



# Western and Southern Area Planning Committee

**Date:** Tuesday, 17 December 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, Jean Dunseith, Nick Ireland, Louie O'Leary, David Shortell, Sarah Williams and Kate Wheller

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

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

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public, so long as they conform to the Protocol for filming and audio recording of public council meetings.

## **A G E N D A**

**Page No.**

### **1 APOLOGIES**

To receive any apologies for absence

### **2 DECLARATIONS OF INTEREST**

To receive any declarations of interest

### **3 MINUTES**

5 - 34

a) To confirm the minutes of the meeting held on 14 November 2019.

b) Clarification of previous minutes of meeting held on Thursday 4 July 2019.

### **4 PUBLIC PARTICIPATION**

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

### **5 PLANNING APPLICATIONS**

To consider the applications listed below for planning permission.

**a WD/D/19/002178 - Land West of Watton Lane, Bridport**

35 - 50

Erection of 2 No. dwellings (Outline application – Access and Layout).

**b WD/D/19/000634 - Home Farm, Wraxall Lane, Chilfrome, Dorchester, DT2 0HA**

51 - 60

Conversion of part of existing storage barn to living space & office / meeting / drawing rooms associated with the live-work use of the site; and erection of single storey glazed link

structure between the dwelling and the barn conversion.  
External alterations to the dwelling and existing workshop  
(amended description).

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|----------|--|---------|
| <b>c</b> | <b>WD/D/19/002390 - Mulberry House, Roman Road,<br/>Osmington, Weymouth, DT3 6ER</b> | 61 - 72 |
|----------|--|---------|

Erect 1 No. dwelling (part retrospective) to be used as holiday  
let accommodation.

- |          |   |         |
|----------|---|---------|
| <b>d</b> | <b>WD/D/19/001887 - Harbour Masters Office, The Mound,<br/>Quayside, West Bay</b> | 73 - 80 |
|----------|---|---------|

Change of use of part of the Harbour Masters Office from B1 to  
A1 (retrospective).

## **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 14 NOVEMBER 2019**

**Present:** Cllrs 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

**Also present:** Cllr David Walsh

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

Bob Burden (Senior Planning Officer), Philip Crowther (Senior Solicitor - Planning), Colin Graham (Engineer (Development Liaison) Highways), Ian Madgwick (Transport Development Liaison Engineer), Debbie Redding (Development Manager), Emma Telford (Senior Planning Officer) and Denise Hunt (Senior Democratic Services Officer)

**51. Apologies**

No apologies for absence were received at the meeting.

**52. Declarations of Interest**

Cllr David Gray declared a non pecuniary interest in Application WP/19/00476/FUL - Site of 8-10 Dorchester Road, Weymouth (minute 56) as he lived next door to the application site. He would therefore leave the room and not take part in the debate or vote on this application.

**53. Minutes**

The minutes of the meeting held on 3 October 2019 were confirmed and signed.

**54. 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.

**55. Planning Applications**

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

**56. WP/19/00476/FUL - Site of 8-10 Dorchester Road, Weymouth**

*Cllr Gray left the room and did not take part in the debate or vote during consideration of the item.*

The Senior Planning Officer introduced the application to demolish the existing dwellings and erect 3 blocks of flats (31 flats in total) with car parking, cycle and refuse storage. The revised recommendation and some additional conditions had been included in an update sheet that was circulated to the Committee at the meeting.

He conveyed the observations of the Housing Enabling Officer that it would be very difficult to find a social housing provider who would be prepared to manage two individual flats within larger blocks of a different tenure. Recently providers had wanted to sell flats in blocks where they did not own the freehold, as they were unable to influence the management of the blocks, particularly in relation to fire safety and risk assessments. There were a number of affordable housing schemes being worked on in the area that would benefit from financial assistance, therefore in this instance it was decided that a financial contribution would be acceptable.

Members were shown a location plan and site plan that identified the Conservation Area boundary and included block C at the rear of the site and although this was outside of the Conservation Area, it was recognised that this would have an impact.

Also shown were the elevations and floor plans, including Blocks A and B elevations which picked up on the proportions and fenestration of the neighbouring properties, in particular, the adjacent listed building Cranford House.

The plans for Block C had been amended to mitigate the impact on residents at 8 Ricketts Close, by cutting back the elevation on the south east and south west elevations and moving the extension to improve outlook and daylight in line with Building Research Establishment (BRE) guidelines. The relationship of the buildings was now acceptable in residential amenity terms and it was difficult to construct an argument to suggest that the loss of daylight was such as to provide a reason for refusal.

A street scene slide showed the previously approved flats, which demonstrated the standardised elevation treatment and fenestration of that scheme. The contrast with the current proposal was explained including the reduction in overall mass, the design treatment in the spirit of a Victorian villa influence and with Block B moved further away from Cranford House.

Photos were shown of Cranford House, the site frontage with derelict properties, Rembrandt Hotel site access and rear car park, College Lane (access), the existing dwellings and unkempt garden area, the rear of all properties and the site relative to 8 Ricketts Close showing windows on the side elevation.

The Key Planning Matters were outlined including the principle of development, heritage impact, scale, design, character, appearance and amenity. In respect of heritage impact, there were significant public benefits of the scheme that clearly outweighed the harm to the setting of the listed building, including improvement to the extant scheme in terms of design and reduced massing, removal of the dilapidated buildings and the provision of much needed housing and contribution towards affordable housing.

The District Valuer had advised that the scheme was not viable for on-site provision of 35% affordable housing and the Housing Enabling Officer was content with reduced provision as a financial contribution that would be outlined in a Section 106 Agreement.

Andy Loudon, who lived in a neighbouring property, addressed the Committee with his principle concern that the windows in his lounge would overlook block C and cause significant reduction in light. He also highlighted the dominance of a building 5-10 metres away from his property when the building on this site was currently 40-50 metres away. He questioned why Block C had not been positioned closer to Block B than Ricketts Close.

Carol Evans, the applicant's agent, addressed the Committee in support of the scheme, stating that the scale of the buildings reflected the area and was effective use of brownfield land. She referred to the design and quality of the scheme that was an improvement on the extant approved application. There was no material harm in loss of light or amenity in relation to Block C. The parking shortfall of 2 spaces had been based on the 2011 calculator, but this had been offset by greater amenity space above the minimum standards. The District Valuer had agreed an equivalent of £87.5k off site affordable housing contribution that could be used more effectively elsewhere in the town.

The Senior Planning Officer advised that the existing permission on this site had been recommended for refusal by officers and was approved by the Planning Committee. This application was an opportunity to provide a scheme that was a better standard of design and more appropriate in scale.

The Highways Officer confirmed that the parking arrangement was acceptable given the sustainability of the location along a bus route and near to the train station, shops, and educational establishments in a safer routes to school area, electric charging points and cycle parking.

Members considered that this was a prime brownfield site that should be used for housing. It was an improvement on the previously granted application with a good design that respected the area.

Members discussed whether 3 electric vehicle charging points were sufficient and were advised that this could be increased in negotiation with the applicant if necessary by way of condition. However, there was no status in policy at this stage to indicate that there should be one charging point per parking space.

Further to a question it was confirmed that the access to Block C from College Lane was private highway with legal right of vehicle access to the site. Maintenance of the lane was the responsibility of the owner and as College Lane was included in the application site, notices had been served to make the owner aware of this. In terms of pedestrian access, there were 2 paths that avoided using College Lane.

Proposed by Cllr Ireland, seconded by Cllr Sarah Williams.

**Decision: That authority be delegated to the 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**
- **submission of details of an acceptable surface water drainage system; the installation, maintenance and management of which to be controlled by appropriate planning conditions;**

**and the conditions and reasons outlined in the appendix to these minutes, including the 2 additional conditions outlined in the update sheet.**

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

The Senior Planning Officer introduced the outline application to erect up to 58 dwellings, amenity space, landscaping, informal public open space, children's play area and the demolition of agricultural structures.

It was reported that the ward member indicated in the report was incorrect and should be Cllr Rebecca Knox. In addition, the number of units of affordable housing in paragraph 15.12 was 20.3 and not 16.24 units as outlined in the report. Members were reminded that the application was for up to 58 dwellings and therefore affordable housing provision would be based on the actual number of homes that were built.

Members were shown a location plan and aerial photo showing the relationship with the adjacent Clipper Teas building that was also to be redeveloped for housing in the future. The northern edge of the site went beyond the allocated site, mainly proposing strategic landscaping beyond the allocated site and providing for more housing within the allocated site. The removal of the equestrian outdoor riding area and other agricultural buildings would mean that this land became available for ecological enhancement and additional landscaping.

An illustrative layout demonstrated how the site might be developed and a strategic framework plan showed the interlinkages and vehicular access between the areas. Section 106 agreements for both sites would aim to



secure 2 pedestrian cycle links and vehicular link in a single integrated community approach.

Photos were shown of the area including the junction with the B3163, vehicular access to the site, stable/tack buildings/arena, the Dutch Barn, the northeast corner of the site, the site of the application looking west towards rising ground, a woodland corridor to be retained, the view to the south from the northern edge of the site and towards Broadwindsor Road, and the vehicular access for the other application.

The Key Planning Matters were outlined including that this was a residential development on an allocated site within the Defined Development Boundary and that provision of employment uses would be made at other more appropriate allocations. Affordable housing, visual impact on the AONB, ecology and highway safety were also mentioned.

Peter Dutton, the applicant's agent, addressed the Committee in support of the application for up to 58 homes that had been allocated in the Local Plan in a sustainable location. The scheme respected the location and the AONB and would assist the Council in addressing the land supply shortfall and the high levels of affordable housing need. There was no requirement for employment use on this site. A future reserved matters application would finalise the landscaping details and have regard to comments made by consultees. The 2 application sites would be brought together in cohesive applications and linkages, however it would be important to be able to access the site independently via Cockroad Lane.

The Highways Officer gave his view on the vehicular access for the proposed development as indicated in the report. Although not totally content with the separation of the allocation into 2 applications, there was no objection to the access off Cockroad Lane as the road was adequate, but this would be subject to condition. Although there was a need to provide for electric vehicle facilities, he advised the Committee to not be too prescriptive as the technology in respect of electric vehicles was changing rapidly.

In response to questions it was confirmed that there would be a similar level of employment provision in a more appropriate area that was informed by employment needs data.

Members questioned the density of the development given the comments of the Urban Design Officer contained in the report. They were advised that the layouts provided were illustrative at this stage and it was the principle of development under consideration for up to 58 dwellings.

Proposed by Cllr Nick Ireland, seconded by Cllr Louie O'Leary.

**Decision: That authority be delegated to the Head of Planning to**  
**A) Grant permission, 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 outlined in the appendix to these minutes.

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

**58. WP/19/00370/FUL & WP/19/00371/LBC - Maiden Street Methodist Church, Maiden Street, Weymouth**

The Senior Planning Officer introduced the two applications for the reconstruction and change of use of a church to 25 apartments and remedial works to the existing house.

An additional condition in relation to the Construction Management Plan had been included in an update sheet that was circulated to members at the meeting.

Members were shown a location plan, site plan, elevations, floor plans and aerial photograph of the site currently occupied by the shell of a grade II listed former church and minister's house. In 2002, the church suffered a fire which destroyed the roof and upper walls and had been left open to the elements since that time.

A new steel framed glazed rose window was proposed to replace the stone rose window lost as a result of the fire. The stone banding around the new window would match the stone and brickwork on the existing building that would be subject to condition.

Photographs of the existing building taken from St Edmund Street and the surrounding area were shown. The key planning matters were outlined including principle of development, heritage, affordable housing and parking. In relation to heritage, it was noted that there was a need to balance the harm to the existing building already caused by the fire and subsequent exposure to the elements. Although the application did not offer a faithful reconstruction, the harm from that was outweighed by safeguarding and preserving what remained of the building, the benefits of housing provision and visual

improvement of the building in the Conservation Area. A viability assessment considered by the District Valuer concluded that affordable housing provision would not be financially viable.

Robert Gardner, the applicant's agent, addressed the Committee and provided background on the application site. Since the fire in 2002, some demolition work had been carried out and scaffolding erected inside the walls of the building. Previous permissions had not been successful due to viability issues. This application was the culmination of 3 years of hard work and consultation with Historic England in order to get as much detail and quality into the building whilst maintaining viability. Residential amenity had been considered from the outset and public consultation had been widely attended with people largely supportive of the scheme. The application presented a unique opportunity to start the next chapter in the building's history, rejuvenate the site and improve the Conservation Area.

Members were pleased with this scheme. In response to a question it was confirmed that the original stone rose window had been destroyed in the fire and could only be replaced at huge expense which had an impact on the viability of previous schemes.

Members asked how redevelopment would affect residents of Helen Lane and was informed that the additional condition in the update sheet was in relation to a construction traffic management plan in order to safeguard residents and other highways users during construction. However, the scale of highway licencing required was not known at this stage and that this would become apparent once the detail of the construction was finalised.

Proposed by Cllr Louie O'Leary, seconded by Cllr Kate Wheller.

**WP/19/00370/FUL**

**Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes including the additional condition outlined in the update sheet.**

Proposed by Cllr Louie O'Leary, Seconded by Cllr Nick Ireland.

**WP/19/00371/LBC**

**Decision: That the application for Listed Building Consent be granted subject to the conditions outlined in the appendix to these minutes.**

**59. Urgent items**

There were no items of urgent business.

On conclusion of the meeting the Committee formally thanked Debbie Redding (Development Manager) and Ian Madgwick, (Highways Engineer) for their support to the Committee as this was their final meeting.

**Duration of meeting:** 2.00 - 3.40 pm

**Chairman**

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**APPLICATION NUMBER: WP/19/00476/FUL**

**APPLICATION SITE: 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.**

**Decision:**

**DELEGATED 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;
  - submission of details of an acceptable surface water drainage system; the installation, maintenance and management of which to be controlled by appropriate planning conditions;
  - plus the conditions as detailed below:
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
	Plans of Existing Building
	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.

8. The development shall be carried out in accordance with the approved Biodiversity Mitigation and Enhancement Plan dated 31 May 2019. The installed measures shall be retained thereafter.

REASON: In the interests of nature conservation.

9. The development hereby approved shall not be first occupied until charging points for plug-in and other ultra-low emission vehicles have been installed on site as shown on the approved plans and shall be permanently retained as such thereafter.

REASON: To promote the use of more sustainable transport modes.

**APPLICATION NUMBER WD/D/19/000613**

**APPLICATION SITE:** 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).

**Decision:**

**Delegated to the Head of Planning to**

**(A) Grant permission, 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](mailto: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.

**AND (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.

**APPLICATION NUMBER: WP/19/00370/FUL and WP/19/00371/LBC**

**APPLICATION SITE: 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.**

**WP/19/00370/FUL**

**Decision: Permission granted 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.

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

REASON: To ensure the proper and appropriate development of the site in the interest of highway safety and amenity of nearby properties.

## **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.

**WP/19/00371/LBC**

**Decision:- Listed Building Consent Granted , 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 a plan 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.

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

8. 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.

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.

10. 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.

11. 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 details shall be constructed in accordance with the details approved.

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

12. 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 materials shall be used in accordance with the samples approved.

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.

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

14. 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.

15. 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 works shall be implemented in accordance with the details approved.

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

16. 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.

17. 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.

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**AMENDMENT OF MINUTE 13 OF MEETING HELD ON THURSDAY 4 JULY 2019 (AGENDA ITEM 5a)**

**APPLICATION NUMBERS:** WP/16/00253/OUT and WD/D/16/000739

**APPLICATION SITE:** LAND TO THE NORTH OF LITTLEMOOR, WEYMOUTH

**PROPOSAL:** Outline application for a mixed use development comprising: up to 500 dwellings, including affordable housing; up to 8 ha of employment land (to include a new hotel, residential care home, car show rooms and other employment land); land for a new primary school; a new local centre; public open spaces, new accesses and roads, and associated infrastructure.

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Since the 4 July meeting, it has become apparent that there was an omission in the minutes from the decisions taken by members. The missing wording relates to the matters to be included in the section 106 agreement. It was included in the Committee's update sheet and formed part of the Committee's decisions but was inadvertently not included in the minutes.

By way of background, this item of the 106 agreement was intended to refer to on-site provision of Children's Play and Open Space Facilities and financial contribution of up to £478,162 with this sum to be off-set against the value of the on-site provision. This was to ensure the appropriate contribution of facilities by the developer but to enable this to be split between on-site provision and/or financial contribution, the detail of which would be clarified when reserved matters details are submitted.

The omission affects the decisions relating to both application WP/16/00253/OUT and application WD/D/16/000739 (as the application straddled the then boundary between West Dorset and Weymouth and Portland).

To rectify this, it is recommended that the fifteenth bullet point for the matters to be included in the section 106 agreement for both decisions are amended by adding the wording in bold:

- *On site provision of Children's Play and Open Space Facilities and financial contribution of **up to £478,162; the sum to be off-set against the value of the on-site provision.***

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**1.0 Application Number:** WD/D/19/002178

**Site address:** LAND WEST OF, WATTON LANE, BRIDPORT

**Proposal:** Erect 2 dwellings (Outline Application – Access and Layout)

**Applicant name:** Mr Norman

**Case Officer:** Hamish Laird

**Ward Member(s):** Cllr S Christopher

**2.0 Summary of Recommendation:** GRANT outline planning permission (access and layout) subject to conditions

Taking account of the comments made by the Parish Council, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

[https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_139420](https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_139420)

### 3.0 Reason for the recommendation:

- The application seeks outline planning permission for two dwellings. This follows on from the grant of outline planning permission Ref: WD/D/18/000232 on an adjoining site in same ownership using the same access.
- The layout and access details are acceptable.
- There is no significant harm to neighbouring residential amenity, nor to the character and appearance of the surroundings and AONB.
- 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 outside the DDB for Bridport. Para 11d of the NPPF is relevant as the Council cannot demonstrate a 5 year Housing Land Supply. The principle of development is acceptable if other material considerations do not outweigh the lack of a 5 year HLS.
Scale, design, impact on character and appearance	Access, and Layout as per the submitted drawings are acceptable.
Impact on amenity	No unacceptably adverse impacts on residential neighbours amenities.
Impact on landscape or heritage assets	Site lies in the Dorset AONB and outside DDB for Bridport. It is well-

	screened by existing hedging and trees from adjoining dwellings and by topography of the site. The development will not have a materially adverse visual impact on the character of the area and the AONB.
Economic benefits	The development phase will provide employment and post development there will be financial benefit in the local community through the use of services and payment of Council Tax.
Access and Parking	Existing access to be used as per the WD/D/18/000232 approval. There are no highway objections.
EIA (if relevant)	N/A
Other issues	None

## 5.0 Description of Site

5.1 The application site comprises a grassed field located on the west side of Watton Lane. It is accessed via an existing field access from Watton Lane. It is bounded by residential properties at Foxgloves and The Croft to the north, and Little Paddock and Tenterden to the west and north-west. Pennyfields lies to the east on the opposite side of Watton Lane. The site slopes gently downhill from north to south.

### Surrounding area

5.2 The site is well screened at ground level from public vantage points by thick hedging on 3 sides adjoining these properties, and has an open boundary to the south. Mature trees adjoin the site on the north, west and east. The surroundings are a mix of fields and dwellings. The site and surrounding area lie within the Dorset AONB.

5.3 The site lies outside the DDB for Bridport and the Bridport Conservation Area.

### Description of proposed development

5.4 The outline application proposes the erection of 2 No. dwellings with access and layout fixed at this stage. The submitted details indicate 2 detached dwellings with separate garage buildings accessed from Watton Lane. The D & A Statement advises that:

*“The buildings will essentially be a single or two storey building with separate garaging and will be of a similar scale to other residential properties adjacent to the site. A cross section has been submitted to demonstrate the scale and density of development on the site.”*

It further advises:

*“The access utilises the recently approved access point to the site and a private drive would provide access within the site with a turning point at the southern end.”*

## 6.0 Relevant Planning History

<b>Application No.</b>	<b>Application Description</b>	<b>Decision</b>	<b>Date of decision</b>
<b>WD/D/19/002359</b>	Application for approval of Reserved Matters for access, appearance, landscaping, layout and scale in relation to outline approval WD/D/18/000232	Pending consideration	N/A
<b>WD/D/18/000232</b>	Outline application for the erection of one dwelling	A	24 May 2018
<b>WD/D/18/002739</b>	Erection of a dwelling on land at Little Paddock, Broad Lane, Bridport	A	11 June 2019
<b>WD/D/17001630</b>	Approval of Reserved matters for one dwelling on land at Heatherstone, Broad Lane, Bridport	A	20 November, 2017
<b>WD/16/000607</b>	Outline application for the erection of one dwelling on land at Heatherstone, Broad Lane, Bridport	A	16 August 2016

## 7.0 List of Constraints

Outside Bridport Defined Development Boundary (DDB)

Outside the Bridport Conservation Area

Within the Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

Landscape Character Area: incorporating the West Dorset Landscape Character Assessment (2009) – Brit Valley.

## 8.0 Consultations

**8.1 Symondsburry Parish Council: Objects - comments are summarised as follows:**

- 1. Unsafe access onto brow of a hill. No lay-by or pull in areas provided on this narrow lane. Difficult for emergency vehicles to enter/exit site – Contrary to Paras 108 and 110 of the NPPF.*
- 2. Adverse impact on immediate setting. Single storey development would have a better impact. A range of densities should be employed. Lack of privacy and overbearing nature – Contrary to Paras 79 and 123 of the NPPF.*
- 3. Adverse impact on landscape and biodiversity, and stress on water supply which is over-subscribed resulting in extremely low water pressure – Contrary to Para 149 of the NPPF.*
- 4. Proposal fails to make most efficient use of the land – potential to fit more properties in in future. Will have adverse impact on water/electricity supply*

*and lead to over-dependence on private car use – Contrary to Paras 122 and 153 of the NPPF.*

5. *Development will be harmful to the character and openness of the AONB – Contrary to Para 172 of the NPPF.*

**8.2 Dorset CC – Highways:** ‘No objection’, subject to the following condition:

***Access Drive and Internal Layout Construction***

*Before the development is occupied the access to the highway, visibility splays, internal drive layout, parking and turning areas shown on Drawing Number 18/009/03 Rev C must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.*

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

**8.3 Natural England:** No objection – standing advice applies.

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

**Representations received**

8 letters of objection have been received in relation to the application including one from a number of residents along with one letter from Dorset CPRE. The main focus of the objections relates to:

- Development is contrary to Adopted Local Plan policy and advice in the NPPF
- Highway safety/access
- Lane is too narrow to take extra traffic
- Loss of privacy and impact on residential amenity through overlooking
- Loss of views to and from West Bay
- Impact on the AONB
- Overdevelopment
- Property should be single storey
- Increased flooding in Watton
- Loss of farmland
- Harm to wildlife
- Shortfall in Housing Land Supply not justified
- Development would set a precedent for further dwellings on the rest of the field

**9.0 Relevant Policies**

**9.0 Relevant Policies**

**National Planning Policy Framework 2019**

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

Section 2 'Achieving sustainable development' advises at Paragraphs 8 and 9:

"8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."

At paragraph 11, it advises of the 'Presumption in favour of sustainable development'.

Section 5 'Delivering a sufficient supply of homes' outlines the Government's objective in respect of housing land supply.

Section 6 'Building a strong, competitive economy' advises generally on the requirement for planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Taking into account both local business needs and wider opportunities for development.

Section 7 'Ensuring the vitality of town centres'

Section 8 'Promoting safe and healthy communities'

Section 9 'Promoting sustainable transport'

Section 10 'Supporting high quality communications'

Section 11 'Making effective use of land'

Section 12 'Achieving well designed places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 124 – 131 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Further advice contained in the following sections of the NPPF is of relevance:

Section 14 – Climate change – and where applicable – flooding and coastal change.  
Section 15– Natural Environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.



Planning Policy is contained in the National Planning Policy Framework (NPPF) February, 2019, and the West Dorset, Weymouth and Portland Local Plan (Adopted October, 2015).

In the Adopted West Dorset and Weymouth & Portland Local Plan 2015 the following policies apply:

INT1 Presumption in Favour of Sustainable Development  
ENV1 Landscape, Seascape and Sites of Geological Interest  
ENV10 The Landscape and Townscape Setting  
ENV12 The Design and Positioning of Buildings  
ENV16 Amenity  
SUS2 Distribution of Development  
HOUS1 Affordable Housing  
COM7 Creating a Safe and Efficient Transport Network.  
COM9 Parking Standards in New Development  
COM10 The Provision Of Utilities Service Infrastructure

#### Other material considerations

WDDC Landscape Character Area Assessment 2009

Dorset Area of Outstanding Natural Beauty : Dorset AONB Management Plan 2019 – 2024.

WDDC Design & Sustainable Development Planning Guidelines (2009)

Bridport Area Neighbourhood Plan (2019) - The Plan Area includes Symondsburry. It has been to its Examination in Public and the Independent Examiners Report was published on 8 October, 2019. It has not yet been the subject of any Referendum, and, therefore, carries limited weight in the consideration of this application.

### **10.0 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.

### **11.0 Public Sector Equalities Duty**

11.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

11.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

11.3 In considering the requirements of the PSED, the use of a solid road surface for the new development will provide a firm, level, surface to enable safe access to the 2 new dwellings for all.

## **12.0 Financial benefits**

### Material considerations

- A number of jobs are likely to be created during the construction phase of the development. Local shops and services will benefit from patronage by occupants.

### Non-material considerations

- Council Tax from 2 additional dwellings.

## **13.0 Planning Assessment**

- **Principle of development**
- **Layout and Impact on the character and appearance of the AONB**
- **Impact on neighbours amenities**
- **Landscaping, trees and Biodiversity**
- **Access, Highways & Parking**

### **13.1 Principle of development**

13.1.1 It is noted that the principle of development of part of the site has previously been accepted via the approval of outline application Ref: WD/D/18/000232 for a single dwelling on a site adjoining this one using the same access from Watton Lane. Separately, outline permission was granted for a single dwelling at Little Paddocks see Ref: WD/D/18/002379. This site abuts the western boundary of the application site.

13.1.2 Watton is a small hamlet on the outskirts of Bridport. The first main issue that must be considered is the conflict of the proposal with the spatial strategy of the Local Plan (Policy SUS2) and the impacts of the proposed development. In respect of the spatial strategy, Watton does not have a defined development boundary (DDB) and as such the proposal to erect two dwellings on the site conflicts with Policy SUS2 of the Adopted Local Plan. The site lies outside but close to the DDB for Bridport (about 100m away). Whilst not within the DDB, its close proximity means the

site should be carefully assessed especially given that the Council cannot demonstrate a five year supply of housing land (currently 4.88yrs). Therefore, sites which are in sustainable locations close to DDBs, should be carefully considered to see if they are acceptable in other planning respects. This application seeks approval for the principle of two dwellings on this site.

13.1. In particular, the proposal is contrary to criterion i) of Policy SUS2, which sets out the spatial strategy for the Local Plan area. This criterion directs development in rural areas to settlements with Defined Development Boundaries (DDB). Criterion i) of Policy SUS2 also states that settlements without DDBs "may also have some growth to meet their local needs". The rationale for this approach is explained in paragraph 3.3.27 of the Local Plan, with an emphasis on neighbourhood plans and other planning tools but highlighting the problems associated with development in rural locations.

13.1.4 Criterion iii) of Policy SUS2 states that "outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints". The policy restricts development outside of DDBs to a limited range of uses but only makes provision for market housing through the re-use of existing rural buildings or affordable housing as exception sites.

13.1.5 As a settlement without a DDB, Watton sits in the lowest tier of the settlement hierarchy and, therefore, is not a location where development for market housing would normally be directed. As a result, the proposed development site lies outside of any DDB and is, therefore, in a location where development is strictly controlled under Policy SUS2. The proposal is for open market housing but does not re-use an existing building, and it is, therefore, contrary to the provisions of SUS2 criterion iii)

13.1.6 Dorset Council (West Dorset and Weymouth Local Plan Area) cannot currently demonstrate a five-year supply of deliverable housing sites. The Council has 4.88 years of supply across the Local Plan area. Accordingly, Footnote 7 of the Framework confirms that the relevant housing policies of the development plan should be considered out of date. Paragraph 11d) states that where the relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

13.1.7 The lack of a 5 year supply, even if the supply is only marginally below 5 years, means that less weight has to be given to policies such as Policy SUS 2 in decision-making. This application site is located outside but essentially near to the defined development boundary (DDB) of Bridport in the adopted local plan and would be seen in the wider context of the neighbouring buildings. 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 in principle is

considered acceptable and is similar to an outline approval granted in 2018 to the east of this site ref WD/D/18/000232.

13.1.8 Since the Council does not have a five-year supply, consideration should be given to reducing the weight given to criterion iii) of Policy SUS2 in order to help fulfil the objectives in paragraph 11 of the NPPF. However, as part of that judgement, it is also important to have regard to:

- The extent of the current housing land supply shortfall; and
- The measures the Council are putting in place to address it.
- The extent of the housing land supply shortfall in the local plan area is just 0.12 years below 5. The Council has also taken action to address the housing land supply shortfall not only by making progress on the Local Plan Review (which is at "issues and options" stage) but also through the granting of consents on sites outside, but adjoining settlements with DDBs (i.e. at the first three tiers of the settlement hierarchy) - as is the case here.

13.1.9 Affording significant weight to the spatial strategy set out in criteria i) of Policy SUS2 and having regard to the modest size of the shortfall and the positive measures the Council is taking to address it, it is considered that there is no case to resist this scheme on spatial strategy grounds, since the proposal is located adjoining one of the larger town settlements despite the proposal not re-using an existing rural building but proposes new build open market housing. It is considered the site is within a sustainable location given the services/facilities on offer in Bridport to the east.

13.1.10 There may also be sufficient justification to displace the presumption under the final bullet in paragraph 11 of the NPPF, if there is also some demonstrable harm, when measured against the national policies in the NPPF and against other related policies in the Local Plan. The NPPF sets out that local plans should set out how the presumption in favour of sustainable development should be applied locally. The adopted local plan sets out the application of this presumption through Policy INT1 stating that:

*"There will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area. Where there are no policies relevant to an application, or relevant policies are out of date at the time of making the decision, the following matters will be taken into account:*

*the extent to which the proposal positively contributes to the strategic objectives of the local plan;*  
*whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and*  
*whether the adverse impacts of granting permission could significantly outweigh the benefits."*

13.1.11 The second and third bullets of Policy INT1 reflect the provisions of the second part of paragraph 11 of the NPPF. However, the first bullet - to take account of the extent to which a proposal positively contributes to the strategic objectives of the Local Plan - is an additional provision specific to the local situation. Paragraph 1.3.1 of the Local Plan identifies these strategic objectives as being "a concise expression of the priorities of this Local Plan" aimed at delivering sustainable development.

13.1.12 These strategic objectives are:

*support the local economy to provide opportunities for high quality, better paid jobs* - it is considered that the proposal would do this only via jobs during the construction period.

*meet local housing needs for all as far as is practicable* - it is considered that the proposal would contribute towards the housing land supply

*regenerate key areas including Weymouth and Dorchester town centres, to improve the area's retail, arts, cultural and leisure offer; and increase employment opportunities* - not considered relevant to this proposal.

*support sustainable, safe and healthy communities with accessibility to a range of services and facilities* - it is considered that the development would be in a location where future occupiers could access local facilities. The site is in close proximity to a number of local facilities including the leisure centre, supermarket and school and there are a number of public rights of way that lead into Bridport town centre.

*protect and enhance the outstanding natural and built environment, including its landscape, biodiversity and geodiversity, and the local distinctiveness of places within the area (this will be the over-riding objective in those areas of the plan which are particularly sensitive to change)* - the site is in the AONB. The site is relatively well contained. As such there is not considered to be a significantly adverse impact on the wider landscape of the AONB.

*reduce vulnerability to the impacts of climate change, both by minimising the potential impacts and by adapting to those that are inevitable (this will be the over-riding objective in those areas of the plan which are at the highest risk)* – Not applicable to this application.

*provide greater opportunities to reduce car use; improve safety; ensure convenient and appropriate public transport services; and seek greater network efficiency for pedestrians, cyclists and equestrians* - given the proximity to Bridport there would be some access to local facilities other than by car.

*achieve high quality and sustainability in design, reflecting local character and distinctiveness of the area* - the design of the dwelling is not known at this stage as this is an outline application.

13.1.13 In terms of the strategic objectives of the local plan and the three dimensions to sustainable development identified in the NPPF: economic, social and environmental, more discussion of these points will now follow.

- **From an economic perspective** this development would make a positive contribution to the local economy in the short term as local tradesmen would be employed during the building the dwellings. The proposal would in general support the construction/property industry.
- **From a social perspective** the proposal has the potential to make a contribution towards reducing the current shortfall of housing in the district. However social criteria relates to the basis for new housing being located within larger settlements with a range of facilities, in order to provide opportunities for people to make sustainable choices. The application site is in close proximity to Bridport town and there would be some opportunity to access local facilities without the need for a car.
- **From an environmental perspective** the application site is in close proximity to Bridport town and there would be some opportunity to access local facilities without the need for a car. Bridport town centre has a range of facilities and services including shops, public transport and community facilities such as school and medical services.

13.1.14 Furthermore it must be considered that Vearse Farm has recently been approved for 760 dwellings on land to the north of the site along with additional dwellings on the adjoining land at Watton Lane, Ref: WD/D/18/000232; at Little Paddock ref: WD/D/18/002739; and a further dwelling approved at Heatherstone to the west of the site (See refs: WD/D/16/000607/OUT and WD/D/17/001630/RM). As such, the proposed development, whilst outside of a Defined Development Boundary would be sustainable and future occupiers could access services without the heavy reliance on a car. In addition the tilted balance has been applied and the benefits to the short fall in housing would outweigh any adverse impacts e.g. on the AONB.

## **13.2 Layout and Impact on the character and appearance of the AONB**

13.2.1 Adopted Local Plan Policy ENV1 – Landscape, Seascape And Sites Of Geological Interest – indicates that development which would harm the character, special qualities or natural beauty of the Dorset AONB including their characteristic landscape quality and uninterrupted panoramic views, will not be permitted. New development should also protect the visual quality of the local landscape.

13.2.3 The application is submitted in outline, however, the D & A Statement advises that the design of the dwellings indicates that a mixture of single and two storey

buildings would provide variety and would be in character with adjacent housing types. This is considered to be acceptable in principle and such forms of scale and design would be in keeping with existing adjoining dwellings and outbuildings. Such details would be considered at the Reserved Matters stage. It is noted that existing development around the site is low-density and well-screened, resulting in minimal visual impact on the character and openness of the AONB.

13.2.4 In respect of design, the siting, bulk, scale and proposed use of materials – which can be conditioned – means the development accords with the provisions of Adopted Local Plan Policies ENV10 - The Landscape and Townscape Setting; and, ENV12 – The Design and Positioning of Buildings.

### **13.3 Impact on neighbours amenities**

13.3.1 Policy ENV16 – Amenity – of the Adopted Local Plan permits development provided that it has no significant adverse impact on neighbours amenity through loss of privacy; loss of light or excessive overshadowing; or through a level of activity or noise that would detract from the quiet enjoyment of residential properties.

13.3.2 In this regard the scheme is considered to be acceptable. The nearest adjoining dwellings adjacent to or near the site are well-screened by boundary hedging and due to the distance of their respective dwellings from the sites boundary with further screening by garden planting and trees. The comments expressed by neighbours are noted particularly in relation to noise and disturbance from vehicles on the site, and light spill from car headlights. Existing hedging and boundary screening would prevent the worst of any such light spill issues affecting neighbours amenities. Overall, it is considered that the proposal accords with the provisions of adopted Local Plan Policy ENV16 – Amenity.

### **13.4 Landscaping, trees and Biodiversity**

13.4.1 Policies ENV1 and ENV2 of the Adopted Local Plan outline considerations with regards to landscaping, tree matters, and wildlife habitat. Mature hedgerows and hedgerow trees mark the sites northern and western boundaries, whilst a mature hedgerow marks the roadside boundary with Watton Lane. Landscaping is a Reserved Matter and subject to the submission of further details, however, Officers consider that the existing hedges and trees should be retained as far as possible at the RM stage as this would soften the development and assist in assimilating it into its surroundings. The applicant has conformed that the proposed development is not within any tree's canopy or root protection zone.

13.4.2 The application is accompanied by an Extended Habitat Survey and Biodiversity Mitigation Plan. There is no evidence that any Protected Species will be adversely affected by the development as the site does not offer a suitable habitat for them. The BMP advises that mitigation measures in the form of the provision of 2 no. bird nesting boxes and 2 no. Schwengler Bat Tubes attached to trees within and around the site to encourage wildlife and species diversity. This is considered to be acceptable and complies with Policy ENV2 of the Adopted Local Plan.

### **13.5 Access, Highways & Parking**

13.5.1 There are no highway objections subject to a condition requiring the access to the highway, visibility splays, internal drive layout, parking and turning areas be provided in accordance with the submitted details. Access to the site is to be derived from the existing access onto Watton Lane. On site parking and turning arrangements are proposed with each dwelling being served by a separate garage. In this regard, the development accords with Adopted Local Plan Policies COM7 and COM9.

### **13.6 Climate Change Implications**

13.6.1 The proposal is considered to be in accordance with the Policies of the adopted Local Plan given that the proposal is on the edge of the village and as such comprises what is regarded as Sustainable Development. The proposal would also have to meet modern Building Regulations standards as regards construction.

### **14.0 Conclusion**

14.1 The location, layout for the proposed dwellings and access to the site are acceptable. The location is considered to be sustainable given the close proximity of the site to existing development, its location close to the DDB for Bridport; and, the site of the Vearse Farm housing allocation to the north – see planning permission Ref: WD/D/16/000986 - the proposal for outline planning permission for 2 dwellings is acceptable. The design and general visual impact of the dwellings are reserved for consideration at a later date – Reserved Matters. The Council does not have a 5 year Housing Land Supply, therefore, the provisions of paragraph 11d of the NPPF are relevant. In this case, the balance of consideration leans towards approval as there are insufficient material considerations which warrant a recommendation of refusal of this application.

### **15.0 RECOMMENDATION GRANT, SUBJECT TO CONDITIONS:**

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

Location Plan - Drawing Number 18/009/01C received 01/10/19; and  
Proposed Site Plan and Section - Drawing Number 18/009/03B received 25/09/19;

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

2. Approval of the details of the scale and appearance of the building(s), and 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. Before the development is occupied the access to the highway, visibility splays, internal drive layout, parking and turning areas shown on Drawing Number 18/009/03 Rev C must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

## **Informatives**

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

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

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

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

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## 1.0 Application Number – [WD/D/19/000634](#)

**Site address** - HOME FARM, WRAXALL LANE, CHILFROME, DORCHESTER, DT2 0HA

**Proposal** - Conversion of part of existing storage barn to living space & office/meeting/drawing rooms associated with the live-work use of the site; and erection of single storey glazed link structure between the dwelling and the barn conversion. External alterations to the dwelling and existing workshop (amended description)

**Applicant name** – Mr D Shaw

**Case Officer** – Christopher Lee

**Ward Member(s)** – Cllr A. Alford

**Taking account of the comments made by the Parish Council and Ward Member, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.**

## 2.0 Summary of Recommendation: Refuse

## 3.0 Reason for the recommendation:

- The application proposal would constitute the extension to a dwelling outside of a defined development boundary that would, by reason of its scale and footprint, result in an adverse impact on the character of the dwelling and that of the application site.

## 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	<p>The application site lies outside of any Defined Development Boundary (DDB) and therefore the principle of the extension to an existing dwelling is only permitted should it be subordinate in scale and proportions to the original dwelling, and result in no harm to the character of the locality or its landscape setting. In this regard the proposals are considered not to respect the character of the host dwelling or locality and therefore are considered contrary to policy HOUS6 of the Local Plan.</p> <p>Policies SUS2 and SUS3 of the Local</p>

	<p>Plan seek to restrict development and re-use of buildings outside DDBs to proposals which do not adversely impact the countryside and those which serve specific uses and are restricted to extensions to existing buildings in line with their current lawful use. The adaption of rural buildings are permitted where the existing building is of permanent and substantial construction. The proposals are considered largely to serve the existing live-work nature of the site and as such are considered acceptable in principle in relation to policies SUS2 and SUS3.</p>
Scale, design, impact on character and appearance	<p>Policy ENV12 advises that alterations or extensions to buildings should be well related to and not overpower the original building. The proposed conversion of the barn building and additional glazed link structure are considered to result in an extension that fails to respect the attractive rustic character of the host dwelling, and that of the application site, by reason of its large scale and footprint. As such the proposals are considered to be contrary to ENV10 and ENV12 of the Local Plan.</p>
Impact on amenity	<p>The proposals are considered to be adequately separated from neighbouring residential properties and therefore there is considered to be no resulting adverse neighbouring amenity impact.</p>
Impact on landscape or heritage assets	<p>The dwelling itself is considered to be an unlisted heritage asset, and the proposed conversion of the barn building and additional glazed link structure are considered to result in an extension that fails to respect the character of the heritage asset by</p>

	reason of its dominant scale and footprint. As such the proposals are considered to be contrary to ENV4 of the Local Plan.
Surface Water Flooding	With regard to the comments from the Technical Services Officer the proposed development is not considered to intensify existing surface water flooding issues on the site. Existing surface water issues and potential remediation are not considered to be relevant to the application proposals.

## 5.0 Description of Site

5.1 Home Farm is a former agricultural site that benefits from planning permission (under references 1/D/08/001606 and WD/D/14/002027) for use as a contained live-work unit, understood to serve a business involving the renovation, storage, and distribution of furniture.

5.2 The existing dwelling on the site constitutes an ample two storey building that is central to the site along with an adjoining single storey barn structure that extends at a right angle along the Western boundary. The cottage is of stone wall construction with red brick quoins and slate roof, and is considered to be of a traditional, pleasing and simple design which contributes to its status as an undesignated heritage asset.

5.3 To the North of the cottage is a large modern agricultural style barn building which comprises external elements of timber cladding, concrete blockwork and corrugated metal. The building is split into two units of equal footprint and shows two dual pitched roofs. It is currently in use as a storage/showroom space.

5.4 To the East of the dwelling is another historic building of two storeys and of a similar stone and slate roof exterior to that of the dwelling. This building comprises offices, workshops and storage used in connection with the furniture business.

5.5 The application site lies towards the Western extent of the village of Chilfrome with its access West off of Wraxall Lane. From the road the side (East) elevation of the dwelling and the large barn are visible from the site entrance sitting back in the site with the office and workshop building adjacent to the site boundary being the most prominent within the street scene.

5.6 The site lies within the Area of Outstanding Natural Beauty and outside of any Defined Development Boundary.

## **6.0 Description of Development**

6.1 The application, in its amended form, proposes the demolition of the Western half of the existing modern barn and the conversion of the other half, along with the erection of a glazed link extension between the barn conversion and dwelling to form an extension to the existing dwelling. The converted barn would be of timber clad exterior with a weathered cement fibre sheet roof, and would house a kitchen/dining room, a WC, a boot room, a laundry room, office space, and a drawing/meeting room. This would result in a dwelling of 3 bedrooms, a sitting room, study, hall areas, kitchen/dining area, WC, boot room, office and store; along with a research/design room, and a drawing/meeting room which appear to support the commercial uses of the site.

6.2 Also proposed are various external alterations to the dwelling and workshop building in the South Eastern corner of the site that include:

- A change in roof ridge material to the existing converted barn section of the dwelling to comprise terra cotta ridge tiles in lieu of a steel ridge.
- Additional window and door openings to the existing converted barn section of the dwelling.
- Replacement of doors with windows and windows with doors on the West elevation of the workshop building.

6.3 It was originally proposed to demolish the entire barn structure and erect an extension of a similar scale, with a glazed link, albeit in closer proximity to the dwelling. The proposals have been amended to the current scheme.

## **7.0 Relevant Planning History**

<b>Application No.</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
WD/D/14/002027	Proposed workplace/home and alterations to an existing barn originally approved for storage purposes to enable it to be used as a display area	Approved	03 February 2015
1/D/08/001606	Change of use of existing buildings to storage and distribution of reclaimed timber	Approved	08 December 2008

	and stone flooring and other architectural items with ancillary workshop, display and office areas, Make external alterations to buildings. Form parking and turning area and raise height of bank		
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## 8.0 List of Constraints

Dorset 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)*

Contaminated Sites Buffer Zone

Contaminated Sites

Surface Water Flooding

Veteran Trees 500 metre buffer zone

Landscape Character Area

SSSI Impact Risk Zone

## 9.0 Consultations

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

9.1 **Highway Authority** – No highway comment

9.2 **Technical Services** – No objection

9.3 **Environmental Health** – No comment

9.4 **Jurassic Coast Trust** – No comments received

9.5 **Frome Valley Parish Council** – No objection, comments regarding:

- Potential additional employment

- Potential traffic impact
- Improvement on visual amenity of the site
- Proposed construction is quite tall for a single storey building
- Suggestions of alternative external materials
- Surface water flooding and suggestion for remedial action

## **10.0 Representations**

7 representation received regarding the proposals; of which 6 offering support with comments on the following -

- The proposals provide a sensitive route to bringing the site back into use
- The site is a key site within the village
- Objection to proposed first floor window on the South West end of the dwelling
- Assurance required regarding asbestos materials on the site
- Surface water flooding and suggestion for remedial action
- Enhancement to the village
- Concern regarding the siting of the conversion close the neighbouring boundary
- Suggestions of alternative external materials

A letter of representation received from Cllr Alford outside of the consultation period setting out:

- National Planning Policy Framework's (NPPF) presumption in favour of sustainable development.
- The application meets the economic, social, and environmental objectives set out in the NPPF.
- Shortfall in five year housing land supply meaning the Local Plan is effectively out of date.
- No reasons within the policies of the NPPF to justify refusal.
- Adverse impacts (if any) do not outweigh the benefits.
- If planning officers are minded to object, it will be requested that the application is referred to planning committee for determination.

## **11.0 Relevant Policies**

### **Development Plan**

- INT1. Presumption in favour of sustainable development
- ENV1. Landscape, seascape and sites of geological interest
- ENV4. Heritage assets
- ENV9. Pollution and contaminated land
- ENV10. The landscape and townscape setting
- ENV12. The design and positioning of buildings
- ENV16. Amenity
- SUS2. Distribution of development



- SUS3. Adaptation and re-use of buildings outside defined development boundaries
- ECON1. Provision of employment
- ECON3. Protection of other employment sites
- HOUS6. Other residential development outside defined development boundaries

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

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

- 4. Decision-making
- 11. Making effective use of land
- 12. Achieving well designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

#### Other material considerations

Dorset Landscape Character Area Appraisal  
 Dorset AONB Management Plan (2019-2024)  
 WDDC Design & Sustainable Development Planning Guidelines (2009)

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

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

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

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

#### **14.0 Financial benefits**

The proposal may result in short term financial benefits for the region by way of employment of local tradesmen or use of local materials. Additionally, improvements to the site may bring benefits to the local economy with the provision of employment.

#### **15.0 Climate Change Implications**

15.1 The proposal would have to meet modern Building Regulations standards as regards construction and therefore would meet current environmental standards .

#### **16.0 Planning Assessment**

##### **16.1 Principle of Development**

16.1.1 Policy HOUS6 of the West Dorset and Weymouth & Portland Local Plan states that “*the extension of an existing lawful dwelling-house located outside the defined development boundaries will be permitted provided that the extension is subordinate in scale and proportions to the original dwelling, and does not harm the character of the locality or its landscape setting*”. The application proposes the conversion of an existing agricultural style storage barn and the erection of a glazed link structure to accommodate an extension to the existing dwelling that is of a significant footprint (approximately 287m<sup>2</sup> in relation to that of the host dwelling; 240m<sup>2</sup>), and height (approximately 5.5 metres in relation to that of the host dwelling; approximately 6.8 metres). In this regard, and in relation to the consideration below regarding the scale, design and impact on character and appearance, the proposed extension and conversion is considered not to be subordinate in scale and proportions to the original dwelling and therefore is deemed non-compliant with policy HOUS6 of the Local Plan.

16.1.2 The application site is unusual in relation to its live-work use, and policies SUS2 and SUS3 of the West Dorset and Weymouth & Portland Local Plan permits alterations/extensions to and re-use/adaptation of existing buildings outside Defined Development Boundaries provided that they are in line with an existing lawful use or for employment uses. In this regard the proposal to extend the dwelling within an existing live-work site is considered to be acceptable in principle in relation to policies SUS2 and SUS3, subject to consideration of material planning issues.

16.1.3 In relation to the comments from Cllr Alford the application does not propose new housing, and therefore the situation with the five year housing land supply is not considered to be applicable to the application. The potential environmental impacts of the proposed development on the built and historic

environment (as set out within the considerations below), are considered to outweigh any potential economic or social benefits.

## 16.2 Scale, design, impact on character and appearance

16.2.1 As discussed above the proposed conversion and glazed link would see a significant extension to the existing dwelling; resulting in an unduly large additional footprint. Policy ENV12 of the Local Plan states that “*extensions to existing buildings should be well related to, and not overpower, the original building or neighbouring properties, unless they achieve significant visual enhancement to both the building and surrounding area*”. The resulting development, whilst largely a conversion of an existing barn structure would be read as an extension to the dwelling, and is considered therefore to result in an overpowering and dominating impact on the host dwelling by virtue of its significant footprint and scale. The proposed link structure would be sizable in terms of its length and in connecting the barn to the dwelling would result in an awkward and elongated pattern of development within the site, particularly when viewed from the wider surroundings.

16.2.2 It is noted that the proposed external materials for the conversion and extension have been selected so as to maintain the rural aesthetic of the site, and that some general visual enhancement to the site as a whole may occur from the updating of materials; however this is considered to not to override the harm in relation to the character of the dwelling and the site.

16.2.3 The alterations proposed to the host dwelling and workshop building are considered to be minor alterations that would not result in any adverse impact in design and visual amenity terms.

## 16.3 Impact on amenity

16.3.1 The proposed development is considered to show adequate separation from neighbouring dwellings so as to result in no overbearing neighbouring amenity impact. The proposed conversion would take place within the existing constraints of the barn and would represent no additional height.

16.3.2 In relation to concerns over the proposed upper floor window in the Western elevation of the main house this window would serve a staircase and landing area and therefore there is not considered to be a significant neighbouring amenity impact in relation to overlooking into the neighbouring property Home Farm Cottages.

## 16.4 Impact on landscape or heritage assets

16.4.1 The building on the application site (now in use as a dwelling) has been in existence, as detailed on historic Ordinance Survey maps since at least the early 20<sup>th</sup> Century. The cottage is a visually pleasing stone structure with the appearance of a former working building, and as such, although unlisted, is considered to be a heritage asset. In this regard the proposed conversion and extension, by virtue of the impacts already discussed is considered neither to preserve nor enhance the setting

of the asset. Therefore the proposals are considered to be contrary to policy ENV4 of the Local Plan and section 16 of the National Planning Policy Framework.

#### **16.5 Surface Water Flooding**

16.5.1 With regard to the comments from the Technical Services Officer the proposed development is not considered to intensify existing surface water flooding issues on the site. Existing surface water issues and potential remediation are not considered to be relevant to the application proposals.

#### **17.0 Conclusion**

The proposed development fails to comply with national and local planning policy and is recommended for refusal.

#### **18.0 RECOMMENDATION**

Refuse for the following reasons:

18.1 The proposed barn conversion and extension to the host dwelling at Home Farm, by virtue of its significant increase in scale and footprint, is considered to represent a dominating and overpowering impact on the character of the dwelling and is considered to neither preserve nor enhance the setting of the dwelling as an unlisted heritage asset. The proposal would result in an awkward and elongated layout within the site that would result in an inharmonious feature visible in the wider context. As such the proposed development is considered to be contrary to policies ENV4, ENV10, ENV12 and HOUS6 of the West Dorset and Weymouth & Portland Local Plan, and paragraphs 193 to 196 of the National Planning Policy Framework.

**1.0 Application Number:** WD/D/19/002390

**Site address:** MULBERRY HOUSE, ROMAN ROAD, OSMINGTON, WEYMOUTH, DT3 6ER

**Proposal:** Erect 1 No. dwelling (part retrospective)

**Applicant name:** Mr and Mrs Snow

**Case Officer:** Hamish Laird

**Ward Member(s):** Cllr Nick Ireland

[https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_139632](https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_139632)

**NOTE:** The application is brought before the Planning Committee for decision because one of the applicants is a member of staff in accordance with the Scheme of Delegation.

**2.0 Summary of Recommendation:** GRANT subject to conditions

**3.0 Reason for the recommendation:**

- The application is one dwelling to be occupied as holiday let accommodation following the grant of planning permission Ref: WD/D/18/000030.
- The design, layout, scale, mass, appearance access and materials are acceptable.
- There is no significant harm to neighbouring residential amenity, nor to the character and appearance of the surroundings and AONB.
- There are no material considerations which would warrant refusal of this application

**4.0 Table of key planning issues**

Issue	Conclusion
Principle of development	Is acceptable – proposal is for one dwelling to be occupied as holiday let accommodation following the grant of planning permission Ref: WD/D/18/000030.
Scale, design, impact on character and appearance	Access, Appearance, Landscaping, Layout, and Scale as per the submitted drawings are acceptable.
Impact on amenity	No impact on residential neighbours amenities.
Impact on landscape or heritage assets	Site lies in the Dorset AONB and outside DDB for Osmington. It is well-screened by existing buildings, by topography of the site; and, the

	boundary tree screen with Roman Road. The development will have no materially adverse visual impact on the character of the area and the AONB.
Economic benefits	The development phase will provide employment and post development there will be financial benefit in the local community through, holiday let income, the use of local services and payment of Council Tax.
Access and Parking	Existing access to be used – no highway objections
EIA (if relevant)	N/A
Other issues	None

## 5.0 Description of Site

5.1 The application site is located on the north side of Roman Road, which in this location is an unmade, single width, track. It is set back from the roadway with access serving a stables building and double, wooden construction garage and log store. It lies to the west of Mulberry House and is screened from the house by a 1.8m high, wooden, close-boarded fence.

5.2 The site lies outside any DDB and the Osmington Conservation Area. None of the buildings are listed.

5.3 The full application seeks approval for the completion of the present partly completed structure approved for ancillary residential accommodation, and its change of use to form an additional new build unit of holiday accommodation on the site. This follows on from the approval of application Ref: WD/D/18/000030 which granted permission for the replacement of a Nissen Hut with new ancillary accommodation in May 2018. This was tied by condition 3 of the permission restricting its use and occupation as ancillary accommodation to the existing dwelling at Mulberry House. The current application seeks to use this ancillary accommodation as holiday let accommodation. This is subsequent to an initial proposal for holiday accommodation on the site as approved in August 2016, by Planning Application WD/D/16/00349 – this related to the use of the first floor above the garage block at Mulberry house for holiday let purposes.

### Surrounding area

5.3 The surroundings are a predominantly rural on the edge of the village, with a mix of residential properties, fields, woodland, and isolated farm buildings. The site slopes downhill from north to south. The site and surrounding area lie within the Dorset AONB.

## 6.0 Relevant Planning History

<b>Application No.</b>	<b>Application Description</b>	<b>Decision</b>	<b>Date of decision</b>
<b>WD/D/15/002521</b>	Outline application for change of use of an existing stable block to residential and new garaging (Outline)	Withdrawn	1 December 2015
<b>WD/D/16/000349</b>	Change of use of ancillary accommodation to holiday accommodation(Full)	Approved	9 August 2016
<b>WD/D/16/002580</b>	Conversion of a former stable block into residential and a new two bay Garage (Full)	Approved	26 June 2017
<b>WD/D/18/000030</b>	Replace an existing Nissan hut with new ancillary accommodation	Approved	14 May 2018
<b>WD/D/19/001489</b>	Amendment to Planning Permission WD/D/18/000030 to allow installation of 3no roof windows to the rear roof slope and 5 no additional timber windows, separate rear entrance door from the adjacent window (previously joined)	Approved	08 July 2019

## **7.0 List of Constraints**

Outside any Defined Development Boundary (DDB)

Outside the Osmington Conservation Area

Within the Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

Landscape Character Area: incorporating the West Dorset Landscape Character Assessment (2009).

## **8.0 Consultations**

**8.1 Osmington Parish Council:** Objects to the application for the following reasons:

- 1. This development would create a significant increase in traffic on the bridleway.*
- 2. This is considered an over development of the site and an not a re-use of the redundant agricultural building.*
- 3. The development would also increase light pollution in the area.*

**8.2 Dorset Council – Highways:** ‘No objection.’

**8.3 Dorset Council Countryside Access Team:** ‘No comment’.

**8.4 Dorset Council Trees Officer** – No comments received.

**8.5 Dorset Council Technical Services** - With regards to this application I have no objection or further comment to make.

### **8.6 Dorset Council - Mineral & Waste Planning Authority**

The MPA has no comment on this proposal, as it is within an existing building curtilage.

**8.7 Natural England** – No comments received.

**8.8 Wessex Water Services Ltd** – No objection.

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

### **Representations received**

No third party representations have been received.

### **9.0 Relevant Policies**

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

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

- INT1 Presumption in Favour of Sustainable Development.
- ENV1 Landscape, Seascape and Sites of Geological Interest.
- ENV10 The Landscape and Townscape Setting
- ENV11 The Pattern of Streets and Spaces
- ENV12 The Design and Positioning of Buildings
- ENV16 Amenity
- SUS2 Distribution of Development
- HOUS1 Affordable Housing
- COM7 Creating a Safe and Efficient Transport Network.
- COM9 Parking Standards In New Development
- ECON6 Built Tourist Accommodation

**Neighbourhood Plan** – Not applicable.

#### **National Planning Policy Framework – July 2018 (as amended)**

The NPPF was updated with a revised version published on 23 July, 2018, and a further update in February, 2019, made minor amendments. As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:

Section 2 ‘Achieving sustainable development’ advises at Paragraphs 8 and 9:

“8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):



a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

At paragraph 11, it advises of the ‘Presumption in favour of sustainable development’.

Section 6 ‘Building a strong, competitive economy’ advises generally on the requirement for planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Taking into account both local business needs and wider opportunities for development.

Section 12 ‘Achieving well designed places’ indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 124 – 131 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Further advice contained in the following sections of the NPPF is of relevance:

Section 14 – Climate change – and where applicable – flooding and coastal change.  
Section 15– Conserving and enhancing the natural environment. Paragraph 172 is of relevance. This, in part, reads:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.”

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

#### Other material considerations

Within the Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

Landscape Character Area: incorporating the West Dorset Landscape Character Assessment (2009)

Design and Sustainable Development Planning Guidelines (2009),

### **10.0 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.

### **11.0 Public Sector Equalities Duty**

11.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

11.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

11.3 In this case, the proposal is for the erection of a dwelling to provide holiday let accommodation. The design is such that it provides level access to the ground floor that caters for fully disabled and ambulant disabled occupants and visitors. It is considered that the requirements of the PSED are met by this proposal.

## **12.0 Financial benefits**

### Material considerations

In terms of the economic benefits of the proposals, the development phase will provide employment and post development there will be financial benefit in the local community through holiday let income and the use of services.

### Non-material considerations

Payment of Council Tax.

## **12.1 Climate Change Implications**

12.2 The proposal is considered to be in accordance with the Policies of the adopted Local Plan as regards holiday accommodation given that the proposal is on the edge of the village and as such comprises what is regarded as Sustainable Development. The proposal would also have to meet modern Building Regulations standards as regards construction.

## **13.0 Planning Assessment**

### **13.1 Principle of development**

13.1.1 The principle of development has previously been accepted via the approval of application Ref: WD/D/18/000030 which granted permission for the replacement of an existing Nissen Hut with new ancillary accommodation tied by condition restricting its use and occupation as such to the existing dwelling at Mulberry House. The structure is in the process of being erected, and the current application seeks to use this ancillary accommodation as holiday let accommodation. The principle of development would be for the establishment of a restricted residential use, rather than the development in general, as the structure already benefits from planning permission as indicated above.

13.1.2 Initially, a proposal for holiday accommodation on the site was approved by Planning Application WD/D/16/00349 – this related to the use of the first floor above the garage block at Mulberry house for holiday let purposes.

13.1.3 The use of the accommodation can be restricted by condition to a holiday let use only, and would therefore not benefit from planning permission as a stand alone Use Class C3 – Residential dwelling.

13.1.4 The principle of development is considered to be acceptable as it meets the provisions of Policies SUS2 – Distribution of Development; and, ECON6 – Built Tourist Accommodation, as outlined in the West Dorset, Weymouth and Portland Local Plan (Adopted - October, 2016); and , the advice contained in Paragraph 83 – ‘Supporting a prosperous rural economy’ in the NPPF – 2018 (as amended).

13.1.5 Policy ECON6.(Built Tourist Accommodation) of the Local Plan supports new built tourist accommodation which is :

- Within an established settlement of more than 200 population; ***Osmington is a settlement identified in the Local Plan as having a 200+ population***
- Through the re-use of an existing building;
- Through the replacement, intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation and site – ***a former Nissen Hut building occupied this site location and the proposal is considered to improve the quality and appearance of the accommodation and site***

## **13.2 Layout scale, design, Impact on the character and appearance of the AONB**

13.2.1 Adopted Local Plan Policy ENV1 – Landscape, Seascape And Sites Of Geological Interest – indicates that development which would harm the character, special qualities or natural beauty of the Dorset AONB including their characteristic landscape quality and uninterrupted panoramic views, will not be permitted. New development should also protect the visual quality of the local landscape. In the NPPF the advice at paragraph 172 gives great weight to “*conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*”, which it is considered has also been taken into account.

13.2.3 The design of the holiday let unit is such that it appears as a 1½ -storey, detached unit providing a ground floor kitchen/living/dining room; and, a separately accessed store room. On the first floor are two bedrooms and a bathroom. The holiday let unit is in the process of being constructed in accordance with the WD/D/18/000030 planning permission, using green oak timber frame clad in feather edged, softwood boarding for the walls atop a 3-course high, brick plinth; and, using blue/black coloured natural slate for the roof. The structure has been erected and roofed using these materials. The dwelling’s northern aspect is set into rising ground

with an outlook onto a sloping garden area which restricts views in this direction to those obtained within the site only. The building is effectively screened by the existing trees and hedgerow on the sites southern boundary with Roman Road.

13.2.4 The design, siting, bulk, scale and materials as used for the walls and roof, are considered to be acceptable. The development accords with the provisions of Adopted Local Plan Policies ENV10 - The Landscape and Townscape Setting; and, ENV12 – The Design and Positioning of Buildings; and, the advice contained in the NPPF 2018 (as amended).

### **13.3 Impact on the amenity of neighbours**

13.3.1 Policy ENV16 – Amenity – of the Adopted Local Plan permits development provided that it has no significant adverse impact on neighbours amenity through loss of privacy; loss of light or excessive overshadowing; or through a level of activity or noise that would detract from the quiet enjoyment of residential properties.

13.3.2 In this regard the scheme is considered to be acceptable. The nearest adjoining structures are the adjoining stables and garage buildings on the site, Mulberry House and the nearby dwellings to the south at Eureka and Little Manor. Neither of these residential neighbours which are located some 40m-50m away, and which are well-screened by existing trees and landscaping would be affected by the proposal. This accords with the provisions of adopted Local Plan Policy ENV16 – Amenity.

### **13.5 Economic benefits**

13.5.1 The NPPF was first published in March, 2012. It outlined Central Government Policy relating to planning and development, arguing in favour of and supporting sustainable development. In so doing, it based the achievement of sustainable development on three overarching objectives - which are: an economic objective; a social objective; and, an environmental objective. These objectives are maintained in the updated NPPF of July 2018, (as amended).

13.5.2 In terms of the economic benefits of the proposals, the development phase will provide employment and post development there will be financial benefit in the form of income from the letting of the premises for holiday use, and in the local community through the use of services and facilities. It is considered that the proposal accords with the provisions of Adopted Local Plan Policy ECON6 and the economic and social objectives of the NPPF.

### **13.6 Access, Highways & Parking**

13.6.1 There are no highway objections. Access to the site is to be derived from the existing access onto Roman Road. On site parking and turning arrangements are proposed with the existing double-gated, access onto Roman Road being used to serve the site.

13.6.2 The comments received from the Parish Council objecting to the proposals are noted. However the Councils Highways officer has raised no objection to the application on highway safety grounds, and the traffic generated by the development of 1 x 2-bedroomed holiday let unit is considered to be very low. The objectives of Adopted Local Plan Policies COM7 and COM9 are considered to be complied with.

### **13.7 Other Matters**

13.7.1 The comments received from the Parish Council objecting to the proposals are noted. The proposed development is not for the re-use of an existing agricultural building, but for the use of an approved ancillary accommodation for holiday let purposes. The principle of development has previously been established, and the footprint, height, scale and use of materials for the building have previously been approved. The proposal does not therefore represent an over development of the site.

13.7.2 External lighting can be controlled by condition to ensure that any such lighting installed at the premises is kept to the minimum required for safety and security, to ensure that any impact on the rural night sky is kept to a minimum.

### **14.0 Conclusion**

14.1 The location, layout, appearance, size and scale of the proposed dwelling and the landscaping of the site are acceptable. The materials of feather edged wooden boarding for the walls and natural slate are acceptable, the external structure has already been erected in accordance with the previous approval, application Ref: WD/D/18/000030, using these materials. This has not resulted in an adverse visual impact on the character of the site and surroundings. Neighbouring residents' amenities will be adequately safeguarded and there are no material considerations which warrant refusal of this application. As the structure already benefits from planning permission as indicated above, the proposal to be determined here is for the establishment of a restricted residential use, rather than the development in general. The use as holiday let accommodation can be controlled by conditions as outlined below.

14.2 The proposed development is acceptable and is in accordance with the provisions of policies INT1, ENV1, ENV2, ENV4, ENV10, ENV12, ENV16, ECON6, COM7 and COM9 of the West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015); and, the advice contained in Sections 12, 15 and 16 of the NPPF – July 2018 (as amended).

### **15.0 RECOMMENDATION GRANT, SUBJECT TO CONDITIONS:**

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

Location Plan @ 1:2,500 scale indicating the site edged red.

All stamped received on 24 September, 2019.

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

2. The site shall be used for holiday-let purposes only and shall be not used as the main, or sole, residence of the occupier.

REASON: The Local Planning Authority is prepared to permit the use of the site only for holiday purposes because it is located in an area where permanent residential use is precluded.

3. A register of all persons occupying the holiday accommodation hereby approved shall be kept by, or on behalf of, the owner/ owners of the holiday accommodation. The said register shall be made available for inspection during all reasonable hours at the request of a duly authorised officer of the Local Planning Authority, for such time as the development continues to be used as holiday accommodation.

REASON: To ensure that the accommodation is used for holiday purposes only.

4. No external lighting shall be installed as part of the development hereby permitted unless and until details of the height, positioning, design, external and candela rating of that lighting shall first have been submitted to and 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 and residential amenity, and in preserving the character of the night sky from unnecessary light pollution.

## **Informatives**

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

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

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

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.



**Application Number:** [WD/D/19/001887](#)

**Application Site:** HARBOUR MASTERS OFFICE, THE MOUND, QUAYSIDE, WEST BAY

**Proposal:** Change of use of part of the Harbour Masters Office from B1 to A1 (retrospective).

**Applicant:** Dorset Council

**Case Officer:** Rob McDonald

**Ward Member:** Cllr Bolwell, Cllr Clayton, Cllr Williams

**This application is brought through the Scheme of Delegation to the planning committee as the application has been submitted on behalf of The Council.**

**1.0 Summary of Recommendation:** GRANT subject to conditions.

**2.0 Reason for the recommendation:**

- The principle of the change of use is acceptable in principle by virtue of its location.
- The change of use would preserve and enhance the character and visual appearance and settings of heritage assets.
- There would be no significant impact on neighbouring amenity.
- There would be no severe impact on highway safety.
- There would be no increased flood risk.

**3.0 Key planning issues**

Issue	Conclusion
Principle of development and impact on the local centre	The change of use is modest in size and has the local benefit of selling essential equipment to the users of West Bay Harbour, thus meeting a localised need and niche market in this location. It is an appropriate type of use in the local centre, supporting the harbour economy and contributing positively to the vitality and vibrancy of West Bay.
Impact on heritage assets	The impact on the character and significance of the Building of Local Importance would be minimal, as would the impact on the setting of the

	Conservation Area and setting of the listed Harbour wall. The specified retail use would enhance the character of the Conservation Area.
Impact on neighbouring amenity	The change of use would not exacerbate any existing impacts to an extent that would be deemed significantly harmful.
Impact on highway safety and parking	There would be no severe highway impact.
Flood risk	The change of use has no increased flood risk.

#### 4.0 Description of site

4.1 The application site forms part of a quarter-circle building on the west side of the harbour in West Bay. The building is recognised as a Building of Local Importance and a landmark building. It has a flat roof and is faced with stone and lies at the eastern end of The Mound public car park. The building, accessed by foot, comprises an office, storage area and the subject retail area forming the southern part of the building. The building fronts onto the harbour wall which itself is grade II listed. Public toilets adjoin the building and hot food takeaway 'chalets' stationed just to the west. The site lies within the defined development boundary of Bridport, the West Bay Conservation Area and Dorset AONB. West Bay is regarded as a 'local centre' in the current adopted Local Plan (policy ECON4). The site also lies within flood zones 2 and 3, lying immediately adjacent to the harbour.

#### 5.0 Description of proposal

5.1 The application seeks retrospective planning permission to change the use of part of the Harbour Master's office space to A1 retail space. The application form indicates the change of use occurred from 1 November 2018. The change of use amounts to some 21 square metres and is shared with the reception area of the building. The application essentially seeks to regularise the retail function of the building, which comprises the supply of essential equipment to the users of West Bay Harbour.

5.2 The change of use has involved no external alterations having taken place or proposed.

#### 6.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/D/09/001202	Construct new access ramp	A	05 October 2009
1/D/10/000720	Construct new access	A	26 July 2010

	ramp		
<b>1/W/84/000314</b>	Use land to site trampolines	A	26 June 1984
<b>1/W/85/000172</b>	Retain cafe/restaurant (Renewal of 1/W/80/1069)	A	22 July 1985
<b>1/W/85/000675</b>	Renew Permission to retain rollalong cabin for St Johns Ambulance	A	09 December 1985
<b>WD/D/15/000948</b>	Site a steel shipping container on land adjoining Harbourmasters office and erect a timber fence and gates enclosure	A	03 September 2015
<b>WD/D/18/002157</b>	Renewal of temporary planning permission WD/D/15/000948 for siting of steel shipping container, timber fence and gates enclosure	A	15 February 2019

## **7.0 Relevant Constraints**

- West Bay Local Centre
- Building of Local Importance
- Conservation Area
- Setting of Listed Building
- Flood zones 2 and 3
- Dorset AONB

## **8.0 Consultations**

### **8.1 Bridport Town Council**

#### 8.1.1 Support

### **8.2 Highway Authority**

8.2.1 No highway comment.

### **8.3 Technical Services**

8.3.1 No objection or further comments to make.

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

### **9.0 Representations**

9.1 None received.

### **10.0 Relevant Policies**

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

- INT1 – Presumption in favour of sustainable development
- ENV1 - Landscape, Seascape and Sites of geological interest
- ENV4 – Heritage Assets
- ENV5 – Flood risk
- ENV10 - The landscape and townscape setting
- ENV14 – Shopfronts and advertisements
- ENV16 – Amenity
- SUS2 – Distribution of development
- SUS5 – Neighbourhood Development Plans
- ECON4 – Retail and town centre development
- COM7 – Creating a safe and efficient transport network
- COM9 – Parking standards in new development

#### Bridport Neighbourhood Plan

- HT1 – Non Designated Heritage Assets

#### National Planning Policy Framework

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

- 2. Achieving sustainable development
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

### Other material considerations

West Bay Conservation Area Appraisal (2013)

Dorset Area of Outstanding Natural Beauty: A Framework for the Future AONB Management Plan 2019 – 2024

West Dorset Landscape Character Assessment (2009)

WDDC Design & Sustainable Development Planning Guidelines (2009)

## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

## **12.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

### **13.0 Financial benefits**

13.1 The retail use of the site supports the local economy and local centre of West Bay and wider market area. The retail use would also support local employment.

### **14.0 Climate implications**

14.1 There would be minimal climate implications resulting from the change of use. The change of use may result in more deliveries of stock to the site and thus potentially some minor increase in carbon emissions.

### **15.0 Planning Assessment**

#### Principle of development and impact on the local centre

15.1 West Bay lies within the defined development boundary of Bridport where employment and other development to meet local needs is normally permitted. West Bay is also regarded as a 'local centre', which usually include a range of shops of a local nature, serving a small catchment.

15.2 Policy ECON4 of the Local Plan provides support for retail and town centre development, appropriate in type and scale to the particular centre and its catchment population. It also provides support for small scale development of shops and other A Class Uses within local centres.

15.3 In this regard, the A1 retail function is modest in size and, has the local benefit of selling essential equipment to the users of West Bay Harbour, thus meeting a localised need and niche market in this location. It is therefore an appropriate type of use in this local centre, supporting the harbour economy and contributing positively to the vitality and vibrancy of West Bay.

15.4 With these points in mind, the principle of the development is acceptable.

#### Impact on heritage assets

15.5 There have been no material external alterations to the unit, nor any proposed. Thus, the impact on the character and significance of the Building of Local Importance, which is described as having a "fort-like character" would be minimal, as would the impact on the setting of the Conservation Area and setting of the listed Harbour wall.

15.6 West Bay has a "strong maritime character", with the West Bay Conservation Area Appraisal describing angling off the slipway and piers as adding to the "enjoyment" of the area as a "local pastime". It is reasonable to judge that such activities contribute towards the maritime character and significance of the

Conservation Area and, thus, a specific retail use for angling equipment in this location is likely to enhance the character in this respect.

15.7 Therefore, having had regard to s66 and s72 of the Planning and Listed Building Act 1990, as well as national policies, policy ENV4 of the Local Plan and the West Bay Conservation Area Appraisal, it is accepted that the development would preserve and enhance the significance and settings of heritage assets.

#### Impact on neighbouring amenity

15.8 The unit fronts onto the harbour itself, effectively with its back to the Quayside block of flats and The Mound public car park and existing hot food chalets sitting in between. In this respect, the modest retail use of the unit would not exacerbate any existing impact on these neighbouring properties to an extent that would be considered harmful.

15.9 Pier Terrace lies on the opposite side of the harbour to the application site and these properties face the Harbourmasters building and adjacent pier. However, again, by virtue of the separation, existing prevalence of retail uses in the immediate area and the modest size and type of retail use proposed, the development would not exacerbate any existing impacts to an extent that would be harmful to these neighbours and any others in the surrounding area.

#### Highway safety and parking

15.10 West Bay benefits from several public car parks. It is not considered that the modest retail use would generate a significance increase in vehicle movements or demand for parking spaces and therefore the change of use would be very unlikely to have a severe impact on highway safety. The Highways department have been consulted and raise no objections in terms of highway safety.

#### Flood risk

15.11 Whilst the site lies within flood zones 2 and 3, it stands above the harbour wall level. There would be no physical changes to the building. There would be no change in terms of vulnerability class from an office use to retail use, both falling within the 'less vulnerable' category. In such instances, development can be appropriate. An FRA has been submitted and reviewed by the Technical Services team. No objections have been raised and it is therefore accepted the change of use would not increase any existing flood risks.

### **16.0 Conclusion**

16.1 The retail unit lies within the DDB of Bridport and local centre of West Bay, whereby shop uses can be acceptable to meet local needs. In this instance the change of use is currently meet local needs and enhancing the vibrancy and vitality

of the local centre area. The change of use would does not cause harm to the significance of heritage assets and, to some extent, enhances the special maritime character of the Conservation Area. There is no significant harm to neighbouring amenity nor a severe impact on highway safety. There are no increased flood risks. The proposed development is acceptable and therefore recommended for approval, subject to conditions.

## **17.0 Recommendation**

Grant subject to this condition:

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

Site and Location Plans drawing number 107/17/03 received 23 July 2019.

Reason: For the avoidance of doubt and to clarify the permission.