



Western and Southern Area Planning Committee

Date: Thursday, 14 November 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.

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



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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 - 16

To confirm the minutes of the meeting held on 3 October 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 WP/19/00476/FUL - Site of 8-10 Dorchester Road, Weymouth

17 - 36

Demolish existing dwellings and erect 3 no. blocks of flats (31 flats in total) with car parking, cycle and refuse storage.

b WD/D/19/000613 - Land to north and west of Cockroad Lane, Beaminster

37 - 70

Erect up to 58 dwellings, amenity space, landscaping, informal public open space, and children's play area. Demolition of agricultural structures (outline).

c WP/19/00370/FUL & WP/19/00371/LBC - Maiden Street Methodist Church, Maiden Street, Weymouth

71 - 102

WP/19/00370/FUL - Reconstruction and change of use of church to 25 No. apartments and remedial works to existing house.

WP/19/00371/LBC - Internal & external alterations to facilitate the

reconstruction & change of use of church to 25 no. apartments and remedial works to existing house.

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 3 OCTOBER 2019

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

Apologies: Cllr Nick Ireland

Also present: Cllrs Tony Alford and David Walsh

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

Lara Aintree (Solicitor), Paul Beecroft (Communications Team), Ashleigh Evans (Communications Officer), Lindsay Fielo (Planning Officer), Mike Garrity (Head of Planning), Clare McCarthy (Senior Planning Officer), Rob McDonald (Planning Officer), Debbie Redding (Development Manager), Emma Telford (Senior Planning Officer) and Denise Hunt (Senior Democratic Services Officer)

40. Apologies

An apology for absence was received from Cllr Nick Ireland.

41. Statement by Planning Solicitor

The following statement was read aloud by the Planning Solicitor:-

"As a planning committee you have to decide every application that comes before you on its planning merits.

You are not bound to follow the advice of officers, but you do have to take their advice into account and if you intend not to accept the advice of planning officers then you need to be able to give reasons.

As individual councillors you need to approach each application with an open mind and not come into the room having already made up your minds in advance of hearing from applicants, interested parties and objectors who might wish to speak.

We are aware of concerns raised by one applicant for an item on the agenda today that a member of this committee has emailed other members of the committee urging them to refuse an application. If any member of the committee has received any such approach from another member of the committee then that must be disregarded and instead every member of the committee needs to decide that and every other item on the agenda on its

planning merits and come to a decision only after hearing from anyone who speaks today.

The Monitoring Officer will be writing to all members of the three area planning committees to warn them against the danger of engaging with objectors over social media and committing themselves in a way which would make people think that they have made up their minds in advance.

If any member feels that they have pre-determined any matter on the agenda they should not take part in that matter and should leave the room for that item."

42. Declarations of Interest

Cllr Pete Barrow declared that he had pre-determined application Nos WP/19/00528/FUL and WP/19/00529/LBC - Terrace Adjacent to Beach Chalets, Greenhill Garden, Greenhill, Weymouth as he was close to the two community interest groups involved. Cllr Barrow withdrew from the meeting during consideration of the item.

43. Minutes

The minutes of the meeting held on 5 September 2019 were confirmed and signed.

44. 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.

45. Planning Applications

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

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

The Planning Officer introduced the application to change the use of land for the siting of 4 shepherd's huts and a toilet / shower block for holiday purposes. This formed part of a rural public house situated north of Bridport that was outside the Defined Development Boundary (DDB) in the Area of Outstanding Natural Beauty (AONB). The public house had been deemed as an asset of community value.

An update sheet was circulated to the committee at the meeting that provided amendments to conditions and clarified the reason why this application was being determined by the Area Planning Committee.

Members were shown aerial photographs, site plan, elevations and floor plan, site photos and an illustrative plan of the shepherd's huts. The key planning issues were explained in relation to the principle of development, impact on the AONB, design, neighbouring amenity, access and parking.

Glen Bishop addressed the committee in objection of the application, referring to aspects of the viability of the business. He considered that the drawings misrepresented the size of the huts and that photographs did not accurately represent the location of tables in the garden area during the summer period.

Roger Miles spoke in objection of the application regarding the impact of the proposal on the community asset, use of the garden for community functions, impact of the huts on the skyline and noise and light disturbance when the huts were occupied.

Cllr Tony Alford addressed the committee in relation to the public sector equalities duty and disabled access to the huts, reference to negligible light pollution in the report given that this would be a 24 hour site, use of the garden as amenity for the huts rather than general usage, sufficiency of sewerage capacity with respect to the toilet block and the open boundary on the eastern side. He referred to the relevant national and local planning policies whilst addressing these points.

Nigel Jones, the agent, addressed the committee in support of the application, stating that there were no technical or policy reasons to refuse the application. It was recognised that the pub was on the edge of viability and the applicants were injecting significant capital to retain a viable business and create additional trade to the public house that would retain the pub in the locality.

The Development Manager stated that conditions had been imposed in order that the scheme was acceptable and to address the areas of concern including siting and materials for the shower block, landscaping and lighting.

In response to questions by members she confirmed that the site plan of the garden was taken to be accurate; the height of the huts included the wheels, the ground surface was indicated to remain as grass and that, although the huts were off the ground similar to a caravan, there could be provision for ramped access.

Members commented on the potential contribution of the proposal to the viability of the public house, the position of tables in the garden, whether the tenants had objected, landscaping and privacy for users of the huts.

They were informed that all representations were detailed in the report, and although the views of the tenants were not known, this and the location of tables in the garden were not material to the planning decision.

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

Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.

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

Cllr Barrow left the room during consideration of this application. The Planning Solicitor re-read the statement made at the start of the meeting (minute 41).

The Planning Officer presented the two applications for the removal of the temporary RNLI facility and alterations to restore the building to its former condition.

An update sheet outlining details of 2 further representations received since the report was drafted were circulated to the committee at the meeting. One comment had been in support and one objecting. The objection did not add any new material planning considerations. The comment in support stated that the existing structure was not in keeping with the building and was only supposed to be used for a short time.

Members were shown a location plan, google earth image, a site plan and photograph of the new RNLI hut on the beach. The key planning issues were outlined including the principle of development, impact on the significance of heritage asset and on the character of the area. The committee was reminded that leaseholder views and issues of occupancy were not material planning considerations.

Dave Wraight addressed the committee in support of the application, stating that previous planning recommendations had been ignored. The structure should have been removed by 2008, however, since that time the former Borough Council had allowed changes to be made to the building. He agreed with the view of the Conservation Officer outlined in the report.

Jason West, Director of Weymouth Bay Sea Swimmers Community Interest Company, spoke in objection of the application, stating that the group had been evicted from the hut unlawfully and there were ongoing enquiries regarding the legality of the lease. The hut had recently been renovated with £2k raised by Tesco bags. He referred to policies in the Local Plan in relation to the loss of community buildings or structures that supported the argument for sustainable use of the existing building.

The Development Manager advised that the latest of the temporary planning permissions expired in 2008 and that the site had been vacated by the RNLI during 2011 when the alternative structure on the beach came into use.

Members discussed the temporary nature of the structure and that it did not enhance the building overall. Mindful that the lease was not a planning matter, they hoped that help could be provided by councillors representing Weymouth to assist the sea swimmers in finding a permanent base.

Proposed by Cllr Kate Wheller, seconded by Cllr David Shortell.

WP/19/00119/FUL

Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.

Proposed by Cllr Kate Wheller, seconded by Cllr Sarah Williams.

WP/19/00529/LBC

Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.

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

The Senior Planning Officer introduced the retrospective application to change the use of a building from A2 (bank) to a C3 (dwelling-house) use comprising of one two bed dwelling and one three bed dwelling, construction of a single storey rear extension and wall and alteration to fenestration.

Members were shown an aerial view of the local centre, Easton Square, and site location plan showing Nos 34 and 35 formerly occupied by Lloyds Bank. No 35a was in separate ownership and available to be marketed for a commercial use as it was currently vacant.

A number of photographs were shown of the site as it looked now, as it appeared during its use as a bank and historical photos of the building as a dwelling and a shop.

The cashpoint formerly installed as part of the Lloyds Bank had been removed, however, there were alternative cashpoints providing limited banking functions at the Co-op store directly opposite the application site and at a nearby Tesco.

The site had been marketed for a short time which resulted in some offers, none of which had been for commercial use. It was noted that previous marketing of No 31 Easton Square had resulted in short term lettings and periods where the building remained vacant. On the basis of the marketing information received officers had assessed the need to retain a community facility against the benefit of restoring the buildings and provision of housing use which was much needed in that area.

The key planning issues were outlined including the principle of development, local centre/community facility, visual amenity, living conditions and highway safety.

Tim Clark, the applicant, spoke in support of the retrospective application and advised that when the property was decommissioned as a bank it had been separated from No 35a which would remain available to let as a commercial unit. Lloyds had subsequently made arrangements to market the building and received 3 offers, none of which were intended for commercial use. The sole objection had been made by Portland Town Council who may not have had access to the marketing documentation prior to its meeting.

Members commented on the substantial turnover of businesses in Easton Square, the need for residential accommodation on Portland, the availability of a Post Office in that area, previous attempts by Councillors to retain banks or building societies in the area and the lack of commercially viable alternatives for the buildings.

Proposed by Cllr David Gray, seconded by Cllr Pete Barrow.

Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.

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

The Senior Planning Officer introduced the proposed modification of planning obligations on Section 106 agreement dated 16 January 2017 on planning approval WD/D/16/000654.

Members were shown a photo and plan of the site that was approved at reserved matters stage. The modification would remove the local connection clause relating to 4 shared ownership units in order to access a Homes England grant that would not otherwise be available.

It was the intention of the applicants to provide an 100% affordable housing scheme although this could not be required through the planning process. Should a 100% scheme not come forward there remained the planning policy requirement for 35% affordable housing, with the effect that the local connection status would have been lost on 4 shared ownership properties.

Tom Edwards, Aster Group, addressed the committee in support of the application. He explained that Homes England would not fund shared ownership properties with the local connection restriction as it wanted a wider coverage for its investment. A 100% affordable housing scheme would provide a total supply of 29 shared ownership units and have no impact on the 9 rented units.

The Housing Enabling Officer provided relevant housing waiting list numbers. The additional homes would provide more opportunities to local people through the "Opening Doors Programme". He had also provided reassurance to Beaminster Town Council in respect of its objection to the modification.

Proposed by Cllr Louie O'Leary, seconded by Cllr David Shortell.

Decision: That the application be delegated 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.

50. **Urgent items**

There were no items of urgent business.

Duration of meeting: 2.00 - 3.35 pm

Chairman

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APPLICATION NUMBER: WD/D/19/000811

APPLICATION SITE: The Hare and Hounds Inn, Slape Hill, Waytown, Bridport, DT6 5LQ

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

Decision: Granted 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 – PB/125/200 Rev E 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 E, 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 Inn'

REASON: Due to the close relationship with the Public House

APPLICATION NUMBER: WP/19/00528/FUL and WP/19/00529/LBC

APPLICATION SITE: Terrace Adjacent to Beach Chalets, Greenhill Garden, Greenhill, Weymouth.

PROPOSAL: removal of temporary RNLI facility and alterations to restore building to its former condition.

Decision:

WP/19/00528/FUL Granted 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 Granted 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.

APPLICATION NUMBER: WP/19/00119/FUL

APPLICATION SITE: 34 and 35 Easton Square, Portland, DT5 1BU

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

Decision: Granted 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 an in the interests of proper planning.

APPLICATION NUMBER: WD/D/19/001920

APPLICATION SITE: Clipper Teas LTD, Broadwindsor Road, Beaminster, DT8 3PR

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

Decision: Authority delegated 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.

1.0

Application Number: WP/19/00476/FUL

Site address: Site of 8-10 Dorchester Road, Weymouth

Proposal: Demolish Existing Dwellings and erect 3 no. blocks of flats (31 flats in total) with car parking, cycle and refuse storage

Applicant: Mr P Briant

Case Officer: Lachlan Robertson

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 Town Council contrary to the officer recommendation and consultation with the Chair, Vice Chair and Ward members.

2.0

Summary of Recommendation:

- DELEGATE to Head of Planning to Grant Permission subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure an Affordable Housing Contribution of £87,500.00 index-linked using RPI from the date of this committee report, in lieu of on-site provision.

And subject to conditions as detailed below.

3.0

Reason for the recommendation:

- The proposal is generally in accordance with the Development Plan and provides additional housing, including an off-site contribution for affordable housing.
- The proposal is acceptable in terms of its design and general visual impact and would preserve the character and appearance of the Conservation Area and setting of the neighbouring listed building.
- There is not considered to be any significant adverse effect on 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	The site lies within the defined development boundary where residential development can

	contribute to the general need for housing and where a substantial, though lesser, redevelopment of the site has already been granted.
Heritage Assets	The development will have a significant impact on the appearance of this part of the Lodmoor Hill Conservation Area and on the setting of the adjacent Cranford House Grade II Listed Building. The CA is enhanced by the removal of an unsightly derelict property and by the insertion of new, prominent buildings at the front of the site in a style similar to other flat developments in the locality. The development will obscure the side elevation of the Listed Building but to no greater import than that likely under the previously approved scheme.
Affordable Housing	The applicant proposes that no affordable housing is provided on site, citing the viability of the development. The viability statement supplied by the applicant has been tested by the Council's advisers and they state that the financial viability of the scheme precludes providing the full 35% of Affordable Housing. In the interests of bringing a derelict site into economic productive use, it is considered that policy HOUS1 allows for an exception to be made.
Scale, design, impact on local character, streetscape and appearance	<p>The proposal is compliant with policies ENV10, ENV11 and ENV12 where the scheme is considered to be in character with the site's surroundings and includes necessary facilities appropriate to the use.</p> <p>The overall streetscape is improved by the resulting removal of the existing derelict property and by an</p>

	improvement to the street view in comparison to the existing permission.
Impact on neighbouring privacy and amenity	The development will have an impact on the amenity and privacy of a greater number of neighbouring residential properties than that affected by the existing planning permission for flatted development. However, it is considered that the impact is to an acceptable degree taking into account similar development in the locality and the specific design and siting proposed.
Economic benefits	The proposal will provide an economic benefit by bringing a derelict building in a prominent location into more intensive residential use.
Access and Parking	There are no highway objections to the access and parking arrangements which are efficient and in accordance with standard requirements.
Land Ownership	Part of the site sought for development is currently disputed as to its ownership. This is a private matter and appropriate notices and certificates have been provided with the application. However, planning conditions require that the development is constructed as approved and as such the applicant will require appropriate land ownership/legal rights to carry out the development.
Landscaping	Care has been taken to retain the significant vegetation in the interests of the amenity of the adjoining property and the streetscape generally.

5.0 Description of Site

The site is currently occupied by a pair of semi-detached dwellings which have been derelict for a number of years. The site lies on the eastern side of Dorchester Road and between the Rembrandt Hotel and the Grade II listed building in residential use, Cranford House.

The site is about 0.2 hectares (0.54 acres) in size with a prominent frontage to Dorchester Road. Currently the appearance is of an overgrown garden to the front, with the derelict building set back in the manner of other properties in the street. The substantial rear garden is also overgrown. The proposed vehicular access is via Dorchester Road and College Lane, alongside the northern boundary of the site. The access also leads to a small car parking area used by the adjacent hotel.

The general area is an established mixed commercial and residential area comprising dwellings and modern flats which vary in their style and age. The rear of the property comprises a wall boundary beyond which is a hedge and beyond the hedge lies the grounds of Weymouth College. The southern boundary is shared with the grounds of Cranford House and a block of flats and their car parking area at Ricketts Close.

The existing garden is slightly raised above the level of the two existing blocks of flats to the southern side boundary and these flats are also close to the boundary with windows facing towards the site. The boundaries are mostly defined by stone and brick walls of varying heights and physical condition.

6.0 Description of Development

The proposal is for the construction of three blocks of flats, Two of which at the front of the site (Blocks A and B) are four storey high buildings with the 4th floor partially in the roof space. The third block (Block C) lies at the back of the site and would be three storeys in height, with the 3rd floor partially in the roof space. There would be a total of 31 flats in the scheme. During the course of considering the application, the agent amended the application from the original proposal for 33 flats.

Blocks A and Block B lie approximately in the position of the previously approved scheme for 16 flats. Block C is a new proposal to develop at the rear of the garden, adjacent to an existing block of flats at Ricketts Close.

The application specifies that the materials will be facing buff brick and red brick banding and red brick and buff brick banding under slate tile. Whilst in general

terms, brick and slate tile is an appropriate material in the light of the variety of similar materials to be found in the area, this is insufficiently precise. Therefore a suitable planning condition requiring full details of the external materials to be used, and which are therefore reserved for later approval, will be required.

Vehicular access is via College Lane and not directly from Dorchester Road. The site includes a variety of outbuildings and structures for cycle parking, bin stores and electric car recharging points.

A number of existing small trees are retained and with additional landscaping in the form of new tree planting to the front garden area and elsewhere within the site.

The accompanying Design and Access Statement from the applicant provides a summary of the proposal as follows:

“11.1 The proposed development incorporates a larger site than the extant permission. The proposed development offers a higher quality development to the extant permission to enhance the quality and character of the Conservation Area. The break down in scale of development, improved articulation and design details with a greater level of soft landscaping to the front of the site is a far preferable scheme to the existing approved development.

11.2 The site is located within a very sustainable location, close to the town centre on a main transport corridor. The proposal includes ecology benefits that were missing in the extant permission. The proposal complies with the aims of both national and local planning policy, providing quality accommodation of a size and type suitable for the locality.”

7.0 Relevant Planning History

Application No,	Proposal	Decision	Decision Date
WP/15/00704FUL	Demolition of existing dwellings and erection of a 3.5 storey block of 16 self-contained one and two bedroom apartments.	Approved	28/11/2018

8.0 List of Constraints

Within the built up area of Weymouth
Partly within the Lodmoor Hill Conservation Area.

Adjacent to Cranford House which is a Grade II Listed Building described in the list as Weymouth Technical College (*reference SY6880SW DORCHESTER ROAD 873-1/16/71 (East side) Weymouth Technical College*).

Within the Conservation Area and as impacting upon the setting of a Listed Building, there is a statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990.

9.0 Consultations

All consultee responses can be viewed in full on the website. It should be noted that following the consultation replies, further information altering the position of the Blocks, the site area, car parking arrangements and ancillary changes were received. Where further consultation responses were sought and received, these are identified below.

Historic England have not commented.

Natural England makes no specific comment on the proposal either as original or as amended.

The Highways Officer, commenting on the original scheme stated that the use of College Lane for access, with other users, is a private matter. Improvements must be made to the internal layout (e.g. location of bin store for safety reasons, EV charging points).

In respect of the revised layout plan submitted, the **Highways Officer** is satisfied that the safety concerns have been addressed and notes the improved parking, though considers that there remains an amenity issue in respect of distance from the flats to the spaces.

The Conservation Officer stated that they are satisfied that the design has improved, though the street-scene could be improved by dropping Block A by one storey. This applies to both the original and the amended plans submitted.

The Landscape Officer comments that the massing of the buildings within this application is an improvement on the extant approval. There are no concerns regarding the proposed landscaping scheme and approval should be subject to the provision of a detailed landscaping condition.

The Parks and Open Spaces Officer has not commented

The Housing Enabling Officer states:

“Although Housing Enabling acknowledges the submitted viability assessment the highest level of housing need in Weymouth and Portland is for affordable accommodation, provision on this development would assist in meeting that need. In order to comply with HOUS 1, we expect 35% of the homes developed on this site to be affordable and secured in perpetuity with a S106 agreement.”

However, following discussion with the applicant in the light of a viability statement and assessment, the housing enabling officer states his acceptance of the provision of an off-site affordable housing contribution of £87,500.

The Urban Design Officer comments [original] that the proposals are a significant improvement on the extant scheme but agrees with the Conservation officer that Block A would be improved by a step-down. In addition it is stated:

“Given that the architecture of the proposed scheme is more traditional, it is suggested that its appearance would be improved if design cues were taken from Cranford House to help add interest and more balance into the facade. For example, the form and roof shape of the bay windows, the brick banding and the scale and pattern of the windows - Cranford House incorporates 3 floors of windows of decreasing scale, ending with a small circular feature window which gives the façade balance as opposed to the 4 stories of similar design and scale of windows on the proposed scheme which will give the building façade a rather more cramped appearance.

The principle of the addition of Block C is acceptable. However the units are particularly small and although the DAS suggests that the communal lounge/ office compensates for this, it is highly unlikely that this room will be used by the occupants.

Taking into consideration the permission that already exists on the site, it is essential to ensure that the current scheme is worked with, rather than having to revert back to the extant permission. With some amendments to the design, the scheme would be considered to be an acceptable development on this site.”

No further comments are made on the revised plans.

The Flood Risk Management Team state that the risk of flooding from surface water is considered to be low. A sustainable urban drainage scheme should be submitted. A drainage strategy should be submitted.

In respect of the additional drainage scheme subsequently provided, the FRMT states that this has not overcome their need for additional information.

Comments from the FRMT in respect of a further revised drainage strategy submitted by the applicant are awaited.

The Planning Obligations Manager has no comments in respect of CIL liability. It is considered that the applicant should confirm their right of way over the relevant section of College Lane.

The Clinical Commissioning Group have made no comment.

The Dorset Police Crime Prevention Design Adviser has examined the plans, spoken to the agent and has no further comment.

The Streetscene Manager have made no comment.

Public Health Dorset have made no comment.

Wessex Water have made no comment.

The Weymouth Town Council queries the density of the development and the mix of properties. In respect of the amended plans, a further comment is made that notes the *“slight increase in the number of parking spaces, but we still do not think this is adequate provision”*.

10.0 Representations

Weymouth Civic Society consider the proposal to be overdevelopment of this site, with an excessive number of flats and too high. There should be a visual link from Cranford House down to the level of the Rembrandt hotel.

As the two buildings are designed as a pair, the Civic Society would prefer both to be the same colour of brickwork – preferably buff or similar and are also concerned at the lack of parking. A reduction in the total number of flats should enable more appropriate provision.

The ‘studios’ are considered to have minimal space provision.

Twenty one individual objections have been received on the following grounds:

- The development is too dense and is a significant change to the character of the area. [This refers to both the original and the revised scheme.]
- Could potentially accommodate up to 82 people.
- There are only 22 [original] parking spaces for the 33 [original] flats. It should be 1.5 spaces per unit and allocated. Cycle spaces and public

transport are no substitute, even in a town centre location. Contrary to policy COM 9.

- The additional 2 spaces provided in the amended plans remains insufficient.
- Large vehicles (e.g. refuse, delivery, emergency services) will not be able to manoeuvre onsite.
- Access would interfere with existing users; particularly the hotel. College Lane is privately owned.
- Access should be made direct to Dorchester Road.
- The proposed limited parking will cause unauthorised parking along College Lane and Dorchester Road.
- The existing houses should be repaired and not demolished
- Photographs submitted to show view from adjacent dwelling overlooking the site towards Rembrandt Hotel and from front window to illustrate close proximity of new Block C.
- Block C will dominate the views from existing dwellings (flats 2, 5 & 8). [original] drawings inaccurately represent their windows.
- Block C will obstruct windows on adjoining properties and cause loss of light. [This applies to both the original and the revised plans].
- The 'single storey lean-to element' and 3 storey Block C will result in harm from loss of light and impact from dominance of the proposed building.
- There will be additional pressure on infrastructure.
- Potential for flooding from site to lower adjacent buildings, use of soakaways queried.
- The proposal [original] will result in the loss of trees in a Conservation Area.
- The land to the rear should be used as amenity land.
- No obvious eco-friendly features.
- A protected tree at the front would be lost.
- Agrees with the Conservation Officer's comments.
- There is knotweed on the site and should be removed.
- Disputes the ownership of land included in the amended plans but claimed to be in the ownership of the landowner of the site. This would prevent the implementation of the scheme: particularly in respect of car parking. The application should therefore be invalid.

Three individual supporting comments have been made on the following grounds:

- Generally supporting the principle of development.
- Supports Blocks A & B but not C.
- The amended plans showing the new fully single storey part is an improvement, but insufficient in itself to overcome all other objections.

11.0 Relevant Policies

The Development Plan
West Dorset and Weymouth and Portland Local Plan (2015).

Policy INT1 - Presumption in Favour of Sustainable Development
Policy ENV4 - Heritage Assets
Policy ENV10 - The Landscape and Townscape Setting
Policy ENV11 - The Pattern of Streets and Spaces
Policy ENV12 - The Design and Positioning of Buildings
Policy ENV13 - Achieving High Levels of Environmental Performance
Policy ENV 15 - Efficient and Appropriate Use of Land
Policy ENV 16 – Amenity
Policy SUS 2 - Distribution of Development
HOUS 1 - Affordable Housing
HOUS 3 - Open Market Housing Mix
HOUS 4 - Development of Flats, Hostels and Houses in Multiple Occupation
COM 9 - Parking Standards in New Development

The National Planning Policy Framework 2019 sets out the government's policies on a wide range of planning subjects, to which the Development Plan policies are generally in compliance. As the site is partially within a Conservation Area and affects the setting of the adjacent Cranford House listed building, there are relevant NPPF and development plan policies which may over-ride the general presumption in favour of development (NPPF paragraph 11(d)(i)).

Paragraph 192 states that local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Furthermore, para 127 states that decisions should ensure that developments:
“c)are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);”

Relevant sections of the NPPF
2. Achieving sustainable development
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places
16. Conserving and enhancing the historic environment

12.0 Human rights

Article 6 - Right to a fair trial.

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

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

13.0 Public Sector Equalities Duty

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.

14.0 Financial benefits

Material benefits of the proposed development	
Affordable housing	The financial viability of the proposal has been independently tested and the applicant has accepted that whilst the proposal is unable to viably provide for the required 35% affordable housing provision, it can viably contribute to the affordable needs of the area by providing a sum of £87,500 for use in bringing forward other affordable housing schemes in the town
CIL contributions	c. £124,000

Non-material benefits of the proposed development	
Council Tax	Not known at this stage
New Homes Bonus	Not known at this stage

15.0 Climate Implications

There is no specific information provided on the degree to which the project will be carbon neutral. However, the scheme will include Electric Vehicle points. The location of the flats within the town will provide some benefits by reducing the need for some carbon based travel movements.

16.0 Planning Assessment

Principle of development

The site lies within the defined development boundary where residential development is normally acceptable, subject to policy considerations set out in the West Dorset and Weymouth and Portland Local Plan (2015).

The site is currently in residential use and a previous planning permission has settled the principle that a more intensive residential use on the site can be established. The consideration of the principle of the development therefore lies in the manner in which the proposal increases the amount of development from the previously approved 16 units to 31.

The proposal contributes to the general need for housing and is therefore in accordance with the national policy for increasing the housing supply and in accordance with policy INT1 of the Local Plan.

Heritage Assets

The development will have a significant impact on the appearance of this part of the Lodmoor Hill Conservation Area. The street frontage will substantially change from its present appearance of a pair of domestic dwellings to a development of two large blocks of flats which are similar in scale to the adjacent Cranford House.

The Conservation Area would be enhanced by the removal of the currently unsightly derelict properties. The design of the blocks are of a scale and type that can be found elsewhere in the Conservation Area.

As in the case of the previously approved scheme, the setting of the adjacent Cranford House Grade II Listed Building is significantly affected. The siting of the blocks in both the previous and the current schemes will obscure the side elevation. However, this elevation is considered to be of secondary importance to the overall qualities of the Listed Building where the main architectural interests lies to the front which is unaffected by the development.

The Design and Access Statement says that: *“the proposed re-design has considered the setting of the adjacent listed building and the wider character of the Conservation Area. In comparison to the extant consent, the proposal will better reveal and enhance the significance of the setting of the heritage asset*

and appear more subservient in nature. The principle of the loss of the existing buildings has been accepted with the grant of the extant consent.”

Whilst the Conservation Officer offers the view that a reduction in the scale of proposed Block A would improve the transition from the larger scale Cranford House to the lower scale Rembrandt Hotel, the fact that the earlier scheme proposes no such transition is a material consideration against the suggestion.

The harm caused by loss of the existing buildings and redevelopment was considered to be substantial at the time of the previously approved scheme. This was considered to be acceptable when weighed against the poor structural condition of the buildings, the cost and viability of redevelopment and the public benefit of bringing the site back into residential use and removal of the unsightly buildings in the Conservation Area. The harm caused by the current scheme is considered to be a reduction to the extant permission which is a material consideration and therefore similar weight to the impacts and public benefits of the development are applicable.

Affordable Housing

The applicant proposes that no affordable housing is provided on site, citing the viability of the development.

A *Viability Statement* has been supplied by the applicant using specialists S106 *Affordable Housing* who set out in detail how the costs and values generated by the development do not support the provision of affordable housing.

This Viability Statement has been tested by the Council's advisers who in turn state that they agree that the financial viability of the scheme precludes providing the full 35% of Affordable Housing as required by policy.

However, the Council's advisers state that; *“the scheme is capable of providing an element of affordable housing on site”*. The advisers go on to establish the level of affordable housing that would be viable and this is established as the provision of either two on-site affordable housing units or an off-site contribution of £87,500.

The applicant, whilst taking issue with some of the details, nevertheless has agreed with the conclusions of this assessment.

The Council's enabling officer has advised that the provision of two units on site would not in his view be functionally viable for this type of flatted scheme in this area. There are schemes in the town that could be assisted in being brought forward by means of this contribution.

It is considered that policy HOUS1 allows for such an exception to be made. The contribution would require the provision of a suitable S106 Agreement.

Scale, design, impact on local character, streetscape and appearance

This part of Weymouth is characterised by a variety of residential, commercial and other uses which is reflected in the variety of styles that make up the local streets and this part of the Conservation Area. Blocks A and B are designed with features that nod in the direction of the Victorian villa style and also of the adjacent Cranford House, though they will appear modern in execution and detailing.

Block C to the rear will appear as another in-depth development of flats similar to the adjacent, existing block.

It is considered that the proposal is compliant with policy ENV10 in that it is “informed” by the character of the area. Where possible, existing small trees are kept.

The proposal is in accordance with policy ENV11 where the external spaces are well defined, their purpose clear and where movement across the spaces is convenient and safe. Facilities for bin stores and similar operational facilities are proposed.

The proposal is for the reason set out above also compliant with ENV12 where the scheme is considered to be in character with the site’s surroundings and includes necessary facilities appropriate to the use.

The overall streetscape is improved by the resulting removal of the existing derelict property and by an improvement to the street view in comparison to the existing permission.

Impact on neighbouring privacy and amenity

Policy ENV16 seeks to minimize the impact of the development on the amenity and privacy of existing and future residents. As this is a major concern of local residents, the relevant parts of the policy are quoted here in full and then addressed.

It should be borne in mind that the previously approved scheme has an impact only upon the residential use of Cranford House and, as a large single building, close to its boundary, would have affected the outlook and indirect light to those properties with windows on the side elevation. Block B is in a similar position with similar impact. However, the proposed Block C will be a new introduction into the

area and thus affect the flats behind Cranford House where no effect would have occurred under the previous permission.

Policy ENV16	Proposal	Privacy and Amenity Objection	Planning Officer Assessment
[Permitted if, the proposals] <i>do not have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy</i>	Block B side on to Cranford House uses obscure or partially glazed fenestration to service areas, bedrooms or bathrooms.	No specifically identified objection from residents of Cranford House.	<p>Cranford House: The currently approved scheme would have had secondary windows to principal living rooms in approximately the same relationship. No obscure glazing.</p> <p>The proposed new Block B has a more complex internal form with a variety of different windows. The use of obscure glazing will, on balance, be an improvement to the currently approved arrangement.</p>
	Block C is side on to the flats at Ricketts Lane and has windows only at ground level.	Whilst objectors do not specifically cite loss of privacy, it is reasonable to consider their amenity in that respect given the proximity of window to window relationships at ground level.	The proposed new Block C is not considered to have an unreasonable impact on the privacy of the Ricketts Lane properties as windows are limited to the ground level and there is a reasonable distance between the blocks at that point.
[Permitted if the proposals] <i>do not have a</i>	Block C is side on to the flats at Ricketts Lane	There are a number of substantial objections from	The existing properties are close to the southern

<p><i>significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, overbearing impact or flicker</i></p>	<p>and is forward of the front “building line” of that existing development. The agent has drawn sight lines on the amended site plan to illustrate the effect of the building.</p>	<p>residents of Ricketts Lane properties, including the submission of photographic evidence that the building will impinge on their views and overshadow their living areas.</p>	<p>boundary of the site and windows on all levels will, to some degree, receive less indirect light as a result of the development. However, most of the side facing, existing windows are north-west facing and located looking over the single storey part of Block C.</p> <p>The positioning of Block C and the design of its overall form, has sought to minimise impact and is located further away from the windows of its neighbour than the previous scheme’s relationship with Cranford House.</p>
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In summary, the development will have an impact on the amenity and privacy of a greater number of neighbouring residential properties than that affected by the existing planning permission for flatted development. However, it is considered that the impact is to an acceptable degree taking into account similar development in the locality and the specific design and siting proposed.

Economic benefits

The proposal will provide an economic benefit by bring a derelict building in a prominent location into more intensive residential use. The required contribution for affordable housing will have a positive impact of assisting such schemes in the local area.

Access and Parking

There are no highway objections to the access and parking arrangements in principle which are efficient and in accordance with standard requirements.

Though the Highways officer would have preferred better arrangements for amenity reasons. Whilst this is noted, the requirements for parking are clearly stated and have been complied with.

The applicant has a right of access using College Lane onto private courtyards for access and parking.

Land Ownership

Part of the site sought for development, in the vicinity of the Rembrandt Hotel's car park, is currently disputed as to its ownership. This is a private matter and appropriate notices and certificates have been provided with the application. However, planning conditions require that the development is constructed as approved and as such the applicant will require appropriate land ownership/legal rights to carry out the development.

Landscaping

The proposals in this respect are simple in nature and involve the retention of a significant tree in the front garden and a number of minor trees next to the amenity area for Cranford House. Additional small trees are proposed, though there will be a need to provide further details by planning condition to ensure they are suitable in close proximity to the buildings.

17.0 Conclusion

The planning issues in this case are finely balanced insofar as the proposal can be considered against the relative merits of the existing planning permission for 16 flats. On the one hand, the existing permission provided for affordable housing on-site, fewer dwellings, with less impact on existing residents adjacent to the rear of the site.

On the other hand the proposed Blocks A and B, in contrast, are a considerable improvement on the appearance of the Conservation Area and the setting of the Listed Building. But they will impact on the amenity of residents at the Ricketts Lane development more.

The proposal; whilst it does not provide the full provision of affordable housing on site, will nevertheless make a contribution to affordable housing in the town.

Access via College Lane is preferable to direct access onto the Dorchester Road and the internal arrangements for operational space and car parking are in accordance with published standards.

The proposals are considered to be in accordance with the Development Plan.

RECOMMENDATION

DELEGATE TO HEAD OF PLANNING TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE AN AFFORDABLE HOUSING CONTRIBUTION OF £87,500.00 INDEX-LINKED USING RPI FROM THE DATE OF THIS COMMITTEE REPORT, IN LIEU OF ON-SITE PROVISION.

AND THE FOLLOWING CONDITIONS AND REASONS:

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:

2018-18-21 Rev.C -	Block & Location Plans
2018-18-22 Rev.C -	Site Plan
2018-18-23 Rev.A -	Blocks A & B Floor Plans
2018-18-24 -	Block A Elevations
2018-18-25 Rev.B -	Block B Elevations
2018-18-27 Rev.B -	Street Elevations
2018-18-28 Rev.A -	Bin & Cycle Stores
2018-18-29 -	Plans of Existing Building
2018-18-30 -	Elevations of Existing Building
2018-18-33 Rev.A -	Block C Floor Plans & Elevations
2018-18-34 -	Drainage Strategy

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

3. Prior to the commencement of the development, details of the make, type and colour of all materials to be used externally on each part of the development, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out using the approved materials.

REASON: To ensure that the materials are clearly specified.

4. Prior to the occupation of the first dwelling, the access, turning and parking, cycle parking and bin store facilities shown on Drawing Number 2018-18-22 must have been constructed. Thereafter, these must be

maintained, kept free from obstruction and available for the purposes specified.

REASON: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

5. Prior to the commencement of the development, details of all hard and soft landscaping, including ground surface area materials, the species and size of tree planting and the protection measures to be employed for existing trees as shown on the approved site plan 2018-18-22 rev C, shall be provided to and approved in writing by the local planning authority. All hard and soft landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

REASON: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

6. The obscure glazing as shown on the approved plan for Block C, reference 2018-18-33A shall be installed prior to the occupation of the dwelling to which it relates and shall be kept as obscure glazing at all times thereafter.

REASON: In the interests of the privacy and amenity of residents.

7. A historical record of the house and grounds at No.8 and No.10, including the interior and exterior of the buildings, shall be carried out and submitted to the Local Planning Authority and shall include photographs and plans to be agreed with the Local Planning Authority, prior to demolition commencing.

REASON: To ensure that an adequate record is made in the interests of historic information.

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1.0

Application Number: WD/D/19/000613

Site address: Land to north and west of Cockroad Lane, Beaminster

Proposal: Erect up to 58 dwellings, amenity space, landscaping, informal public open space, and children's play area. Demolition of agricultural structures (outline)

Applicant: Gladman

Case Officer: Bob Burden

Ward Member: Cllr Anthony 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. The proposal is not fully in accordance with the Development Plan; Policy BEAM1 of the adopted Local Plan which includes an element of employment on this site; and this application does not include employment.

2.0

Summary of Recommendation:

Recommendation A: Delegate authority to the Head of Planning to grant, subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

- 35% affordable housing on-site (plus payment of a financial contribution for any "part dwelling" shortfall on the 35% figure - index linked).
- provision of vehicular access road link to the other BEAM1 Policy land (application WD/D/18/000115)
- provision of 2 other pedestrian/cycle links to the other BEAM1 Policy land
- details of the provision, management and maintenance of the public open space/landscaping

All S106 contributions shall be index linked using RPI from the date of committee resolution

And subject to planning conditions as at Section 17 of this report.

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

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of the affordable housing on site and any necessary financial contribution for off-site provision. Hence the scheme is contrary to policy HOUS1 of the West Dorset, Weymouth and Portland Local plan 2015
2. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the provision of a vehicular access link road

constructed to link with the other part of the BEAM1 land allocation. The absence of this link would result in an undesirable cul-de-sac development, lacking permeability and inter-connectivity with the wider BEAM1 allocation to the detriment of fostering community and causing inconvenience for road users. Hence the scheme would be contrary to Policies BEAM1 and ENV11 of the Local Plan.

3. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the provision of two pedestrian/cycle links to link with the other part of the BEAM1 land allocation. The absence of these links would result in an undesirable cul-de-sac development, lacking permeability and inter-connectivity with the wider BEAM1 allocation to the detriment of fostering community and causing inconvenience for road users. Hence the scheme would be contrary to Policies BEAM1 and ENV11 of the Local Plan.
4. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the satisfactory management and maintenance of the public open space and landscaping. Hence the scheme would be contrary to policies BEAM1, COM1 and COM 4 of the Local Plan.

3.0 Reason for the recommendation:

- Contributes towards 5 year housing land supply
- The location is considered to be sustainable and the proposal is acceptable in its general visual impact.
- There is not considered to be any significant harm 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	Site largely within the allocated site within the defined development boundary. Employment policy has evolved to focus on more appropriate sites. Development on this site is therefore acceptable in principle.
Affordable housing	Clear demand in the Beaminster area; scheme would provide 35% affordable housing on-site.

Effect on Area of Outstanding Natural Beauty (AONB) and visual amenity	A sensitive site visible from various viewpoints in the AONB and public rights of way that cross site. Structural landscaping and other additional landscaping will satisfactorily mitigate the impact on this area.
Layout/design/open space	Submitted scheme is illustrative only- but gives an indication of how the elements could be potentially accommodated across the site.
Effect on heritage assets	Site is a significant distance from the listed Horn Park and Lower Barrowfield Farmhouse and the conservation area; effect on the setting of these is judged to be acceptable.
Surface water drainage	In area at low risk of fluvial flooding but with a stream to the east side. Scheme includes an attenuation pond which would address this issue.
Foul drainage	A suitable foul sewer connection is available in St James' to the east.
Residential amenity	Site has a boundary with just one dwelling at present. However, the adjacent application site together with the approved Clipper Teas sites to the east will result in new dwellings close to the site. Detailed reserved matters submissions can satisfactorily address these relationships. A construction environment management plan condition can be used to minimise disturbance at construction stage.
Ecology	The scheme includes the removal of a section of wooded wildlife corridor and an associated meadow area of value in particular. Hence a Biodiversity Enhancement and Mitigation Plan has been submitted to address this. A further plan BMEP will be required by

	condition as part of a reserved matters application to ensure appropriate ecological compensation measures are included.
Archaeology	Some archaeological features found on the adjacent BEAM1 site, but not borne out on this site; no requirement for an archaeological condition.
Highways and movement	Commitment to vehicular access point as part of this otherwise outline application, however the objective of a single integrated community with the remainder of BEAM1 is facilitated by the scheme with vehicular and other pedestrian and cycle links to be provided. Potential link to the suggested BEAM3 allocation to the north-east is also referenced.

5.0 Description of Site

5.1 The site lies on the west side of Beaminster - to the west and north of Cockroad Lane (the lane also lies partially within the application site). The lane is an unadopted private access road, typically 2.4-2.6m wide, but widens to about 5.5m at the point where it meets the St James turning head.

5.2 The majority of the 4.57ha site comprises open pasture with pony paddocks and open sheep grazing land. It slopes downwards from the north becoming more level at the southern part.

5.3 A public footpath runs across the site from north-west to south-east, and a bridleway runs along Cockroad Lane /edge of this site. At the north-eastern part is a grey blockwork/cement sheet roofed building in a deteriorating state which would be removed.

5.4 A stream (tributary of the River Brit) runs north-south in a channel down the east side of the site. Just east of this is an open sided Dutch barn hay store and machinery store. To the south is a stable yard with varied external materials including corrugated metal, ply and felt roofing to the stables, tack room, and an outdoor equestrian training area (these structures are to be removed as part of the scheme). The stream route is flanked by a mature woodland corridor. A concrete slab bridge about 4m wide allows vehicular access (agricultural) to this land at the northern end.

5.5 There is an “outshoot” of the red-lined site which extends at the north-east corner around part of Cockroad Farm including rough grass, a slurry pit and some miscellaneous agricultural storage.

5.6 To the north of the site is open pasture with a disused small agricultural building to the east. Moving eastwards a wooded fringe runs to the north. The eastern outshoot is flanked by agricultural land to the north, with blockwork and corrugated calf buildings to the south with open sheep pens running down part of Cockroad Lane.

5.7 Further south on the Lane are two large metal sheet –clad factory buildings of Clipper Teas (now with permission to be replaced by residential development).

5.8 Turning to the southern boundary a dwelling called Four Seasons House and its garden is located here. The main part of this southern boundary and the western boundary is formed by a native species hedgerow with open agricultural land beyond (also part of the BEAM 1 allocation- with an outline Committee resolution to approve subject to completion of a s106 for up to 100 dwellings; PA WD/D/15/000115).

6.0 Description of Development

6.1 This is an outline application which seeks approval for the principle of up to 58 dwellings on a 4.57ha site. All matters are reserved apart from vehicular access. Vehicular access is proposed from Cockroad Lane to the east which will involve a new vehicular/footway bridge to cross a watercourse. This access with footways would be about 10m wide. It would include a modification of the existing narrower (about 2.5-3m wide) Cockroad Lane so that the lane meets the new road as a small T junction. Traffic would travel eastwards to link with the adopted St James road, which in turn links with the main B3163 Broadwindsor Road. The northern end of the existing Cockroad Lane reduces to a bridleway at its northern end by Cockroad Farm, with the bridleway on its route continuing northward across the north-eastern edge of the application site.

6.2 It should be noted that the layout plan provided is for *illustrative* purposes only; that is to say it provides an indication of how the site might accommodate up to 58 dwellings. Having said that, certain features are relatively “fixed” on the site; a surface water attenuation feature is likely to be located at the lower part of the site at the south-east corner. A 10m wide “buffer strip” to the existing eastern/north-eastern landscaping is to be provided, together with structural landscape planting to the northern boundary. A locally equipped area for play (LEAP) is to be provided and associated informal public open space -probably towards the north of the site.

6.3 Notwithstanding the illustrative layout – a new potential road link and pedestrian/cycle links with the remainder of the BEAM1 allocation to the south-

west would be provided (with scope for these to be used if and when development to this adjacent land goes ahead).

6.4 The illustrative layout is supported by a Design and Access Statement which indicates that the street pattern would be “an irregular pattern of streets similar to that found in Beaminster”. The layout appropriately follows the perimeter blocks principle and a hierarchy of roads is suggested; a primary street, served by secondary streets, then giving way to lanes and mews. The higher density would be associated with the main street with linked buildings, then moving to a lower density with distance from this street and in relation to the public open space or landscaping. The average density would be about 35 units per ha. The majority of buildings are indicated as two storey up to a maximum of 9m to ridge height, with taller 2.5 storey buildings used selectively (up to 10.5m height). Clearly, the final layout and design would be the subject of consideration at reserved matters stage.

7.0 Relevant Planning History

(Adjacent site –other part of BEAM1).

WD/D/18/000115 Outline planning application for residential development of up to 100 dwellings and associated infrastructure (means of access to be determined). (Committee resolution to approve 17 Jan 2019 subject to completion of s106).

8.0 List of Constraints

Mainly within the defined development boundary- allocated BEAM1 site (housing, employment and public open space)

Highways

Rights of Way

Historic Contaminated Land

Setting of Grade II listed building (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

Effect on 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*)

9.0 Consultations

Crime Prevention Design Advisor-

Pleased that Building For Life and Secured by Design New Homes documents have been taken into consideration.

Natural England-

No objection subject to biodiversity mitigation and Enhancement Plan condition. BEMP received, but not accepted until it has been approved by the Natural Environment Team

Natural Environment Team-

Biodiversity Mitigation Plan (BMEP) submitted with ecological survey. (BMEP subsequently revised to Natural Environment Teams satisfaction). NET approval Certificate issued.

Public Health Dorset-

Consider cumulative implications of this will alter adjacent residential development sites. Include measures to promote social interaction between future residents – especially to encourage young people's social interaction.

Minerals and Waste Planning Officer-

Site lies partially in the Minerals Safeguarding Area (Inferior Oolite building stone); need to ensure this area is not sterilised as part of this development. Low demand for this stone therefore no objection to this scheme. This major development proposal should demonstrate that: construction, demolition and excavation waste is minimised, re-used and recycled where possible. Recycling facilities are present to separate and store waste. Adequate capacity at sewage treatment works.

Wessex Water-

Separate systems for foul and surface water drainage required. Foul sewer to connect to sewer in St James' - acceptable in principle. Pumping station may be required. Surface water will be directed to an on-site attenuation basin.

Highways Officer-

The County Highway Authority considers that the proposed development would be better served and connected to the adjacent recently approved site (and roundabout for vehicles and with a pedestrian /cycle link to the access indicated) but considers that the proposal using the route indicated does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION, subject to the following condition:-

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

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

Technical Services-

In Flood Zone 1- low probability of fluvial flooding. Ordinary watercourse to east of site. Higher surface water risk –consult Lead Local Flood Officer.

Environmental Health Officer-

Noise report submitted; the report and mitigation recommendations should be followed. Land lies in historical land contamination area; potential land contamination condition should be added.

Landscape Officer-

Design objectives-“to provide excellent connectivity across the site into Beaminster and adjacent residential planning application areas”.

Submitted Landscape and Visual Impact Assessment appears fair in content and judgements. Need structural and woodland planting along northern and western boundaries. Retain existing hedgerows and trees where possible. Protect wildlife in wooded river channel with 10m wide green buffer zone.

AONB Officer-

Strategic landscaping is located outside of the allocated area but within the red line; this approach may be considered acceptable subject to suitable design. Extend north belt to approx. 20m width (not min 5m) to equate with other planting/other portion of BEAM1 landscaping. Need overall landscape framework for both sites. Avoid higher density housing further north. Amend vehicular access to use link to main BEAM1 site (current scheme would remove a section of the wildlife corridor to the east- conflicting with protection of the full wildlife interest of the wooded river channel).

These conclusions reinforced by Dorset Council Landscape Officer; increase northern width woodland planting; ensure integration regarding access, landscaping and housing layout strategies with adjacent part of BEAM1 site; scheme fails to provide robust network of green infrastructure.

Eastern vehicular access- conflicts with Local Plan objective-protect linear wildlife habitat-prevents green buffer zone.

Landscaping schemes for both this and the other part of the BEAM1 allocation must work well together.

Urban Design Officer-

It is disappointing that the two schemes covering the BEAM1 site have been designed in isolation; the importance of achieving connectivity in terms of layout and design cannot be underestimated. Currently there are only footpath links into the adjoining site-not sufficient to achieve the expected level of connectivity that would satisfy good design principles.

Sole vehicular access from Cockroad Lane is not considered acceptable in design terms. The main vehicular access should be off Broadwindsor Road (through the other part of the allocation). A Cockroad Lane vehicular access would be contrary to protection of the wooded river channel corridor.

The proposed density of 35 units per ha is considered too high, given the character of the rural town setting. On the illustrative layout higher density on Main Street may be acceptable, but over the rest the densities need to be lower;

should also complement the distribution density of the southern part of the allocation site.

Landscape strategies for both sites should complement each other. Could design route from the other site to end at an attractive public open space end point in this site

Conservation Officer-

No objections- principle of development endorsed through Local Plan. Traditional-type building materials in Design and Access statement supported. Nearest listed building is Lower Barrowfield Farm 100m away. Less than substantial harm to heritage assets. Due consideration given to section 16 of the NPPF, Sections 66 and 72 of the 1990 Act and Policy ENV4 of the Local Plan.

Senior Archaeologist-

Material of Iron Age date was found in the south-west of the adjacent application site and archaeological features in the north-west part of the site. Further survey work carried out (June 2019). Consequently the archaeologist has confirmed that an archaeological condition is not required in this case.

Senior Ranger-

No objection – relates to Footpaths 71 and 72, and Bridleway 73 Beaminster . Footpaths/bridleway should remain open to the public. Footpaths/bridleway may be diverted by legal order. For temporary closures contact Senior Ranger. Certain rights of way are subject to a Definitive Map Modification Order.

Flood Risk Officer-

In Flood Risk Zone 1- low risk of fluvial flooding. Some risk to east- associated with the Ordinary Watercourse to this part. No objection subject to conditions addressing surface water scheme, and maintenance/management details.

Housing Enabling Officer-

A review of Dorset Home Choice Housing Register indicates that there are currently over 1760 households registered as being in affordable housing need across the Council area. There is a particular need for smaller one and two bedroom properties. There are currently 90 households on the housing register with a connection to Beaminster.

To address the affordable housing need across the district the Council's Strategic Housing Market Assessment 2014 (SHMA) suggests that in the region of 104 new affordable dwellings will need to be developed each year.

Policy requires 35% affordable housing on sites of 6 or more houses in designated rural areas with the inclusion of 70% social/affordable rent and 30% intermediate affordable housing on open market housing sites and financial contribution towards the provision of affordable housing when there is a shortfall

on site. This outline application seeks to erect up to 58 residential dwellings, including 35% affordable housing.

Policy requires a contribution of 16.24 dwellings on this scheme and the Council would accept 16 properties on site with a financial contribution.

There is a significant need for affordable housing in Beaminster and across the area which the provision of 58 dwellings would assist in meeting.

Economic Development Officer-

I understand other sites are being considered for employment uses in Beaminster so I am not concerned about the loss of employment allocation at this site.

Land Contamination Consultant-

The report reflects environmental character and criteria and I would assume that the consultant's assertion that an invasive investigation is required relates to potential contamination. The nature of the report also provides information that supports a conclusion that there may be contamination at the site. I advise, therefore, that the council's standard contaminated land planning conditions need to be in place for this proposed development and that further reporting is to be expected to meet the objectives of statutory guidance (National Planning Policy Framework).

Beaminster Town Council-

In considering the proposal in respect of the access to the site Beaminster Town Council would make the following comments:

- 1) Three applications for housing development are 'current' for two sites in this area, former Clipper Tea site and BEAM1. These separate applications are fragmenting the sites - the Town Council emphasise the need to co-ordinate traffic movement and support the view of the Transport Development Liaison Engineer that this development would be better served and connected to the adjacent site via the roundabout.
- 2) The Town Council believe that an improved layout could be achieved by a co-ordinated approach to all three sites with more suited traffic movements, recreational areas, open spaces, landscaping and housing provision.
- 3) BEAM1 site is allocated within the Local Plan as a site for residential and employment development, the Town Council OBJECT to the proposal for residential only development.
- 4) The Town Council would have preferred to have an indication as to reserved matters and stress the importance of consultation with the developer.

- 5) With the exception of water conservation there appears to be no mention of other 'green' initiatives for the site.

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

Representations

1 Letter of objection/comment from the Beaminster Society:

The main-planning related points include-

Support for the overall design parameters; green infrastructure; common building materials; contemporary house design should still respect the vernacular styles/materials in Beaminster.

No mention of live/work units (mentioned in the Local Plan) in the application.

Object to the removal of the employment allocation from this to the more southerly BEAM4 location in the Preferred Options Consultation; object to this due to visual harm.

Wish to see small businesses provided for in BEAM1 (this site) by condition or informative.

Support the proposals for lanes and mews to create character streets, and informal road design with quality materials.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan 2015

BEAM1 Land to the North of Broadwindsor Road
ENV1 Landscape, seascape and sites of geological interest
ENV2 Wildlife and habitats
ENV4 Heritage assets
ENV5 Flood risk
ENV9 Pollution and contaminated land
ENV10 Landscape and townscape setting
ENV11 The pattern of streets and spaces
ENV12 Design and positioning of buildings
ENV15 Efficient and appropriate use of land
ENV16 Amenity
SUS1 The level of economic and housing growth
SUS2 Distribution of development
HOUS1 Affordable housing
HOUS3 Open market housing mix

- COM1 Making sure new development makes suitable provision for community infrastructure
- COM4 New or improved local recreational facilities
- COM7 Creating a safe and efficient transport network
- COM9 Parking standards in new development
- COM10 The provision of utilities service infrastructure

Beaminster Parish Plan 2013-23- This site (part of BEAM1) is specifically referred to under the “Built Environment -Planning for the future” section of the Parish Plan.

National Planning Policy Framework 2019:

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

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centre
- 8. Promoting healthy and safe communities
- 9. Promoting Sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Other material considerations

Design and Sustainable Development Guidelines 2009

WDDC Landscape Character Assessment 2009

Bournemouth, Dorset and Poole Parking Guidelines

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.

The application will include measures to assist with the (potential) pedestrian/cycle linkages between this site and the remainder of BEAM1, thereby facilitating ease of movement to bus stops and other local facilities for less able persons.

13.0 Financial benefits

Material considerations-

The scheme will include 35% affordable housing.

Green infrastructure including community facilities: 2.91 ha

Locally equipped area for play (LEAP) 400m²

Spending in local economy by residents of 58 dwellings

Employment created during construction phase (applicant considers up to 52 FTE jobs could be created at this stage).

Non material considerations

Contributions to Council Tax Revenue

New Homes Bonus

Community Infrastructure Levy (CIL) - CIL contributions will be calculated at reserved matters stage when floor space areas are known.

14.0 Climate Implications

14.1 The applicant has submitted an Energy and Sustainability Statement with the application. This sets out how the proposals can be designed to reduce carbon emissions and improve energy efficiency. Looking towards the future detailed design stage the strategy explains how measures such as increased insulation, effective air tightness and energy efficient lighting can be incorporated. Electrical charging points are also advocated for inclusion in the scheme.

The site is considered a sustainable location; it is an allocated site on the edge of an established town with a good range of services and facilities.

The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would be used as a result of the production of the building materials and during the construction process. When occupied the development would generate vehicular movements releasing carbon monoxide. Heat escape from dwellings would contribute to greenhouse gases. However it should be noted that modern building regulations would help minimise such heat release, and the use of petrol/diesel cars could be partly reduced due to the option of public transport (buses). A balance has to be struck between providing housing to meet needs (both open market and affordable) versus conserving natural resources and minimising energy use.

15.0 Planning Assessment

Principle of development:

15.1 This site is mainly located within a site allocated for development under Policy BEAM1 (Land to the north of Broadwindsor Road) of the adopted Local Plan and lies mainly within the defined development boundary. Beaminster is a market town (civil parish population about 3,100) with a range of services and facilities making it a suitable location for development. The Policy states:

- i) Land to the north of Broadwindsor Road, as shown on the policies map, is allocated for housing, employment and public open space.*
- ii) The development will include structural woodland planting along the western and northern boundaries, and existing trees and hedgerows within and around the boundaries of the site, should be retained where possible. The development will also ensure the protection of the wildlife interest of the wooded river channel along the eastern boundary of the site.*
- iii) The development shall create a positive frontage onto Broadwindsor Road, with parking and servicing requirements within the site.*
- iv) The development will provide a safe and attractive pedestrian route into the town centre, which should include a footway along the Broadwindsor Road.*

15.2 The site area covers the north-eastern portion of the allocated site, but also extends northwards of the allocation. This enlarged part of the site includes a proposed east-west tree belt varying between 16 and 40m width. The applicant has done this to allow for potentially more dwellings on the allocated site itself (the belt to the north allowing for additional landscaping/open space). (It should be noted that the larger, southern portion of the BEAM1 allocation (4.6ha) has previously been accepted for residential development of up to 100 dwellings by the West Dorset District Council Planning Committee on 17 January 2019 - WD/D/18/000115). The application was approved subject to conditions and a Section 106 agreement. That agreement is now nearing completion).

15.3 It is important that this site extending further than the 2.2ha of the remaining allocated site (if approved) is coherently planned so that it complements and links effectively with the adjacent land which is approved for residential development

subject to the s106 being concluded. This objective will be explored further in this report.

15.4 The case officer and landscape officer consider that in principle the extension of the site northwards essentially to provide the land for structural landscaping/public open space beyond the formally allocated site is reasonable.

15.5 Adopted Policy BEAM1 has an expectation that about 0.5 ha of land will be developed for employment use. The submitted application does not include any employment land. However, on this topic it is expedient to mention that under the emerging Dorset Council Local Plan (the West Dorset, Weymouth and Portland Local Plan Review is not proceeding as decided by Dorset Council Cabinet on 25th June 2019 and work has begun on a new Dorset-Wide Local Plan) the proposed land-use allocation is changing. The emerging development strategy for Beaminster as set out in the Preferred Options Consultation 2018 (POC) is for development to be focused to the west and north of the town. As mentioned, the adopted Local Plan contained a mixed use allocation on land North of Broadwindsor Road (BEAM1). This site contained a requirement for employment land to be provided adjacent to the existing employment uses to the east of the site- partly prefaced on the proximity of that area to the then employment use at Clipper Teas, north of the Broadwindsor Road. ***However, circumstances have now changed;*** the area close to the east of the site (part of the Clipper Teas site) has now been granted permission for residential development substantially *reducing* the appropriateness for employment uses to be located adjacent to housing (the reserved matters application WD/D/18/002592 for 38 dwellings has now been approved and planning condition requirements are now being processed). Furthermore, the emerging local plan strategy proposes to *remove* the requirement for employment land on the BEAM 1 site. It is now proposed that land to the south of Broadwindsor Road (BEAM4) is proposed for employment uses (up to 3.8ha) in the emerging local plan allowing for the expansion of existing businesses and for new businesses to move in or start. BEAM4 is located between the main Clipper Teas site and Lower Barrow Farm. Also, as part of that Review another area - Land to the West of Tunnel Road is proposed for residential development in the emerging local plan, and Land at Lane End Farm is allocated for employment uses as in the adopted local plan.

15.6 The preamble to BEAM1 also refers to “*live-work units would be supported as part of this development*”. Live/work units have not been specifically included in this application, but this is not a policy requirement - rather a possible option. They were not included in the other adjacent application. However, in reality with modern ways of working an increasing number of people work on a part or full-time basis from home and this would be likely to occur in any event.

15.7 The removal of employment use from the current BEAM1 allocation is further reinforced by the comments that were made by the Senior Economic

Regeneration Officer in relation to the application the Committee resolved to approve in January:

I was involved in about 2006 with SWRDA (the former South West Regional Development Agency), who undertook a development appraisal of the site, which was then allocated purely for employment uses. I recall there were exceptional costs for drainage and utility connections as well as possible contamination and need for edge planting which concluded the size may not be viable for employment uses.

I note the policy requirement for the retention of part of the site for employment uses, you may wish to reconsider this given the recent residential outline consent granted on the adjacent employment area, Clipper Teas to east.

I note that there remains in Beaminster the BEAM2 site (Land at Tunnel Road) which if brought forward by the owner or third party could provide some future employment needs for Beaminster.

15.8 It should also be noted that these factors were taken into consideration by the West Dorset District Council Planning Committee in January 2019, leading them to resolve to approve the application on the southern part of the allocation without any requirement for employment. Hence it would now be inconsistent with the emerging employment strategy for employment to be required on this part of the allocation. Moreover the Senior Economic Development Officer is content with the direction of employment policy and has commented “*I understand other sites are being considered for employment uses in Beaminster so am not concerned about the loss of the employment allocation at this site.*”

15.9 A further relevant factor to consider is that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The relevant figure for the former West Dorset and Weymouth and Portland area is 4.88 years of supply across the Local Plan area (less than the 5 year requirement). This means that para 11, footnote 7 of the NPPF is ‘engaged’ and relevant policies for the supply of housing, including Policy SUS 2, may no longer be considered to be up-to-date. Where a ‘relevant policy’ such as SUS 2 is considered to be ‘out-of-date’, Para 11 of the NPPF is also engaged, indicating that in such cases planning permission should be granted unless:

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

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

15.10 The lack of a 5 year supply, even if the supply is only marginally below 5 years as in this case, means that less weight has to be given to policies such as Policy SUS 2 in decision-making. The local plan inspector's comments, which raised concerns about the marginal nature of the council's housing land supply, remain just as relevant to decision-making, now the supply has slipped below 5 years. Based on the requirement to assist in the lack of five year housing supply, and subject to compliance with other policies in the local plan, the proposal must be carefully considered .

15.11 Taking the above factors into consideration the principle of development of this site is considered acceptable.

Affordable Housing:

15.12 Under adopted Planning Policy the scheme should deliver 35% affordable housing on site. The applicant has indicated agreement on that point. The Housing Enabling Team have indicated there are currently 97 households on the housing register with a connection to Beaminster. The local housing need is greatest for one or two bedroom properties. They indicate that the tenure is likely to be split 70% rented and 30% intermediate. It is suggested that priority for affordable homes should be for households with a local connection to Beaminster. If the scheme provided up to 58 dwellings that would require 16.24 dwellings on site; in those circumstances 16 would be provided with a financial contribution towards affordable housing for the remainder. As this is an outline application with precise numbers not yet agreed a section 106 agreement would ensure 35% of the eventual number would be for affordable housing with any financial contributions as appropriate.

Effect on Area of Outstanding Natural Beauty (AONB) and visual amenity:

15.13 The site lies within the AONB, is visible from public land and is crossed by three public rights of way. It lies within the Brit Valley Landscape Character Area. It is therefore a visually sensitive site. Policy BEAM 1 recognises this and specifically includes a requirement for: "*structural woodland planting along the western and northern boundaries, and existing trees and hedgerows within and around the boundaries of the site, should be retained where possible*". The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application. This has been considered by the AONB Landscape Officer and the Senior Landscape Officer.

15.14 The Landscape officers consider the LVIA to be fair in its content and judgements. They consider that the principle of the structural landscaping beyond (north) the allocation outside the defined development boundary is acceptable subject to details. The site is visible from the Wessex Ridgeway to the south and from higher viewpoints to the north, together with the rights of way. It is imperative that sufficient structural woodland planting takes place to the northern

and western site boundaries in order to satisfactorily assimilate the development into the landscape, and to integrate with the other part of the BEAM1 area. The applicant has provided a revised Development Framework Plan which increases the tree belt width varying from 16m to 40m. The existing tree/hedgerow planting to the west and south boundaries would be largely retained, with scope to increase this further. They make the point that the housing density should be lower towards the north, approaching the settlement edge.

15.15 There is an existing wooded river channel to the east; this would be largely retained and a 10m wide buffer strip provided (shown on the revised Development Framework Plan). The Landscape Officers wish to see the development served by a vehicular access from Broadwindsor Road (through the other application site) rather than Cockroad Lane which would avoid removing some trees on the eastern side. Policy BEAM1 Includes the line: *The development will also ensure the protection of the wildlife interest of the wooded river channel along the eastern boundary of the site.*

15.16 Whilst it is true to say this proposal would result in a loss of a section of that woodland strip this is limited to about a 10m wide section. The remaining section is substantial; about 200m long. The section lost is not in a critical location in terms of strategic screening. In these circumstances it is considered that its removal would not significantly undermine the wildlife interest that it could support and this will be ensured by the Biodiversity Enhancement and Mitigation Plan. Having made this point it should also be noted that the option of a vehicular access route from the site direct to Broadwindsor Road is the preferred option; this is expanded on later in the report.

15.17 It is considered that, subject to appropriate reserved matters submissions, the scheme would have an acceptable effect on the character of the Area of Outstanding Natural Beauty and the visual amenity of the area.

Layout/design/open space:

15.18 It must be remembered that the submitted layout is ***illustrative only***; its role in this context, therefore, is to indicate just one way in which the site could be developed having regard to the planning elements that need to be included. This particular layout includes a main street running north-east/ south-west reflecting the existing route of a public footpath. Lesser roads are then arranged off that with development mainly in the form of perimeter blocks. Parking is mainly shown as off-road with associated plots.

15.19 This layout does not show linkages with the BEAM1 allocation remainder. However, the revised Development Framework Plan more recently submitted is more attuned to the objective of creating a single integrated community because it shows a potential highway link and two pedestrian/cycleway links into the adjacent BEAM1. (It should be noted that the draft Broadwindsor Road Section

106 agreement with the other application *already* incorporates these items in anticipation of securing these interlinkages with this current application).

15.20 Regarding the general design approach, this suggests the majority of buildings would be two storey up to 9m ridge height. Taller 2.5 storey buildings might be used selectively (10.5m height). Chimneys would feature in the designs.

15.21 Turning to public open space the size of the development means some on-site open space provision is required. The development provides for 1.07 ha parks and gardens, 0.44ha natural/semi-natural green space and 1.4ha amenity green space.

15.22 The main public open space is suggested to the north which includes a locally equipped area for play (LEAP) of 400m² with buffer zone, and a peripheral band of space running alongside the north and east boundary tree areas.

15.23 Regarding density, the “up to 58” units here would be higher than the expectation under the Local Plan for the site (approximately 120 for BEAM1 overall). However, the site has effectively been enlarged as a result of the structural landscaping being moved northwards beyond the allocated site area. The density of the site is calculated at 35 dwellings per ha. The Urban Design Officer feels this is too high given the location on the edge of the rural town. However, to some extent this depends on how the detailed layout is configured; and there is scope to adjust this. Whilst the illustrative layout indicates one way of developing the site it does not explore and utilise road and other links with the other allocated section. However the submitted Development Framework Plan provides a basis for such desirable integration. The pattern of density on the illustrative plan is partly dictated by the alignment of the main street on the line of an existing public footpath which is not necessarily the right approach for this site. As a general comment there should be a higher density towards the southern part (perhaps making more use of terraced/semi-detached dwellings in particular) with the densities reducing with proximity to the northern countryside edge.

15.24 In summary, the illustrative layout is considered sufficient to form a basis to indicate that the site can be developed satisfactorily. A reserved matters layout would require significant changes to ensure the appropriate disposition of layout and densities and any other relevant considerations.

15.25 It is important to note that the application is not for 58 dwellings, but for "**up to**" 58 dwellings. In these circumstances officers would only support 58 **if** the layout/design/landscaping was convincing in terms of its impact on the character of the area and on the AONB. Indeed, a planning condition would be applied to indicate that this assessment would be made; it may transpire at reserved matters stage that only a lower number may be acceptable. It is noted, for

example, that a greater proportion of terraced properties (relative to detached or semi-detached) than that currently shown on the illustrative layout would help.

Public Rights of Way:

15.26 Public footpaths W21/72 linking with W21/71 run through the west half of the site before heading north. A bridleway W21/73 also runs northwards along Cockroad Lane (later paralleled by footpath W21/71) and into the countryside beyond. It is likely that certain public rights of way would be diverted as a consequence of this development such that they continue to provide links across the site to other land. Formal right of way diversion applications would be required.

Effect on Heritage Assets:

15.27 The submitted Built Heritage and Archaeological Assessment (BHAA) has considered the effects on nearby heritage assets, including Barrowfield Farmhouse, Horn Park and the Beaminster Conservation Area. The BHAA identifies that the development of the application site would currently result in very minor harm to the significance of the grade II listed buildings, Barrowfield Farmhouse and Horn Park. The Conservation Officer has considered this and has no objections to the scheme, concluding that this would result in less than substantial harm to the identified heritage assets.

15.28 The proposal is considered to have minimal effect on the conservation area setting due to being at some distance from it. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

15.29 The scheme is considered to result in less than substantial harm to the setting of listed buildings in the vicinity – the nearest being Lower Barrowfield Farm about 100m away to the south. Great weight is given to the position of less than substantial harm and therefore, this must be balanced against any compelling reasons of public interest considerations. These include: the opportunity to provide up to 58 dwellings in a sustainable location, 35% of these for on-site affordable housing, a useful contribution towards addressing the 5 year Housing land Supply short-fall, and the ecological enhancements secured through appropriate ecological plans. In the light of these it is considered these provide sufficient justification for the scheme. This conclusion has been reached having regard to: (1) para 196 of the NPPF 2019, (2) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (3) Local Plan policy.

Surface Water Drainage:

15.30 The site lies in Flood Risk Zone 1 (low risk of fluvial flooding). A flood risk assessment has been submitted and considered by the Lead Local Flood Officer. There is an ordinary watercourse (stream) to the east side which could potentially result in some flooding. The site drains mainly in a roughly north to south direction. The applicant's illustrative scheme shows an attenuation pond (SuDS drainage scheme) is proposed to manage excess runoff from the development to the south-east part of the site. This would have a gravity-fed outfall to the on-site watercourse. The Flood Risk Officer supports the scheme subject to conditions addressing the surface water scheme detail and maintenance/management details.

Foul Drainage:

15.31 Wessex Water has been consulted and has advised that the foul sewer which would connect to a sewer in St James' is acceptable in principle.

Residential Amenity:

15.32 The site lacks a common boundary with existing residential development apart from All Seasons House a two storey dwelling close to the south east corner of the site. However the part of the application site closest to it is comprised of part of the wooded river corridor. As such since this section is to be retained, this has the effect of "distancing" the scheme from the house and its garden. A current application for a new stables building lies just to the north of the site (WD/D/19/001689). This would however be "buffered" from the site by the structural tree planting belt and open space within this residential application site.

15.33 It should also be noted that the site is adjacent on its south and west boundaries with the other BEAM1 application. Both schemes are in outline and therefore the precise relationship between them in residential amenity terms would be determined at reserved matters stage; it is considered that the development of this site for residential dwellings is likely to be acceptable in residential amenity terms subject to appropriate design and layout. The Cockroad Lane access would also take the development close to the forthcoming Clipper Teas residential developments to the east. With the proposed access passing these and other existing residential areas a construction environment management plan would be appropriate as a planning condition.

Ecological Considerations:

15.34 Broadleaved woodland, a stream (tributary of the River Brit) and linear features formed by the hedgerows with trees provide the habitat of greatest ecological value on the site. Reference has previously been made to the

proposed vehicular access to the site from Cockroad Lane. This would require the removal of some trees in order to provide vehicular access to the site.

Policy BEAM1 includes the following reference:

The development will also ensure the protection of the wildlife interest of the wooded river channel along the eastern boundary of the site.

15.35 The new vehicular access would remove about 10m of the “wooded channel” (including five identified trees on a 0.15ha area). This is a loss from the overall ecological habitat but it must be borne in mind that the section remaining is about 200 metres in length. The parcel of grassland that the new vehicular access road would pass over before crossing the stream is of significant ecological value. Given this it is important that the ecological measures are sufficient to compensate for these losses. The application includes the demolition of the agricultural/other structures; this includes the removal of a former piggery building to the north, the machinery store/dutch barn flanking the west side of Cockroad Lane and the timber-clad felt/corrugated roofed stables/tack buildings and outdoor equestrian area lower down the west side of Cockroad Lane. Removal of these provides land and therefore scope to adequately compensate for the ecological losses through additional landscaping/habitat enhancements which the applicant is agreeable to.

15.36 The applicant has provided a Phase 1 Habitat Survey and biodiversity enhancement and mitigation plan (BMEP). An acceptable revised BMEP has now been received, together with a Certificate of approval from the Natural Environment Team. The BMEP includes the planting of new broadleaved woodland, hedgerows and new species-rich wildflower grassland. The ecological enhancements would include various other provisions including bat boxes and bird nesting boxes. Planning conditions will be used to ensure a full BMEP is carried out together with a Landscape and Ecological Management Plan.

Archaeology:

15.37 An Archaeological and Built Heritage Assessment was submitted with the application. Results on the adjacent application site indicated archaeological features close to this site, prompting the Senior Archaeologist to request a further archaeological evaluation. This has been carried out and following this the archaeologist has advised that no archaeological condition is required on this particular site.

Highways and Movement:

15.38 This outline scheme includes access details to be considered as part of this application. A formal Transport Assessment was submitted. The original BEAM1 allocation would ideally be developed as one single entity but in this case it is split between two different owners which has resulted in two applications submitted at different times. The Preferred Options Consultation 2018 has

however recognised that this scenario could be permitted as the below criterion ii of the policy indicates:

Proposals should come forward for the whole site accompanied by a detailed masterplan but applications for parts of the site may be permitted provided that they clearly demonstrate their proposals will contribute towards the creation of a single integrated community.

15.39 A new vehicular access direct from Broadwindsor Road (sufficient to serve the overall land allocation) was accepted under the other application for BEAM1 and detailed drawings were provided at the time. However, it is possible that – if that application did not proceed or if it were delayed that this part of the allocated site under this application would be left without a vehicular access and would not therefore be able to proceed. Consequently, this application includes a new vehicular access from Cockroad Lane to the east. Whilst the Highways Officer does not object to this he makes it clear that:

*The County Highway Authority considers that the proposed development would be **better served and connected to the adjacent recently approved site** (and roundabout for vehicles and with a pedestrian / cycle link to the access indicated) but considers that the proposal using the route indicated does not present a material harm to the transport network or to highway safety and consequently has no objection, subject to the following condition:-*

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

15.40 The Planning Policy Officer, Landscape Officer, Urban Design Officer and Case Officer also share the view that the two application sites are best served by a vehicular access from Broadwindsor Road. With this objective in mind the other application includes Section 106 provisions to ensure an access road is built up to the edge of this site. It is important that the two sites are planned as a *single* integrated community – and to this end the s106 for the other application also includes a requirement for two other pedestrian/cycle accesses to be provided up to the edge of this application site to facilitate permeability between the sites. These linkages would provide more convenient vehicular access routes to leave from the west of the town, better access to a wider range of public open space facilities and more landscaped pedestrian routes towards the town.

15.41 The applicant recognises the need for these inter-connections between the sites and has provided a Development Framework Plan to show the general locations of these linkages. This is also reinforced by the applicants Transport Assessment which states:

The developer will also hold discussions with WDDC to explore the potential for creating an access (to include pedestrian/cycle access) through to the remainder

of the BEAM 1 allocation, which is presently the subject of a planning application. (para 4.5.2)

15.42 If this application is built-out before the other application the Cockroad Lane access will be provided. If the other site then proceeds vehicular/other links will be formed to it. The Cockroad Lane access would remain, but the overall road design of the reserved matters should be configured in such a way as to encourage traffic towards the potential Broadwindsor Road rather than the Cockroad Lane route as far as practicable. The first reserved matters application determined between the sites would effectively “set” the connection points between the application sites. Dialogue with each of the application agents/representatives has sought to identify the more appropriate locations for these.

15.43 The emerging Dorset Council Local Plan includes (as expressed in the Preferred Options Consultation 2018) the possible future allocation BEAM3 for about 120 dwellings. This is the area of land to the north-east of this site (in fact the north-east corner of the current application overlaps with a portion of this site). The BEAM3 site forms an area adjoining the north of the town, north of Hornhill View and Fairfield extending to Tunnel Road with a new vehicular access to that road.

15.44 Emerging Policy BEAM3 includes within its the criteria:

ii) A road or pedestrian access to new development at Land North of Broadwindsor Road should be explored.

The preamble to this policy explains the objective of improving connectivity and traffic flows to the BEAM1 land. It is therefore important that the development of this application site does not compromise that potential linkage. The applicant understands the need for this and has indicated on the Development Framework Plan a “potential future link to the BEAM3 allocation”. The reserved matters submission should be designed in such a way as to facilitate that likely future link.

15.45 Turning to the detail of the highways layout, clearly the submitted layout (and therefore the road pattern) is illustrative only. However, the point of vehicular access into the site is to be determined as part of this application. It involves running a spur road off the southern end of Cockroad Lane so that it runs westwards into the site. This would involve crossing the watercourse which runs in a 4m deep channel. A new road/footway bridge would therefore be required. It will be important for the roads and other pedestrian/cycle links to join the sites and the s106 agreements will form the framework to achieve this which will then be expressed in detailed design terms at reserved matters stage. The Highways Officer has indicated that:

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

15.46 The applicant has also submitted a Travel Plan (TP). The role of this is to encourage travel by site residents by sustainable travel mode choices. The TP provides a context and means of achieving this. The submitted TP provides a basis for a more specific tailored TP which would be conditioned as part of any approval.

Comments on Town Council Concerns:

15.47 A number of the points raised by the Town Council are addressed in some detail above. However, to summarise, the following officer comments are made. The concern over co-ordinating traffic with other current residential application sites is addressed; the s106 will enable a road link to the roundabout junction with development of the other part of the BEAM1 allocation. It will also include pedestrian and cycle links to help achieve a single integrated community, together with public open space provisions. Regarding the employment issue the rationale for not now having employment on this particular site is set out in paras 15.5-15.8 above; it would be re-located to more appropriate sites away from more extensive residential development; it would *not* now be appropriate to provide new employment uses close to the recently approved housing at Clipper Teas. The applicant has now also provided more information on “green initiatives” by submitting an Energy and Sustainability Statement to support the application and is happy with a planning condition to require electrical charging points.

Local Financial Considerations:

15.48 Having regard to S70(2) of the Town and Country Planning act the proposal does have local finance considerations.

Community Infrastructure Levy:

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

15.50 The rate at which CIL is charged is £100 per sqm. As this is an outline application the CIL charge will be calculated at reserved matters stage. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development.

16.0 Conclusion

16.1 This scheme represents an opportunity to secure a significant number (up to 58) dwellings on an allocated site within the defined development boundary in a sustainable location. It would provide a useful contribution towards addressing the 5 year housing land supply shortfall. The details of the layout, scale, appearance and landscaping would be addressed in the reserved matters application. Regarding the threads of sustainable development, from an economic objective the scheme would provide jobs during construction and residents would be likely to spend in the local shops helping to sustain the town's businesses. Turning to the social objective the scheme includes the useful provision of affordable housing. It would also provide areas of public open space to facilitate a healthy and pleasant environment. From an environmental objective the scheme would include significant additional planting, the retention and enhancement of the hedgerows/trees, the almost complete retention of the woodland corridor and would provide biodiversity benefits to the locality. In the light of the above it is considered that the scheme is consistent with the above mentioned policies and national guidance.

17.0 RECOMMENDATION

A) DELEGATE AUTHORITY TO THE HEAD OF PLANNING TO GRANT, SUBJECT TO 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 LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

- 35% affordable housing on-site (plus payment of a financial contribution for any "part dwelling" shortfall on the 35% figure - index linked).
- provision of vehicular access road link to the other BEAM1 Policy land application (WD/D/18/000115)
- provision of 2 other pedestrian/cycle links to the other BEAM1 Policy land
- details of the provision, management and maintenance of the public open space/landscaping

All S106 contributions shall be index linked using RPI from the date of committee resolution

And subject to the following conditions:

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

Location Plan – 8655-B1-03 Rev A

Proposed access arrangements 1631/10 Rev C

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

2 Approval of the details of the layout, scale and appearance of the building(s), the landscaping of the site (hereinafter called the Reserved Matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: To ensure the satisfactory development of the site.

3 Application for approval of any 'reserved matter' must be made 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 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 This outline permission is for up to a maximum of 58 dwellings. The final number of dwellings will be determined by an assessment of the matters reserved having regard to the relevant objectives of Policy BEAM1, the sensitive location of the site at the periphery of the settlement, the provision of appropriate public open space, the attenuation pond and the achievement of additional structural woodland and other planting.

REASON: To clarify that the maximum number of dwellings approved in this application will be determined by an assessment of the reserved matters.

6 Prior to commencement of the development hereby approved a Construction Traffic Management Plan and programme of works will 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). The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

REASON: In order to protect residential amenity.

7 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, and with due consideration of the

construction phase, has been submitted to, and approved in writing by the local planning authority. The scheme shall include all required clarification of associated works to third party assets, in addition to substantiation of the main surface water management scheme, shall be fully carried out in accordance with the approved details before any dwelling is first occupied.

REASON: To prevent the increased risk of flooding, to protect third party assets, and to improve & protect water quality

8 No development shall take place until details of responsibility, maintenance and management of the surface water sustainable drainage scheme and associated infrastructure have been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall 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 operation and maintenance of the surface water drainage system and to prevent the increased risk of flooding.

9 Any reserved matters application for layout shall include details of the attenuation pond including location, depths and cross-sections. The attenuation pond shall be completed ready for use prior to the occupation of any of the dwellings hereby approved. The attenuation pond shall be retained thereafter.

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

10 No construction of any dwelling hereby approved shall be first commenced until details of the finished floor level(s) of the building(s) hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity

11 No development shall take place until all existing trees, shrubs and other natural features not scheduled for removal have been fully safeguarded and fenced in accordance with a scheme to be first approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels and chemicals, soil or other materials shall take place inside this fenced area. The soil levels within the fenced area shall not be raised or lowered and no trenching

or excavation shall take place. In the event that protected trees (or their roots) become damaged, are lost or become otherwise defective in any way during such period, the Local Planning Authority shall be notified immediately and a programme of remedial action as directed by the Local Planning Authority shall be carried out within a timescale to be specified by the Local Planning Authority.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

12 Prior to the commencement of any works pursuant to this permission the developer shall submit a Remediation Scheme for the written approval of the Local Planning Authority including:

1. a 'desk study' report documenting the site history.
2. a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment.
3. a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
4. a detailed phasing scheme for the development and remedial works.

The Remediation Scheme, as approved in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details, and a verification report with validation testing as necessary provided to the local planning authority.

REASON: To ensure potential land contamination is satisfactorily addressed.

13 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175. Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

14 No dwelling shall be first occupied until a Biodiversity Mitigation and Enhancement Plan (based on the BMEP dated 18 October 2019) shall first have been fully carried out in accordance with details which shall first have been submitted to and agreed in writing by the local planning authority. All works within

the BMEP shall be carried out in accordance with the agreed timescale unless otherwise agreed in writing by the local planning authority. The completed works and management requirements in the approved BMEP scheme shall be retained and continue thereafter.

REASON: In the interests of ensuring nature conservation interests are fully addressed.

15 No dwelling shall be first occupied until a Landscape and Ecology Management Plan (LEMP) shall first have been fully carried out in accordance with details which shall first have been submitted to and agreed in writing by the local planning authority. The LEMP shall be carried out in accordance with the agreed timescale unless otherwise agreed in writing by the local planning authority. The completed LEMP scheme shall be permanently retained thereafter.

16 No dwelling shall be first occupied until details of a lighting scheme for the site shall first have been submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: To minimise light pollution.

17 No development shall commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be first occupied until the agreed scheme has been fully carried out, unless otherwise agreed in writing by the local planning authority.

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

18 No development shall be commenced until full details of the bridge design to cross the River Brit tributary into the site shall first have been submitted to and approved in writing by the local planning authority. The design shall include measures to facilitate wildlife habitat and wildlife passing beneath its structure (to reach the woodland either side). The bridge shall not be constructed otherwise than in accordance with such details as have been agreed. No other part of the development hereby approved (apart from the new section of access road from Cockroad Lane) shall be commenced until the bridge has been completed, unless otherwise first agreed in writing by the local planning authority.

REASON: To ensure the satisfactory construction, design and materials are provided in the interests of highway safety and nature conservation.

19 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.

20 No dwelling hereby approved shall be first occupied until a Travel Plan (based on the submitted February 2019 Plan) shall first have been submitted to and approved in writing by the local planning authority. The Travel Plan shall include; targets for sustainable travel arrangements; effective measures for the on-going monitoring of the Travel Plan; a commitment to delivering the Travel Plan objectives for a period of at least 5 years from first occupation of any dwelling on the development; effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development. The development shall be implemented in accordance with the agreed Travel Plan.

REASON: To 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.

21 No dwelling shall be constructed above Damp Proof Course level until all existing buildings/structures between the stream and the west side of Cockroad Lane, and the section of building north-west of the point where the stream crosses Cockroad Lane shall have been removed.

REASON: In the interests of visual amenity and to facilitate the enhancement of landscaping and nature conservation measures.

Informatives –

i) National Planning Policy Framework Statement

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

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
In this case:
 - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
 - The applicant was provided with pre-application advice.

ii) Community Infrastructure Levy

This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. CIL will be calculated at Reserved matters stage. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

iii) Highways Informative:

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

iv) Rights of Way Informative:

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

v) Informative: Lead Local Flood Officer -

All works or structures proposed to channels with the status of Ordinary Watercourse, such as that aligned through the site and crossing beneath Broadwindsor Road, that offer either permanent or temporary obstruction to flow, will require prior Land Drainage Consent (LDC) from Dorset Council's Flood Risk Management function, as Lead Local Flood Authority, in accordance with s23 of the Land Drainage Act 1991. The current proposals are likely to necessitate some in-channel working and the modification or removal of existing structures, together with the construction of a new surface water outfall and access bridge. The requirement for prior LDC is independent of any planning permission that may be granted.

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE AGREEMENT IS NOT COMPLETED BY WITHIN 6 MONTHS OF THE COMMITTEE RESOLUTION OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING:

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

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of the affordable housing on site and any

necessary financial contribution for off-site provision. Hence the scheme is contrary to policy HOUS1 of the West Dorset, Weymouth and Portland Local plan 2015.

2. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the provision of a vehicular access link road constructed to link with the other part of the BEAM1 land allocation. The absence of this link would result in an undesirable cul-de-sac development, lacking permeability and inter-connectivity with the wider BEAM1 allocation to the detriment of fostering community and causing inconvenience for road users. Hence the scheme would be contrary to Policies BEAM1 and ENV11 of the Local Plan.
3. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the provision of two pedestrian/cycle links to link with the other part of the BEAM1 land allocation. The absence of these links would result in an undesirable cul-de-sac development, lacking permeability and inter-connectivity with the wider BEAM1 allocation to the detriment of fostering community and causing inconvenience for road users. Hence the scheme would be contrary to Policies BEAM1 and ENV11 of the Local Plan.
4. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the satisfactory management and maintenance of the public open space and landscaping. Hence the scheme would be contrary to policies BEAM1, COM1 and COM 4 of the Local Plan.

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Application Number: WP/19/00370/FUL

Site Address: Maiden Street Methodist Church, Maiden Street, Weymouth

Proposal: Reconstruction and change of use of church to 25 No. apartments and remedial works to existing house.

Applicant: Cranbourne (Weymouth) Ltd

Case Officer: Emma Telford

Ward Member: Cllr J Orrell

Application Number: WP/19/00371/LBC

Site Address: Maiden Street Methodist Church, Maiden Street, Weymouth

Proposal: Internal & external alterations to facilitate the reconstruction & change of use of church to 25 no. apartments and remedial works to existing house

Applicant: Cranbourne (Weymouth) Ltd

Case Officer: Emma Telford

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 Town Council contrary to the officer recommendation and consultation with the Chair, Vice Chair and Ward members.

Summary of Recommendation:

GRANT planning permission and listed building consent, subject to conditions detailed below.

2.0

Reason for the recommendation:

- The application site is located within the defined development boundary for Weymouth and the location is considered to be sustainable.
- The proposal is acceptable in its design and general visual impact, it would preserve the significance of the grade II* structure and would preserve the appearance of the Conservation Area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

3.0

Key planning issues

Issue	Conclusion
Principle of Development	Within the defined development boundary.
Neighbouring Amenity	No significant harm to neighbouring residential amenity.
Visual Amenity and	The building is uncompromisingly modern in its

Heritage Assets	appearance but nevertheless interprets the historic character in a sympathetic manner.
Highway Safety	The proposal does not include any provision for parking, Highways held no objection and the site is located within the town centre.
Drainage	Flood Risk Management Team held no objection subject to conditions.
Flooding	The proposal is considered to comply with the Local Flood Risk Standing Advice.
Biodiversity	Natural England held no objection, subject to conditions.
Archaeology	Possibility of surviving archaeological remains beneath the existing structure, a condition would be required for a programme of archaeological work.
Affordable Housing	Scheme accepted by District Valuer as not viable for the provision of affordable housing.
Community Infrastructure Levy (CIL)	CIL liable.

4.0 Description of Site

4.1 The application site is located to the south of Mitchell Street and east of Maiden Street within the town centre of Weymouth. The site is almost entirely occupied by the shell of the former 11* Maiden Street Methodist Church and its associated Ministers House. There is a narrow external yard located to the south of the former church building which separates it from the small back gardens of the residential properties on Helen Lane. There is also a small yard to the south of the former Ministers House.

4.2 The church suffered a fire in 2002 which resulted in the loss of the roof and upper sections of the external walls. Further materials were removed which were considered to be unsafe and the remaining has been left exposed to the elements.

4.3 A previous planning application and listed building consent were granted for the repair and reconstruction of part of the church with the construction of a new building within the church shell. The scheme contained 15 residential units above a ground floor restaurant.

5.0 Description of Proposal

5.1 The proposed development involves the reconstruction and change of use of the former Methodist Church to create 25 apartments and remedial works to existing house and associated works. A separate application for listed building consent has also been submitted under the reference WP/19/00371/LBC.

5.2 The proposal involves a resident's common room and gym, a laundry room and cycle store on the ground floor. It would consist of 18, 1 bed flats, 3 bed-sits, four maisonettes (with a sleeping deck) and a three bed house in the former minister's house. The proposed scheme does not provide any car parking.

6.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
10/00317/FULM	Extension of time limit for implementation of planning permission for the repair and reconstruction of part of chapel and the construction of a new building within the shell of the existing to provide A3 use on ground floor and residential units (reference 07/00320/FULMAJ).	Undetermined Legal agreement not completed	-
10/00318/LBC	Extension of time limit for implementation of listed building consent for repair and reconstruction of part of chapel and the construction of a new building within the shell of the existing to provide A3 use on ground floor and 15 residential units (reference 07/00321/LBC).	Approved	30/06/2010
07/00320/FULM	Repair and reconstruction of part of chapel and the construction of a new building within the shell of the existing to provide A3 use on ground floor and 15 residential units.	Approved	13/07/2007
07/00321/LBC	Repair and reconstruction of part of chapel and the construction of a new building within the shell of the existing to provide A3 use on ground floor and 15 residential units.	Approved	05/07/2007

7.0 Relevant Constraints

Within settlement limit for Weymouth

Grade II* listed building (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

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

Flood Zone 2

8.0 Consultations

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

8.1 Natural England – *No objection, subject to condition*

Radipole Lake Site of Special Scientific Importance (SSSI)

The proposed development is within 1000m of Radipole Lake SSSI. However, from the information provided, it appears unlikely that the works will impact the protected features of the SSSI.

Protected species

The ecological report by Nicholas Pearson Associates (dated March 2019), describes the presence of a number of feral pigeons at the site. It is an offence to intentionally kill or injure any wild bird or to damage or destroy any active bird's nest or its eggs – Section 1 of the Wildlife and Countryside Act 1981 (as amended), and the Countryside and Rights of Way (CROW) Act 2000. Therefore, your authority should secure a condition that demolition will be outside of bird nesting season.

It may be necessary to contact Natural England to obtain a licence to remove remaining birds.

Judging by the ecological report and the photographs provided, it is unlikely that the site currently supports bats. Should bats (or any other protected species) be encountered, works should stop and Natural England consulted.

Biodiversity enhancement

It is a requirement of all development to enhance the natural environment, as stated in the NPPF (2019 as amended), paragraphs 170-171. This proposal does not allow much scope for biodiversity enhancement due to the lack of outside space, and the heritage status of the building. The requirement to provide biodiversity net gain could be met by investigating the possibility of using enhancement measures in the build, such as bird bricks, and green roofs. Alternatively, a contribution to a local nature conservation initiative of an appropriate amount would be acceptable.

8.2. Historic England – Historic England has no objection to the application on heritage grounds, subject to the recommendations being taken into consideration and some additional information provided where requested.

As the works proposed within this application will have a significant impact on a Grade II listed building, one of the top 8.5% of all listed buildings, the proposal will need to be considered against the national legislation (Planning (Listed Buildings and Conservation Areas) Act 1990) and Chapter 16 of the National Planning Policy Framework. The NPPF advises in paragraphs 193-4 that any harm or loss to a designated asset should require a clear and convincing justification - unjustified harm is never acceptable, regardless of the public benefit it brings, if alternative and less harmful options exist. This applies most strongly to highly designated heritage assets. Before weighing up the harm against any public benefit associated with a proposal, it needs to be demonstrated that that harm cannot be avoided or reduced through amendments to the scheme, or offset by mitigation of the harm or enhancement of the asset. Historic England's Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment sets out a clear process for making that assessment in paragraphs 6 and 25-26. When considering change, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.*

Due to the high designation of the building under consideration, any change will need to be considered against the high bar set out in the legislation and policy, and robustly justified. However, given the comprehensive, positive and lengthy dialogue between the applicant, your Authority and Historic England which has resulted in the submission of this scheme, we have no objections to the proposed conversion on heritage grounds but we rely on the Council to satisfy itself on the quality of the new materials and detailing and to attach appropriate conditions controlling those aspects to any consent.

8.3 Highways – The Highway Authority notes that the location, in relation to the town centre, could be regarded as "sustainable". There are parking restrictions implemented at various locations in the vicinity of the site and these could be legally amended, if required (using legislation outside of the Planning process). The Authority is of the opinion that the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to

paragraphs 109 of the National Planning Policy Framework (NPPF 2018) and therefore, has NO OBJECTION.

Cycle parking

Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number **460/P/01 B** must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

8.4 Flood Risk Management Team – No in-principle objection to the proposed scheme subject to the attachment of the following two planning conditions to any permission granted.

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 planning authority. The necessary detail design shall verify the existing drainage arrangements and clarify the proposed surface water management scheme, as agreed with Wessex Water. The scheme is to be implemented in accordance with the submitted details before the development is completed.

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

No development shall take place until details of responsibility; maintenance and management of the surface water sustainable drainage scheme and any associated infrastructure 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 operation and maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

8.5 Housing Enabling Team – There is a high level of housing need in the borough of Weymouth and Portland which this proposal would assist in meeting. In exceptional situations where affordable on site contribution cannot be offered then a financial contribution towards affordable housing can be considered. As a scheme providing 25 apartments and 1 house it is expected that, in order to

comply with Hous 1, 35% of the homes developed on this site should be affordable and secured by a S106 agreement.

8.6 Planning Obligations Manager – *On the understanding that the application will be CIL liable I have no comments.*

8.7 Dorset Police Crime Prevention – *I have reviewed the plans for the above proposed development and wish to make the following recommendation:*

Although a Secured By Design accreditation is not being applied for at this time, I strongly recommend that the security of the development meets the standards laid out in Secured By Design Homes 2019. This is the Police guidance on crime prevention and security in new developments and will assist with the sustainability of the development. www.securedbydesign.com

8.8 Dorset Waste Partnership – No comments were received at the time of report preparation.

8.9 Environmental Health – No comments were received at the time of report preparation.

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

8.11 Scottish and Southern Energy – No comments were received at the time of report preparation.

8.12 Environment Agency – The finished floor levels will be set no lower than 3.0m AOD, which therefore conforms to our Local Flood Risk Standing Advice for Weymouth Town Centre.

8.13 Weymouth Town Council – *The Council is pleased to see this proposal come forward and has no objections to the development of the building in principle, however, the Council has the following objections to this application: The layout is too dense, the window should be reproduced in materials as close to the original as possible, and not metal. The Council requests that this goes to the Dorset Council Planning Committee for determination. The Council has concerns about the zinc cladding and would prefer to see copper used.*

8.14 Technical Services – No comments were received at the time of report preparation.

8.15 Senior Archaeologist - Thank you for reconsulting me on this application in the light of the submission of Oxford Archaeology's desk-based archaeological assessment (DBA) of the proposed development.

In my opinion the DBA has done a good job at considering the archaeological evidence and the potential for the proposed development to have an archaeological impact. I think it is correct in concluding that there may be surviving archaeological remains beneath the existing structure, but that investigation of these at present (e.g. by the digging of trial trenches) is unfeasible.

I further agree with the DBA that this investigation should take place after any grant of planning consent when it is safe to do so. Hence, I advise that the following condition should be attached to any grant of planning consent to secure this further work.

'No works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.'

8.16 Conservation Officer - In response to the previous comments the only amendment made is to the finish of the French doors to the Minister's House and the design of the single one over one sash windows.

Detailed comments were provided above in response to the fact that this submission is at the detailed stage of the application process. Pre-application did not involve fine detailing such as to the rose window and was not also subject to public consultation. Whilst the site has been subject to a previous consent, this allowed much open space within the building to be retained and the rose window to be reinstated and therefore other issues over design were therefore sacrificed in response. We have conceded further as an authority in response to the viability arguments presented and it is dismaying not to be met even half way with the comments provided. The issue of the rose window remains a fundamental concern as there is a significant lack of any detail to this western elevation through stone carving around the glazing, reinstatement of brick detailing or of the finial. These are elements that are fundamental to the success of this important, Grade II Listed frontage.*

The following items of information are still outstanding:

- *An existing survey of the minister's house.*
- *Detailed plans and sections showing the proposed junctions between the existing masonry and steel cladding.*

- Coloured elevations which distinctly show the separation of glazing to masonry and steel cladding. The north and south elevations are quite hard to read in this respect and I am concerned that the photomontage submitted in July 2019 does not show an accurate representation of the northern elevation in terms of colour or materials/depths of reveals etc. There is also a discrepancy in the glazing shown in this drawing.

If the case officer is minded to approve the application as it stands, then the above would need to be applied pre-commencement conditions to any consent granted.

Sadly, my full support to this scheme cannot be provided for the reasons given.

8.17 Victorian Society – Maiden Street Methodist Church is a Grade II-listed building designed by Foster and Wood in the Lombardic Renaissance style. It has a particularly detailed western façade noted by the conservation area appraisal to be a “splendid terminal feature” of St Edmund Street. The building was significantly damaged by a fire in 2002, and much of the interior of the building has now been destroyed, as well as the roof and upper exterior walls. The loss also included the 8-light wheel window which was once a key feature of the western façade. We appreciate that there is very little remaining original fabric in the interior, and so have no comment to make on the proposed treatment of this. What we are concerned with is some aspects regarding the proposals for the exterior, particularly those concerning the western façade.*

It is worth noting however that our comments are made from what can be discerned from the submitted documents. Given the scale and importance of the building at the heart of the application which is both Grade II listed and positioned in a conservation area, we would have liked more detailed proposed elevations to have been submitted along with CGIs that would give a better indication of the potential impact.*

The western façade was the most important elevation of the building which stands in a prominent position within Weymouth. Even in its current dilapidated state, the incredible attention to detail paid by Foster and Wood to this elevation is still recognisable albeit severely reduced. In the reinstatement of this façade, it is crucial that the details which have been lost are recreated as a facsimile of the original design thus matching those which remain whilst also maintaining the integrity of the building. The current application however proposes a “sympathetic interpretation” regarding the rebuilding of this façade. Whilst with smaller, less visible and less detailed buildings, this may be an appropriate approach, in the case of the Grade II listed Maiden Street Methodist Church it would result in harm to the building itself and the setting. We understand that in the pre-application process, the applicant adopted a number of Historic England’s suggestions regarding the accurate recreation of several features. However, in order to achieve the full scholarly reconstruction that we see as necessary, we*

would argue that there are other key features which need to be included and other elements of the design which need to be altered. These included the reinstatement of the lost finial on the apex of the gable, as well the removal of the glazing from behind the outer columns of the 4-bay arcade as proposed which would damage the sense of depth so important to the design. Our greatest concern however is the proposed creation of a rose window in steel rather than in the original stone. Again, given the size and detail of this façade, the rebuilding must preserve its integrity, yet the current proposal for this window would result in major degradation to the building itself as well as the setting. We therefore see the accurate recreation of this façade to be of significant importance, and it would moreover go some way toward mitigating the harm caused by the alterations to the north and south elevations.

8.18 Ancient Monuments Society - This building, in a pivotal location in the townscape, remains eminently listable at Grade2, despite what the supporting documentation argues, and we applaud the principle of shell retention with what in essence is a brand new build inside.

The visual effect of new dwellings in a retained ruin sufficiently excited the judges for the Stirling Prize to give the annual award to a similar approach at Astley Castle in Warks. What is proposed at Weymouth lacks the drama of Astley but it is a polished example of the approach, expressive of a conservation philosophy which AMS has been pleased to endorse in other cases like this.

We don't necessarily take the view that the reproduction of the rose window in steel is in any sense a bad thing. It seems a sensible marriage between historic form and modern materials which should add to the sense of dramatic contrast. The colour of paint for the steel will be critical and a bold "seaside" primary could add to the excitement.

We wish the scheme well and hope that 17 years after the fire this, architecturally still powerful, chapel will be reborn as one of Weymouth's most arresting exercises in imaginative conservation.

9.0 Representations

9.1 Two third party comments have been received in response to the application, the comments made have been summarised below:

- Proposed size of the apartments are considered to be unsuitably small.
- Ongoing difficulty with shortage of residential parking spaces in the area which will be increased by the possible requirement for an additional 25 or more parking spaces.
- The use of dark grey zinc will blend in with its surroundings especially in important views from across the harbour.

10.0

Relevant Policies

West Dorset, Weymouth and Portland Local Plan

INT1 – Presumption in Favour of Sustainable Development
ENV1 – Landscape, Seascape and Sites of Geological Interest
ENV 2 – Wildlife and Habitats
ENV4 – Heritage Assets
ENV 5 – Flood Risk
ENV10 – The Landscape and Townscape Setting
ENV11 – The Pattern of Streets and Spaces
ENV12 – The Design and Positioning of Buildings
ENV15 – Efficient and Appropriate Use of Land
ENV16 – Amenity
SUS1 – The Level of Economic and Housing Growth
SUS2 – Distribution of Development
HOUS1 – Affordable Housing
HOUS3 – Open Market Housing Mix
HOUS4 – Development of Flats, Hostels and Houses in Multiple Occupation
COM 3 – The Retention of Local Community Buildings and Structures
COM7 – Creating a Safe and Efficient Transport Network
COM9 – Parking Standards in New Development
COM10 – The Provision of Utilities Service Infrastructure
WEY 1 – Weymouth Town Centre Strategy

National Planning Policy Framework

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
7. Ensuring the vitality of town centres
11. Making effective use of land
12. Achieving well-designed places
16. Conserving and enhancing the historic environment

Other material considerations

- Weymouth Town Centre Masterplan
- Weymouth Town Centre Conservation Area Character Appraisal
- Listed Buildings and Conservation Areas SPG
- Urban Design SPG
- DCC Parking standards guidance

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.

In the context of the above PSED duties the scheme is for flats and therefore provides living accommodation all on the same level and a lift would be provided.

13.0 Financial benefits

Material benefits of the proposed development	
Affordable housing	None provided due to viability
CIL contributions	£143,807 include index linking

Non-material benefits of the proposed development	
Council Tax	Not known at this stage
New Homes Bonus	Not known at this stage
Restoration of the grade II* listed building	N/A

14.0 Climate Implications

14.1 There is no specific information provided on the degree to which the project will be carbon neutral. The location of the building within the town will provide some benefits by reducing the need for some carbon based travel movements.

15.0 Planning Assessment

Principle of Development

15.1 The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social,

and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

15.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

15.3 This Council's Policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development. This Council can only demonstrate 4.88 years of housing land supply as such the relevant policies for the supply of housing should not be considered up-to-date. This invokes NPPF paragraph 11, d) which states, *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

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

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

15.4 The site is located within the defined development boundary of Weymouth where the principle of residential development is acceptable subject to compliance with other policies in the Local Plan.

15.5 The use of the building was previously a church and therefore would have been considered as a local community building and Local Plan policy COM 3 would be applicable. However the fire damage to the building in 2002 has left the building without a roof and considered unsafe. The building has therefore not been in use as a community building since the fire. Furthermore previous planning applications have granted the change of use of the building to residential.

Neighbouring Amenity

15.6 The proposal involves the reconstruction and change of use of the fire damaged church. This application follows a previously approved application 07/00320/FULM for 15 residential units. The proposal would involve an increase in height on the existing structure on the site. There are no windows proposed on the east elevation. The proposal is not considered to have a significant adverse

impact on the living conditions of occupiers of residential properties as the proposed flats would be separated by the road. This relationship between residential properties reflects many streets in Weymouth. The proposal does involve balconies that would face on to the rear of the buildings of Helen Lane however the balconies would face onto the roof and over the buildings of Helen Lane.

15.7 The amenity of any future occupiers of the proposed development also needs to be considered. The proposed units are small in size and the majority do not meet the national space standards for a one bedroom unit. It should however be noted that the National Space Standards are guidance only and do not form policy, although properties obviously need to be of a reasonable size to provide adequate amenity to residents. However the proposal does involve the conversion of the existing building to flats rather than new build housing. It is also considered that the market will determine whether there is a requirement for these units and that the size of the units would be reflected in the price.

15.8 Local Plan policy HOUS 4 sets out that any proposals for flats should provide sufficient private amenity space within the site for likely future occupants, normally comprising at least 10% of the site area for conversions. The Minister's house is served by a courtyard and a roof terrace and flats 19-22 each have a private roof terrace. The other units would not have access to outside space. However the proposal is for the conversion of the remainder of the existing grade II* building which covers the full extent of the site with no additional space for amenity. Furthermore the application site is located within the town centre in close proximity to Weymouth beach.

Visual Amenity and Heritage Assets

15. 9 The proposed development involves the reconstruction and change of use of the fire damaged church. The existing structure is grade II* listed and is located within the Weymouth Town Centre conservation area. Historic England were consulted on the application and considered that *whilst unfortunate, a faithful restoration of the original building is accepted to not be financially viable. Therefore, on such a limited site the only possibility of restoring what is left is through a creative adaptation of the surviving shell to provide an alternative use.* The assessment of the financial viability of the reproduction of the west (front) elevation has resulted in the proposed design of this part of the building – a metal framed rose windows set within a stone outer frame. Historic England commented that *whilst they regret that a faithful reinstatement of this highly significant element of the building is no longer proposed, they accept that given the location of the site and the magnitude of the reconstruction, the harm to the structure resulting from the implementation of the current compromise scheme would be outweighed by the heritage benefit of bringing this much neglected site back into a viable, long-term use. The scheme would also enhance the character and quality of the Weymouth Town Centre Conservation Area, reinstating the*

focal point of the key view East along St Edmund Street. Historic England held no objection to the proposed development on heritage grounds, subject to conditions.

15.10 The Conservation Officer was also consulted on the application, they held no objection to the proposal in terms of the principal of the development. However, they set out that in policy terms it is important that any harm created to heritage assets be mitigated as far as practical. It was considered by the Conservation Officer that due to the desire to see the building reinstated and removed from the 'At Risk List', a number of compromises were accepted to assist in ensuring the scheme remains viable. It is accepted that some of the further details required cannot be produced at this stage due to the condition of the existing structure and therefore these will be included as conditions. The Conservation Officer considered that there were some amendments that were critical to the success of the scheme that could not be covered by condition. The first being that the proposed roof terraces are too deep in size. The previously approved scheme on the site also included balconies on both the north and south elevations. The agent also sets out in response that the previously approved balconies would have had copper mesh balustrading and would have been more visually prominent than those now proposed. The current proposed scheme includes balconies on the south elevation only. A further plan was also submitted to show the visibility of the balconies from pedestrian viewpoints at street level. The drawing demonstrates that the balconies would be 12.2m above ground level and would be significantly higher than pedestrian viewpoints at street level due to the combination of the height of the balconies, their location on the building and the layout of the streets surrounding the site they would not be visible from street level. The same argument is made in terms of the visibility of the proposed roof lights and that they are required to provide light to the mezzanine floor level (sleeping deck). Another concern raised was due to the existing fireplace openings not being retained. The agent has set out that the fireplaces are in poor condition, have no stacks and their retention would significantly limit the internal layout of the interior.

15.11 In assessing these aspects of the proposal, the decision maker must take into account the requirement of the National Planning Policy Framework 2019, paragraphs 192 and 196 which state:

"In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness."

And

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

15.12 In this case it is considered that the parlous condition of the heritage asset is a material consideration but that the proposal, subject to a number of necessary conditions to require further detailed information about the re-build and conversion, can bring the building back into beneficial use. The public benefit in preserving what's left of the Listed Building and bringing it back into use is considered to outweigh the harm.

Highway Safety

15.13 The proposed development does include any provision for car parking on the site. Concerns have been raised by third parties regarding the existing shortage of residential parking spaces in the area which would be increased by the possible requirement for an additional 25 parking spaces. Highways were consulted on the application and held no objection. The location of the development in relation to the town centre means the site can be regarded as sustainable and the residual cumulative impact of the development cannot be thought to be severe. The proposal does involve the provision of cycle storage and Highways have requested a condition for the provision of the cycling parking before first occupation which would be placed on any approval granted.

Drainage

15.14 A Flood Risk Assessment & Outline Drainage Management Plan was submitted as part of the application. The Flood Risk Management Team were consulted on the application and considered that the constrained nature of the site and status of the church as a Listed Building, offers very little, if any, scope for the inclusion of SuDS features or betterment over the existing drainage arrangements. Therefore the Flood Risk Management Team raised no in-principle objection to the proposed scheme subject to conditions for a detailed and finalised surface water management scheme for the site and details of the maintenance and management of the surface water sustainable drainage scheme.

Flooding

15.15 The application site is located within Weymouth Town Centre where there is specific local flood risk standing advice. The proposal is for residential development and the finished floor levels would be set no lower than the 3.0m AOD which conforms to the Local Flood Risk Standing Advice. If the application were recommended for approval it would be conditioned that the proposal be carried out in accordance with the submitted FRA. A flood warning and evacuation plan would also be conditioned in line with the FRA. It was considered to comply with the Local Flood Risk Standing Advice that further details of flood resilience and resistance measures that would be carried out in addition to the raised finished floor level is also required. Therefore a condition would be placed on any approval for the details of the flood resilience measures.

Biodiversity

15.16 An Ecological Appraisal was submitted as part of the application. During the survey a large amount of pigeons were present. Natural England were consulted on the application and held no objection subject to condition. A condition was requested for demolition to be carried out outside of the bird nesting season. However the proposal does not include the demolition of the building but is for restoration of the existing structure and therefore a condition would be placed if approval were to be granted for the works to be commenced outside of the bird nesting season. Natural England commented that the proposal does not allow much scope for biodiversity enhancement due to the lack of outside space and the heritage status of the building. It was advised that the requirement to provide biodiversity net gain could be met by investigating the possibility of using enhancement measures in the building, such as bird bricks and green roofs. The agent agreed the provision of bird bricks but would not be able to provide specifications or locations at this stage so this would be conditioned on any approval granted. Natural England also commented that a contribution to a local nature conservation initiative would be appropriate however this is considered to be covered by CIL.

Archaeology

15.17 The application site lies on the eastern side of the historic town of Melcombe Regis. The Senior Archaeologist was consulted on the application and considered that the submitted information had not considered the potential remains of the earlier buildings and other archaeological material to survive on the site and whether the proposed development would have any impact on them. In the response to the comments an Archaeological Desk-Based Assessment was submitted, the report concluded that there may be surviving archaeological remains beneath the existing structure, but that investigation of these at present would be unfeasible. The Senior Archaeologist agreed with the conclusions and requested a condition be placed on any approval for a programme of archaeological work.

Affordable Housing

15.18 Para 63 of the NPPF states that *Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 unit or fewer)*. Major development for housing is defined in the NPPF as *development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more*. The proposed development exceeds this threshold and therefore local plan policy HOUS 1, requires 35% of the development to be for affordable housing.

15.19 A viability assessment was submitted with the application which concluded that it was not financially viable to provide the policy compliant scheme including 9 affordable units and the remaining financial contribution. The assessment was sent to the District Valuer who also concluded that the scheme including affordable housing provision would not be financially viable on the site. Given the above affordable housing would not be required as part of the development in accordance with criteria iii) of Local Plan policy HOUS 1.

Community Infrastructure Levy (CIL)

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

15.21 The development proposal is CIL liable. The rate at which CIL is charged is £100 per sqm. The CIL charge is approximately £143,807. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning permission is granted.

16.0 Conclusion

16.1 The proposal is in accordance with 192 and 196 of the National Planning Policy Framework.

16.2 The “planning balance” in this case lies between the interests of protecting the remaining historic structure with its architectural features and the provision of

an economically viable development that will ensure its future. There is never a single solution to this common conundrum. However, in this case it is considered that the proposal will;

1. bring an important Grade II* listed building into productive use,
2. make a positive, modern contribution to the streetscape,
3. help protect the remaining structure,
4. include a re-interpretation of lost features that assist in its interpretation of its historic value by future generations.

16.3 The building is a designated heritage asset as described in the National Planning Policy Framework 2019 where paragraph 11(d) states that:

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

16.4 In considering specific matters that are raised by the proposal, the following conclusions are reached:

Issue	Conclusion
Principle of Development	Within the defined development boundary. The proposed use is in accord with the NPPF.
Neighbouring Amenity	No significant harm to neighbouring residential amenity.
Visual Amenity and Heritage Assets	<p>The proposal is uncompromisingly modern in its appearance but nevertheless interprets the historic character in a sympathetic manner.</p> <p>The public benefit of retaining the remains of this heritage asset and bringing it back into productive use outweighs the harm and the inability to restore the building to original condition.</p>
Highway Safety	The proposal does not include any provision for parking, Highways held no objection and the site is located within the town centre.

Drainage	Flood Risk Management Team held no objection subject to conditions.
Flooding	The proposal is considered to comply with the Local Flood Risk Standing Advice.
Biodiversity	Natural England held no objection, subject to conditions.
Archaeology	Possibility of surviving archaeological remains beneath the existing structure, a condition would be required for a programme of archaeological work.
Affordable Housing	Scheme accepted by District Valuer as not viable for the provision of affordable housing.
Community Infrastructure Levy (CIL)	CIL liable.

17.0 Recommendation A:

WP/19/00370/FUL

GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING CONDITIONS:

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

Location Plan - Drawing Number 460-P-13 received on 03/05/2019

Proposed Floor Plan - Drawing Number 460-P-01B received on 03/05/2019

Proposed Floor Plan Level 1 - Drawing Number 460-P-02 received on 03/05/2019

Proposed Floor Plan Level 2 - Drawing Number 460-P-03 received on 03/05/2019

Proposed Floor Plan Level 3 - Drawing Number 460-P-04 received on 03/05/2019

Proposed Floor Plan Level 4 - Drawing Number 460-P-05 received on 03/05/2019

Proposed Mezzanine Floor Plan - Drawing Number 460-P-06 received on 03/05/2019

Proposed Front Elevation - Drawing Number 460-P-09 received on 03/05/2019

Proposed East Elevation - Drawing Number 460-P-11 received on 03/05/2019

Proposed Roof Plan - Drawing Number 460-P-12 received on 03/05/2019

Proposed Site Plan - Drawing Number 460-P-14A received on 03/05/2019

Building Elevations - Drawing Number 17-0101c received on 03/05/2019

Building Elevations - Drawing Number 17-0101b received on 03/05/2019

Outline Floor Plans - Drawing Number 17-0101a received on 03/05/2019
Topographical Survey - Drawing Number 16-1216a received on 03/05/2019
Proposed Mitchell Street Elevation - Drawing Number 460-P-08A received on 12/09/2019
Proposed Rear Elevation - Drawing Number 460-P-10A received on 12/09/2019
Proposed Viewpoints to Balconies and Lights - Drawing Number 460-P-15B received on 12/09/2019
Proposed Part Maiden Street Elevation - Drawing Number 460-P-16 received on 12/09/2019
Proposed Typical Section Drawing No. 460/P/07 Rev A received on 12/09/2019

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

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

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

3. Prior to the commencement of development, a method statement and schedule of works to be undertaken to enable the scaffolding to be removed and for the building to be made safe, shall be submitted to and approved in writing by the local planning authority. Such a method statement and schedule shall include a reasonable description of all making good and remedial works likely to be necessary, once the scaffolding has been taken down, to allow the approved rebuild and conversion works to be implemented and the dates on which the scaffolding shall be removed. In addition, once the scaffolding has been removed, a structural survey of the Chapel and the Minister's House shall be submitted to the Local Planning Authority within 4 weeks of the scaffolding being removed. The schedule of works shall specify the use and type of materials proposed. The development shall be carried out in accordance with the approved method statement and schedule unless otherwise approved in writing by the local planning authority.

Reason: To enable the building to be made safe to allow surveys to take place and in the interests of the structural integrity and appearance of the listed building.

4. Prior to the occupation of the first dwelling, the cycle parking facilities shown on Drawing Number 460/P/01 B must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

REASON: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

5. No works shall take place, other than those works required for health and safety reasons which have been first agreed in writing with the Local Planning Authority under condition 3, until the applicant has carried out a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

REASON: To safeguard and/or record the archaeological interest on the site.

6. Prior to any development above slab level, a scheme of works for the enhancement and encouragement of biodiversity shall be submitted to and approved in writing by the local planning authority. This should include the provision of “bird bricks” or such other biodiversity enhancement methods as may be appropriate. The scheme of works as may be approved shall be implemented prior to the occupation of the dwellings and shall be permanently retained thereafter

REASON: To enhance the natural environment in accordance with national policy.

7. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment & Outline Drainage Management Plan, dated April 2019 and the following mitigation measures detailed therein:

1. Minimum finished floor level of 3.0m AOD.

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

8. Prior to the first occupation of any dwelling a Flood Warning and Evacuation Plan shall be submitted to 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.

9. Prior to the first occupation of any dwelling, details of flood resilience measures to be installed shall be submitted to and agreed in writing by the Local Planning Authority. The agreed flood resilience measures shall be installed before first occupation of any dwelling.

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

10. No development, except that permitted through condition 3, 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 planning authority. The necessary detailed design shall verify the existing drainage arrangements and clarify the proposed surface water management scheme. The scheme is to be implemented in accordance with the submitted details before the development is completed.

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

11. No development, except that permitted through condition 3, shall take place until details of responsibility; maintenance and management of the surface water sustainable drainage scheme and any associated infrastructure shall have been submitted to and approved in writing by the local planning authority. The approved 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 operation and maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

12. No development, except those works permitted under condition 3, shall take place until full survey drawings of the minister's house have been submitted to and approved in writing by the local planning authority.

REASON: To provide a baseline record of the building for the purpose of monitoring the approved alterations.

13. Prior to the commencement of the development, except those works permitted under condition 3, detailed plans and sections that show the proposed structural junction between the existing masonry and the proposed steel cladding shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: To ensure that there is minimal destruction of historic fabric and to clarify the appearance of these features.

14. Prior to the commencement of the development, except those works permitted under condition 3, detailed coloured elevations which distinctly and accurately show the separation of glazing to masonry and steel cladding shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: To ensure that the works are clearly itemised for the avoidance of doubt.

15. Prior to the commencement of the development, except those works permitted under condition 3, samples of the materials to be used that are intended to reconstruct missing structure and/or as noted to match existing walling and other built features as stated on the approved drawings shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out using the approved materials.

REASON: To ensure that the works are clearly itemised for the avoidance of doubt.

16. There shall be no works of demolitions during the bird nesting season unless under the supervision of a suitably qualified ecologist.

REASON: In the interests of “protected species” under the relevant Acts.

17. Prior to the commencement of the development, except those works permitted under condition 3, drawing details of all windows on all external elevations shall be prepared at a scale of 1:10 and sections at 1:5 and shall be submitted to, for approval in writing by, the local planning authority. Such details shall require all new window units to be of a slimline and double glazed design at a glazing depth no greater than twelve millimetres (12mm) and using black spacers. The windows shall be installed in accordance with the details approved.

REASON: In the interests of the appearance of the listed building.

18. Prior to the commencement of the development, except those works permitted under condition 3, details of the finish to all the external timber doors shall be submitted to, for approval in writing by, the local planning authority. The doors shall be finished in accordance with the details approved.

REASON: In the interests of the appearance of the listed building.

19. Prior to the commencement of the development, except those works permitted under condition 3, drawing details shall be prepared at a scale of 1:10 elevation for the rose window and a 1:5 section along with a section of the window reveal to show the exact depth of recess and also, details of the colour

and finish of the steel frame of the rose window shall be submitted to, for approval in writing by, the local planning authority. The glazing of the rose window should be clear glass unless otherwise agreed in writing by the local planning authority. The rose window and frames shall be constructed in accordance with the details approved.

REASON: In the interests of the appearance of the listed building.

20. Prior to the commencement of the development, except those works permitted under condition 3, drawing details shall be prepared at a scale of 1:5 section of the frameless glass doors to the west elevation showing their exact position and method of fixing to the existing openings and showing them recessed behind the masonry. These doors shall be constructed in accordance with the details approved.

REASON: In the interests of the appearance of the listed building.

21. Prior to the commencement of the development, except those works permitted under condition 3, samples of the proposed zinc roofing and cladding material to be provided including colour and finish shall be submitted to, for approval in writing by, the local planning authority. The development shall be carried out in accordance with the samples approved.

REASON: In the interests of the appearance of the listed building.

22. Prior to the commencement of the development, except those works permitted under condition 3, stone and brick samples shall be provided for inspection on site by the Local planning Authority including a 1 metre (1m) sample wall panel showing any new pointing proposed. This will show the proposed mortar and method of pointing. Any raking out must be done by hand, the extent of pointing agreed before works commence and the submission of a mortar mix which should be a lime and sand mix (without the use of cement) is to be agreed with the Local Planning Authority before works commence. The walls shall thereafter be constructed in accordance with the samples approved.

REASON: In the interests of the appearance of the listed building.

23. Prior to the commencement of the development, except those works permitted under condition 3, details of all vent, extract, or flue locations shall be submitted as details on elevations and roof plans including details of their material and colour finish, for approval in writing by, the local planning authority. Thereafter they shall be constructed and installed in accordance with the details approved.

REASON: In the interests of the appearance of the listed building.

24. Prior to the commencement of development, except those works permitted under condition 3, drawings of the existing and proposed sections of the ground floor and a schedule of work and method statement for all works and materials to be employed in the construction of the slab level shall be submitted to, for approval in writing by, the local planning authority. Such details shall include insulation, foundations, and any underpinning or tying in of ground treatment to the walls. At all times the existing outer walls are to be protected in situ whilst such works are underway. The development shall be implemented in accordance with the details approved.

REASON: In the interests of the integrity and appearance of the listed building.

25. Prior to the commencement of the development, except those works permitted under condition 3, details of the treatment of all internal masonry walls, shown in section and plan form, shall be submitted to, for approval in writing by, the local planning authority. The original walls should be protected from inappropriate use of gypsum and wall linings involving excessive puncturing of masonry with nails, screws or other similar invasive fixings. The works shall thereafter be implemented in accordance with the details approved.

REASON: In the interests of the integrity and appearance of the listed building.

26. Prior to the commencement of development, details in the form of sections and plans of the construction of the proposed inner steel frame shall be submitted to, for approval in writing by, the local planning authority. Such details shall include the measures for tying into the walls, including number of fixings, a separate roof construction plan and engineer's report. Thereafter the works shall be implemented in accordance with the details approved.

REASON: In the interests of the integrity of the listed building.

Informatives

1. The applicant is advised that this permission and listed building consent pertains only to the works, including demolitions and reconstructions, as illustrated on the approved plans. Any further works, additions, demolitions or other alterations as may be considered prior to, during or after the construction period may require separate listed building consent and/or planning permission. You may be open to legal action if you undertake unauthorised works to the listed building.

2. NPPF statement.

18.0 Recommendation B

WP/19/00371/LBC

GRANT LISTED BUILDING CONSENT, SUBJECT TO THE FOLLOWING CONDITIONS:

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

Location Plan - Drawing Number 460-P-13 received on 03/05/2019
Proposed Floor Plan - Drawing Number 460-P-01B received on 03/05/2019
Proposed Floor Plan Level 1 - Drawing Number 460-P-02 received on 03/05/2019
Proposed Floor Plan Level 2 - Drawing Number 460-P-03 received on 03/05/2019
Proposed Floor Plan Level 3 - Drawing Number 460-P-04 received on 03/05/2019
Proposed Floor Plan Level 4 - Drawing Number 460-P-05 received on 03/05/2019
Proposed Mezzanine Floor Plan - Drawing Number 460-P-06 received on 03/05/2019
Proposed Front Elevation - Drawing Number 460-P-09 received on 03/05/2019
Proposed East Elevation - Drawing Number 460-P-11 received on 03/05/2019
Proposed Roof Plan - Drawing Number 460-P-12 received on 03/05/2019
Proposed Site Plan - Drawing Number 460-P-14A received on 03/05/2019
Building Elevations - Drawing Number 17-0101c received on 03/05/2019
Building Elevations - Drawing Number 17-0101b received on 03/05/2019
Outline Floor Plans - Drawing Number 17-0101a received on 03/05/2019
Topographical Survey - Drawing Number 16-1216a received on 03/05/2019
Proposed Mitchell Street Elevation - Drawing Number 460-P-08A received on 12/09/2019
Proposed Rear Elevation - Drawing Number 460-P-10A received on 12/09/2019
Proposed Viewpoints to Balconies and Lights - Drawing Number 460-P-15B received on 12/09/2019
Proposed Part Maiden Street Elevation - Drawing Number 460-P-16 received on 12/09/2019
Proposed Typical Section Drawing No. 460/P/07 Rev A received on 12/09/2019

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

2. The work to which it relates must be begun no later than the expiration of three years beginning with the date on which the consent is granted.

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

3. Prior to the commencement of development, a method statement and schedule of works to be undertaken to enable the scaffolding to be removed and for the building to be made safe, shall be submitted to and approved in writing by the local planning authority. Such a method statement and schedule shall include a reasonable description of all making good and remedial works likely to be necessary, once the scaffolding has been taken down, to allow the approved rebuild and conversion works to be implemented and the dates on which the scaffolding shall be removed. In addition, once the scaffolding has been removed, a structural survey of the Chapel and the Minister's House shall be submitted to the Local Planning Authority within 4 weeks of the scaffolding being removed. The schedule of works shall specify the use and type of materials proposed. The method statement and schedule shall be implemented in accordance with such approval unless otherwise approved in writing by the local planning authority.

Reason: To enable the building to be made safe to allow surveys to take place and in the interests of the structural integrity and appearance of the listed building.

4. No works shall take place, other than those works required for health and safety reasons which have been first agreed in writing with the Local Planning Authority under condition 3, until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

REASON: To safeguard and/or record the archaeological interest on the site.

5. Prior to the commencement of the development, except those works permitted under condition 3, detailed plans and sections that show the proposed structural junction between the existing masonry and the proposed steel cladding shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: To ensure that there is minimal destruction of historic fabric and to clarify the appearance of these features.

6. Prior to the commencement of the development, except those works permitted under condition 3, detailed coloured elevations which distinctly and accurately

show the separation of glazing to masonry and steel cladding shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: To ensure that the works are clearly itemised for the avoidance of doubt.

7. Prior to the commencement of the development, except those works permitted under condition 3, samples of the materials to be used that are intended to reconstruct missing structure and/or as noted to match existing walling and other built features as stated on the approved drawings shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out using the approved materials.

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REASON: In the interests of the appearance of the listed building.

9. Prior to the commencement of the development, except those works permitted under condition 3, details of the finish to all the external timber doors shall be submitted to, for approval in writing by, the local planning authority. The doors shall be finished in accordance with the details approved.

REASON: In the interests of the appearance of the listed building.

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REASON: In the interests of the appearance of the listed building.

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REASON: In the interests of the appearance of the listed building.

13. Prior to the commencement of the development, except those works permitted under condition 3, stone and brick samples shall be provided for inspection on site by the Local planning Authority including a 1 metre (1m) sample wall panel showing any new pointing proposed. This will show the proposed mortar and method of pointing. Any raking out must be done by hand, the extent of pointing agreed before works commence and the submission of a mortar mix which should be a lime and sand mix (without the use of cement) is to be agreed with the Local Planning Authority before works commence. The walls shall thereafter be constructed in accordance with the samples approved.

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insulation, foundations, and any underpinning or tying in of ground treatment to the walls. At all times the existing outer walls are to be protected in situ whilst such works are underway. The works shall be implemented in accordance with the details approved.

REASON: In the interests of the integrity and appearance of the listed building.

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REASON: In the interests of the integrity of the listed building.

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