfied this is a positive move for the heritage asset overall. However because of the minimal information within the supporting documentation, we will have to impose a condition asking for a little more information. Recommended condition: Method statement (preferably illustrated) to describe the demolition and making good processes.*

## **8.4 Highway Authority**

*No objection.*

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

## **9.0 Representations**

WP/19/00528/FUL (Planning application)

9.1 10 representations have been received for this application. Of these 1 supports the application and the other 9 object. Four of the objections are received from the same 2 third parties. The material planning considerations are summarised as follows:

### **Support**

- Temporary structure is an eyesore and should be removed;

### **Object**

- Removal does not support healthy and sustainable activity;
- Violation of vision and strategic objectives for the area in the Local Plan;
- Harmful to tourism offer;
- Would reduce community's ability to meet its day to day needs;
- No alternative community uses explored;

## 10.0 Relevant Policies

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

- INT1- Presumption in favour of Sustainable Development
- ENV1 - Landscape, Seascape and Sites of geological interest
- ENV4 – Heritage Assets
- ENV10 - The landscape and townscape setting
- ENV12 – The design and positioning of buildings
- ENV16 – Amenity
- COM3 – The retention of local community buildings and structures
- WEY1 – Weymouth town centre strategy

### National Planning Policy Framework

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

- 2. Achieving sustainable development
- 4. Decision-making
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

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.

### Other material considerations

- Weymouth Town Centre Conservation Area Appraisal (2012)
- Supplementary Planning Guidance 2: Listed Building and Conservation Areas (SPG2)

## 11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

## **12.0 Public Sector Equalities Duty**

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.

## **13.0 Financial benefits**

13.1 There would be short-term minor economic benefits as a result of the proposals in terms of employment of local contractors for the demolition and works to make good the upper deck.

## **14.0 Planning Assessment**

### Principle of development

14.1 The subject RNLI facility was originally approved in 2001 (Ref: 01/00354/FUL), with the intention of it being a temporary structure on the upper deck of the beach chalet building. Several applications followed, over a period of five years, to extend the temporary period for the structure being in place, the latest being 06/00293/FUL in June 2006. This latest consent concerning the sub-building conditioned that the use be discontinued and site restored to its former condition on or before 31 March 2008, unless renewal of the permission was obtained prior to this date. No renewal of the permission was or has since been sought and the sub-building remains in place.

14.2 It is not clear when the RNLI vacated the sub-building but retrospective planning permission was acquired in September 2011 for a new lifeguard hut positioned on the beach directly in front of the beach chalet structure. The new structure on the beach has been in use since June 2011 (Ref: WP/11/571/FUL) so it could be assumed the RNLI vacated the subject sub-building within the beach chalet around or just before this time.

14.3 It is understood that the Weymouth Bay Sea Swimmers club leased/occupied the sub-building from around September 2016 until the end of March 2019. However no

change of use application has been submitted to regularise the most recent use of the sub-building and thus there is no lawful planning use as a changing facility.

14.4 It should be reiterated that leaseholder disputes and issues with occupancy are not considered material planning considerations in this case. The need for changing facilities for a community group is not the subject of these planning and listed building applications. This need should be addressed through exploring alternatives to lease or rent and set up arrangements with a landlord, not via the planning process.

14.5 The whole beach chalet structure can be considered a community facility, providing a means of shelter and day-time accommodation for the local community and tourists. The subject sub-building has been lawfully used as a lifeguard support building, sitting inside a small part of the first floor of the overall building. Its primary function would have been to accommodate RNLI staff to carry out their duties in the public interest.

14.6 The removal of a small internal part of the building does not alter the overall purpose of the building as a whole providing facilities to support healthy and sustainable activity of use of the beach and sea. This meets the relevant Local Plan strategic objective to: *“Support sustainable, safe and healthy communities with accessibility to a range of services and facilities”*. The Beach chalet building is retained and there is no impact on the use of the building as a whole to provide community and tourism facilities by the removal on one internal structure within it. The proposal complies with the vision and strategic objectives for the area in the Local Plan by continuing to meet a community need related to the maritime heritage and coastal landscape. The vision states: *“We want to keep the individual identities of the communities that make up our area, linking to our maritime heritage and the beautiful coastal and rural landscapes, but always looking to the future.”*

14.7 The sub-building was only intended to be temporary, which is evident by the descriptions of previous consents and the fact that a series of consents was granted to extend the temporary period for its presence and use. The sub-building is no longer required by the RNLI as they have a replacement shelter on the beach and this has been in the situation since at least 2011. The removal of the sub-building can therefore be accepted as the RNLI facility has not been lost. Furthermore, the removal of the sub-building would not result in the loss of a community facility as the resulting space following the demolition would thereafter form part of the larger covered open area on the upper deck and available to the public

14.8 The removal of the RNLI facility is therefore acceptable in principle.

#### Impact on the significance of heritage assets

14.9 It is understood that the beach chalet building as a whole was first built in 1923. Part of their significance is that they represent an early and innovative example of beach hut design and are rare examples of elaborately designed beach facilities. The

Historic England listing description also states specifically about the subject sub-building that: “The lifeguard station at the left hand end of the first floor is a late C20 addition is not of interest”.

14.10 Although the application was approved, the Conservation Officer for the 2004 renewal of the lifeguard support building commented at the time that the subject sub-building was “detrimental to the appearance of the chalet building and as such the Conservation Area”, with the planning officer agreeing with this point in the conclusion of the delegated report.

14.11 It is clear that the lifeguard support building does not contribute to the architectural interest and aesthetic significance of the listed building, nor does it contribute positively to the character of the Conservation Area. Its removal, therefore, would enhance the architectural interest and significance of the listed building and enhance the character and appearance of the Town Centre Conservation Area. Great weight is given to this benefit in the overall planning balance.

14.12 The Conservation Officer has recommended that the methodology of demolition be secured by way of a condition. This would ensure that the method is appropriate for the building and the works to make good would be appropriate.

14.13 Having had regard to s16, s66 and s72 of the Planning and Listed Building Act 1990 it is accepted that the development would preserve and enhance the significance and settings of heritage assets.

#### Impact within the character of the area

14.12 As highlighted above, the removal of the lifeguard support building would provide an enhancement with regard to heritage assets. In turn, it would also have a positive impact within the character of the area i.e. the promenade and Greenhill area in general.

#### Impact on neighbouring amenity

14.13 The removal of the structure would have no impact on neighbouring residential amenity.

### **15.0 Conclusion**

15.1 The proposed removal of the RNLI support building would positively enhance the character of the listed building and Conservation Area, as well as the character of the local area. It would not result in the loss of a community asset as the beach chalet building as a whole remains in situ as a community asset and there would be no impact on neighbouring residential amenity as a result of the removal of the sub-building.



15.2 Both applications are therefore recommended for approval, subject to the respective conditions below.

## **16.0 Recommendation**

WP/19/00528/FUL Grant Planning Permission subject to the following conditions:

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

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

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

Location Plan, Site Plan, Proposed Floor Plans and Elevations - Drawing Number 2904:151.002A received 28 June 2019.

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

WP/19/00529/LBC Grant Listed Building Consent subject to the following conditions:

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

Reason: This condition is required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

Location Plan, Site Plan, Proposed Floor Plans and Elevations - Drawing Number 2904:151.002A received 28 June 2019.

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

3. Prior to any demolition works of the RNLI lifeguard support building a demolition method statement (to include details of making good the remaining structure) must be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: To preserve the remaining historic fabric of the listed building and preserve and enhance the significance of the heritage asset.

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1.0

[WP/19/00119/FUL](#)

**34 and 35 Easton Square Portland DT5 1BU**

Change the use of a building from an A2 (Bank) use to a C3 (dwellinghouse) use comprising one two bed dwelling and one three bed dwelling, construct a single storey rear extension and wall and alter fenestration. (Retrospective)

**Applicant name:** Operis Developments Ltd

**Case Officer:** Steven Banks

**Ward Members:** Cllr Cocking, Cllr Hughes and Cllr Kimber

This application is brought to committee at the request of the Nominated Officer in accordance with section 134 of the Officer Scheme of Delegation, following representation received from the Town Council contrary to the officer recommendation and consultation with the Chair, Vice Chair and Ward members.

2.0

**Summary of Recommendation:**

GRANT subject to conditions

3.0

**Reason for the recommendation:**

- The proposal enhances the appearance of the property and the character of the conservation area
- The proposal would not harm the residential amenity of the occupiers of nearby properties
- The proposal would not harm highway safety or efficiency
- As a result of the Council's failure to identify a five year housing supply, applications for residential development should be approved unless material considerations, namely impacts on conservation, landscape or flooding would indicate otherwise, as set out in the NPPF paragraph 11d.
- The proposal is in accordance with the priority of to the NPPF to boost housing supply and therefore the application should not be refused on the grounds of the lack of material evidence that successfully demonstrates sufficient efforts have been made to retain the former Bank and that opportunities for conversion to alternative community uses have been explored.

4.0

**Table of key planning issues**

Issue	Conclusion
Principle of development	<ul style="list-style-type: none"><li>• The principle of the development, by reason of its nature and location, accords with policy INT1 (sustainability) and SUS2 (within development boundary) in the Local Plan.</li><li>• The principle of the development, by reason of its residential nature, accords with</li></ul>

	the primary objective of the NPPF to boost housing supply.
Visual amenity	<ul style="list-style-type: none"> <li>• The reinstatement of part of the historic shopfront has enhanced the appearance of part of the building and character of the conservation area.</li> <li>• The extension, wall and other alterations are sympathetic to the appearance of the property and the character of the conservation area.</li> </ul>
Living conditions	<ul style="list-style-type: none"> <li>• The development does not and would not have a significant adverse effect on the living conditions of the occupiers of nearby properties.</li> </ul>
Highway safety	<ul style="list-style-type: none"> <li>• The public highway can accommodate any vehicles associated with the dwellings, which are the subject of this application, without causing harm to highway safety and efficiency.</li> </ul>
Vitality and viability	<ul style="list-style-type: none"> <li>• As a result of the Council's failure to identify a five year housing supply, applications for residential development should be approved unless they are contrary to the NPPF, which supersedes the Local Plan housing supply policies. The proposal accords with the need to boost housing supply set out in the NPPF. Residential use within the local centre provides vitality and is viability in preference to a vacant commercial property. Policy COM3 can only be afforded limited great weight in the planning balance when compared with the housing supply policies of the NPPF. The lack of marketing material that successfully demonstrates</li> </ul>

	sufficient efforts have been made to retain the Bank or that opportunities for conversion to alternative community uses have been explored prior to marketing for residential use, can only be afforded limited weight in the planning balance.
<b>Community Infrastructure Levy</b>	<ul style="list-style-type: none"> <li>The Council's CIL Officer, informally, confirmed that the proposed development, by reason of the increase in floor area, would attract a charge of an estimated £368.</li> </ul>

## 5.0 Description of Site

The application site, 34 and 35 Easton Square, can be found on the north side of Easton Square, Portland and accommodates a two storey, white rendered and mid-terraced, building which was last used as a bank. The area is characterised by residential and commercial development and forms part of the Local Centre where retail and commercial uses are sought to be retained.

## 6.0 Description of Development

In this application it is proposed to change the use of the building from an A2 (Bank) use to C3 (dwelling house) use comprising one two bed dwelling and one three bed dwelling.

It is also proposed to construct a single storey rear extension and wall.

It is further proposed to make changes to the fenestration –

- replace a window with a door at ground floor level in the south east elevation,
- insert a window at first floor level in the north east elevation,
- remove one window at first floor level in the north elevation,
- remove one window at first floor level in the south west elevation,
- reduce the size of a window at first floor level in the north west elevation and
- insert three roof lights.

An area for the storage of bins is also proposed.

It should be noted that the proposed works have already taken place and therefore this application is made retrospectively.

## 7.0 Relevant Planning History

WP/17/00746/FUL – Division of building into two – Conditionally approved 07/12/2017

## **8.0 List of Constraints**

- Within the Portland Defined Development Boundary
- Within the Easton Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- The building is identified as an important local building in the Appraisal of the Conservation Areas of Portland.

## **9.0 Consultations**

### **DC Highway Authority**

No objection.

### **DC Conservation**

No objections.

### **Town Council**

Object. Their comments are as follows:

Portland Town Council object to this planning application on the grounds that the Neighbourhood Plan seeks to retain commercial entities in this local shopping area. In addition it has seen no evidence of any attempt to retain its commercial identity prior to seeking to turn the buildings into residential dwellings.

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

### **Representations**

None received.

## **10.0 Relevant Policies**

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

INT1. Presumption In Favour Of Sustainable Development

ENV1. Landscape, Seascape and Sites Of Geological Interest

ENV4. Heritage Assets

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  
COM3. The retention of Local Community Buildings and Structures  
COM7. Creating a Safe and Efficient Transport Network  
COM9. Parking standards in New Development  
COM10. Utilities  
ECON4. Retail and Town Centre Development

#### 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
4. Decision making
5. Delivering a sufficient supply of homes
7. Ensuring the vitality of town centres
12. Achieving well designed places
16. Conserving and enhancing the historic 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.

#### Other material considerations

Appraisal of the Conservation Areas of Portland 2017  
Weymouth and Portland Landscape Character Assessment 2013  
The Bournemouth, Poole & Dorset Residential Car Parking Study 2011

### **11.0 Human rights (standard text)**

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.

### **12.0 Public Sector Equalities Duty (standard text)**

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.

### **13.0 Financial benefits**

Community Infrastructure Levy: Estimated at £368

### **14.0 Planning Assessment**

#### The principle of development

14.1 A presumption in favour of sustainable development is identified in policy INT1. Policy SUS2 identifies locations where certain types of development are considered to be sustainable. It is identified in the policy SUS2 that residential development will normally be permitted within defined development boundaries. The residential development which is the subject of this application falls within a defined development boundary. The principle of the development, by reason of its nature and location, is therefore in accordance with policies INT1 and SUS2 in the Local Plan.

14.2 It is identified in paragraph 73 of the NPPF that local planning authorities should identify, annually, a supply of deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement. It is identified in paragraph 11 of the NPPF and foot note 7 that where a supply is not demonstrated the most relevant policies of the local plan can be considered to be out of date and permission should be granted unless the proposal is contrary to the policies of the NPPF.

14.3 The local planning authority can demonstrate a supply for 4.8 years which is below the required five years. Consequently paragraph 11 of the NPPF is engaged. Therefore the most relevant policies such as SUS2 can be considered to be out of date and permission should be granted unless the proposal is contrary to the policies of the NPPF. The principle of the development, by reason of its residential nature, is clearly accepted by the NPPF.

#### **Visual amenity**

14.4 It is identified in policy ENV1 that development should not detract from and, where reasonable, enhance the local landscape character. Policy ENV4 requires development to conserve and where appropriate enhance the significance of heritage assets. It is expressed in policy ENV10 that development proposals



should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Policy ENV11 requires the provision of facilities appropriate to the use and character of the area. Policy ENV12 requires development to respect the character of the surrounding area.

14.5 A window has been replaced with a door in the front elevation of the Locally Listed Building which is the subject of this application. This elevation forms a prominent part of the Portland Conservation Area. The replacement of the window with a door has reinstated the historic appearance of this part of the building and has enhanced the appearance of the building and character of the conservation area. One window has been inserted, two windows have been removed, one window has been reduced in size and three roof lights have been inserted on elevations which do not form prominent parts of the street scene. It is considered that the minor nature of these alterations does not harm the appearance of the elevations concerned.

14.6 There is an area for the storage of bins to the rear of the building. The bins would not form a prominent part of the street scene, in this location, and therefore would not harm its appearance. An extension and wall have been constructed on the rear elevation of the dwelling. The extension and wall, by reason of their design, size, materials and positioning, are sympathetic to the appearance of the host building and the character of the conservation area.

14.7 The proposal is therefore considered to be in accordance with policy ENV1, ENV4, ENV10, ENV11, ENV12 and section 72 (the desirability of preserving or enhancing the character or appearance of the conservation area) of the Planning (Listed Building and Conservation areas) Act 1990.

### **Living conditions**

14.8 Policy ENV16 requires development to not harm the residential amenity of the occupiers of properties. The rear extension and wall, by reason of their size and positioning, do not result in a harmful loss of light. Direct, harmful, views of private habitable space outside of the application site would not be possible from the new openings.

14.9 The proposal complies with policy ENV16 because it does not and would not have a significant adverse effect on the living conditions of the occupiers of nearby properties.

### **Highway safety**

14.10 Policy COM7 requires development to not harm highway safety and efficiency and it is identified in Policy COM9 that the location of residential development shall be considered when considering parking provision. It should be noted that the properties are currently unoccupied. Off street parking is not proposed within the application site. The Highway Authority did not object to the proposal on the grounds that the proposed development would result in traffic

movements and parking which would harm highway safety and efficiency. It is therefore considered that the public highway can accommodate any vehicles associated with the dwellings, which are the subject of this application, without causing harm to highway safety and efficiency. The proposal is therefore considered to be in accordance with policy COM7 and COM9.

### **Vitality and viability**

14.11 Paragraph 4.4.4 of the Local Plan 2015, which provides the background to Policy ECON4, identifies that Easton is a Local Centre that has an important role in delivering small scale development to meet local need. It is identified in the NPPF 2019 that references to town centres apply to local centres. It is also identified in the NPPF 2019 that a Town Centre is an area defined on the local authority's policies map. However, although identified in the text of the Local Plan as a local centre, Easton is not defined as a local centre on the local authorities policies map and primary and secondary retail frontages have not been identified for Easton.

14.12 Easton is however defined as a local centre on the policies map of the emerging local plan and proposed neighbourhood plan. Whilst this direction of travel is noted, no weight can be given to the emerging plans as they have yet to be finally concluded or adopted.

14.14 Part iv) of policy ECON4 of the adopted Local Plan identifies that development likely to lead to significant adverse impacts on existing centres will be refused. However, the thrust of Government Policy is currently aimed at providing more residential accommodation, even in town centres. Given the Council's Housing Land Supply issue the support for residential development is more pronounced and the planning balance is tipped in favour of residential development.

14.15 Policy COM3 of the Local Plan (2015) permits the change of use of local community buildings, which includes banks, which would result in their loss, as is proposed, where it can be demonstrated that there is no local need for the facility or that such a facility is no longer likely to be viable and an appropriate alternative community use to meet local needs is not needed or likely to be viable.

14.16 A Marketing Statement has been submitted as part of the application. The following is identified in the statement:

- The Bank was closed due to a lack of demand
- Marketing of the property began on 14/05/2018
- The property was advertised on the internet and by an attached sign
- The guide price was £80,000
- Four parties viewed the property
- Three offers for residential development were received

- The property was sold on 27/07/2018
- An A1 use at 31 Easton Square which was advertised between 03/07/2017 and 04/02/2019 was viewed once and let as a shop to an acquaintance of the owner.
- Following the purchase of the bank an estate agent was asked to make those parties that had shown an interest in a shop use at 31 Easton Square aware of the potential availability of the property, and there were no viewings or offers following notification to those parties.
- There is a low demand for commercial property
- There is a high demand for residential property

14.17 Minimal material has been submitted as part of this application to demonstrate efforts have been made to retain the facility or market it directly as either a bank, or retail use, or that opportunities for conversion to alternative community uses have been explored. This should have been provided and the property marketed in this way in order to comply fully with policy COM3. However, it is considered that given the lack of take up following marketing of the neighbouring shop at 31 Easton for a long term lease, the applicants followed a shorter process with limited efforts to secure retail, bank or community use, and it is clear that market demand is low for such uses given the offers made all being for housing.

14.18 As identified above, as a result of the Council's lack of a five year housing supply, applications for residential development should be approved unless they are contrary to the NPPF which is a more recent document than the Local Plan and is therefore considered to be more relevant. The proposal is not contrary to the NPPF and therefore the application should not be refused on the grounds of the lack of material that successfully demonstrates efforts have been made to retain the facility and that opportunities for conversion to alternative community uses have been explored.

### **Community Infrastructure Levy**

14.19 The adopted charging schedules only apply a CIL rate on new floor space of proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are set at £0 per square metre CIL rate. The Council's CIL Officer, informally, confirmed that the proposed development, by reason of the increase in floor area, would attract a charge of an estimated £368.

## **15. Conclusion**

It is considered that the proposed development causes no harm to visual amenity, residential amenity or highway safety. As a result of the Council's failure to identify a five year housing supply, applications for residential development should be approved unless they are contrary to the material considerations that may outweigh the need for housing identified in the NPPF.

The proposal complies with these material considerations within the NPPF in relation to great weight being afforded to the protection and enhancement this locally identified important building within the conservation area. Only limited weight can be afforded, in this context, to policy COM3 which aims to secure protection of community assets through marketing in a specified manner, prior to release for housing. The failure of the applicant to successfully demonstrate such marketing efforts to retain the facility or for alternative community uses can only be afforded limited weight in the planning balance. The marketing aspect of Policy COM3 is therefore considered to be outweighed by the merits of the scheme to bring forward housing which protects and enhances the Conservation Area such that approval is recommended.

**16. RECOMMENDATION**

**GRANT, SUBJECT TO THE FOLLOWING CONDITION:**

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

Location Plan received on 03/02/2019

Proposed elevations and floor plans - Drawing Number OP.18.03A received on 30/04/2019

Site Plan - Drawing Number OP.18.01 received on 03/02/2019

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

[WD/D/19/001920](#)

**Clipper Teas LTD, Broadwindsor Road, Beaminster DT8 3PR**

**Modification of planning obligations on Section 106 agreement dated 16<sup>th</sup> January 2017 on planning approval WD/D/16/000654**

**Applicant name** – Aster Homes Ltd

**Case Officer** – Emma Telford

**Ward Member(s)** – Cllr R Knox

The application is brought to committee at the request of the Head of Planning in accordance with section 151 of the Officer Scheme of Delegation.

## 1.0 Summary of Recommendation:

1.1 Delegate authority to the Head of Planning to modify the S106 agreement dated 16<sup>th</sup> January 2017, as varied by deeds of modification dated 28<sup>th</sup> November 2017 and 16<sup>th</sup> November 2018 to:

- Remove the local connection provisions relating to the shared ownership units

## 2.0 Reason for the recommendation:

2.1 It is considered that the proposed modification to the S106 agreement would have an acceptable impact. The modification would mean the removal of the local connection from the shared ownership units but the modification is required to be able to request more grant funding from Homes England to support the proposed 100% affordable housing scheme. The modification would not alter any of the proposed built form of the development.

## 3.0 Key planning issues

Issue	Conclusion
Provision of affordable housing	The proposed modification to the S106 agreement is considered acceptable.

## 4.0 Description of Site

4.1 The S106 agreement dated 16<sup>th</sup> January, as varied by deeds of modification dated 28<sup>th</sup> November 2017 and 16<sup>th</sup> November 2018 relates to the site at Clipper Teas Ltd, Broadwindsor Road Industrial Estate, Beaminster DT8 3PR. The agreement is associated with the hybrid application WD/D/16/000654 and the subsequent variation of condition application WD/D/17/000779 which consisted of a full application to erect a factory extension for Clipper Teas and an outline application for the demolition of the existing buildings on the central and northern

sites and the development of up to 45 homes, including affordable housing. The subsequent reserved matters was for the erection of 38 dwellings.

4.2 The site is located within the defined development boundary (DDB) of Beaminster and within the designated Area of Outstanding Natural Beauty. The factory extension which was covered by the full application has been built. A reserved matters application for the residential units has been submitted and granted.

## 5.0 Description of Proposal

5.1 This application seeks to modify the S106 agreement by removing the local connection provisions which relate to the shared ownership units.

## 6.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
WD/D/16/000654	Full planning application to erect factory extension for Clipper Teas to consolidate their existing production, storage, and distribution at the south site. Outline application for the demolition of the existing building on the central and north sites and the development of up to 45 homes, including affordable housing.	Approved	16/01/2017
WD/D/17/000779	Full planning application to erect factory extension for Clipper Teas to consolidate their existing production, storage, and distribution at the south site. Outline application for the demolition of the existing building on the central and north sites and the development of up to 45 homes, including affordable housing – variation of condition 1 to allow amendments to approved factory building.	Approved	14/12/2017
WD/D/18/002592	Application for approval reserved matters of access, appearance, landscaping, layout and scale of outline planning permission WD/D/16/000654 for the erection of 38 dwellings.	Approved	15/04/2019

## 7.0 Relevant Constraints

Within settlement limit for Beaminster

Area of Outstanding Natural Beauty: *(statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)*

Right of Way

Key Employment Site

## 8.0 Consultations

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

**Beaminster Town Council** – *Recommend refusal of the modification to remove the local connection in respect of Shared Ownership units.*

*Beaminster Town Council welcomed affordable/social housing and were in agreement with 100% of the development being affordable however to be able to make an informed judgement as to whether the proposed modification would be detrimental to Beaminster and surrounding parishes members felt more information with regard to the % of the total 45 units that were planned for shared ownership and evidence to suggest the implied lack of local need for these type of units.*

**Housing Enabling Team Leader** - *The reason that Aster are seeking to remove the local connection clauses on the shared ownership units is that Homes England will not allocate any grant to shared ownership homes with local connection restrictions.*

*The funding approach taken by Homes England was clarified in updated supplementary information to the Shared Ownership and Affordable Housing Programme 2016 – 2021, updated in 2017, which stated “The 2016 to 21 Prospectus notes, at paragraph 19, that the Government has removed restrictions on access to shared ownership: ‘outside London, anyone with a household income of less than £80,000 is now eligible, and there are no nationally or locally defined prioritisation criteria (excepting a prioritisation for current and former members of the British Armed Forces). Homes funded by the SOAHP 2016 to 2021 must be marketed in accordance with the new position’. We will not, therefore, fund shared ownership homes where additional prioritisation or eligibility criteria are applied, for example via a Section 106 agreement. Government wishes to offer purchasers and mortgage lenders the benefits of a standard, well understood product.”*

*This does not apply to rented units. In order to make this site viable as an affordable housing scheme Aster will need to attract grant on all of the units. Homes England have confirmed that they are supportive of providing grant to a 100% affordable housing development on this site.*

*Agreeing to remove the local connection restrictions on the shared ownership homes will mean the site delivers an all affordable scheme, mainly providing shared ownership homes. There are a large number of people who are struggling to access home ownership and developing these homes will help young people stay in the area which will assist in the long term sustainability of the town. Not agreeing to these changes mean that is likely that only 35% of this site would be developed as affordable homes.*

*Aster have assured The Council that they will market homes to local people in the first instance and will work with our Opening Doors Programme to promote these.*

## **9.0 Representations**

9.1 No comments received at the time of report writing.

## **10.0 Relevant Policies**

West Dorset, Weymouth and Portland Local Plan

HOUS1 – Affordable Housing

National Planning Policy Framework

- 4. Decision-making
- 5. Delivering a sufficient supply of homes

Other material considerations

- None of relevance.

## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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



## **12.0 Public Sector Equalities Duty**

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.

## **13.0 Financial benefits**

13.1 This application is not considered to alter the financial benefits of the development.

## **14.0 Planning Assessment**

### Provision of Affordable Housing

14.1 This application seeks to modify the S106 agreement by removing the local connection provisions which relate to the shared ownership units. The Housing Enabling Team Leader was consulted on the application and set out that Homes England will not allocate any grant to shared ownership homes with local connection restrictions. The funding approach taken by Homes England was clarified in updated supplementary information to the Shared Ownership and Affordable Housing Programme 2016 – 2021, updated in 2017, which stated “The 2016 to 21 *Prospectus* notes, at paragraph 20, that the Government has removed restrictions on access to shared ownership: ‘outside London, anyone with a household income of less than £80,000 is now eligible, and there are no nationally or locally defined prioritisation criteria (excepting a prioritisation for current and former members of the British Armed Forces). Homes funded by the SOAHP 2016 to 2021 must be marketed in accordance with the new position’. We will not, therefore, fund shared ownership homes where additional prioritisation or eligibility criteria are applied, for example via a Section 106 agreement. Government wishes to offer purchasers and mortgage lenders the benefits of a standard, well-understood product.” This does not apply to rented units.

14.2 The Housing Enabling Team Leader set out that in order to make this site viable as an affordable housing scheme a grant would be required on all of the units and that Homes England have confirmed that they are supportive of providing a grant to a 100% affordable housing development on this site.

14.3 It has been set out as part of the application that the removal of the local connection restrictions on the shared ownership homes would mean the provision of a 100% affordable scheme. However this cannot be controlled through planning. In order to receive the Homes England grant the development would be required to be 100% affordable. If the 100% affordable scheme did not come forward the scheme would still require the 35% affordable which equates to 13 affordable units out of the 38 (plus a financial contribution). So the result of this application were it to be approved and the 100% affordable scheme did not come forward would be the loss of the local connection on 4 affordable units.

14.4 Given the above the proposed removal of the local connection from the shared ownership units is considered acceptable as it could result in an entirely affordable scheme and not just the 35% provision originally proposed. Also if the 100% affordable scheme did not come forward it would only result in the loss of the local connection clause on 4 affordable units (shared ownership units).

## **15.0 Conclusion**

15.1 It is considered that the proposed modifications to the S106 agreement would have an acceptable impact and the modification does not alter the built form of the development.

## **16.0 Recommendation**

16.1 Delegate authority to the Head of Planning to modify the S106 agreement dated 16th January 2017, as varied by deeds of modification dated 28th November 2017 and 16th November 2018 to:

- Remove the local connection provisions relating to the shared ownership units.