



Western and Southern Area Planning Committee

Date: Wednesday, 12 August 2020
Time: 10.00 am
Venue: MS Team Live Event This meeting will be held remotely as an MS Teams Live Event [see links below]

Membership: (Quorum 6)

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

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

For more information about this agenda please contact Denise Hunt 01305 224878 - denise.hunt@dorsetcouncil.gov.uk



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Members of the public are invited to access this meeting with the exception of any items listed in the exempt part of this agenda.

This meeting will be held remotely as an MS Teams Live Event [see links below]

[Western & Southern Area Planning Committee - Wed 12 August - Morning Session](#)

[Western & Southern Area Planning Committee - Wed 12 August - Afternoon Session](#)

The morning session starts at 10.00am and the afternoon session starts at 2.00pm. The Committee is scheduled to break for lunch between 1.00-2.00pm.

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than 8.30am on Monday 10 August 2020. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a councillor who is not on the Planning Committee wishes to address the committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative provided that they have notified the Democratic Services Officer by 8.30am on Monday 10 August 2020.

Please note that if you submit a representation to be read out on your behalf at the committee meeting, your name, together with a summary of your comments will be recorded in the minutes of the meeting.

Please refer to the guide to public participation at committee meetings for general information about speaking at meetings [Guidance to Public Speaking at a Planning Committee](#) and specifically the "***Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings - effective from 20 July 2020***" included as part of this agenda (see agenda item 4 - Public Participation).

Using social media at virtual meetings

Anyone can use social media such as tweeting and blogging to report the meeting when it is open to the public.

A G E N D A

Page No.

1 ELECTION OF VICE-CHAIRMAN FOR THE MEETING

To elect a Vice-Chairman for the meeting.

2 APOLOGIES

To receive any apologies for absence

3 DECLARATIONS OF INTEREST

To receive any declarations of interest

4 MINUTES

5 - 20

To confirm the minutes of the meeting held on 9 July 2020.

5 PUBLIC PARTICIPATION

21 - 22

Members of the public wishing to submit a written representation 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 note that the deadline to register to submit a written submission to the Area Planning Committee is at 8.30am on Monday 10 August 2020.

Please refer to the [Guide to Public Speaking at Planning Committee](#) and specifically the **"Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings - July 2020"** included with this agenda.

6 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

a WP/20/00150/OBL - Field South of Nottingham Lane, Nottingham Lane, Weymouth

23 - 28

Modification of planning obligations on Section 106 Agreement dated

26th June 2017 of planning application WP/17/00271/OUT.

- b** **WD/D/20/000228 - Land at Jesmond Farm, Monmouth Gardens, Beaminster** 29 - 42

Erect dwelling.

- c** **WD/D/20/000583 - 82 East Street, Beaminster, DT8 3DT** 43 - 74

Demolition of existing bungalow and erection of 5.no dwellings.

- d** **WD/D/19/000797 - St Andrews House, St Andrews Trading Estate, Shoe Lane, Bridport, DT6 3EX** 75 - 82

Formation of first floor walkway and seating area.

COMMITTEE BREAKS FOR LUNCH - 1.00PM TO 2.00PM

- e** **WD/D/19/003186 - Homestead Farm, Main Street, Bothenhampton, Bridport, DT6 4BJ** 83 - 114

Demolition of original farmhouse in Conservation Area. Erection of 1.no. new
4 bed low carbon house (with variation of condition 1 of planning approval
WD/D/17/002888 to amend approved plans).

- f** **WD/D/20/000253 - Beach Chalet adjacent car park, Charmouth Beach, Lower Sea Lane, Charmouth** 115 - 122

Make alterations to convert redundant toilets to beach chalet (with variation of Condition 1 of Planning Permission 1/D/13/000282 amending the occupancy condition).

7 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.



DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 9 JULY 2020

A recording of the meeting can be found on the committee page by using the following link:- [Link to committee page](#)

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

Also present: Cllr David Walsh (Portfolio Holder – Planning)

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

Bob Burden (Senior Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Colin Graham (Engineer (Development Liaison) Highways), Darren Rogers (Enforcement Manager), Guy Tetley (Engineer (Development Liaison)) and Denise Hunt (Democratic Services Officer).

128. Apologies

An apology for absence was received from Cllr Louie O'Leary.

129. Declarations of Interest

Cllr Jean Dunseith declared that she had predetermined Application No WP/17/00836/FUL - Land NW side of Wessex Roundabout, Radipole Lane, Weymouth and would not take part in the debate or vote on this application.

Cllr David Shortell declared that he had predetermined Application No WP/17/00836/FUL - Land NW side of Wessex Roundabout, Radipole Lane, Weymouth and would not take part in debate or vote on this application.

130. Minutes

The minutes of the meeting held on 11 June 2020 were confirmed and signed.

131. 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.

132. **Planning Applications**

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

133. **WD/D/20/000583 - 82 East Street, Beaminster, DT8 3DT**

The Committee considered an application for the demolition of a bungalow and erection of 5 dwellings.

Two further representations were received following publication of the report that had been included in an update sheet circulated to the committee the day before the meeting.

Members were shown site location plans showing the existing bungalow and large rear garden, properties along East Street, allotments to the south of the site; the relationship of the site to the town centre showing the site outside, but adjoining the Defined Development Boundary (DDB) and Conservation Area (CA).

The proposed site plan showed the vehicular access was via the existing access, however, the boundary walls would be removed in order to improve visibility. This access followed the rear of 64-80 East Street. The hatched areas in the site plan were as a result of comments made by the Conservation Officer to provide some glimpses towards the allotments and countryside beyond the garages in that location. Trees along the site boundary of Nos 54 and 56 were to be retained.

An aerial photograph of the site showed the existing bungalow and wider garden area of the site as well as the extensive garden area of the neighbouring property at 92 East Street. Representations had been received in relation to the impact of amenity due to overlooking from plot 1 on this property that was addressed in the report.

The proposal included land controlled by the applicant for a secondary pedestrian access onto the site (between 62 and 64 East Street) and highways required details to be submitted should permission of this application be granted.

Photographs were shown that included the access off East Street, showing the narrowness of East Street itself with many parked cars on one side of the highway; the large garden area of the application site; looking towards the side of the existing bungalow and rear of properties in East Street, including the proposed pedestrian access.

A plan was also shown that included a bin storage area at the rear of No 86; the provision of 14 car parking spaces and 2 garages; proposed rear and front elevations; ground floor & first floor plans; side elevations; cross sections of the existing, withdrawn and proposed scheme; and details of materials. The key planning points were highlighted.

A comparison with a scheme on Portland for 3 backland dwellings with a single narrow access where the planning inspector concluded the risk to be low had been outlined in the report.

A number of written representations in objection to the proposal were received from members of the public and Beaminster Town Council that were read out at the meeting and are attached to these minutes.

Cllr Rebecca Knox - Dorset Council - Beaminster, addressed the Committee, saying that in order to satisfy the greenfield status of the application site, that proposals should be for affordable housing and come with evidence of unmet housing need. However, Beaminster Town Council had outlined other significant opportunities for housing in that area and the proposal included no affordable housing.

She drew attention to the undulating elevation of the site with the houses along East Street sitting at the bottom of an incline meaning that the field would need to be dug out in order to sink the elevation of the new properties into the field. She considered that this would give rise to a flooding issue and identified flood zones 1, 2 and 3 in the immediate vicinity and that soakaways would not work in clay soil and serve as mitigation. The report did not include the view of the Environment Agency or Wessex water. She also questioned the comparison made with the application in Easton Street, Portland given the difference in the width of this street when compared to East Street and that other applications in the area had been refused on highways grounds.

The committee adjourned at 10:33am for 5 minutes and reconvened at 10.38am.

In response to comments made during public participation, the Enforcement Manager confirmed that consultation with the Environment Agency had not been a requirement of this application and that a condition included finished floor levels. The comparison with a scheme on Portland was made due to a single access with vehicles emerging between a terrace of properties which the Planning Inspector had concluded was low risk, rather than the width of the streets in either case.

Members asked about the definitive status of the site and the impact on the application and were advised that there was no lawful development certificate to state that the garden land was associated with this property, but was an open field owned by the owner of the property. In terms of the site being outside the DDB, members needed to determine whether there were significant adverse effects that outweighed the presumption in favour of development.

Further to questions it was confirmed that bins would be collected from the bin storage rather than being collected from the individual properties, meaning that the refuse lorry would need to park at the site access for a short period in order to collect the bins. It was also confirmed that a condition of the recommendation required details of the pedestrian link between 62 and 64 East Street needed

to be submitted, approved and carried out prior to occupation of the new houses.

The Highways Engineer outlined some previous applications in the area that had been allowed or refused on appeal. He stated that the development would create approximately 18-20 trips a day which was not considered to be so severe as to warrant refusal on highways grounds.

The width of the access would enable emergency vehicles to access the site and there were several similar accesses in the vicinity. The access complied with guidance in terms of the low speed approach due to the reduced vehicle speeds through this area as a result of the narrowness and parked cars in East Street.

Members remained concerned about the vehicular access and safety of exiting the site despite removal of the existing walls, fence and pillars on either side to improve visibility. The view was also expressed that removal of the walls could remove a degree of protection for the boundary properties.

Members also highlighted that sites outside the DDB were outlined in the Local Plan as exception sites used for affordable housing and that this proposal went against that policy.

The Enforcement Manager referred to the position with regards to the housing land supply and advised that the Council had granted a number of permissions on land outside the DDB.

Further comment was made that photographs viewed as part of the presentation had been pieced together to form a panoramic view, in such a way that it was difficult to gauge the size of the site.

Throughout the debate, the question of undertaking a site visit was raised on a number of occasions. The Solicitor drew attention to the practicalities of arranging a site visit having regard to social distancing rules and its impact on the length of time taken to determine the application.

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

Decision: That the application be deferred for a site visit.

Following consideration of this application, the committee adjourned at 11:35am for a short comfort break and reconvened at 11.40am.

134. **WD/D/20/001014 - Creek Caravan Park, Fishers Place, Ringstead, Dorchester, DT2 8NG**

The Committee considered an application to vary planning conditions 1 and 2 and the removal of conditions 3 and 4 of planning permission 207358 granted on 13 December 1962 as the application wished to operate the site with 30 static caravans for a longer season in line with the operation of other sites in the area.

The Enforcement Manager presented the application for a variation of conditions on previous planning conditions in the 1960s that sought to extend the season for the occupancy of the caravans from 9 February to 10 January to include Christmas and February school half term periods each year. An anomaly caused in the original permission with regard to the stationing of 40 caravans with permission for 30 had also been addressed.

An update sheet circulated to members before the meeting included additional representations, including some in support. A further letter had also been received the previous day objecting to the extension of the season beyond the current 7month period of April-October.

Members were shown a site location plan, aerial photos showing the 30 caravans and wider context of the site as well as photos taken by a neighbour showing access to the dwellings, the coastline to the east of the site and stepped access beyond the site to the east.

The Enforcement Officer outlined the key planning points and advised that the issues raised as a result of the consultation including the impact on the character of the area and on amenity needed to be balanced against the benefit to the local economy.

A number of written representations were received that were read out by an officer at the meeting and are attached to these minutes.

Cllr Nick Ireland, the ward member for the area, highlighted that Osmington Parish Council had not been consulted and that the notice had been erected on private land. He proposed that the application be amended so that the site was closed between 15th January and 15th March each year in line with other caravan parks in the area. He highlighted that many sites were becoming residential which was against the spirit of the restrictions.

The Enforcement Manager stated that as a result of the Covid 19 pandemic, planning officers relied on applicants and agents to erect notices where they could be seen by the public. This notice had been placed on the caravan notice board and people were able to walk onto the land to see it. The neighbour immediately adjacent to the site was notified by letter, however, this was a holiday home.

The Vice-Chairman stated that ensuring that notices were accessible to the public rather than on private land and informing neighbouring Parish Councils should be investigated and this would be discussed with the Planning Portfolio Holder.

Proposed by Cllr Nick Ireland, seconded by Cllr Peter Barrow.

Decision: That the application be approved and that the description of development be altered to “Station caravans” and subject to the conditions outlined in the appendix to these minutes.

135. **WP/17/00836/FUL - Land NW Side of Wessex Roundabout, Radipole Lane, Weymouth - Appeal against non-determination**

The report was introduced by the Area Manager - Western & Southern who explained that the applicant had lodged an appeal against non-determination of this application that would now be determined by the Planning Inspectorate. The report sought an indication from members on its decision had it determined the application in February 2020. It was confirmed that no additional information had been provided by the applicant since that time.

Members were shown a plan of the application site that included the area of the reserved matters application and the access, ponds and landscaping that was the subject of this application. Both applications had been submitted separately due to the former council areas covered by Weymouth & Portland Borough Council (access) and West Dorset District Council (residential). A softworks plan showed a pavement on the south of the access with no continuation on the south into the site. This meant that people would have to cross the road to the north to continue into the site. A plan of the proposed relocated access demonstrated that it would not impact on existing parking alongside football stadium should the reserve matters application for the residential development not come to fruition. Google map views were also shown of Wessex roundabout and the existing access from different directions. The key planning issues were outlined.

The Solicitor provided advice to members in relation to pre-determination due to prior consideration of the application by the Committee in February 2020.

Cllr Nick Ireland stated that there was no access for cycles due to the narrow footpath and that the current design required anyone on foot or cycle to cross the access to continue the pavement on the northern side. He proposed that the application be refused under the NPPF and Local Plan ENV 11.

Members expressed further concerns in relation to the single access onto a busy roundabout along a school route, all of which became relevant should the residential development go ahead.

Proposed by Cllr Nick Ireland, seconded by Cllr Peter Barrow.

Decision:

That the application would have been refused for the reason outlined in the appendix to these minutes if an appeal against non-determination had not been submitted.

136. **WP/19/01016/FUL - St Nicholas Church, Buxton Road, Weymouth**

The Committee considered an application to demolish an existing church and erect 18 affordable flats with external amenity space and parking spaces.

The Senior Planning Officer made reference to a letter of objection that had been received from a neighbouring property stating the proposed building

would block their TV reception. However, this was a private matter and if the proposal went ahead was quite doubtful

Following the circulation of the update sheet prior to the meeting comments on the proposal had been received from Cllr Clare Sutton, one of the Local Members. She felt whilst it was important to protect the character of the area the ability to provide affordable housing was paramount and she was content with the application.

The Senior Planning Officer gave members a presentation on the proposal highlighting the building in situ at the present time along with the bungalow which was situated at the rear of the church. Members were also shown the height of the proposed building which was below the height of the neighbouring Victorian villas. He advised there would be 16 car spaces underground with a further 2 spaces at the front of the property in readiness for the 18 units. Each unit would be 2 bedrooms, 67 square metres in area.

The Senior Planning Officer had met with the bungalow owner and some amendments had been made to the proposal following that visit. Pop out windows with obscure glazing were highlighted in order to protect the secluded part of the garden of the bungalow.

The main planning issues were highlighted to members, these included:-

- Principle
- Residential development within defined development boundary
- 100% affordable housing,
- Contribution towards 5 year housing land supply
- Effect on conservation area
- Effect on residential amenity and;
- Highway safety.

A number of written representations objecting to the proposal were read out by the Technical Officer and are attached to these minutes.

The Senior Planning Officer made reference to comments made regarding over development of the site and noted that the amenity space would be over 200 square metres for community use.

There had been a number of comments about the units starting off as affordable homes and then being secured as second homes. There would be legal constraints in place to ensure these units could only be used for affordable housing.

With regards to some lack of communication with certain properties, the Senior Planning Officer noted this was possibly as those properties were not adjacent to the red line of the application site. Properties higher up the slope had made comments about possible overshadowing and overlooking but these properties were about 46 metres away so it was felt there was no issue with this.

In respect of 'the decision already had been made' comment, the Senior Planning Officer explained that the case officers made the recommendations and elected members made the decisions.

The Senior Planning Officer felt that the issue about drainage had been addressed. A report had been issued to the Flood Risk Manager who was content and had recommended appropriate conditions which had been included.

The Highways Officer made reference to comments made about the increase of vehicles and appreciated that the current building had been underused in recent years but in the past it would have been quite a busy area. He would expect there to be a lower number of vehicles with the proposed flats. Accessibility via the highway was good and there was no recorded accident history within 110 metres of the property. However, the intention was to make it even safer.

In respect of the quantity of car parking, the Officer advised there were no minimum standards only guidance. However, the proposed building was on a bus route and was near a cycle route.

Cllr Brian Heatley spoke in support of the proposal, which is also attached to the minutes.

Cllr Ireland noted that there were not many opportunities in Weymouth for affordable housing but asked for confirmation if the units would be for rent or sale. The Senior Planning office confirmed the units would be for rent and that the Housing Enabling Officer was content with the application. Cllr Ireland highlighted the access to the Rodwell Trail for cycling and was happy to propose the recommendation.

Cllr Wheller made reference to comments that the proposal was not in keeping for the area but felt that it did reflect other architecture in the area. She felt the developers had been very imaginative and considerate with the proposed building. She was very pleased to see the building was 100% affordable housing. She made reference to a pedestrian crossing on Wyke Road where problems with a new building were now being mitigated but felt it would be better to sort any potential issues beforehand.

Cllr Dunseith was generally in favour of the development but had concerns about the car parking and questioned where other cars would go as nearby streets were quite busy. She felt the entry to the flats off the road might be a bit small. The Highways Officer advised the width of the access would be 4.5 metres and that the current standard width was 5 metres. The Senior Planning Officer advised that an amended plan could be sought to increase the driveway entrance width to 5 metres.

There was a concern regarding the amenity space, with 18x2 bedroom flats there would be a number of children and it would be important for residents to have somewhere outside to go.

Cllr Cocking felt that the housing was desperately needed for the area and was happy to second the proposal, as long as condition included to state it was not for holiday home use.

Following a question whether the sub-station referenced in the presentation would be removed or incorporated, the Senior Planning Officer advised that his understanding from the applicant was there was no problem for it to be removed.

Proposed by Cllr Nick Ireland, seconded by Cllr Susan Cocking

Decision:

(A): That authority be delegated to grant to the Head of Planning, subject to completion of a S106 agreement to secure provision of 100% affordable housing, and subject to the receipt of a satisfactorily amended plan in respect of the width of the vehicular access (to be increased to 5m), and the planning conditions outlined in the appendix to these minutes.

(B) Refuse permission for the reasons set out below if the legal agreement under Section 106 of the town and country Planning Act 1990 (as amended) is not completed within 6 months of the date of the committee resolution or such extended time as is agreed by the Head of Planning.

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of units as affordable housing and in the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the adopted West Dorset Weymouth and Portland Local Plan. Furthermore the community-related benefits inherent in the scheme would not be achieved. Hence the scheme would be contrary to the objectives of paragraph 92 of the National Planning Policy Framework (2019).

137. Urgent items

There were no urgent items.

138. Update Sheet

The update sheet is attached to these minutes.

Appendix - Decision List

Duration of meeting: 9.30 am - 3.30 pm

Chairman

APPLICATION NUMBER: WD/D/20/000583

APPLICATION SITE: 82 East Street, Beaminster, DT8 3DT

PROPOSAL: Demolition of existing bungalow and erection of 5 dwellings.

DECISION: Deferred for committee site visit.

APPLICATION NUMBER: WD/D/20/001014

APPLICATION SITE: Creek Caravan Park, Fishers Place, Ringstead, Dorchester, DT2 8NG

PROPOSAL: Station 40 caravans - Variation of conditions 1 and 2 and removal of conditions 3 and 4 of planning permission 207358 (extending the season).

DECISION: Approve and that the description of development be altered to “Station caravans” and subject to the following conditions:

1 Not more than 30 caravans shall be stationed on the site at any one time.

Reason: To define the permission.

2 The caravans on the site shall only be occupied during the period 15th March in any year to 15th January in the following year.

Reason: To define the permission and to prevent an unrestricted and permanent residential occupation all year round.

Reason for Decision

- The proposal to amend the planning conditions of the original planning permission is considered to be acceptable with no adverse visual impact as regards impact on the AONB and coastal landscape.
- The proposal to amend the planning conditions of the original planning permission is considered to be acceptable with no significant harm to neighbouring residential amenity.
- The proposal to amend the planning conditions of the original planning permission is considered to be acceptable with no significant harm to highway safety.
- There are no other material considerations which would warrant refusal of this application.

APPLICATION NUMBER: WP/17/00836/FUL

APPLICATION SITE: Land NW side of Wessex Roundabout, Radipole Lane, Weymouth.

PROPOSAL: Construction of new vehicular and pedestrian access, surface water management ponds, open space and landscaping associated with the adjacent Wessex Grounds Residential Development.

DECISION: The committee resolved that they would have refused the application, should they still have had the ability to do so, for the following reason:

The development does not make adequate provision for pedestrians and cyclists with narrow pavements and no pavement to the south of the vehicular access, beyond the entrance to the site, meaning that pedestrians and cyclists would have to cross the access road to continue on a pavement into the site. Hence the proposal is contrary to Policy ENV11 of the West Dorset, Weymouth and Portland Local Plan (2015) and Paragraphs 91a and 110a of the National Planning Policy Framework (2019).

APPLICATION NUMBER: WP/19/01016/FUL

APPLICATION SITE: St Nicholas Church, Buxton Road, Weymouth DT4 9PJ

PROPOSAL: Demolition of the existing church and erection of 18 affordable flats with associated external amenity space and parking spaces.

DECISION:

A) Delegate authority to grant to Head of Planning subject to completion of a S106 agreement to secure provision of 100% affordable housing and subject to the receipt of a satisfactorily amended plan in respect of the width of the vehicular access (to be increased to 5m), and subject to planning conditions.

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

Site location plan 39 received 20/12/19

Proposed block plan 38 received 20/12/19

Proposed plan/ground floor plan 30F received 16/6/20

Proposed site plan/first floor plan 7 amenity 31F received 16/6/20

Proposed floor plans & street scene 32H received 16/6/20

Proposed floor plans/extended site section 33D received 18/6/20

Proposed elevations 34D received 16/6/20

Railing details 41A received 24/4/20

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. No development shall take place above damp proof course level until samples of all facing and roofing materials, (and details of the design and materials of the new road frontage wall section) have been submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with those details thereafter.

REASON: To ensure the external appearance of the completed development in the conservation area is sympathetic to the locality.

4. The windows shall be of powder coated aluminium in a colour which shall first have been submitted to and agreed in writing by the local planning authority. The windows including frames shall be retained in the agreed colour thereafter. The railing details applicable to the south elevation shall be carried out in accordance with the details shown on plan 41A and retained as such thereafter.

REASON: To ensure the external appearance of the completed development in the conservation area is sympathetic to the locality.

5. Prior to the commencement of any development a detailed surface water sustainable drainage scheme for the site, based on an assessment of the hydrological and hydrogeological context of the development including details of the maintenance and management of the surface water sustainable drainage scheme and any receiving system and shall be designed to include a plan for the lifetime of the development for its maintenance and management, 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, and a timetable for implementation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented in accordance with the submitted details and timetable for implementation. The scheme shall be managed and maintained thereafter in accordance with the approved details.

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

6. The finished floor levels shall be in accordance with the levels details shown on plan 33C.

REASON: In the interests of visual amenity.

7. No development above dampproof course level shall be carried out until a hard and soft landscaping scheme shall first have been submitted to, and approved in writing, by the local planning authority. The approved scheme shall be implemented and completed during the planting season November-March inclusive, immediately following commencement of the development, or as may be agreed otherwise in writing by the local planning authority. The scheme shall include provision for the maintenance or replacement as necessary of the trees and shrubs for a period of not less than 5 years from completion of the development and the soft landscaping shall be maintained and replaced as necessary in accordance with the approved scheme.

REASON: In the interests of visual amenity.

8. No flat shall be first occupied until all the following glazing measures shall have been installed: The “pop-out” windows on the east elevation shall have obscure glazing facing east (with transparent glazing facing south), and the two pop-out windows in the north elevation to bedroom 2 of both flats 15 and 19 shall have obscure glazing on the north (with transparent glazing to the east and west sides). There shall be no pedestrian access to the external top floor hatched areas as shown on plan 33D. The third floor east elevation balcony and the screening to the external stair and landing on the north elevation shall be obscure glazed. All obscure glazing shall be to Code 3 standard. Thereafter, all the foregoing measures shall be permanently retained.

REASON: In the interests of residential amenity.

9. The development shall be carried out in accordance with the measures contained in the agreed Biodiversity Mitigation Plan (BMP) dated 31/3/20. All works within the BMP shall be carried out in accordance with the agreed timescale unless otherwise agreed in writing by the local planning authority. The completed works shall be retained thereafter.

REASON: To ensure nature conservation interests are fully addressed.

10. No development above damp-proof course level shall be carried out until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted to and approved in writing by the local planning authority. The submitted details shall include a timetable for the implementation of the scheme. Thereafter the development shall be carried out in accordance with such details and timetable 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.

11. No flat shall be first occupied until details of the means of enclosure to the boundaries, including materials and height, shall have been submitted to and approved in writing by the local planning authority. Thereafter the means of enclosure as are agreed shall be erected prior to first occupation of any flat and permanently retained thereafter.

REASON: In the interests of privacy and visual amenity.

12. Before the development is occupied or utilised the first 10 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

13. Before the development hereby approved is occupied or utilised the parking and turning on the submitted plans must have been constructed. Thereafter these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

REASON: To ensure the proper and appropriate development of the site to ensure that highway safety is not adversely impacted on.

14. Before the development hereby approved is occupied or utilised provision must be made to ensure that no surface water drains directly from the site onto the adjacent public highway in accordance with details which shall have, prior to development above damp proof course level, been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details and the approved drainage works shall be retained and maintained for the lifetime of the development.

REASON: To ensure that the site is properly drained and that surface water does not flow onto the highway.

INFORMATIVE NOTE: Dorset Highways

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at dorsetdirect@dorsetcc.gov.uk, or in writing at Dorset Highways, Dorset County Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

B) Refuse permission for the reasons set out below if the legal agreement under Section 106 of the town and country Planning Act 1990 (as amended) is not completed within 6 months of the date of the committee resolution or such extended time as is agreed by the Head of Planning.

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of units as affordable housing and in the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the adopted West Dorset Weymouth and Portland Local Plan. Furthermore the community-related benefits inherent in the scheme would not be achieved. Hence the scheme would be contrary to the objectives of paragraph 92 of the National Planning Policy Framework (2019).

Reason for Decision

- Contribution towards 5 year housing land supply.
- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

Dorset Council

Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings – effective from 20 July 2020

Due to the Covid-19 pandemic the council has had to put in place measures to enable the council's decision making processes to continue whilst keeping safe members of the public, councillors and council staff in accordance with the Government's guidance on social distancing by applying new regulations for holding committee meetings from remote locations.

The following procedures will apply to planning committee meetings until further notice, replacing where appropriate the relevant sections of the Guide to Public Speaking at Planning Committees:

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the committee.
2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am two working days prior to the date of the committee – i.e. for a committee meeting on a Wednesday written statements must be received by 8.30am on the Monday. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the committee agenda. The agendas for each meeting can be found on the Dorset Council website

[Dorset Council Committee List](#)

3. During this period the council can only accept written statements via email and you should continue to bear in mind the guidance in the public speaking guide when preparing your representation.
4. The first three statements received from members of the public for and against the application (maximum six in total) will be read out together with any statement from the town and parish council, by an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your statement will be read out if the same point has been made by another statement and already read to the Committee. This is to align with the pre-Covid-19 protocol which limited public speaking to 15 minutes per item, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit. All statements received will be circulated to the Committee members before the meeting.
5. This addendum applies to members of public (whether objecting or supporting an application, town and parish councils, planning agents and applicants).
6. Councillors who are not on the Planning Committee may also address the Committee for up to 3 minutes by speaking to the Committee (rather than submitting a written statement). They need to inform Democratic Services of their wish to speak at the meeting two working days before the meeting.

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WP/20/00150/OBL

Field South of Nottingham Lane, Nottingham Lane, Weymouth

Modification of planning obligations on Section 106 Agreement dated 26th June 2017 of planning application WP/17/00271/OUT

Applicant name – C G Fry & Son Ltd

Case Officer – Emma Telford

Ward Member(s) – Cllr H Legg

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

1.0 Summary of Recommendation:

1.1 Delegate authority to the Head of Planning to modify the S106 agreement dated 26th June 2017 of planning application WP/17/00271/OUT to:

- Modify the public open space provision to a total of 4.70ha.

2.0 Reason for the recommendation:

2.1 It is considered that the proposed modification to the S106 would have an acceptable impact. The modification would involve the overall reduction in the provision of public open space from 4.75ha to 4.70ha resulting in an overall loss of 0.05ha. How the open space is provided would also change, the 4 play outposts (smaller defined play spaces) would be reduced in size individually from 400sqm to 250sqm but the number of play spots (incidental play spaces) would be increased from 4 to 12. The proposed provision as part of the outline application was in excess of that required. The proposed reduction in provision of 0.05ha to an overall provision of 4.70ha is still in excess of that required and therefore in this case the reduction in the public open space provision is considered acceptable.

3.0 Key planning issues

Issue	Conclusion
Provision of public open space	The proposed modification to the S106 agreement is considered acceptable.

4.0 Description of Site

4.1 The S106 agreement dated 26th June 2017 relates to the site field south of Nottingham Lane, Nottingham Lane, Weymouth. The agreement is associated with the application WP/17/00271/OUT for the phased development of up to 340no. dwellings with primary access from Nottingham Lane & secondary access from Dorchester Road including ancillary off-site highways works, on-site open space & drainage works.

4.2 The site is located within the defined development boundary.

5.0 Description of Proposal

5.1 This application seeks to modify the S106 agreement by reducing the public open space provision as summarised below:

	Included in Public Open Space Plan in the S106	Proposed Public Open Space
Overall Open Space	4.75 ha	4.70 ha
Main Neighbourhood Play Space	1,000 sqm	1,000 sqm
Play Outposts	400sqm x 4 (1600 sqm total)	250sqm x 4 (1000 sqm total)
Play Spots	X4	X12 (1625 sqm total)

6.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
WP/19/01025/RES	Application for approval of reserved matters for access, appearance, landscaping, layout & scale of phases 1&2 of outline approval WP/17/00271/OUT	Ongoing	-
WP/20/00013/CWC	Request for confirmation of compliance with conditions 3, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 22, 23, 24 and 25 of planning approval WP/17/00271/OUT	Ongoing	-
WP/17/00271/OUT	Outline application for phased development of up to 340no. dwellings with primary access from Nottingham Lane & secondary access from Dorchester Road including ancillary off-site highways works, on-site open space & drainage works	Approved	29/06/2017
WP/15/00072/OUT	Phased development of up to 340 dwellings with primary access from Nottingham Lane, secondary access from Dorchester Road, ancillary off-site highway works, on-site open space and drainage works (Outline)	Refused	12/07/2016

7.0 Relevant Constraints

Outside of Defined Development Boundary

8.0 Consultations

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

Weymouth Town Council – The Council has no objection.

9.0 Representations

9.1 No comments received at the time of report writing.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan

COM 1 – Making sure New Development makes Suitable Provision for
Community Infrastructure

COM 4 – New or Improved Local Recreational Facilities

National Planning Policy Framework

- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

12.0 Public Sector Equalities Duty

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

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

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

13.0 Financial benefits

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

14.0 Climate Implications

14.1 The proposed modification to the S106 is not considered to alter the climate implications of the development.

15.0 Planning Assessment

Provision of Public Open Space

15.1 The legal agreement (s106) the subject of this application relates to the site field south of Nottingham Lane, Nottingham Lane, Weymouth which is subject of outline planning permission WP/17/00271/OUT. This current application seeks to modify the agreement in the following respect.

15.2 The current S106 requires the provision of open space meaning *the areas of formal and informal public open space measuring not less than 5 hectares and to include the Natural Area of Play and the four LAPs (Local Area for Play) to be laid out and equipped in general accordance with the principles set out in the Landscape Drawing and Open Space Specification*. However, the open space plan included in the S106, showing the various categories and areas of open space sets out an overall open space provision of 4.75ha.

15.3 The applicant is applying to reduce the overall open space provision to 4.70 ha and therefore it would involve the loss of 0.05 ha from that shown on the plan. Policy COM1 of the adopted Local Plan seeks to secure suitable provision towards improved community infrastructure where there is an identified need resulting from new development. In this regard para 6.2.5 of the Local Plan states the following:

“On-site provision of community infrastructure is likely to be sought for housing developments of 200 or more units or where the site area is 4 hectares or more, and may be triggered at a lower threshold of 50 or more units, for example in relation to young people’s play areas, if the standard would not otherwise be achieved in that locality. Otherwise a financial contribution will be collected.”

It was considered at the time of the outline permission that the scheme clearly exceeded those triggers and therefore on-site provision was secured. There is no set requirement in the adopted Local Plan for a specific size requirement per number of dwellings. As part of the outline permission, it was considered that based upon the standard established policy C10 of the former Local Plan, which wasn't a saved policy but was considered the best available evidence for this type of calculation at the time, an area of 45 sqm of public open space would be required per dwelling. For the outline application it was calculated this would equate to an area of 1.53ha to support the proposed development.

15.4 The proposed provision as part of the outline application was clearly significantly in excess of that required. The proposed reduction in provision of 0.05ha to an overall provision of 4.70ha is still in excess of that required and therefore in this case the reduction in the public open space is considered acceptable. The S106 required the provision of an equipped area not less than 1000sqm in area which is provided by the proposed main neighbourhood play space which would remain the same size at 1,000sqm. The provision would still include 4 play outposts but they would be reduced in size from 4, 400sqm spaces to 4, 250sqm spaces however the play spots (incidental play spaces) would be increased from 4 to 12. The S106 also required 4 informal play areas totalling 1600sqm in area, these are now being proposed as the 12 play spots. The play spots would be areas with natural features and landscape designed for play. These areas would be no smaller than 100sqm each and would equate to a total 1,625sqm, it is therefore considered that the required amount of play space would still be provided.

15.5 Given all of the above it is considered that the proposed modifications are acceptable.

16.0 Conclusion

16.1 It is considered that the proposed modifications to the S106 agreement would have an acceptable impact given the loss in public open space provision would be 0.05ha and the development would still involve a provision of public open space in excess of that required.

17.0 Recommendation

17.1 Delegate authority to the Head of Planning to modify the S106 agreement dated 26th June 2017 of planning application WP/17/00271/OUT to:

- Modify the public open space provision to a total of 4.70ha.

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APPLICATION NUMBER: [WD/D/20/000228](#)

APPLICATION SITE: Land at Jesmond Farm, Monmouth Gardens, Beaminster

PROPOSAL: Erect dwelling

APPLICANT: Mr A Fox

CASE OFFICER: Emma Telford

WARD MEMBER(S): Cllr R Knox

Taking account of representations made during the Scheme of Delegation consultation with Members, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

1.0 Summary of recommendation:

1.1 Grant, subject to conditions.

2.0 Reason for recommendation:

- Absence of 5 year housing land supply.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- It is not considered to result in any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

3.0 Key planning issues

Issue	Conclusion
Principle of development	The site lies outside of the DDB for Beaminster. Para 11, d) of the NPPF is relevant as the Council cannot demonstrate a 5 year housing land supply. The principle of development is acceptable if other considerations do not outweigh the lack of a 5 year housing land supply.
Visual Amenity & Area of Outstanding Natural Beauty	The proposal will not harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty.
Residential Amenity	No significant adverse impact on the living conditions.
Flood Risk	Environment Agency raised no objection.
Highways	Highways raised no objection.

Contamination	Environmental Health raised no comments.
Right of Way	Right of Way not impacted.
Affordable Housing	Not required.
Community Infrastructure Levy	CIL liable.

4.0 Description of Site

4.1 The application site comprises a fenced paddock set within a larger parcel of agricultural land located to the north of Beaminster. The site is accessed from the south which adjoins a cul-de-sac Monmouth Gardens. There are a number of buildings within the north eastern area of the paddocks, the majority of these are associated with an existing joinery business.

4.2 The sites lies outside but close to the defined development boundary (DDB) for Beaminster. The site is also within the Dorset Area of Outstanding Natural Beauty.

5.0 Description of Proposal

5.1 The proposed development involves the erection of one dwelling. The proposed dwelling would be one and a half storey with dormers in the roof slope. It would be accessed from the south of the site from Monmouth Gardens. The proposed dwelling would be clad in larch boarding with brick detailing and clay plain tiles for the roof.

6.0 Relevant Planning History

6.1 No relevant planning history.

7.0 Relevant Constraints

- Outside of Defined Development Boundary
- Area of Outstanding Natural Beauty
- Contaminated Land Buffer
- Flood Risk Zones 2 & 3

8.0 Consultations

8.1 Beaminster Town Council – *Recommend Refusal - the site is designated agricultural land outside the defined development boundary. The land forms part of Beaminster's Flood Alleviation Scheme and was designed to hold flood water (Policy ENV6). Existing structures on the site are temporary in nature and*

Councillors consider a dwelling to be contrary to the intent of the Flood Scheme plan for Beaminster. The application makes no reference to eco credentials (Policy ENV13) or recycle/waste facilities.

8.2 Environment Agency – We have no objection to the proposed development and have the following comments and informatives to make.

Flood Risk

There is a very short length of the access at the bridge watercourse crossing in Flood Zone 2 (medium risk) and 3 (high risk). Therefore, we can confirm that the dwelling appears to be well above the 1 in 100 and 1 in 1000 year Flood Zones, based on our comparison of the topographic survey data provided against Flood Zone outlines. The building is also two storey so occupants would always be able to reside significantly above the design flood level.

Safe Access / Egress

The National Planning Policy Framework Planning Practice Guidance states that Access considerations should include the voluntary and free movement of people during a 'design flood', as well as the potential for evacuation before a more extreme flood. Access and egress must be designed to be operational for changing circumstances over the lifetime of the development.

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We recommend that the applicant prepare a Flood Warning and Evacuation Plan for future occupants. We do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood event. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users registered for this service further information can be found at: <https://fwd.environment-agency.gov.uk/app/olr/home>

Flood Risk - Environmental Permit

Development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and

materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

Bio-security

Bio-security precautions should be undertaken when working on sites with water bodies on them.

8.3 Environmental Health – No comment.

8.4 Countryside Access Team – No comments received at the time of report preparation.

8.5 Technical Services – *With regards to this application I have no 'in principle' objection. The site is partly within EA flood zones 2&3 although the main area of the development is located on more elevated ground in flood zone 1 where the risk is lower. However as part of the access into the site is within flood zones 2&3 and the EA's surface water (SW) flood mapping indicates that there is a higher level of SW flood risk to the west of the site area, the applicant should be mindful of these risks. SW will have to be suitably managed on site so that the flood risk is not exacerbated locally as the existing site is greenfield and the proposals will result in an increase in impermeable surfacing.*

8.6 Highways - *The Highway Authority has NO OBJECTION, subject to the following condition(s):*

*Turning and parking construction as submitted
Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.*

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

9.0 Representations

9.1 No third party responses were received at the time of report preparation.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan

ENV 1 – Landscape, Seascape and Sites of Geological Interest

ENV 5 – Flood Risk

ENV 6 – Local Flood Alleviation Schemes

ENV 9 – Pollution and Contaminated Land

ENV 10 – The Landscape and Townscape Setting

ENV 11 – The Pattern of Streets and Spaces

ENV 12 – The Design and Positioning of Buildings

ENV 15 – Efficient and Appropriate Use of Land

ENV 16 – Amenity

SUS 1 – The Level of Economic and Housing Growth

SUS 2 – Distribution of Development

HOUS 1 – Affordable Housing

COM 7 – Creating a Safe and Efficient Transport Network

COM 9 – Parking Standards in New Development

COM 10 – The Provision of Utilities Service Infrastructure

National Planning Policy Framework

2. Achieving sustainable development

5. Delivering a sufficient supply of homes

11. Making effective use of land

12. Achieving well-designed places

15. Conserving and enhancing the natural environment

Other Material Considerations

Design and Sustainable Development Planning Guidelines (2009)

West Dorset Landscape Character Assessment 2009

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

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

Material Considerations	
Employment created during construction phase	Not known
Spending in local economy by residents of 1 dwelling	Not known

Non Material Considerations	
Contributions to Council Tax Revenue	Not known
Community Infrastructure Levy (CIL)	Not known at this stage

14.0 Climate Implications

14.1 The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would be used as a result of the production of the building materials and during the construction process. When occupied the dwelling would generate vehicular movements releasing carbon monoxide. Heat escape from the dwelling would contribute to greenhouse gases. However it should be noted that modern building regulations would help minimise such heat release. A balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

15.0 Planning Assessment

Principle of Development

15.1 Beaminster is a settlement with a defined development boundary (DDB) in the adopted Local Plan. The spatial strategy in the Local Plan is set out in Policy SUS 2. This has a three-tiered approach, with the main towns of Weymouth and Dorchester as the highest priority locations for new development and elsewhere in the market and coastal towns of Beaminster, Bridport, Lyme Regis, Sherborne, the village of Crossways and Portland at the second tier of the hierarchy.

15.2 Policy SUS2 also advises that development outside of Defined Development Boundaries will be “strictly controlled” and limited to the exceptions listed in bullet point iii) of the policy. This includes affordable housing, but not open market housing. Therefore the provision of open market housing on the site is contrary to SUS2 as it lies outside of the DDB for Beaminster.

15.3 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications. The Council’s policies in the adopted Local Plan follows the approach of the presumption in favour of sustainable development. The Council cannot currently demonstrate a five year housing land supply for the West Dorset, Weymouth & Portland plan area and is at a position of 4.83 years. Therefore the relevant policies for the supply of housing should not be considered up-to-date. This invokes NPPF paragraph 11, d) which states, *where there no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

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

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

15.4 The site is located outside of the defined development boundary (DDB) for Beaminster although it is in close proximity to the DDB. The DDB boundary is located approximately 15m south-east of the site. Local Plan policy SUS 2, i) bullet point 2 sets out that Beaminster will be a focus for future development and therefore the Local Plan regards Beaminster as a sustainable location for further development.

15.5 In the circumstances, it is considered that the site should be regarded as a sustainable location for further development. The assessment of the merits of the scheme against the remaining policies of the Local Plan is set out in the following sections of the report. Footnote 6 of the NPPF states that:

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

15.6 The application site is located within the designated Dorset Area of Outstanding Natural Beauty and therefore para 11 d) i) of the NPPF is applicable in this instance. The impact of the proposal on the AONB will be considered in the following section of this report.

Visual Amenity & Area of Outstanding Natural Beauty

15.7 The application site is located within the Dorset Area of Outstanding Natural Beauty. Initially concerns were raised that the development would result in an uncharacteristic encroachment into the open green space. In response to these concerns a Landscape and Visual Appraisal of the proposed development was undertaken. The assessment showed that the wider site of the main paddock is enclosed on all sides by vegetation and is visually well contained with the exception of views from along the public footpath crossing the paddock field. It assessed that the established existing hedgerow bounding the road, whilst in reasonable condition, contains sections of failing elm regeneration and larger ash trees in only moderate condition. Part of the mitigation strategy for accommodating a new building in the existing paddock field is to provide substantial reinforcement and thickening of the existing field boundary and securing improvements to the roadside setting. The LVIA concludes that taking into account the proposed tree and hedgerow planting the proposal is assessed as giving rise to minor beneficial landscaping impacts and the development is found to be highly contained by the existing well established boundary vegetation of the main paddock field, giving rise to low-moderate impacts that are extremely localised in nature. A plan was also submitted showing positions of proposed planting including additional hedge and tree planting. In light of the further information, it is considered that the proposal would encroach into the green space however this would have a very localised impact as it would not be visible from outside of the wider paddock. It would be visible from the public footpath but would then be viewed in conjunction with the existing workshop buildings and surrounding vegetation. Given the above it is considered that the proposal will not harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty. A condition would be placed on any approval for the landscaping and its maintenance and management.

15.8 It is also considered that the proposal would not have an adverse impact on the visual amenities of the site or locality. The proposed dwelling would be one and a half storey with dormer windows in the roof minimising the built mass of the proposal. It would be constructed of clay tiles for the roof, larch boarding for the walls with a brick plinth which is considered to help soften the appearance of the dwelling. A condition would be placed on any approval granted for samples/details of the proposed materials.

Residential Amenity

15.9 The proposed development involves the erection of a dwelling. It would not have a significant adverse impact on the living conditions of occupiers of residential properties due to its positioning a sufficient distance away and its orientation in relation to the closest neighbouring property no. 1 Monmouth Gardens.

15.10 Local Plan policy ENV 12 sets out that *new housing should meet and where possible exceed appropriate minimum space standards*. The proposed dwelling would exceed the space standards for a three bedroom dwelling and is considered to have sufficient garden space around the dwelling.

Flood Risk

15.11 The application site comprises a fenced paddock set within a larger parcel of agricultural land. The lower lying area of the larger parcel of agricultural land is within flood risk zones 2 & 3. Concerns were raised by the Town Council that the land forms part of Beaminster's Flood Alleviation Scheme and was designed to hold flood water. The proposed dwelling would not be located within the flood risk zones however a very short length of the access is in flood zones 2 & 3. The Environment Agency were consulted on the application and raised no objection as the proposed dwelling would be well above the 1 in 100 and 1 in 1000 year flood zones and as the building is two storey occupants would always be able to reside significantly above the design flood level. The Environment Agency recommended that the applicant prepare a Flood Warning and Evacuation Plan and therefore this would be secured through a condition on any approval granted. Technical Services were also consulted on the application and set out that surface water *will have to be suitably managed on site so that the flood risk is not exacerbated locally as the existing site is greenfield and the proposals will result in an increase in impermeable surfacing*. In light of these comments a condition would be placed on any approval granted for a surface water management scheme to be submitted and agreed.

Highways

15.12 The proposed dwelling would be accessed off the existing road that comes off Monmouth Gardens to the existing workshop located north of the application site. The proposed driveway would be off the existing access road with two parking spaces provided. Highways were consulted on the application and raised no

objection subject to a condition for turning and parking construction as submitted which would be placed on any approval granted.

Contamination

15.13 The application site is located within a contaminated land buffer and the proposed development involves the erection of one dwelling. Environmental Health were consulted on the application and raised no comment.

Right of Way

15.14 A public footpath crosses north westwards from the access to Tunnel Road. The proposed dwelling would not impact on the footpath and the access is to remain as existing. The road into the site is already shared between the right of way and access to the existing workshop buildings to the north.

Affordable Housing

15.15 National Planning Policy Framework paragraph 63 sets out that the *provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*. This application involves the erection of 1 dwelling and therefore does not meet the threshold for major development. The application site is located within the Area of Outstanding Natural Beauty (AONB) so is considered to be a designated rural area where the threshold is 5 units. Therefore as the proposal is for one dwelling it does not meet the threshold and affordable housing is not required as part of the proposed development.

Community Infrastructure Levy

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

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

16.0 Conclusion

16.1 The application is for the erection of 1 dwelling. The location is considered to be sustainable given the close proximity of the site to existing development and its location close to the DDB for Beaminster. The Council does not have a 5 year housing land supply, therefore the provisions of paragraph 11 d) of the NPPF are relevant. In this case, the balance of consideration leans towards approval as the benefits would outweigh any adverse impacts and there are insufficient material considerations which warrant a recommendation of refusal of this application.

16.2 The design and layout of the proposed dwelling are considered acceptable. The proposal would not have a significant adverse effect on the living conditions of future or existing occupiers. On site issues of flooding and access and parking have been resolved to the satisfaction of consultees.

17.0 Recommendation

GRANT, SUBJECT TO CONDITIONS

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

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

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

Location Plan - Drawing Number 2726-03 - Rev A received on 29/01/2020

New House Ground Lines - Drawing Number 2726 -05 Rev A received on 29/01/2020

Proposed Floor plans and Elevations - Drawing Number 2726-01 received on 29/01/2020

Proposed Floor plans and Elevations - Drawing Number 2726-01 Rev A received on 29/01/2020

Site Plan - Drawing Number 2726-02 Rev C received on 29/01/2020

Site Plan - Drawing Number 2726-04 received on 29/01/2020

Proposed Landscape Strategy - Drawing Number 1107.02 A received on 22/06/2020

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

3) Prior to the commencement of development above damp course level, a landscaping and tree planting scheme in accordance with the Proposed Landscape Strategy plan 1107.02 A, shall have been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March inclusive, immediately following

commencement of the development. The scheme shall include details of species, provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years and thereafter the maintenance and replacement shall be carried out on accordance with the approved scheme.

REASON: In the interest of visual amenity.

4) No development above Damp Proof Course (DPC) level shall be commenced until details and samples of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

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

5) Prior to first occupation of the dwelling a Flood Warning and Evacuation Plan shall be submitted and agreed in writing with the Local Planning Authority. Thereafter, the Flood Warning and Evacuation Plan shall be retained on site in accordance with the agreed details.

REASON: In order to safeguard the accommodation from unnecessary flood risk.

6) Before the development hereby approved is occupied the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

REASON: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

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

Reason: To prevent the increased risk of flooding.

Informatives:

Right 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.

Pollution Prevention during Construction –

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

Waste Management -

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

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1.0 APPLICATION NUMBER: [WD/D/20/000583](#)

APPLICATION SITE: 82 EAST STREET, BEAMINSTER, DT8 3DT

PROPOSAL: Demolition of existing bungalow and erection of 5.no dwellings

APPLICANT: Miss Hughes

CASE OFFICER: Darren Rogers

WARD MEMBER(S): Cllr Knox

At the Planning Committee meeting on 9th July 2020 Members resolved to defer the application to visit the site. However this has not been possible due to COVID19 issues and instead Committee members have been presented with a video of the site by the case officer.

2 Summary of Recommendation: Delegate Authority to grant planning permission subject to the completion of a Section 106 Agreement requiring a contribution of £4,233.39 to be made as part of the ecological mitigation proposals for off-site mitigation and subject to planning conditions.

3.0 Reason for the recommendation:

- Absence of 5 year land supply - Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable despite being outside the defined development boundary.
- Impact on the character and appearance of the Conservation Area is acceptable.
- Impact on the AONB character and appearance is acceptable.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There is not considered to be any severe harm to highway safety with no highway objections (subject to conditions).
- The proposal is not considered to adversely affect nature conservation considerations subject to conditions and a Section 106 Agreement
- There are no other material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Presumption in favour of sustainable development despite being outside the defined development boundary for Beaminster .

Design	Design and scale considered appropriate for the site.
Conservation Area/AONB	Impact on both the character and appearance of the Conservation Area and AONB is acceptable.
Neighbouring Amenity	There is not considered to be any significant harm to neighbouring residential amenity.
Highways	There is not considered to be any severe harm to highway safety with no highway objections (subject to conditions).
Biodiversity/Nature Conservation	Biodiversity Mitigation Plan considered acceptable subject to conditions and a S106 Agreement.
Community Infrastructure Levy (CIL)	CIL liable.

5 DESCRIPTION OF SITE:

5.1 The site currently has a single dwelling, a bungalow, which is situated directly in front of the access to the site off East Street. It is set further back into the site than the houses along East Street which front the road with no footpath. The site includes a large, flat area of land which is currently being utilised as an extended garden. There are approximately 3 nr. trees on the site, none of which are significant in size. The rear of the site overlooks the allotments.

5.2 The properties adjacent, and in the surrounding area, all edge the road with no pavement, and with front doors that open onto the street. East Street is a narrow road with on street parking prevalent in front of the houses, creating many pinch points. Most of the houses are two storey cottage style properties. There is a mixture of stone and render used to face the houses in the surrounding area.

5.3 The site lies outside of but immediately adjacent to the defined development boundary and Conservation Area which has been drawn tightly around the existing built form of development

5.4 The site has a private main foul surface water sewage system, as well as mains, electric, gas and water all present on site.

6 DESCRIPTION OF DEVELOPMENT:

6.1 It is proposed to demolish the existing bungalow and construct 5 new dwellings. They would be 1½ storey in height. The units are to be set back within the site with an access road creating the boundary between the existing houses along East Street and the proposed development. The units meet Minimum Space Standards. The proposed units have been separated into two blocks, both of which are arranged to create a terraced appearance.

6.2 This is an amended proposal by the applicant following the withdrawal of an earlier application and seeks to overcome issues with reference to the scale and mass of the proposal and concerns regarding overlooking and loss of amenity to neighbours. To address some neighbours' concerns the block of 3 dwellings has been moved across the site, further from the boundary with no.90 East Street, but maintaining the view through the site that the Conservation Officer suggested be provided previously. There is also no overlooking to no.90 East Street as the window to the rear, closest to no.90, is a bathroom window which will be obscured.

6.3 Further discussions with officers, at pre-app stage raised concerns with the proximity of plots 4-5 and Nos. 54 and 56, East Street to the southern end of the site. Plots 4 and 5 have been pulled further away from the boundary shared with these properties and it is proposed to maintain the current planting, just trimming it to allow amenity space for the proposed units. This maintains the current screening and privacy that the mature planting provides, rather than waiting for new planting to establish.

6.4 Following the response from pre-application consultation on this site, the applicants have considered the comments of "*the predominant character of East Street is small C18 and C19 cottages with no off-street parking*" and have sought to reflect this with the proposed 5 dwelling units which would be two-storey in size but visually one and a half storey, faced with a combination of stone features and render with a cottage feel to the design, in keeping with the local vernacular. The roof is to be pitched reflecting the pitch of the surrounding properties with a parapet detail and coping stone which is a detail found in many within the vicinity.

6.5 To create the cul-de-sac on site and reflect the style and design of the surrounding properties and reflect the more recent development on 'The Brit', the proposed units have been separated into two blocks, both of which are arranged to create a terraced appearance. This also follows the comments on the pre-application requesting the dwellings to be arranged as "*smaller cottages in pairs, triplets or a terrace ... to complement the historic urban grain of the town*". Previous pre-app advice with Dorset Highways has dictated the maximum number of 5 units.

6.6 The proposed properties are to be rendered with natural stone quoins and lintels, in limestone or ham stone, to reflect the materials used in the surrounding properties. The windows are to have white frames with front doors with a wood effect to reflect the local area and create the cottage feel to the properties.

6.7 The landscaping for the resubmission remains mostly the same. It is proposed to reduce the ground level on Plots 1-3, where the existing bungalow sits, to reduce the mass of the buildings at the entrance to the site where the driveway level rises.

6.8 The site is relatively flat, dropping off to the southern end of the site meaning that plots 4 and 5 will blend in behind the buildings of East Street. The access road would lead to the frontage of the properties for parking, along with an area of parking towards the centre of the site.

6.9 The site currently has a few small trees and shrubs within its boundary but is mainly grass. The proposed development would include a landscaping plan for amenity areas and existing boundaries, notably the boundary to the allotments that are now relatively overgrown, and this would improve the track boundary. Private gardens are to be provided to each property with landscaped areas to the front to delineate footpath area and roadway. There will be off-street parking to the front of some of the properties and a row of parking spaces. Where possible, existing trees and shrubs are to be retained but overgrown and unkempt ones are to be replaced with properly laid out planting.

6.10 There will be a landscaping plan for the site with appropriate planting areas including British fruiting species for Badgers and all planting to comprise of native British species only and all fencing to be Badger friendly. With the application is a Biodiversity Mitigation and Enhancement Plan which has proposed a dark 'no lighting' zone to maintain a dark corridor for the local bat population, along the southern boundary, to the allotments. Within this area is also proposed a 2m buffer zone for the existing hedgerow with a post and rail fence to delineate this from the proposed amenity area.

6.11 The access to the site is between two properties and currently provides parking in front of the bungalow. The existing bungalow is situated directly in front of the access from East Street, set well back from the street and at an elevated level than the properties on East Street. The proposals are to maintain the current access, extending the width and removing all dwarf walls to maximise visibility splays when exiting the site.

6.12 East Street itself is a narrow road with many cars that park along the edge, making the access itself narrower. The arrangement of the access ensures slow speeds to be used when approaching and exiting the site.

6.13 Pedestrian access will be as already existing, via the main access, but there will be an additional pedestrian access from the additional piece of land that the client owns, outlined in blue. The gate is to be removed to allow access to and from the site.

7 RELEVANT PLANNING HISTORY:

Application No.	Application Description	Decision	Date of decision
WD/D/19/002143	Demolition of existing bungalow and erection of 5.no dwellings	W	28 January 2020

8. RELEVANT PLANNING POLICIES:

8.1 National Planning Policy Framework

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

Section 4 - Decision Making

Section 5 - Delivering a sufficient supply of homes

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 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.

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

INT1 - Presumption in favour of sustainable development

ENV1 - Landscape and seascape

ENV 2 - Wildlife and habitats

ENV4 - Heritage Assets

ENV5 - Flood risk

ENV9. Pollution and Contaminated Land

ENV10 - Landscape and townscape setting

ENV12 - Design and positioning of buildings

ENV 15 - Efficient and appropriate use of land

ENV16 - Amenity

SUS2 - Distribution of development

HOUS1 Affordable Housing

HOUS3 Open Housing Market Mix

COM1 Making Sure New Development Makes Suitable Provision for Community Infrastructure

COM7 - Safe and efficient transport network

COM9 - Parking standards in new development

9 OTHER MATERIAL PLANNING CONSIDERATIONS:

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

9.2 West Dorset Landscape Character Assessment 2009

9.3 Design and Sustainable Development Planning Guidelines (adopted 2009).

9.4 Beaminster Conservation Area Jan 2007 – Extracts say:

*“The edges of development are characterised by sudden, clean transitions from town to country on the south and eastern approaches (Bridport and Whitcombe Roads), where cuttings, hedge banks and overhanging trees form framed views into the town. Fleet Street has modest modern residential development at its junction with Shortmoor and Hogshill Street/ Clay Lane/Broadwindsor Road have considerable modern development, in the form of residential estates, business parks and the St Mary's School site. There is also a large modern residential block at the end of **East Street** and south of North Street.”*

*“It is possible that **East Street** represents a largely planned suburb of over sixty houses. The immediate evidence for this is the very distinctive regular, long plots, which contrast markedly with the rest of the historic core.”*

*“The vistas along the main radial streets are a series of smaller townscape experiences, closed or partly framed by buildings, walls, hedges and trees. The sequence along Hogshill Street is described in some detail above and the changing compositions of building lines, buildings parallel to roads or set firmly at right angles (with gable ends dominating), walls, the entrances to back yards or lanes and mature trees are also characteristic and pleasant features of Bridport Road, Prout Bridge, Whitcombe Road, **East Street**, North Street and Fleet Street.”*

*“The eastern end of **East Street**, and the pathway to the east of Champions, both within the Conservation Area boundary, form neutral areas, capable of a degree of physical improvement of buildings and spaces”*

9.5 Neighbourhood plan areas - A number of communities are working on preparing a neighbourhood plan including Beaminster which is in preparation. No weight however can be given to this plan which is at an early stage of preparation and has yet to be adopted.

10 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

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

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

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

In the context of the above PSED duties the scheme includes some parking spaces in close proximity to the units to provide easier access.

12.0 Financial benefits

Material benefits of the proposed development	
Affordable Housing	N/A
CIL Contributions	The development is CIL Liable

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

13.0 Climate Implications

13.1 The development is considered to be in a sustainable location, despite its location outside but immediately adjoining the defined development boundary for Beaminster with the services and facilities of the town within walking distance.

13.2 Energy would be used as a result of the production of the building materials and during the construction process. However that is inevitable when building houses and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

13.3 The development would be built to current building regulation standards at the time of construction. Electric Charging facilities can be conditioned for proposed parking areas

14 CONSULTATIONS:

14.1 Town Council - RECOMMEND REFUSAL - objections are:

East Street is one of the oldest roads in Beaminster and as such is narrow with only a few small stretches of footway, on street parking, two way traffic, HGV (farm) vehicles and a high pedestrian footfall therefore additional dwellings and associated traffic would have a severe impact on the Street.

The Highway Authority objected to a previous application WD/D/15/001713 for the construction of three dwellings on land east of 28 to 34 Hollymoor Gardens due to the impact on East Street, this was upheld by the Planning Inspector in 2016. I quote the Highway engineers comments "residential development proposals would generate further traffic can pedestrian movements along East Street, a County highway with variable and limited carriageway and footway widths. In the absence of the construction of, or programme for, a detailed improvement scheme design to provide suitable and appropriate traffic management and safety enhancements for this street, this development would be likely to cause danger and inconvenience to all highway users. Hence the application would be contrary to Policy COM7 of the West Dorset, Weymouth and Portland Local Plan 2015"

The rearrangement of parking within the site and the creation of pedestrians routes through the site do not improve or alleviate the issues with regard to traffic and pedestrian movements in East Street. We note the statement previously made by Architectural Designer in her letter dated 18th December 2019 relating to pedestrian movements - "This could also create a safer route for existing residents who are walking to, or from, Beaminster town centre" however there are no routes on/off the site indicated on the plans.

The amended plan, for the erection of bungalows does not make any significant improvements and the Town Council re-iterated that housing development is not an appropriate use for this land being adjacent to the Conservation Area. The fact remains that the site is OUTSIDE the Defined Development Boundary Policy SUS2, with no provision for affordable/social housing contrary to Policy HOUS6.

Members noted no amendment in respect of the lack of Eco credentials or recycling facilities. Subsequent to considering the application previously members were concerned to note the number of objections to the proposal and REQUEST Dorset Council determine the application via the appropriate planning committee as opposed to delegated authority

14.2 Technical Services - *The site is located in EA flood zone 1 – low probability of fluvial flooding and according to the EA's surface water flood maps apart from an*

area of low surface water flood risk to the south, the prevailing surface water flood risk for the site is very low. However, the existing site is primarily greenfield and the proposals would result in an increase in impermeable surfacing. Run off from any new hard landscaped areas would need to be collected into a suitable drainage system. The applicant proposes discharging collected surface water to soakaways which would be acceptable provided ground conditions support the use of soakaways – further testing would be necessary in this regard as conditions may not be suitable at this location. Should soakaways prove viable or any drainage proposal for that matter, it would need to be designed by competent persons so that peak flows and surface water run-off totals will be acceptable as part of any drainage strategy.

14.3 Highways - East Street is an unclassified road subject to a 30mph speed limit and for reference is locally designated as the D11203.

The nature and width of the carriageway combined with reduced forward visibility, multiple existing frontage accesses and on-street car parking along East Street all help to control the flow and reduce the speed of traffic below the prescribed speed limit in the vicinity of the site.

National Planning Policy Framework (February 2019) in paragraph 109 states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Taking into consideration the above factors, combined with the geometry of the proposed vehicular access and the number of likely trips expected to be generated by the proposal the Highway Authority considers on balance that an objection to the proposed vehicular access arrangements and associated development cannot be sustained.

On-site car parking has been provided that accords with guidance contained within the Bournemouth, Poole and Dorset Residential Car Parking Study and turning is proposed which meets the needs of the proposal.

Potential for a secondary pedestrian access is indicated on the plans, but no specific details are included. A secondary pedestrian access would help permeability of the site, as such if this can be secured details of this access should be submitted and agreed (see suggested conditions).

Temporary bin storage areas close to the accesses should be included to help reduce the period of time refuse vehicles are required to wait on the highway during collections (see suggested conditions).

With the above in mind the Highway Authority recommends the following condition(s):

Vehicle access construction

Before the development is occupied or utilised the first 5.0 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

INFORMATIVE NOTE: Dorset Highways

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

Turning and parking construction

Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

Pedestrian access construction

Before the development is occupied or utilised details (construction and positioning) of the secondary pedestrian access (between 64 East Street and the garages adjacent to 62 East Street) should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the additional pedestrian access is suitably surfaced and constructed.

Temporary refuse storage area

Before the development is occupied or utilised details (construction and positioning) of temporary refuse storage areas should be submitted to and approved in writing by the Local Planning Authority.

Reason: To expedite waste collection from the site.

Construction traffic management plan to be submitted

Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- o construction vehicle details (number, size, type and frequency of movement)
- o a programme of construction works and anticipated deliveries
- o timings of deliveries so as to avoid, where possible, peak traffic periods
- o a framework for managing abnormal loads
- o contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- o wheel cleaning facilities
- o vehicle cleaning facilities
- o Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- o a scheme of appropriate signing of vehicle route to the site
- o a route plan for all contractors and suppliers to be advised on
- o temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

14.4 Natural England – Natural England has no comments to make on this application - Apply Standing Advice to this application as regards the Dorset Biodiversity Appraisal Protocol

14.5 Environmental Health - It is recommended that, should consent be granted, a suitable condition is applied which requires the applicant, in the event that ground contamination is encountered during construction, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority.

15 REPRESENTATIONS:

15.1 46 representations have been received with 1 general comment and 1 in support. Those objecting raise the following issues:

- **Outside the defined development boundary** - It is outside the development area.
- There remains too, the fact that this land is outside the defined development area and as the proposed housing would be for the open market, not to meet local requirement for social or affordable housing, no exception should be made.

- Highways** – The dominant factor is the effect of increased traffic and access onto East Street. At present vehicles entering East Street from Woodswater Lane do so without any view of oncoming traffic and vehicles leaving or entering the development will exacerbate the problem. It is unlikely neighbours will permit the installation of viewing mirrors on their property and in any event this would not necessarily relieve the inherent danger to both vehicles and pedestrians or improve the junction safety with Woodswater Lane. The proposed additional pedestrian access will do little or nothing to alleviate the danger to pedestrians in East Street which is already unsafe due to high levels of parking, high traffic levels and the fact there are few pavements with most houses opening directly onto the road. At present it is difficult for any large vehicle including fire engines, ambulances etc to navigate East Street due to the number of parked vehicles and the narrow width of the street with few pavements. The majority of heavy vehicles, including the milk lorry collecting from Lower Langdon Farm twice a day, delivery lorries, tractors and trailers have to use Woodswater Lane on a frequent daily basis as they are unable to gain safe access via East Street. They have great difficulty navigating the junction of Woodswater Lane / East Street / Hollymoor Lane immediately adjacent to the entrance to the site and are only able to travel along Woodswater Lane through residents parking their vehicles half on the pavement opposite our home. The residents of the bungalows 7 - 13 Woodswater Lane have no off road parking and residents, delivery vehicles, and visitors including carers have to park half on the pavement to avoid their cars being damaged by heavy vehicles. This blocks the pavement to pedestrians with pushchairs, mobility scooters, etc who have to then go into the road. There are a high number of mobility scooter/ wheelchair users and parents with pushchairs that use Woodswater Lane as a safer access to Beaminster Square as they feel East Street is too dangerous for them. Considerable damage has already been caused by delivery vehicles entering Woodswater Lane, including two separate occasions recently to the Limes where the perimeter wall has been knocked down and the outbuilding and its roof damaged. It is obvious that should this development be permitted that the majority of site traffic and delivery vehicles both during the build and to service the properties later will use Woodswater Lane as an access. This will put further pressure and cause considerable danger for both pedestrians and drivers on a lane that is already overused for heavy traffic because of the limitations of East Street and at the junction described above.
- Dwellings are proposed, at a dangerous location near a blind junction, on the narrowest part of the road on which many of the properties have a street frontage. The construction phase represents a significant danger in itself due to the number of delivery vehicles and contractors required who would need to drive along East Street which has a number of dangerous pinch points. After completion, the traffic servicing five large dwellings would represent a significant ongoing risk to the safety of residents of East Street, many of whom are elderly

- The Highway Authority and the applicants fail to say that the current viewing splays fall well short of the current criteria. Viewing splays for the type of junction that exists and will continue to exist state that a motorist leaving the entrance to the proposed development should be able when 2.5m (x - distance) away from the edge of the carriageway in this case East Street, be able to see a point 33m (y-distance) to the right as measured along East Street and another point to left also 33m away, for this to be achieved the neighbouring buildings would need to be demolished. Therefore it seems that because the current viewing splays fall well short of the minimum required, the junction carries greater inherent risks than one that does satisfy the minimum requirements. The Highway Authority seem to be ignorant of this or are ignoring it in their response.
- There are going to be problems with traffic, people walking and how will emergency services be able to access the area
- Adverse Highway impacts as a result - Should this development proceed it will entail hundreds of tonnes of spoil being removed from the site and thousands of tonnes of material taken in over a prolonged period of time, probably spanning many months. This will involve many hundreds of trips by HGV's, for those familiar with East Street and the adjoining roads this would prove a danger to existing buildings, vehicles and pedestrians, East Street is a lovely road but is not user friendly for the movement of large vehicles, it struggles to cope with normal deliveries and agricultural vehicles.
- Health and Safety: The proposed development would be in a dangerous location, near a blind junction on the narrowest part of East Street. Currently large vehicles struggle to manoeuvre at this junction, and emergency vehicles struggle to access this end of East street because of the parked cars from cottages with no garage. As there are no pavements, the safety of pedestrians would be further compromised by the increased traffic.
- In addition whilst East Street have street lights, these are switched off later in the evening. Additional road users on this street using it at night would make this even more dangerous for pedestrians.
- The access to the property at 82 East Street, is currently at the most narrow part of the road, with already extremely limited parking for residents. Cottages at this point have to park on this part of East Street, with no possible alternative, and there is the added concern that there is already no pavement on either side of the road rendering it potentially dangerous for pedestrians at times of busy traffic.
- Should this application be accepted, it will produce unacceptable levels of vehicle congestion during the construction process and a considerable strain on the infrastructure of the surrounding area caused by its over development. The development would also be outside the defined development boundary. Additional strain would be caused in the future by deliveries, waste collection,

emergency services and visitors to the properties which would have limited parking.

- Many old cottages have their front doors directly onto East Street and the thought of encouraging even more traffic through East Street is of paramount concern. Recently East Street endured additional traffic due to the road being closed at North Street, it became busy and dangerous.
- Access to the site is not suitable for large lorries when exiting the site to the left, visibility is limited.
- Increased traffic will endanger pedestrians as there is no pavement on much of the street and is very narrow in places.
- The Highways department made no objection to previous applications but on many occasions wing mirrors and scrapes have happened, though not reported as too minor an accident. Speeding along East Street is impossible, hence no major accidents are likely to occur.
- Resubmission fails to address the major issues re Highways has already reported that further development in East Street without a traffic management scheme should not be allowed on safety grounds. Please read WD/D/15/001713. This proposal is in the most dangerous part of the Street, and the suggestion of mirrors indicates that they know this.
- East Street is extremely narrow in parts with many larger vehicles struggling to get through, this will have an adverse impact on lorries delivering building materials to the proposed site. In addition we believe that no larger vehicle would be able to access the site using the suggested entrance, even with the adaptations made. This would ultimately block the road between houses 73 to 79 for lorries trying to make their access and is unacceptable for road users to sit and wait while they unload their materials out on the road.
- The National Planning Policy Framework (NPPF) states under Point 102 that opportunities to promote walking, cycling and public transport use are identified and pursued. This has not been met. Whilst East Street has a pavement for part of it there is no pavement between properties numbers 58 to 90 where the proposed development sits. East Street does not have the capability to accommodate one due to the road not being wide enough. The street was not built for high volumes of traffic. In addition the public transport to /from Beaminster has decreased significantly in recent times.
- NPPF point 103 states 'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions'. Only vehicles have been considered in this

application due to the car parking spaces allocated which will ultimately increase congestion and emissions. No thoughts have been made to cycle or walking infrastructure.

- In response to the Highways Authority Recommendation. The recommendation appears to be mainly based on the expectation that traffic will travel below the prescribed speed limit in the vicinity of the site. This is a seriously flawed theory. The majority of the vehicles passing East Street houses at the start of East Street from Hollymoor Lane and in particular HGVs do so at near to or exceeding the speed limit. To exit the new development and see around the corner the vehicle's front end will be in the direct path of oncoming vehicles which will not have sufficient breaking distance to stop or space to avoid. This is a severe safety issue.
- **Design and Conservation Area Character** - It is not true that using render and Ham stone quoins and lintels for the proposed development will make it "blend in more naturally with the local area" as claimed by the applicants. The majority of East Street and surrounding area is constructed almost entirely of inferior grade oolitic limestone which has a very different aesthetic to render and quoined walls. The proposed design has interrupted eaves and gutter lines which are totally alien to this area. The drawings omit to show the proliferation of downpipes necessary to serve the design either in error or deliberately to misrepresent the scheme. Semi-detached properties with garages on the end are not the local vernacular of East Street. To suggest otherwise is untrue. The application is NOT "in keeping with the local vernacular" as asserted by the applicants.
- There is no reference in the application to the "Historic Towns Survey (Feb 2011) produced by Dorset County Council and West Dorset District Council and funded by English Heritage. It refers to this area as "the only part of Beaminster where there appears to have been a planned layout. The large proportion of historic 18th and 19th century attached cottages and small terraces of workers houses gives this area its own distinctive character within the town. The widespread use of local materials creates a pleasing whole for the built character." It goes on to say "The scale and shape of the long narrow historic plots reflect a planned layout of considerable time depth which gives this part of Beaminster its character. Any further erosion of this pattern would have a detrimental effect on its historic character."
- Views over the garaging from the conservation area of East Street to the countryside to the south will not be maintained but reduced. A parallel edge to the field of view from East Street is not the true field of view. It would be the case if the observer was at an infinite distance away. The field of view is dependent on the position of the observer on East Street and these lines of observation cover a greater angle and area than indicated. Further, the proposed view is narrowed by omitting the garages gaps and openings east and west of the group of garages selected. There will therefore be a detrimental loss of views to the countryside to

the south which the conservation officer has expressed are an important aspect of East Street conservation area and a contravention of planning policy.

- The NPPF is not a licence to build anything anywhere and without regard to the safety of the local people or maintaining properties in a Conservation area including listed buildings.
- Not in keeping with the conservation area.
- Additional construction in a conservation area, construction outside of the agreed building boundaries and the increase in pollution resulting from the increase in traffic. Any development within the conservation area would diminish the areas attraction and be counterproductive to the towns appeal to both residents and visitors alike
- The Conservation Officer previously noted that the 'views are a positive feature of the conservation area'. Whilst the most recent application has rearranged the dwellings to enable a view, this only makes the situation worse for properties along the line of East Street who will lose ALL their view and most of their light.
- **Amenity** - The new development will closely border the small gardens of properties in East Street. The land is elevated to such a degree that cars approaching and pedestrians walking through the new development will be looking into first floor bathrooms and bedrooms of existing properties, particularly 60-68, including my own at 64.
- Many of the houses adjoining the proposed site have small rear gardens (south facing) that lie lower than the proposed site, so the new houses will tower over them and cause loss of privacy, light and they will suffer additional noise and car fumes. Number 80 to 58 will be particularly affected.
- In proposing to build a private road with 5 properties in a garden is an unacceptable over development of the site and will affect outlook of occupants of properties that are attached to the proposed site.
- The occupants of 24 adjoining houses will suffer some degree of loss of existing views which form part of their living where they do. This includes property especially the outlook from gardens towards the church.
- As the field to be built on is higher than most of the houses along East Street the proposed development will be unacceptably over-bearing. For example the ground level of the proposed site is level with the top of the ground floor windows of 64 East Street.
- Given that the height of the field on which the proposed properties would be built is a lot higher than the road level, loss of privacy will remain an issue, as will loss of light.

- Plots 1-3 will have clear line of site into neighbours gardens at 92 East Street and therefore have an adverse effect on residential amenity and that of neighbours at 90 East Street. If the planning department are of a mind to approve this application requests that plot 1 be remove from the proposal or at the very least all upstairs windows of plots 1-3 be obscure glass
- **Demolition Concerns** - Demolishing a building needs to be done with care. The applicants have not submitted a detailed and comprehensive plan as to how this is to be done. Surely the building and site needs to be examined for any toxic or dangerous materials e.g. asbestos.
- A detailed account as to how the disposal of all material produced during the demolition is to be removed and how it is to be processed after removal from the site should be submitted.
- Such an account needs to be available for public scrutiny and comment, as well as the relevant authorities to ensure that it is acceptable before any decision is made on the application.
- The Environmental Health report acknowledges that there exist contaminative sites within 250m of the proposed development
- The first part of the application title is the demolition of the existing bungalow which is not to be taken lightly.
- **Flooding**
- The application states that there will no risk of increased flooding. The application states that soakaways are to be used for drainage, given the underlying soil is clay, there is every possibility that they will fail and flood surrounding buildings.
- Concerns the sewer system is already at capacity.
- **Waste and Refuse Issues**
- There are no arrangements shown for the management of recycling and refuse. The access for recycling and refuse vehicles and emergency vehicles is inadequate creating further problems on East Street. Similar problems would be exacerbated during the construction phase as quantities of materials are offloaded in the narrowest part of the street
- **Defined Development Area and Rural Exemption Sites**
- According to the Local Plan map, the proposed site lies almost entirely outside the area for which development is possible. The applicants state quite clearly that the houses are for the open market and so would not be available for those whose incomes fall so short that it is impossible to buy or rent on the open market, thus the site cannot be considered as an exemption site

- The Council if it allows the development must make sure that there are sufficient funds from the beginning to ensure that the roads are finished to a high standard and that street lighting is installed; there have been cases around the country where developers have started building only to go out of business or through lack of funds not be able to finish the development as specified
- **Climate Change** -In the design the proposal shows no commitment to ameliorate its impact on the current climate crisis for which Dorset Council has declared an emergency. The statement: "proposing a fabric first approach to the construction" is meaningless. So too is: "high level of insulation and air tightness" meaningless without stating what the value of these criteria are going to be. "We propose to look at various options to maximise on suitability for this site" is as far as this application goes meaningless too.
- **Housing Need** -Realise there is a housing shortage and support appropriately located proposed developments like those off Tunnel Road and Broadwindsor Road, Beaminster. I understand planning approval has been obtained for a significant number of houses in these locations which I imagine fulfils our towns needs and therefore these additional 4 units aren't required, especially the high price the local people will have to pay for them to be built
- If it is approved, please make it a condition that a developer financed public consultation takes place and that an appropriate traffic management and safety enhancement scheme is approved by planning and highways; and is implemented in East Street prior to any work commencing on site. Also that both upstairs rear windows are obscured glass on Plot 1
- **Decision Making** - A decision as important as this application should be made by Elected Members rather than a sole Officer.

15.2 The 1 supporting and 1 general comment state – With the amendments of recent plans / drawings, it would not have much or any detrimental effect on any of the concerns the objectors raise.

- The demolition of the existing bungalow and the building of the further 5 dwellings would be in a strict manor to cause as less inconvenience and health concerns as possible, the access points are to be made much bigger and safer than the entrance to the bungalow which as of google maps have 2 vehicles coming & going from this area, which then leaves the question of the new dwellings occupants vehicles being parked in the new development leaving no cars etc in east street itself.
- The amount of extra comings and goings on an extra 4 property's will be very minimal and observant.

- It also looks that there will be extra parking for existing occupants of east street to park their cars in the new development, with extra width and clearer exit points to and from the new development.
- Any ongoing construction sites will have a slight inconvenience at the time of construction but with strict health & safety measures in place at all times with top priority to the surrounding neighbourhood.
- No reason as to why this development cannot proceed as highways have said before, they have no issues with any safety during development and after use.
- In reply to a couple of comments from the objectors that because I don't live in Beaminster, I do therefore have elderly relatives that do, and not too far from east street and regularly use east street with sensible care and consideration without any issues " the comments on it being dangerous are somewhat fabricated and misleading, they are in support of this development but understandably refraining from publicity, there are many towns like Beaminster with small narrow streets with no pavements in the uk , those towns don't get building development turned down on that basis it's down to the public to use common sense when commuting, whether using their own transportation or walking / riding their bicycle.
- The development company have been very generous in their thinking on this development and the changes have married in very well with the surrounding areas.
- There will always understandably be issues when in full construction but always being in strict Health and safety measures, the comment on any asbestos material in the existing bungalow will obviously have been made aware of way before any work will commence with a professional company, as the plans are where they are now and the first highways comments of there being no issues on their part I see no reason for this development not to be granted.

16 PLANNING ISSUES:

16.1 The main planning issues relevant to this application are:

- Principle of the development
- Design and Impact on the character and appearance of the Conservation Area and setting of any Listed Buildings
- Impact on AONB
- Impact on amenity of neighbours
- Impact on Traffic and Highways and use of East Street
- CIL/Affordable Housing
- Drainage
- Impact on Trees/Nature Conservation

17 PLANNING ASSESSMENT:

17.1 Principle of the development

The site is outside of the development boundary but is immediately adjacent to it and is considered to be in a sustainable location close to public services provided in Beaminster.

17.2 Policy SUS2 of the Local Plan aims to focus residential, employment and other development to meet the needs of the local area within defined development boundaries (DDBs) and taking place at appropriate scales to the size of each settlement. The policy also indicates 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. Open market houses can be acceptable under this policy but only when this involves the re-use of existing rural buildings. Policy HOUS6 of the Local Plan is not applicable in this case as the scheme has not been put forward as new housing for rural workers.

17.3 However the Council cannot currently demonstrate a 5 Year Housing Land Supply for the West Dorset, Weymouth & Portland plan area. It is 4.83 yrs – less than 5 years. This means that para 11 footnote 7 of the NPPF is 'engaged' and relevant supply of housing policies, including Policy SUS2 may no longer be considered to be up to date. Where a 'relevant policy' such as SUS2 is considered to be out of date, para 11 of the NPPF is also engaged indicating that in such cases planning permission should be granted unless:

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

17.4 In this regard the main policy issues are:

- conflict with the spatial strategy of the Local Plan; and
- the impacts of the proposed development given its location outside a DDB.

17.5 The proposed development would ordinarily be contrary to criterion i) of Policy SUS2, which sets out the spatial strategy for the Local Plan area. Criterion i) of Policy SUS2 directs development to settlements with DDBs, and the 'main towns' of Dorchester and Weymouth and the 'market and coastal towns'.

17.6 As part of the determination, it is also important to have regard to: the extent of the current housing land supply shortfall; and the measures the councils are putting in place to address it.

17.7 The Council has taken action to address the housing land supply shortfall not

only by making progress on the Local Plan Review, but also through the granting of consents on sites that are outside, but adjoin settlements with DDBs. That is the case here as the site adjoins the DDB of Beaminster.

17.8 Given the fact that the Council cannot currently demonstrate a five year housing land supply the contribution that 5 additional dwellings would make is a modest but positive contribution to that supply but we also need to consider para 11 of the NPPF which is also engaged and that “planning permission should be granted unless”:

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

17.9 These detailed considerations are as set out below.

17.10 **Impact on the AONB** - Whilst the site (like much of West Dorset) falls within the Dorset AONB, the site also forms part of an undeveloped large garden area to an existing dwelling. This area is characterised by the narrow street of East Street that forms part of the Conservation Area with its many terraced houses while to the north just beyond the application site the town becomes more suburban in nature. To the east the area is more open and undeveloped in character. In this regard the proposal is considered acceptable and officers are satisfied that the proposed development would sit comfortably in this AONB designated landscape and would not be an incongruous feature, it forming part of the wider built up part of the town. On this basis it is concluded that the proposal would be acceptable and would not harm the character and appearance of the area designated an AONB.

17.11 **Design and Impact on the character and appearance of the Conservation Area and setting of any Listed Buildings** - It is clear that the site lies outside the development boundary and outside the Conservation Area. Both are drawn tightly around the existing built form of the town. The Conservation Area excludes the host dwelling but is drawn around the rear gardens of nos 54-56; and nos 60-90 East Street. All land beyond that lies outside the Conservation Area. There are no nearby listed buildings whose setting would be affected.

17.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 however requires LPA's to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In this regard your Conservation Officer has been party to the pre-application discussions that took place with your officers and the agent between the withdrawal of the previous application and the making of this one.

17.13 The site is set behind buildings fronting East Street and a feature here is the small group of low garages which provide views directly through the proposed

development site to the countryside beyond. Despite the garages, the views are a positive feature of the Conservation Area as are the terraced houses. The layout now submitted maintains this gap and view through from East Street. In addition in terms of detailed design the proposal has responded to a number of earlier criticisms by the Conservation Officer on the previous scheme in that the number of windows particularly to the front elevations has been much simplified. The vernacular is of a simpler elevational treatment.

17.14 Given the above it is considered that the proposal being set behind the terraced properties in East Street, which forms the main character of the Conservation Area while retaining views above the garage block in East Street to the wider countryside beyond, results in a proposal that preserves the character or appearance of the conservation area and is acceptable in this regard. In that regard Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the preserve/enhance test) is considered to be met.

17.15 Impact on amenity of neighbours - Policy ENV16 of the Local Plan and paragraph 127 of the Framework seek to ensure that new development provides a high standard of amenity for existing and future users. During previous officer consultation, the potential overbearing impact upon neighbouring occupiers was raised. In order to address this, the overall scale and height of the proposed dwellings have been scaled back to produce a 1½ storey high proposal. The main impact on neighbour's amenity therefore relates to those at nos 78-92 East Street as regards the location of plots 1-3; nos 60-68 East Street as regards plots 4 & 5 and nos 54 and 56 East Street also as regards Plots 4 & 5.

17.16 Impact on nos 78-92 East Street as regards the location of plots 1-3;
The front elevation of Plots 1-3 would be around 10m to the rear boundary of nos 78 & 80 East Street and a further circa 16m to the rear elevation of no 80 in particular. These properties are set at slightly lower level to the garden area at the application site as their rear gardens are set lower but coupled with the simple fenestration of plots 1-3 with -only 2 first floor windows per dwelling each to a bedroom at first floor level and given the 1½ storey scale of the proposal, this relationship is considered to be an acceptable one particularly given the more tighter knit character of the terraced street that is East Street.

17.17 The relationship to no 86 would be an improved one given the proximity of the existing bungalow to the rear of this property which is currently built close to the rear of no.86. As regards nos 88 and 90 it is not considered that there would be any unduly adverse impact on the amenity of these neighbours given the proximity of plot 1 to the rear of these properties. As regards no 92, this property has an extensive rear garden area with a domestic pond and outbuilding that adjoins the boundary with plot 1 but by reason of the orientation of the plot 1 such that it would be gable end on to this rear garden and the fact that the first floor rear window closest to this boundary would have an obscure glazed bathroom/en-suite window, it is not considered that the mass, scale and bulk of the proposal would result in any unduly

dominating or overbearing impact on these neighbours sufficient to withhold planning permission.

17.18 Impact on nos 60-68 East Street as regards plots 4 & 5

The relationship to nos 60-68 would also be acceptable. Plots 4 and 5 would be roughly gable end on to the rear of these properties with the gabled end of plot 4 circa 13m to the rear boundary with nos 64/66 and the rear aspect of no 68 would remain largely unchanged other than overlooking the open aspect of the access drive and parking areas. The rear aspect from nos 60 and 62 would be towards the open rear gardens of plots 4 and 5. As such it is not considered that the mass, scale and bulk of the proposal would result in any unduly dominating or overbearing impact on these neighbours sufficient to withhold planning permission.

17.19 Impact on nos 54 and 56 East Street also as regards Plots 4 & 5.

The relationship to nos 54 and 56 would also be acceptable. Plots 4 and 5 would have their rear elevation facing the rear of these properties with a separation distance of circa 16m to their rear boundary with the site. The rear aspect from nos 54 and 46 has limited rear windows and incorporates existing trees and bushes which are essentially to remain as part of the garden areas to plots 4 and 5. As such coupled with the separation distance it is not considered that the mass, scale and bulk of the proposal would result in any unduly dominating or overbearing impact on these neighbours sufficient to withhold planning permission.

17.20 Conclusion on Amenity Impacts

Given what is set out above it is considered that there would be no significant adverse impact on any of the neighboring properties sufficient to warrant refusal of permission. As such Policy ENV16 of the Local Plan and paragraph 127 of the Framework are considered to be met.

17.21 Impact on Traffic and Highways and use of East Street

As your Highways officer sets out, East Street is an unclassified road subject to a 30mph speed limit and for reference is locally designated as the D11203. The nature and width of the carriageway combined with reduced forward visibility, multiple existing frontage accesses and on-street car parking along East Street all help to control the flow and reduce the speed of traffic below the prescribed speed limit in the vicinity of the site.

17.22 The National Planning Policy Framework (February 2019) in paragraph 109 states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

17.23 Taking into consideration the above factors, combined with the geometry of the proposed vehicular access and the number of likely trips expected to be

generated by the proposal, the Highway Authority considers on balance that an objection to the proposed vehicular access arrangements and associated development cannot be sustained. On-site car parking has been provided that accords with guidance contained within the Bournemouth, Poole and Dorset Residential Car Parking Study and turning is proposed which meets the needs of the proposal.

17.24 Although those objecting cite previous responses and alleged inconsistencies of highway responses on other previous applications, it has to be borne in mind that each application has to be considered on its own individual merits.

17.25 Having said this your officers are also mindful of a recent appeal decision on Portland for 3 dwellings also on a backland site (35 Easton Street Portland ref WP/18/00302/FUL) where vehicular access was sandwiched between 2 terraced commercial properties via a narrow single cars width private access. That proposal was refused on highway grounds by the former Weymouth and Portland Borough Council contrary to officer advice where there were no highway objections. At appeal the Inspector stated (see my bold emphasis):

29. Access to the proposed dwellings would be by means of a narrow entrance between No 33 and No 35 Easton Street. Vehicles emerging from the entrance would have their visibility restricted by the high flank walls of the properties either side, in addition to a projecting bay window to the left of the access. Before manoeuvring onto Eaton Street, a wide pavement would need to be crossed, and a dropped kerb is proposed to facilitate this.

30. I acknowledge that visibility is significantly impaired, although it is highly likely that vehicles merging on to Easton Street would be doing so with caution and at low speeds. I noted these types of manoeuvres at other restricted accesses in the vicinity during my site visit. Furthermore, the wide pavement and presence of the projecting bay window would likely make pedestrians take a wider route along the pavement away from the access. This, in my view would increase the likelihood of pedestrians being alert to cautiously emerging vehicles, thus reducing conflict. Also, the sound from car engines would likely be audible and provide pedestrians with an indication that a vehicle is about to emerge from the access and cross the footway. I therefore do not consider that the safety of pedestrians would be materially harmed by the proposed access.

31. Consequently, the proposal would have an acceptable effect on highway safety as the proposed access onto Easton Street is considered suitable. The proposal therefore complies with Policy COM7 of the LP, which amongst other things, requires development not to have a severe detrimental effect on road safety.

17.26 This case (notwithstanding that each application has to be considered on its own individual merits) is brought to Members attention as arguably the access width and visibility was worse than what is proposed here at East Street and the Planning Inspector considers the issue of '**severity**' as per the NPPF.

17.27 As such your Highways officer raises no objections subject to conditions that seek to deal with Pedestrian access provision and construction to East Street, to provide improved pedestrian access back along East Street into the town, and a Construction Traffic Management Plan to be submitted, then as such policies COM7 and COM9 of the Local Plan are satisfied.

17.28 It should be noted that their recommend condition re temporary refuse storage areas has now been addressed but this should now be conditioned to be provided and retained.

17.29 **CIL**

The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate. The rate at which CIL is charged is £100 per sqm. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development with Index linking as required by the CIL Regulations

17.30 **Affordable Housing Contributions**

Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing. National planning policy and national guidance establish thresholds below which affordable housing contributions should not be sought. As this proposal complies with these thresholds (5 dwellings or less in this rural area) an affordable housing contribution is not required.

17.31 **Drainage**

The proposal would have access to necessary utilities service infrastructure. The site not within an area at risk of flooding nor is it within 20 metres of a watercourse. It is not considered that the proposal would increase the flood risk elsewhere. The proposal would accord with policy COM10 of the Local Plan which, among other things, requires development to have access to energy supplies, drainage, sewerage, sewage treatment and water supply.

17.32 In addition your Technical Services Officers comment that the site is located in Env Agency flood zone 1 – low probability of fluvial flooding and according to the EA's surface water flood maps apart from an area of low surface water flood risk to the south, the prevailing surface water flood risk for the site is very low. However, the existing site is primarily greenfield and the proposals would result in an increase in impermeable surfacing. Run off from any new hard landscaped areas would need to be collected into a suitable drainage system. The applicant proposes discharging collected surface water to soakaways which would be acceptable provided ground

conditions support the use of soakaways – further and testing would be necessary in this regard as conditions may not be suitable at this location (this is usually done at Building Regulations stage). Should soakaways prove viable or any drainage proposal for that matter, it would need to be designed by competent persons so that peak flows and surface water run-off totals will be acceptable as part of any drainage strategy. There is nothing at this stage to indicate that flooding or satisfactory drainage is not possible for this proposed development but details of surface water drainage as recommended by our Technical Services officer can be conditioned.

17.33 Impact on Ecology/Nature Conservation

The applicant has submitted an ecology report. Recommendations for mitigation and ecological enhancements have been provided and that has been the subject of a consultation with Dorset Natural Environment Team and a Dorset Biodiversity Appraisal Protocol Certificate of Approval has been granted for the Biodiversity Plan dated 5th June submitted by Amy Parsons (ABR Ecology Ltd). Provided that a condition is attached to any permission requiring this to be carried out, then policy ENV2 of the Local Plan is satisfied.

17.34 In addition the Ecology report explains that the Dorset Biodiversity Compensation Framework (DBCF) sets out in this case that the site comprises 0.211a of semi-improved grassland which is of 'local interest' due to the presence of three Dorset Notable species at least occasional in the sward. An area of grassland equating to approximately 0.01Ha will be fully retained as a buffer to the southern hedgerow however, an area equating to 0.19Ha will be lost to facilitate the development.

17.35 Due to the small size of the development plot, there is no scope to include replacement grassland creation on-site and there is no alternative land within ownership that is available for off-site compensation. Therefore, the total loss of 0.19Ha of semi-improved grassland at 'local interest' remains.

17.36 In accordance with the current DBCF, to offset the loss of 0.19Ha of semi-improved grassland of 'local interest' would require the creation of 0.79Ha of replacement semi-improved grassland. There is no potential to accommodate this sized area of grassland on site or off-site; therefore, the loss of grassland must be addressed through the funding of The Dorset BAP Partnership Project, the loss of 0.19Ha of semi-improved grassland of 'local interest' would equate to a compensation off setting fee of £4,233.39.

17.37 The DBCF guidance states that the Councils Natural Environment Team (NET) will secure financial compensation payments via a Section 106 Agreement or Unilateral Undertaking, required as part of this application.

17.38 The submitted BP also explains sets out that a permanent fence on the southern boundary to protect the wildlife area will be required and its retention can be conditioned

18 CONCLUSION/SUMMARY: Overall, it is considered that given the above issues there are no material harmful effects that would warrant the refusal of planning permission as detailed in the main body of the report. The proposed development while outside the DDB for Beaminster is immediately adjacent to it with a short walk into the town. In the light of the current housing land supply position the proposal would make a small but positive contribution to the supply of housing where there are no other obvious and adverse planning impacts to justify a refusal of planning permission given the issues as set out above.

18.1 The proposed development is considered acceptable and therefore recommended for approval.

19 RECOMMENDATION: Delegate Authority to grant planning permission subject to the completion of a Section 106 Agreement requiring a contribution of £4,233.39 to be made as part of the ecological mitigation proposals for off-site mitigation and subject to the following conditions:

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

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

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

Proposed Floor plans and Elevations Plot 1-3 - Drawing Number 11352-07 Rev A received on 03/03/2020

Proposed Floor plans and Elevations Plots 4-5 - Drawing Number 11352-08 Rev A received on 03/03/2020

Street Elevations - Drawing Number 11352-06 Rev D received on 03/03/2020

Proposed Sections - Drawing Number 11352-09 Rev A received on 03/03/2020

Proposed Site Plan - Drawing Number 11352-01 Rev D received on 27/05/2020

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

3) Before any development is carried out above damp proof course level details and samples of all facing and roofing materials shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall be completed in accordance with the approved details.

REASON: To ensure that the external appearance of the completed development is sympathetic to its locality.

4) Before any development is carried out above damp proof course level, full details of both hard and soft landscape works and a maintenance scheme for the

landscaping shall be submitted 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 first agreed in writing with the Local Planning Authority. The landscaping shall be maintained in accordance with the approved scheme for a period of 5 years from the date of the planting and if in that time any tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation

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

5) The development shall be carried out in accordance with the recommendations of the Amy Parsons (ABR Ecology Ltd) Biodiversity Plan as approved by the Dorset Natural Environment Team Certificate of Approval Dated 5th June 2020 unless agreed otherwise in writing with the local planning authority. This shall include the provision of fencing details of which are to be submitted to and approved by the local planning authority prior to the occupation of any dwelling hereby approved and thereafter the fencing shall be provided in accordance with the approved details prior to the occupation of any dwelling and shall be permanently retained as such thereafter.

REASON: In the interests of nature conservation.

6) Before the development is occupied or utilised the first 5.0 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

7) Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

REASON: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

8) Before the development is occupied or utilised details (construction and positioning) of the secondary pedestrian access (between 64 East Street and the

garages adjacent to 62 East Street) should be submitted to and approved in writing by the Local Planning Authority. The pedestrian access shall be provided in accordance with the approved details prior to occupation of any of the dwellings hereby approved and shall be retained and maintained as such thereafter.

REASON: To ensure that the additional pedestrian access is suitably surfaced and constructed in order to encourage pedestrian trips to the town centre.

9) Before the development is occupied the temporary refuse storage areas as shown on the approved site layout plan shall be provided. When provided it shall be retained as such thereafter.

REASON: To expedite waste collection from the site in the interests of highway safety.

10) Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- o construction vehicle details (number, size, type and frequency of movement)
- o a programme of construction works and anticipated deliveries
- o timings of deliveries so as to avoid, where possible, peak traffic periods
- o a framework for managing abnormal loads
- o contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- o wheel cleaning facilities
- o vehicle cleaning facilities
- o Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- o a scheme of appropriate signing of vehicle route to the site
- o a route plan for all contractors and suppliers to be advised on
- o temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved CTMP.

REASON: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway; and to safeguard the amenity of neighbours from undue noise and disturbance.

11) No development above damp proof course level shall take place until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted to and approved in writing by the local planning authority. The scheme

shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority including the timetable for implementation.

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.

12) In the event that contamination is found at any time when carrying out the approved development, all work shall cease and the applicant shall seek specialist advice. The contamination 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 and the investigation and risk assessment reports shall be submitted to and approved by the Local Planning Authority for approval. If such reports require site remediation measures then the investigation reports must identify any necessary remediation and that scheme of remediation shall be submitted to and approved by the Local Planning Authority for approval. 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.

13) Prior to occupation of the dwellings hereby approved those windows to bathrooms/en-suite rooms shall be obscure glazed to a minimum obscurity level 3 and when provided they shall be retained as such.

REASON: To safeguard the amenity of neighbouring occupiers.

14) No external lighting shall be installed as part of this development until details showing their location, appearance and luminance has been submitted to and approved in writing by the local planning authority. Any such external lighting shall be carried out in accordance with the approved details and shall be permanently retained as such thereafter.

REASON: To safeguard the amenity of neighbouring occupiers and in the interests of nature conservation.

15) Prior to commencement of the development hereby approved, details of the finished floor level(s) of all the building(s) hereby approved shall 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.

16) Prior to commencement of the development hereby approved, details of the surface water drainage proposals shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring satisfactory drainage arrangements are in place in order to prevent localised flood risk.

INFORMATIVE NOTE: Dorset Highways

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

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- 1.0 APPLICATION NUMBER:** [WD/D/19/000797](#)
APPLICATION SITE: ST ANDREWS HOUSE, ST ANDREWS TRADING ESTATE, SHOE LANE, BRIDPORT, DT6 3EX
PROPOSAL: Formation of first floor walkway and seating area
APPLICANT: PJS Developments Ltd
CASE OFFICER: Steven Banks
WARD MEMBER(S): Cllr D Bolwell, Cllr K Clayton, Cllr S Williams

This application is reported to Committee following consultation under the Scheme of Delegation requirements and consideration by members and the Development manager that the committee should determine this application.

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

- 3.0 Reason for the recommendation:**

The proposal is for relatively small scale development on the existing Trading Estate within the DDB and the proposal is acceptable in its design and general visual impact.

There is not considered to be any significant harm to neighbouring residential amenity, flood risk the adjacent green open space or the wider AONB landscape.

There are no material considerations which would warrant refusal of this application

- 4.0 Table of key planning issues**

Issue	Conclusion
Principle of development	Existing uses are unchanged and the site is within the DDB and on an existing trading estate. Therefore the development is acceptable.
Scale, design and appearance	Small scale addition to the building in appropriate materials.
Impact on amenity	Residential properties are sufficient distance away and time limit on hours of operation are acceptable.
Impact on landscape	Small scale development set against back drop of industrial building, sufficient distance from existing trees.

Flood Risk	Nature of development will not exacerbate flood risk. Applicant to be reminded of need for flood evacuation plan.
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5.0 Description of Site

- 5.1 The application site is a substantial 2 storey Industrial type building Unit on the St Andrews Trading Estate currently used as Day nursery, indoor leisure with ancillary café. The site is at the southern end of the estate backing onto the River Asker Valley area of Public Open Space. Due to proximity to the River Asker the site is within Flood zone 2. The site is also within the AONB and DDB and is identified as contaminated, no doubt due to the historic industrial use. The Trading Estate is identified as being a Key Employment site in the Local Plan.

6.0 Description of Development

- 6.1 An outdoor seating area and walkway to access this to be used by staff and/or customers of the existing uses is proposed. The walkway would be accessed from the first floor level of the building and would extend along the north east elevation; 1.5m wide and 35m long, constructed in galvanised steel with a grey finish to match the cladding of the existing building. The seating area would be on the south east elevation 5m x 25m, elevated to give views of the countryside around the River Valley. An external staircase would provide access between the first floor level seating area to a ground level seating area and outside play area below, which would be enclosed by a post and rail fence. Access and parking would be unchanged.

7.0 Relevant Planning History

WD/D/16/000585	Change of use from B2 (General Industrial) to A1 (Sales) - Resubmission to allow temporary A1 use for 3 years	Approved Part of building (Unit 1), temporary period ending 29 Feb 2020	20 February 2017
WD/D/16/000838	Change of use from B2 general industrial to D1 (crèche / day nursery) and D2 leisure (indoor sports and recreation together	Approved Hours – Crèche/Day nursery 08:00-18:00 Leisure (indoor sport/recreation and ancillary cafe) 09:00 - 20:00	24 January 2017

	with ancillary cafe facility) Unit 1 and 1A		
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8.0 List of Constraints

Within Defined Development Boundary

Landscape Character Area – Brit Valley

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*)

Flood Zone 2

Surface water flooding

Contaminated site buffer

9.0 Consultations

9.1 Dorset Highways – no objection

9.2 Environmental Heath – no comment

9.3 Technical Services - The type of structure proposed is unlikely to exacerbate the existing flood risk.... presume that there are arrangements already in place regarding a flood warning and evacuation plan for the building.

9.4 Bridport Town Council - No objection to the specific proposals for a walkway and seating area. But query the authorised use of the premises and hours of operation with regard to potential noise and/or amenity impact.

9.5 Bradpole Parish Council - Object on the below grounds:-

The outdoor seating area will overlook the tranquil green area of the River Asker Valley which lies within the Dorset AONB. There are no residential dwellings adjacent to the site but there are a number which could be considered to be within acoustic range.

Councillors believe that the below Local Plan Policies would be breached if this application was to be approved:

ENV1 seeks to protect and where possible enhance the local landscape character.

ENV10 states that all "development" should be informed by the character of the site and its surroundings and provide for the future retention and protection of trees and other features that contribute to an area's distinctive character.

ENV16 seeks to minimise the impact of development on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it.

The Parish Councillors also raised concerns regarding the information on the application form regarding trees and hours of opening.

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

10.0 Representations

10.1 None received.

11.0 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
ENV5.	Flood Risk
ENV9.	Pollution and Contaminated Land
ENV10.	The Landscape and Townscape Setting
ENV12.	The Design and Positioning Of Buildings
ENV16.	Amenity
SUS2.	Distribution of Development
SUS5.	Neighbourhood Development Plans
ECON2.	Protection of Key Employment Sites

Bridport Area Neighbourhood Plan

Policy L1 - Green Corridors, Footpaths, Surrounding Hills and Skylines

Proposals must preserve and enhance the natural beauty of the Dorset AONB

Policy L3 - Local Green Spaces (Happy Island)

Inappropriate development within any designated Local Green Space will only be permitted in very special circumstances.

National Planning Policy Framework (NPPF) 2019

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

2. Achieving sustainable development
6. Building a strong, competitive economy
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

Decision making:

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

Other material considerations

WDDC SPD – Design and Sustainable Development Planning Guidelines (2009)
Dorset Area of Outstanding Natural Beauty Management Plan 2019-2024 (2019)
West Dorset Landscape Character Assessment 2009

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

13.0 Public Sector Equalities Duty

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

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

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

14.0 Financial benefits

14.1 Minimal - this small scale development will have some slight benefit in supporting the existing uses within the building.

15.0 Climate Implications

- 15.1 The proposal is within the development boundary and therefore considered to be sustainable.

16.0 Planning Assessment

Principle of development

16.1 The authorised use of this part of the building is Class D1 (crèche/day nursery) and Class D2 leisure (indoor sports and recreation together with ancillary café). This use has been considered previously in the context of the employment site in which it is located and is acceptable. The proposed walkway and external seating area would be used in association with this existing use and the applicant has clarified that the internal layout and use will be as previously approved. The proposal is considered to be acceptable to support the existing uses in the building.

Scale Design and Appearance

16.2 The building is of standard industrial construction and as such the proposed metal walkway and raised seating area is appropriate and would be in keeping with the existing building.

Impact on Amenity

16.3 The existing use of the building will be unchanged and this includes control by condition of the hours of operation which are 08:00-18:00 for the Crèche/Day nursery and 09:00 - 20:00 for the Leisure use (indoor sport/recreation and ancillary cafe). In addition the Crèche/day nursery is restricted to be operated Monday to Fridays only. The conditions are imposed on the existing permission and remain extant and enforceable. The walkway and seating areas should be similarly controlled to cover use by both the crèche/day nurse and leisure uses to be 08:00-20:00.

16.4 With these controls the proposal is not considered to cause significant adverse impact to the amenity of neighbours who are a reasonable distance from the site.

Impact on Landscape

16.5 The site is within the AONB and adjacent to the River Asker public open space (known as Happy Island) which contains a number of mature trees. The proposal is relatively small scale seen against the existing industrial building and as such is not considered to have a harmful impact on the landscape or wider AONB. The designated Local Green Space is not considered to be adversely affected.

16.6 The trees on the adjacent land are a reasonable distance away and as the development is largely at first floor level with only the post and rail fence and external stair case at ground floor level the trees are not considered to be adversely affected and if any overhanging branches needed to be cut back this would be minimal.

Flood Risk

16.7 The site is in flood zone 2 but the type of structure proposed is not considered to increase flood risk. The Environment Agency provides standing advice regarding surface water management, access and evacuation and floor levels.

16.8 Any flood risk issues associated with the uses within the building will have been covered at the time of previous applications and this current application is for a minor extension only at first floor level with external stairs; as such the proposal is not considered to exacerbate flood risk in the area.

17.0

Conclusion

Taking account of the above, the proposal is considered to be in accordance with policy and acceptable subject to conditions. It would be appropriate to clarify that this permission does not convey any change of use of the building and the walkway and seating areas are to be used in association with the existing building.

18.0

RECOMMENDATION

Grant subject to the following conditions.

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

Location Plan and Site Plan - Drawing Number 15/007/300 received on 15/03/2019

Proposed Floor plans and Elevations - Drawing Number 15/007/302 A received on 02/06/2020

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. The materials to be used for the walkway, stair and first floor seating area hereby approved shall be of metal construction finished in a colour to match the existing building.

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

4. The walkway and seating areas hereby approved shall be used between 08:00 and 20:00 only, on any day.

REASON: To safeguard the amenity of residential neighbours.

5. The walkway and seating areas hereby approved shall be used in association with the existing uses of the building as Class D1 for a Creche/Day Nursery and Class D2 – Leisure (Indoor Sports and Recreation together with Ancillary Cafe Facility), as outlined in the Town and Country Planning (Use Classes Order) 1987 (as amended) or any Order revoking or re-enacting that Order, and for no other purposes.

REASON: To define the permission and to safeguard the character and appearance of the development and the surrounding area including the Dorset AONB and adjoining River Asker.

Informative:

The development should take account of standing advice from the Environment Agency regarding surface water management, access and evacuation, floor levels and flood resistance and resilience measures.

1 APPLICATION NUMBER: [WD/D/19/003186](#)

APPLICATION SITE: HOMESTEAD FARM, MAIN STREET, BOTHENHAMPTON, BRIDPORT, DT6 4BJ

PROPOSAL: Demolition of original farmhouse in Conservation Area. Erection of 1.no. new 4 bed low carbon house (with variation of condition 1 of planning approval WD/D/17/002888 to amend approved plans)

APPLICANT: Mr & Mrs Hughes

CASE OFFICER: Darren Rogers

WARD MEMBER(S): Cllrs Bolwell/Clayton/Williams

The application is reported to Committee as agreed by the Head of Planning given that the site has a contentious background and given the level of representations from local residents.

2 RECOMMENDATION SUMMARY: Grant subject to conditions.

3 Reason for the recommendation:

- The location is considered to be sustainable being within the defined development boundary of Bothenhampton.
- Impact on the character and appearance of the Conservation Area is considered acceptable .
- Impact on the character and appearance of the AONB is considered acceptable.
- There is not considered to be any significant adverse effect on neighbouring residential amenity.
- There is not considered to be any sever harm to highway safety with no highway objections.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Presumption in favour of sustainable development being within the defined development boundary of Bothenhampton .
Design	Design and scale considered appropriate for the site.
Conservation Area/AONB	Impact on both the character and appearance of the Conservation Area and AONB is acceptable.
Neighbouring Amenity	There is not considered to be any significant harm to neighbouring

	residential amenity.
Highways	There is not considered to be any sever harm to highway safety with no highway objections.
Community Infrastructure Levy (CIL)	CIL liable.

5 DESCRIPTION OF SITE:

5.1 The site is located on the corner of Main and Duck Street within the village of Bothenhampton, which is on the edge of Bridport. It sits within the designated Conservation Area (CA) and the previous farmhouse that stood on this site was a building of special interest as set in the CA, but was not listed. The site is also within the Dorset Area of Outstanding Natural Beauty (Dorset AONB).

5.2 Planning permission has previously been granted to replace the former farmhouse buildings on this site. The southern half of the site was previously in agricultural use and the site slopes gently from the northern frontage on Main Street down to the southern boundary with an approximate drop of 12m across the 100m length of the site. The site had prior to its redevelopment been left unattended for some years, and was previously in a poor condition and overgrown state with the former buildings in a dilapidated state with warning/health and safety notices placed on the Main Street frontage.

5.3 There is established housing opposite the site to the north in Main Street and to the west in Duck Street. To the east is the village hall. The southern boundary is bounded by a commercial greenhouse and agricultural storage with some residential properties. No other properties directly overlook the site but there is a 1970s housing estate ¼ mile away to the South which would have distant views.

6 DESCRIPTION OF DEVELOPMENT:

6.1 This is a Section 73A application that essentially seeks to vary the plans list condition associated with originally approved planning permission for this site (WD/D/17/002888/FUL - Demolition of original farmhouse in Conservation Area - Erection of 1.no. new 4 bed low carbon house. Approved April 2018 refers). Section 73A of the Town and Country Planning Act 1990 permits retrospective planning applications to be made for developments which have been carried out without permission, or which have been carried out without complying with some of the planning conditions imposed on a planning permission. The changes between this application and that previously approved are detailed below

6.2 **Planning Background** - As the Planning History below sets out, planning permission was granted for a development described as “new 4 bed low carbon house” in April 2018. This was followed by applications for ‘compliance with condition’ requests under ref numbers WD/D/18/001167/CWC and WD/D/18/002892/CWC that sought to deal with

- access onto Duck Street construction details;

- details of the days and hours that operations should take place on site during the demolition and construction phases of the development and details of site operative parking arrangements;
- samples of all facing and roofing materials including details of the proposed glass (to be of a non-reflective type) to be installed in the rear lower extensions;
- details of the proposed heritage greenhouse; compost bins; wooden shed; mobile chicken caravan; outdoor shelter; and tool shed; and
- proposed drainage works (foul and surface water).

6.3 The above were all approved in December 2018.

6.4 In January 2019 after construction works had commenced complaints were received alleging that the proposal was not being built in accordance with the approved plans but no further action was taken after it was considered that there was (at that time) no breach of planning control.

6.5 The Council then received a Non Material Amendment (NMA) application (WD/D/19/000355/NMA) for some changes to external materials and the omission of rooflights, photovoltaic panels and an external staircase. When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. But where less substantial changes are proposed, then a NMA application can be made. There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under the NMA method.

6.6 The NMA changes under application WD/D/19/000355 were to comprise:

- Change approved Purbeck rubble stone finish to lower ground floor eastern and southern elevations to approved lime render above DPC with approved Purbeck rubble stone below DPC.
- Change approved Purbeck rubble stone finish to southern ground floor elevation of Bedroom Cottage to approved timber cladding.
- Change approved Purbeck rubble stone finish to part of ground floor eastern elevations of Dairy Barn to approved timber cladding.
- Omit one rooflight & PV panels to southern roof of Bedroom Cottage.
- Change sedum roof of Entrance link to lead effect metal roof with same pitch.
- Omit rooflights to WC & Bin Store to entrance link roof.
- Change lead and glass roof of glazed link roof to lead effect metal roof. NOTE- large full length window of glazed link retained to maintain transparency.
- Omit external metal staircase to eastern end of ground floor balcony.

6.7 These amendments were approved in March 2019 despite some local opposition to those changes on the basis that they were not considered to be changes that would have significantly altered the whole appearance of what was approved nor were they considered to impact adversely on the amenity of any neighbouring occupier or the character of what was originally approved, nor have any significant adverse impact on the character and appearance of the Conservation Area. When considering those proposed changes as a whole given the approved scheme and the development as a whole they would affect only minor aspects of the approved development.

6.8 The Council then received a further NMA application (ref WD/D/19/000624/NMA) for “Changes to dormer windows on west and east elevation”. These changes were approved in March 2019 and comprised of:

- the southern most dormer on the west elevation which has had to be marginally increased in size in order to accommodate an internal lift as part of the approved scheme. That results in it being wider (2.06 compared to the approved 1.596m) and taller than approved (2.577 compared to 2.134) but it would still be set in from the eaves and set just below the ridge of the main roof.
- the northernmost dormer on the west elevation would be altered in width to 1.596 (from 1.501 as approved) and height to 2.134 from an approved 2.152.
- the dormer on the east elevation would be 2.192 compared to 2.355 highest and 2.058 width compared to 2.686.
- Some minor changes to rooflights on two of the elevations.

6.9 Those changes as outlined above came about partly as a result of an internal lift being provided as part of the approved scheme which led to a change largely related to the southernmost dormer on the west elevation. That however along with the other changes proposed were not considered to be changes that would have significantly altered the whole appearance of what was approved nor were they considered to adversely impact on the amenity of any neighbouring occupier or the character of what was originally approved; nor have any significant adverse impact on the character and appearance of the Conservation Area. When considering those proposed changes as a whole given the approved scheme and the development as a whole they would affect only minor aspects of the approved development.

6.10 The Council then approved in May 2019 under an application for ‘compliance with condition’ request ref number WD/D/19/000782/CWC, a request for an alternative tile sample namely; the Phalempin Single Camber Clay Plain Roof Tile - Val De Siene (which was considered acceptable) and then a further ‘compliance with condition’ request ref number WD/D/19/001329/CWC. This was for confirmation of compliance with condition 3 of the original approval (Proposed materials have been agreed previously except for the non-reflective glass to be installed in the rear lower extensions), and the use of the Guardian clear float glass with a Guardian Clarity low reflectance coating was considered acceptable and was Approved in Oct 2019.

6.11 Application number WD/D/19/002277/NMA then sought further amendments to the original approval (planning permission WD/D/17/002888) for alterations to the height and

width of the dwelling (as a result of further complaints received alleging that the proposal was not being built in accordance with the approved plans). The amendments proposed alterations to:

- the height, width and length of the elements of the building as approved,
- together with the previous changes made under previous NMA applications to the dormer windows on west and east elevations, external materials, the omission of roof-lights, photovoltaic panels and an external staircase.

6.12 As a whole these changes were considered to be material changes and therefore not acceptable as a Non Material Amendment – However this was not a refusal of planning permission – it was solely a refusal to accept the changes as being non material when viewed as a whole and hence why this current application that seeks to formally alter the plans list condition as material amendments is now the subject of this Section 73A application.

6.13 Finally the Council then approved under another ‘compliance with condition’ request ref number WD/D/19/002463/CWC details of the render mix for the rendered parts of the development to be a traditional lime render as being acceptable on 30th October 2019.

6.14 The amendments to the development as now submitted - The main changes and reasons for the development are as set out in the applicants Design and Access Statement which are as follows:-

- Alterations to the height of the roofs of the dwelling;
- Revisions to its length and width;
- Change to the angle of its southwest wing
- Re-siting of Duck Street entrance
- Alterations to the landscape proposals to include a pond

6.15 In addition, the proposal also includes details of a chicken coop for approval. The chicken coop was shown on the approved landscaping plan and is therefore agreed in principle. But details of the coop, which were reserved by condition, had not been submitted for approval, unlike the other outbuildings where their details have been approved.

6.16 Reasons put forward by the applicant for the Changes.

The change to the heights of the southeast and southwest wings were made to enable the insertion of sufficient insulation in the roof space above the steels to avoid thermal bridging and thus maximise sustainability.

The building’s dimensions were reduced in order to save costs.

The change to the angle of the southwest wing to make it perpendicular (90 degrees) to its opposing wing was undertaken to improve the floor layout.

The Duck Street entrance was adjusted to avoid having to re-locate the telegraph pole and disrupt the existing utilities.

6.17 Looking at the changes in more detail beginning **with the height of the development**, the changes are listed in the table below:

Building Height	Height as built	Height as approved	Difference
The Old Barn	32.070	32.074	0.004+
The Farmhouse – Clay Roof	32.470	32.472	0.002+
The Farmhouse – Slate roof	32.100	32.081	0.019+
Winter Garden	31.950	31.895	0.055+
Dairy Barn	30.530	30.482	0.048+
Bedroom Cottage	30.530	30.462	0.068+

6.18 The height of the development has been surveyed by the applicant and cross referenced against the approved slab level (23.45 above sea level) issued on the approved drainage drawing to give a true height of the development as built and to provide as accurate a height as possible of the approved development, bearing in mind that:-

- The plans were hand drawn which inevitably produce inaccuracies and variations in the heights of the elevations.
- There were no datum heights given on the approved drawing, nor were these required by condition. The approved height was therefore relative, (the difference between the ground level and ridge height) rather than being absolute.

6.19 That said the degree of accuracy in height between the approved development and as built development is not critical because it is the development as built which is being considered, in the general context of its setting and the approved development.

6.20 The **changes to the length and width of the building** are as follows: -

Building Width	Length	Width
The Old Barn	-83cm	0cm
The Farmhouse – Clay Roof	-170cm	0cm
The Farmhouse – Slate Roof	-220cm	0cm
Winter Garden	-216cm	0cm
Dairy Barn	-148cm	-66cm
Bedroom Cottage	-58cm	0cm

6.21 The southwest wing has been cranked by 2 degrees towards the Road; and the access has been relocated 1.75m southwards.

6.22 The landscaping proposals now include a pond with adjacent bog area in the southeast corner of the lower reaches of the garden. This will be fed by rainwater and if it

exceeds capacity it is designed so that the water will run-off into the adjacent bog area. The pond endorses the design philosophy to increase the biodiversity of the site. The ecological measures, aside from the bat boxes which are awaiting delivery, have been fully implemented and signed off in accordance with the required Biodiversity Mitigation Plan.

6.23 The chicken coop is a mobile structure. It measures 2m wide x 2.5m long by 1.85m high and would be built in timber.

6.24 Finally in terms of external materials these are as flows - all as previously agreed under the compliance with condition applications set out above:

- Natural Finish Larch Cladding T&G
- Purbeck Stone
- Re-Used Dry Stone Wall
- Lime Render 1:3 NHL mix with washed sand
- Slate Tile - Del Carmen Ultra Spanish slates 500x250mm by SSL
- Standing Seam Zinc - ZM Silesia (Pre-Aged Grey)
- Clay Tile - Phalempin Single Camber Clay Plain Roof Tile
- Sinusoidal Corten Steel Roof
- Sedum Roof - Bauder Sedum on Green Felt
- Doors and Windows - Painted timber (RAL 7016)
- Lead
- Black Metal Gutters and RWP's

Glass:

- Low reflectance glass to southern elevations
- Balcony glass - Guardian Glass with 1 coat of Clarity Low reflectance coating to the outside. Light reflectance of 4%-approved by LPA
- Glass to windows and doors SSG Climate Plus 6. Light Reflectance 12% - approved by LPA

7 RELEVANT PLANNING HISTORY: see above in paras 6.2-6.13

8. RELEVANT PLANNING POLICIES:

8.1 National Planning Policy Framework

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

Section 4 - Decision Making

Section 5 - Delivering a sufficient supply of homes

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 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.

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

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

INT1. Presumption In Favour Of Sustainable Development
ENV2. Landscape, Seascape and Sites of Geological Interest
ENV2. Wildlife and Habitats
ENV4. Heritage Assets
ENV0. The Landscape and Townscape Setting
ENV11. The Pattern of Streets and Spaces
ENV12. The Design and Positioning Of Buildings
ENV13. Achieving High Levels of Environmental Performance
ENV15. Efficient and Appropriate Use of Land
ENV16. Amenity
SUS1. The Level of Economic and Housing Growth
SUS2. Distribution of Development
HOUS1. Affordable Housing
COM1. Making Sure New Development Makes Suitable Provision for Community Infrastructure
COM7. Creating a Safe and Efficient Transport Network
COM9. Parking Standards in New Development
COM10. The Provision of Utilities Service Infrastructure
CPM11. Renewable Energy Development

8.3 Bridport Neighbourhood Plan

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

Climate Change

POLICY CC1 - Publicising Carbon Footprint
POLICY CC2 - Energy and Carbon Emissions
POLICY CC3 - Energy Generation to Offset Predicted Carbon Emissions

Access & Movement

POLICY AM1 - Promotion of Active Travel Modes
POLICY AM2 - Managing Vehicular Traffic

Housing

POLICY H7 - Custom-Build and Self-Build Homes

Heritage

POLICY HT1 - Non Designated Heritage Assets
POLICY HT2 - Public Realm

Landscape

POLICY L2 - Biodiversity
POLICY L5 - Enhancement of the Environment

Design for Living

POLICY D1 - Harmonising with the Site
POLICY D2 - Programme of Consultation
POLICY D5 - Efficient Use of Land
POLICY D6 - Definition of Streets and Spaces
POLICY D7 - Creation of Secure Areas
POLICY D8 - Contributing to the Local Character
POLICY D9 - Environmental Performance (see also Policies CC2, CC3)
POLICY D11 - Building for Life

9 OTHER MATERIAL PLANNING CONSIDERATIONS:

9.1 Design & Sustainable Development Planning Guidelines (2009)

Village Design Statements (VDSs) previously adopted as SPG in West Dorset, which remain relevant and may be material considerations in planning decisions include:

- Bothenhampton: includes parish plan (2003)

WDDC Landscape Character Assessment February 2009 – Urban Area

Bothenhampton Conservation Area Appraisal

Following public consultation, the district council adopted the appraisal in December 2007 as a document that supports conservation area policies in the West Dorset, Weymouth & Portland Local Plan (adopted 22 October 2015). The district council then approved an extension to the Bothenhampton conservation area in November 2008, details of which are included in the appraisal – in that Appraisal it states:

“Homestead Farmhouse (important local building) seems to be in a poor state of repair and its surrounds are untidy”

“The green spaces ...particularly below Homestead Farmhouse.... of great importance to the setting of the village”

“The villages are characterised by a general good condition of the building stock, boundaries and the public realm. The exceptions are the Manor Farm barns group and The Buildings in Symondsbury and Homestead Farm in Bothenhampton”

“Important Local Buildings: The contribution made by important local buildings is important and there are a number of individually attractive and interesting unlisted buildings, most of which contribute to the value of larger groups: Homestead Farm, C19 roadside barn and house at right angles, stepping downhill in two blocks with lean-to, render over rubble, slate and pantile, casements; an interesting group in its own right and of wider group value”

10 HUMAN RIGHTS:

10.1 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 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.

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

12.0 Financial benefits

Material benefits of the proposed development	
Affordable Housing	N/A
CIL Contributions	The development is CIL Liable

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

13.0 Climate Implications

13.1 The development is considered to be in a sustainable location, within the defined development boundary for Bothenhampton with the services and facilities of Bridport town within walking distance.

13.2 Energy has been used as a result of the production of the building materials and during the construction process. However that is inevitable when building houses and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

13.3 The development is being built to current building regulation standards at the time of construction. The applicant has also submitted a document that explains that the building despite being extremely complex uses simple principles to ensure that it meets and exceeds its Climate Change requirements.

- It uses renewable systems to lower the energy usage from the grid.
- The insulation values are higher than legally required to lower the energy usage.
- The building has a high air tightness level to lower the energy usage.
- It has been designed to minimise penetrations through the external envelope to ensure the integrity of the airtightness.
- The floors have high thermal mass to retain heat.
- The basic design uses established low carbon design principles to mitigate against heat loss from glazing.
- The basic design uses established low carbon design principles to mitigate against heat loss gain from glazing.
- The building has been technically assessed by a third party to ensure that it meets the requirements and has been assessed as passing .
- The specification for the building has been upgraded to ensure that it exceeds the pass when the as built analysis is submitted.
- Reused and recycled materials were used throughout.
- A carefully designed landscape to enhance the ecology of the site.

14 CONSULTATIONS:

14.1 Highways - NO OBJECTION, subject to the following condition(s):

Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 1702 L 001 Rev B must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon

14.2 Technical Services - no objection or further comment to make.

14.3 Bothenhampton Parish Council - *The corporate view of the parish council is that the additional height of the Homestead Farm complex has had a big impact on the conservation area within Bothenhampton. This building now dominates the centre of the village and is over-bearing and out of keeping with its surroundings. Given the variety of materials used in the construction of the various roofs, the additional height has resulted in the most prominent building in the village being out of sympathy with the adjacent cottages and houses, many of which are listed.*

14.4 Conservation Officer - *These are minor alterations to an approved scheme.*

14.5 Historic England - *does not wish to offer any comments.*

14.5 Natural England - *no comment.*

14.6 Environment Health – *Refer to their comments on the original application re Hours of operation are to be limited to:*

Monday – Friday 0800 – 1800

Saturday 0900 – 1300

No activity on Sundays or Bank Holidays

15 REPRESENTATIONS:

15.1 42 representations have been received with the vast majority objecting to the application. Those objecting raise the following issues

- Highways Dept. had no objection providing the turning area and parking area had been constructed. The access to and exit from the property onto Main Street entails a very steep slope down to the garage immediately inside the boundary. It is not possible for delivery vehicles to enter from the street and park in the manner shown without being on this steep gradient. Exiting the property will require a difficult hill start onto a crowded, narrow road which is in effect single lane.
- Access onto Duck St for service vehicles is now much larger than the 5m originally stated and hedges have been removed over an area of 11m.
- The site can easily be seen from the public road
- The roof heights are now significantly higher than the original plan and the whole building is closer to the road than that plan. It is not acceptable at this late stage for the architects to excuse the increase in height by stating that this is to accommodate service piping.
- The Barn which was to have been faced with reused Forest Marble has been faced with incongruous Purbeck Stone. This has completely destroyed the pleasing look of Main Street in this conservation area. It is an eyesore visible from a wide area.
- The Forest Marble boundary wall is now being rebuilt with breezeblocks. There is not enough original FM stone to face this with.
- Views from the High Pavement have been dramatically reduced due to the increased height of the building. The original proposal was that views would be maintained as per Conservation Area Designation.
- This build varies greatly from the original plan. The NMA application to regularise a number of significant issues was rejected by yourselves but the applicant has shown no regard for this ruling and has continued to build apace.
- It would be a dangerous and illegal precedent if this build were accepted within a Conservation Area.

- This application is, in effect, an attempt to reverse a decision already taken by Dorset Council. That decision, taken following an application for the acceptance of a Non Material Amendment (NMA) to an original application WD/D/19/002888, was for REFUSAL. The decision is dated 14th October 2019. The NMA was for alterations to height and width of (the) dwelling. In addition previously granted NMAs were REFUSED being found “material and therefore not acceptable under section 96A of the Town and Country Planning Act 1990 (as Amended)”.
- This current application is, basically, under the same headings. The submitted drawings, as far as it is possible to ascertain, are related to heights and widths of the dwelling. At an early period of construction it was apparent that the original planning permission was being flouted, principally as the structure was being built too high.
- Dorset Council Highways has raised NO OBJECTION to the driveway to the development on the basis of a single drawing 1702 L 001 Rev B which shows the arrangement in plan. This drawing has no levels on it, so it would not be unreasonable to assume that the driveway would be at existing levels. However what Dorset Council Highways has not seen, or upon which no comment is made, is a second drawing, 1702 L 605, submitted as part of this application, showing the driveway leaving Main Street at what appears to be an unacceptably steep slope. Independent advice has been sought from a Highways Engineer to establish whether, in highway terms, the driveway as shown on the Project Architect’s drawings is safe. The report is prepared as an advisory to Dorset Council Highways. It will be seen that the driveway design is “outside the recommended standards.....and should therefore not be constructed”. This is a matter of public safety.
- Within the context of this application there are Objections to the driveway as shown on the submitted drawing 1702 L 605. Furthermore, if these comments are accepted by Dorset Council, please be on notice that the design drawn up by the Project Architect is potentially unsafe, and that Dorset Council Highways (our custodians when it comes to highway safety) have also not approved drawing 1702 L 605. However the driveway appears to have been constructed to the submitted drawings. This being the case it is essential that the recommendation by Dorset Council Highways that “Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 1702 L 001 Rev B must have been constructed.” should be rigorously enforced. This will mean abandoning the garage and infilling the excavated driveway back to the original ground profiles – as assumed by Dorset Council Highways, before the development is occupied or utilised.
- Conservation input appears sadly lacking. This site has an area of 5,000 square metres. Under legislation any site over 1,000 square metres in a Conservation Area has to be referred to Historic England. There is no published comment from Historic England. Objections to the fact that either Historic England has not been consulted, or, in the alternative, they have been consulted and their report has not been made available.

- Technical Services have commented on the current application. Their response is *"With regards to the above application, I have no objection or further comment to make"* The current application is for a higher building than previously approved. As the Wanderwell Valley is a known zone of excessive wind load (an adjacent property lost ridge tiles in a recent moderate gale) the structural design of the development should be reviewed as it is now declared to be significantly higher. Objections are raised to Technical Services' comment, until such time as confirmation is publicly given that the as submitted design is approved. The relevant legislation is contained within the Building Regulations.
- Not in line with approval given by Dorset Council.
- From the east facing kitchen window of a Duck Street resident, hedging along the previous field, was low enough to see sheep peering over and to throw them occasional apples. The view from the east facing bathroom window was outstanding with nothing overlooking and therefore no need for glazed windows or indeed curtains. The former have been lost completely and the latter dramatically reduced in the kitchen/dining room.
- The development has had a negative impact on not only Duck Street but from many surrounding aspects, included the Bothenhampton nature reserve in particular the issue of field height and the more than double size opening into Duck Street.
- The increased size of opening into Duck Street and what appears to be totally inadequate drainage, led to flooding serious enough to require the intervention of Wessex Water and the Environment Agency. This flooding is causing deterioration to the left (field) side of the surface of the lane and if this continues, it will reach a point where normal vehicles will have difficulty in accessing the properties. This ancient lane of historical interest should not be allowed to be misused and abused.
- In terms of the drainage allegedly installed on the Homestead Farm property, this appears to be woefully inadequate.
- Bothenhampton is a unique place, in a conservation area and an AONB. It deserves to be treated with respect and both its inhabitants and Dorset Council had the right to expect that Homestead Farm would be built according to the permission granted in April 2018.
- The barn adjacent to the road is an eyesore. The Conservation Officer's remarks in the original application stated that rebuilding the barn using reclaimed stone would mean that the street frontage would remain the same; and that any wall frontage along Main Street which was removed during the building process must be re-built using reclaimed stone.
- The decrease in length of the main structure means that the wings are closer to the road than they should be and this has a significantly detrimental effect on both the residents and the village.

- As regards the glazed atrium of the 'winter garden' of the new house this feature as originally shown on the plan would have been barely visible from Main Street Bothenhampton, well down the hill and obscured by the wings of the building. The combined effect of the increased height of each of the main run of buildings and the change in length means that the glazed section is now glaringly prominent from any part of high pavement, and totally out of keeping with the protected village conservation scene.
- When the building is occupied and lit it will be as if Bothenhampton has its own lighthouse.
- The land has been significantly raised across the site. The site now sits well above the hedge line. This not only impacts upon the appearance of the conservation area but has already caused severe drainage problems and flooding to the surrounding area.
- The building itself does not conform to the original plans in terms of height. The planning department need to consider the impact for local residents and the conservation area. The result has been negative to the local area and more imposing for residents.
- Contrary to Conservation Area and Design policies of the Local Plan.
- A driveway has now been made onto Duck Street destroying the hedge separating the site from Duck Street. The original hedge has been thinned beyond recognition and the level of the site towers high above the street the other side. The changes have drastically affected the character of this historical street and the privacy for its residents.
- This building's size (footprint) is way over what would be deemed compatible for this conservation area.
- The building is also higher than envisaged in many places, does not follow the contours of the falling site.
- As originally planned, the owners made great play of this being an eco building. The amount of energy-using concrete used for the massive foundations alone plus the general spoiling of the landscape into a mud-heap plus the desecration of trees and a hedge for a huge side entrance plus the lack of even any solar panels which were originally designated makes the use of the word "eco" ridiculous.
- The failure to use local stone in an area of conservation is another reason for refusing permission.
- Shocked and astounded by the difference between what was originally proposed.

- There have been some independent surveys taken place that have shown the building to be over a metre higher than was proposed and that it is situated much closer to the road than was suggested on the plans
- It was proposed that this building would not be any more visible than the original barn and that it would "cascade down the hillside". There is no way of looking at the current build that could support this as anything other than fiction.
- Bothenhampton Village is a conservation area and in an area of Outstanding Natural Beauty and this enormous house has a hugely negative effect on the surroundings, the views and character of the village
- The development has not proceeded in line with the approved plans and therefore does not benefit from the permission therein. The fact is that the developer decided to execute a scheme that is significantly different from that approved. Their ability to lawfully execute the fall-back scheme appears questionable and therefore the weight attributed to the fall back should be reflective of this.
- Whilst the applicant claims that some of the changes are minor in nature the NPPF emphasises the need for early engagement with local communities on design and these evolve to a high standard delivered on the ground rather than a diluted and different scheme leaving local communities frustrated and disappointed with the outcome. The changes, involving re-positioning of buildings and significant increases in heights of buildings, taken together, fail to effectively integrate with their surroundings and that of the conservation area and heritage assets.
- Weight should also be attributed to the fact that the development constitutes intentional unauthorised development.
- The planning committee are respectfully requested to refuse this variation and furthermore respectfully urged to direct officers to proceed with formal enforcement action.

15.2 Support – Those in support include:

A 12 signatory petition in support of the proposal has been received saying that there are no objections to the increase in roof height.

In addition separate representations have replied stating:

- *As residents of Bothenhampton who regularly drive and walk past Homestead Farm we have no concerns about this development as it now stands in any respect. Lowering the roof height would seem to us to make no appreciable difference from street level.*
- *I live on the high pavement opposite Homestead Farm. Fail to see what all the fuss is about. When the building and gardens are completed it will no doubt look fine.*

16 PLANNING ISSUES:

16.1 There are 2 main planning issues arising for this application which are:

- Impact on the character and appearance of the Conservation Area and setting of any Listed Buildings/Impact on AONB
- Impact on amenity of neighbours

17 PLANNING ASSESSMENT:

17.1 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. In this case as the proposal has already commenced the provisions are made under Section 73A.

17.2 Under Section 73A, and prior to any formal enforcement action, a local planning authority (LPA) can invite a retrospective application where the LPA consider that an application is the appropriate way forward to seek to regularise the situation. It is important to note however that:

“although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way”;

17.3 Section 36(6) of the Planning and Compulsory Purchase Act 1990, and Section 70(2) of the Town and Country Planning Act 1990 require applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations **which may have changed significantly since the original grant of permission**. The approved development is therefore an important material consideration which carries significant weight essentially as a fall-back position.

17.4 The effect of Section 73 of the Town and Country Planning Act 1990 is to leave intact the original planning permission. It therefore represents the baseline to assess the proposal by, as it is the changes from this baseline on which the current application should be considered.

17.5 The approval of the dwelling under WD/D/17/002888 and the subsequent approval of non-material changes to its design, as outlined in the Planning History section above, confirms that the scheme, as was then amended, was acceptable within its planning context. It therefore sets the baseline by which to assess the new changes to the scheme. In other words, the elements of the development common to both the approved development and the scheme as built are not in dispute. It is the changes between the approved scheme and as built scheme which are to be considered.

17.6 The Development Plan – Since the original permission was granted there is now a Neighbourhood Plan (NP) in force in this area that covers Bothenhampton, and this essentially is the most recent Development Plan document on which to assess the merits of the proposals along with those of the adopted Local Plan (2015). The NP has a number of Policies that are applicable to this determination as are set out below:

17.7 Climate Change

POLICY CC1 - Publicising Carbon Footprint - Applicants should seek to minimise the carbon footprint of development proposals and are encouraged to submit a statement setting out the anticipated carbon emissions of the proposed development.

Policy CC2 - Energy and Carbon emissions - New development should aim to meet a high level of energy efficiency where achievable, by:

a) Exceeding the target emission rate of Building Regulations Part L 2013 for dwellings.

Policy CC3 - Energy generation to Offset Predicted Carbon emissions - New development, both commercial and residential is encouraged, where possible, to secure at least 10% of its total unregulated energy from decentralised and renewable or low carbon sources.

17.8 Officer comment - In answer to the above the applicant has submitted a document that explains the building despite being extremely complex uses simple principles to ensure that it meets and exceeds its Climate Change requirements.

- It uses renewable systems to lower the energy usage from the grid.
- The insulation values are higher than legally required to lower the energy usage.
- The building has a high air tightness level to lower the energy usage.
- It has been designed to minimise penetrations through the external envelope to ensure the integrity of the airtightness.
- The floors have high thermal mass to retain heat.
- The basic design uses established low carbon design principles to mitigate against heat loss from glazing.
- The basic design uses established low carbon design principles to mitigate against heat loss gain from glazing.
- The building has been technically assessed by a third party to ensure that it meets the requirements and has been assessed as passing.
- The specification for the building has been upgraded to ensure that it exceeds the pass when the as built analysis is submitted.
- Reused and recycled materials were used throughout.
- A carefully designed landscape to enhance the ecology of the site.

It is considered that the proposal meets these NP Climate Change policies.

17.9 Access & Movement

POLICY AM1 - Promotion of Active Travel Modes - Proposals for new development which are likely to generate increased pedestrian and/or vehicular traffic movement should:

a) Provide for pedestrian movement as a priority.

- b) Make appropriate connections to existing footpaths, cycle paths, rights of way and bridleways to improve connectivity in and between settlements.*
- c) Enable safe and convenient access to be provided for all people including the disabled.*
- d) Make possible, or not hinder, the provision of improvements to public transport and of facilities for car sharing and electric vehicles.*

POLICY AM2 - Managing Vehicular Traffic - Proposals for new development which are likely to generate increased vehicular movement should:

- a) Provide convenient and safe access onto the adjacent roads and this should not adversely affect existing pedestrian movement.*
- b) Make the best use of existing transport infrastructure through improvement and reshaping of roads and junctions where required to improve pedestrian access and connectivity to surrounding areas.*
- c) Ensure residential and environmental amenity is not adversely affected by traffic.*

Development proposals that cannot meet the above requirements will not be supported.

17.10 Officer comment - In light of the above NP Policies coupled with the response from highways who raise no objection, subject to conditions, the proposal is not considered to be contrary to the Access & Movement Policies of the NP.

17.11 Housing

POLICY H7 - Custom-Build and Self-Build Homes - The provision of Custom Build and Self Build Homes is supported. For major applications the inclusion of 4% of serviced plots is encouraged.

17.12 Officer comment – Clearly this proposal meets this Policy as the proposal is a new self-build custom build on this site.

17.13 Heritage

POLICY HT1 - Non Designated Heritage Assets

The Joint Councils Committee has prepared (and will maintain) a list of buildings, features and structures in the neighbourhood plan area which are considered to be 'non-designated heritage assets' and should be treated as such for the purpose of applying national and Local Plan policies including Policy ENV4 of the Adopted Local Plan (2015).

POLICY HT2 - Public Realm

Proposals that have a negative impact or "harm" the qualities of the public realm as identified in the Neighbourhood Characteristics of this plan will not be supported.

17.14 Officer comment – see comments on Impact on Listed Buildings and Conservation Area/AONB below at para 17.24 onwards.

17.15 Landscape

POLICY L2 – Biodiversity

1. Development proposals will be expected to demonstrate how they will provide a net gain in biodiversity and, where feasible, habitats and species, on the site, over and above the existing biodiversity situation.

2. If significant harm to biodiversity resulting from a development cannot be avoided (For example through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission will not be supported.

3. Wildlife corridors and important habitats have been identified on Maps 7, 8 and 9 and proposals that would result in their loss or harm to their character, setting, accessibility, appearance, quality, or amenity value should be avoided.

POLICY L5 - Enhancement of the Environment - Appropriate to the scale of development, proposals for new housing development should:

- 1. Include good quality outdoor space, both private and community gardens, and contribute to providing tree cover and improving biodiversity and*
- 2. Make provision for green infrastructure.*

17.16 Officer comment – This proposal is considered to meet Policies L1 and L5 as the originally approved proposal required under condition 8 that the development be carried out in accordance with the submitted biodiversity mitigation report of William Davis, Lindsay Carrington Ecological Consultancy Ltd dated 3rd January 2018 in the interests of nature conservation. The current landscaping proposals include a pond with adjacent bog area in the southeast corner of the lower reaches of the garden which will be fed by rainwater and if it exceeds capacity it is designed so that the water will run-off into the adjacent bog area. The pond endorses the design philosophy to increase the biodiversity of the site. The ecological measures, aside from the bat boxes which at the time of writing this report are waiting delivery, have been fully implemented and signed off in accordance with the required Biodiversity Mitigation Plan.

17.17 In addition the proposals would clearly meet Policy L5 which requires new housing development to include good quality outdoor space, both private and community gardens, and contribute to providing tree cover and improving biodiversity. This is a private dwelling site where good quality private space would be provided.

17.18 Design for Living

POLICY D1 - Harmonising with the Site

- 1. A housing development will be required to respect and work in harmony with:*
 - a. the local landform and microclimate*
 - b. the existing pedestrian, cyclists and motorised network*
 - c. existing features that are locally significant or important for local character, historical, ecological or geological reasons*
 - d. neighbouring land uses.*
- 2. Opportunities to incorporate features that would enhance local character, or the historical, ecological or geological interest of a site, should be taken if practical and appropriate.*

POLICY D2 - Programme of Consultation - Applicants are encouraged to enter into a meaningful programme of community consultation appropriate to the scale of development.

POLICY D5 - Efficient Use of Land

Development should make efficient use of land, and layouts that create wasted or leftover land will not be supported.

a) The design and management of outdoor spaces within and adjoining settlements should fully utilise the opportunities for:

- Recreation and social interaction.*
- Dealing with surface water drainage and alleviating flooding.*
- Providing new or enhancing existing wildlife habitats.*
- Incorporating landscape solutions to soften the urbanising impact of new development.*

b) Development of brownfield sites for housing will be supported provided the land is not of high environmental value.

c) Application for residential development above commercial ground floors will be supported.

POLICY D6 - Definition of Streets and Spaces

Proposals for new residential development in the Plan area should create a sense of place through:

a) A strong sense of enclosure, considering building lines and appropriate building height to street width ratio.

b) The use of street trees or appropriate boundary features (walls or hedges) in areas where a sense of enclosure is needed but cannot be achieved through strong building lines.

c) The provision of parking to the required standard so that it does not dominate the street scene.

POLICY D7 - Creation of Secure Areas

1. New developments should:

a) Have the main access to a building at the front, facing the street or communal entrance courtyard.

b) Make sure doors and windows face onto the street and other places where surveillance is needed.

c) Avoid that blank walls enclose public areas.

d) Provide a basic level of privacy at the rear of homes either through sufficient rear garden depth or orientation and screening to prevent direct overlooking. Private areas should be clearly defined through appropriate boundary treatment, and care taken to limit opportunities for intruders to gain easy access to the rear of buildings and other private spaces.

2. Exceptions to a) and b) may be permitted where the development is a gated community or there are other compensatory measures taken in the design to increase security.

POLICY D8 - Contributing to the Local Character

Proposals for new development (residential and commercial) in the Plan area should demonstrate high quality architecture and seek to maintain and enhance local character as follows:

- a) New development should reflect the local building forms and traditions, materials and architectural detailing that are significant in the local area, and maintain or, where appropriate, enhance local character. Exceptions may be the use of modern design and materials that contrast with yet complement local character.
- b) New developments should enhance the local character, although this does not imply simply duplicating existing developments which, in themselves, may not be of good quality.
- c) Where a development is proposed in or on the edge of an existing settlement, any new routes will respect their place in the hierarchy within the overall network, and the design of the development should be influenced by the need to define or soften the transition between areas of different character.
- d) Where new plots are being formed, these should reflect the existing grain and pattern of development where these form a significant characteristic in the street scene, unless this would conflict with other policies.
- e) New developments should not be disproportionate in scale to adjoining buildings in the locality, unless warranted by its proposed use and position on the street.
- f) Innovation in building design and materials in a way that supports local distinctiveness and the other objectives for good design and sustainable development will be supported.
- g) Buildings should normally be no more than two storeys in height, (with use of the roof space with dormer windows as a useable living space being accepted), unless heights of neighbouring buildings dictate the appropriate height for a new or extended building and the proposed design causes no impairment of light or visual impact.

POLICY D9 - Environmental Performance (see also Policies CC2, CC3)

Applicants are encouraged to design buildings to last, employing modern innovative technologies and methods of construction to, for instance, reduce construction costs, speed up construction, and minimise energy consumption and carbon emissions during the building's lifetime, such as:

- a) *Adopting energy conservation in the construction phase of new buildings (including the use of local materials to avoid transport impacts).*
- b) *Avoid using those materials most harmful to the environment (those given a 'D' or 'E' rating in the Green Guide to Specification).*
- c) *Use southerly facing roof slopes for solar thermal and/or photovoltaic installations, where possible integrated into the roof design, subject to the appropriate level of heritage and conservation assessment.*
- d) *Maximise opportunities for natural lighting and ventilation to buildings.*
- e) *In areas with known flooding issues, or where extensive areas (greater than 5 square metres) of hard surfacing are required, using permeable materials.*
- f) *Including systems to collect rainwater for use, also the use of grey water.*
- g) *Designing homes to Lifetime Homes Standard.*

POLICY D11 - Building for Life

- 1. Applicants for new housing developments are encouraged to assess their proposals against the 12 objectives in the guidance published in the latest edition of "Building for Life" published by the Design Council.*
- 2. Proposals for large scale residential development should obtain the Building for Life quality mark and the achievement of nine "green" levels is encouraged.*

17.19 Officer comment - As the applicants submission explains the overall effects of the changes to the dwelling have to be viewed in the context of the 'as approved' substantial dwelling which is of complicated design set in a large plot. Consequently, the effect of the changes to the design are considered overall, and with the backdrop of the approved scheme, are considered to be minimal within the setting of the street scene and further afield.

17.20 The originally approved design created separate elements of the building stepping down the hillside to reflect the contours of the site, the history of development on the site and to articulate the dwelling to read as a series of buildings. The design facing the road frontage reflected the more traditional buildings on Main Street, while the rear had a more contemporary feel. This approach was previously accepted by the Council as Local Planning Authority as demonstrated by the previous approval. The changes to the design still adhere to this approach.

17.21 The change in ground levels of the site is reflected in the changes in the ridge heights so from the "Farmhouse" to the "Dairy Barn" and to "Bedroom Cottage" the ridges aim to cascade down the slope. The variations in ridge heights, the changes in appearance, the stepping in and angling of parts of the elevations, allows the design to be broken down into discreet modules which complement but are different to each other and therefore appear as a series of buildings. The effect of this is to create a dynamic design so it varies as one moves along Main Street in either direction. No two views are the same.

17.22 With the dwelling's complicated design, as well as extending far back into the plot, with plenty of space either side of it, this allows the changes to be easily absorbed into the overall design without any ill effect.

17.23 Furthermore, the building recedes away from the viewer when seen from public viewpoints, primarily from the high pavement of the Main Street opposite the site. Indeed, the buildings that have the largest increase in ridge height are approximately 30m from the raised pavement. Overall, the change in height does not materially alter the composition of the design. The stepped ridge lines are still maintained, as are the series of buildings. The bulk and mass of the approved development and its articulation, which is a fundamental characteristic of the design, has also not been compromised. Space around the building is also unaffected. Visually the development as constructed and as proposed to be completed makes little difference to its overall composition when compared to the approved plans.

17.24 Detailed examination of the changes to the design – Impact on Listed Buildings and Conservation Area/AONB.

The nearest Listed Buildings are opposite - 33 and Hopewell House Main Street, The George Inn Main Street and 3 & 4 Sunnyside – all are Grade II listed. Nos 2, 5 and 6 Sunnyside are notable Important Local Buildings as are 35 and 37 Main Street and of course the application site and its previous buildings were also identified as an Important Local Building. Clematis Cottage to the west on the corner of Duck Street is also an Important Local Buildings as is Ab Antiquo beyond the Village Hall building to the east. To the south is Spring Farm Cottage another Grade II Listed Building.

17.25 There are statutory duties which apply to this proposal that special regard is given to the desirability of preserving listed buildings and their setting and to preserving or enhancing the character or appearance of the conservation area. These are set out in Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990

17.26 Changes to Height - The Heritage Statement looks at the effect of the individual changes to the design on the Conservation Area.

17.27 It is considered that the increased height of the Winter Garden makes no discernible difference on views of the valley. The approved development would have obscured sky views.

17.28 Therefore, it is considered there is no greater impact upon the character and appearance of the Conservation Area

17.29 In terms of the effect of the increased height of Dairy Barn and Bedroom Cottage the impact depends very much on the viewing angle. The two angled ranges are not easily seen together from the lower view point of the road and from the higher viewpoint of the raised pavement even if they are seen together the change in height is considered to be a minor variation such that it would not have a material impact on the character and appearance of the conservation area. Originally, views across the valley were partly contained by the former development and vegetation. The approved scheme would also have contained views across the valley. The effect of raising the ridge slightly higher on Dairy Barn and Bedroom Cottage to contain the view between the approved ridgelines and the as built ridgelines do not materially alter the impact of the development on views across the valley.

17.30 In addition, the shortening of Dairy Barn and Bedroom Cottage compensates for the small loss of view above the approved ridge line.

17.31 When viewed from the far side of the valley the changes are imperceptible; the dwelling is seen against other buildings, on the hillside above and below the site.

17.32 Shortening and narrowing of dwelling

In terms of the shortening of the farmhouse, the submitted Heritage Statement states that:

'It has no material effect on the character of the building – it still reads as being domestic in its form and in, the context of the 'barn' to the north and the agricultural shed character of the 'bedroom cottage' and 'dairy barn', it still reads as the 'farmhouse'

17.33 The statement goes on to say that: -

'It is considered that the slight shortening of the length of the building has no material impact on the character and appearance of the conservation area over and above the approved scheme. The reduction has actually reduced the mass of this element of the house. It is considered that the change between approved and as built has not caused harm to the designated heritage asset.'

17.34 As to the changes to the shortening of the other buildings and the width reduction of Dairy Barn these are not really apparent, unless viewed on plan. There is therefore no significant adverse harmful effect on the street scene, Conservation Area or AONB. The changes would therefore accord with policies ENV1, ENV4, ENV10 and ENV12 of the Local Plan and policies HT2, D1 and D8 of the Neighbourhood Plan.

17.35 Re-positioning of southwest wing

The rotation of the south west wing by two degrees is imperceptible in relation to the impact on the street scene. It does allow for an improved internal layout to allow the building to function better. There would be no conflict with policies ENV1, ENV4, ENV10 and ENV12 of the Local Plan or policies D1 and D6 of the Neighbourhood Plan

17.36 The key tests are whether the setting of the Grade II Listed Buildings as set out above are harmed or the character and appearance of the Conservation Areas is preserved or enhanced or so compromised as a result of the development to warrant a refusal of planning permission. In this regard the setting of the listed buildings to the north is not considered to be unduly compromised as there would be little in the way of change arising from the changes to the development which fronting Main Street largely follow the same mass and bulk of the previously existing buildings that have been replaced and their increased height is not considered to be so adverse an impact to warrant a refusal of permission. As a result it is considered that there is no harm to these Heritage Assets.

17.37 Given the above comments it is considered that as a whole the proposals satisfy Section 66 (setting of Listed Buildings) and Section 72 (preserve/enhancement of Conservation Areas) as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy ENV4 of the adopted Local Plan and HT2 of the NP. They would when complete bring about a development that would sit comfortably on the plot given the size of the application site and which pays regard to the sites history in terms of external materials as well as providing a more modern approach to the rearward proposals away from Main Street.

17.38 As a result these changes do not materially have an adverse impact on the character or appearance of the Conservation Area.. It could also be argued that the resulting building as per the previously approved building provides an interesting new building that enhances the character and appearance of the Conservation Area and by extension the AONB. The proposal would therefore accord with policies ENV1, ENV4, ENV10 and ENV12 of the Local Plan and the Heritage and the thrust of the Design for Life Policies of the Neighbourhood Plan.

17.39 Amenity Impact on Neighbours

As with the previously approved scheme it is considered that there would be no significant adverse impact on neighbouring occupiers. The scheme has been sensitively designed such that there would be no adverse impact on the amenity of neighbours in terms of overlooking or loss of privacy from the built form of the development now proposed nor from the proposed windows particularly given that the proposed development takes a central position within the large plot and given the distances involved to the elevations of existing buildings that neighbour it.

17.40 Previously there was an issue about the use of reflective glass material in the southern elevations of the wing buildings but these details have now been approved in compliance with a previously imposed condition. In addition the west side and rear (lower) half of the application site will eventually be laid out essentially as a large domestic allotment where the applicant intends to grow and cultivate crops. There is no indication that this would comprise a commercial use, which in any event would need a separate planning permission if a commercial venture were to be established.

17.41 To access the allotment land to the south of the site, an entrance has now been formed half way along Duck Street, a private unadopted street. Duck Street was for many years used as the commercial entrance to Springfield Plant Nursery. The new entrance when complete will be a domestic access only and an ecological mitigation plan has been put in place to compensate for any displaced habitat. The new access is proposed to be wide enough to only allow a single vehicle to access this lower allotment part of the site. The new access proposed has caused much concern to other residents who have access over Duck Street but this is a private unadopted lane. The use of Duck Street is a civil and private matter for the applicants to take up separately with those owners or those who have access rights over it. It is not considered that the Duck Street access is unacceptable in terms of it creating a new gap in the lane to warrant a refusal of planning permission.

17.42 The changes now proposed as a whole would not have a significantly adverse impact on the amenities of the occupiers of the neighbouring properties in terms of light loss and overshadowing given the space between the development and the adjacent properties and given the overall small increase in height. There would therefore be no conflict with policy ENV16 of the adopted Local Plan.

17.43 The changes to the height of Dairy Barn and Bedroom Cottage has enabled the buildings to be insulated to a higher specification than the current building regulations to retain the low carbon credentials of the dwelling which is in line with the ambitions of the NPPF, policy ENV13 of the Local Plan and policies D9, CC1 and CC2 of the Neighbourhood Plan.

17.44 Other matters

Hours of construction

As regards construction activity the previously approved scheme conditioned details of parking for site operatives and hours of construction. The approved hours were:

- 8am - 5pm Mon – Fri
- 8am - 1pm – Sat
- No Sunday working

17.45 However the Council has now had a formal request as part of the current application from the applicants' agent seeking to alter the approved hours of construction given current Government guidance as regards COVID19. That advice via this link explains what is involved:

<https://www.gov.uk/guidance/coronavirus-covid-19-construction-update-qa>

17.46 The advice states:

On 13 May 2020, the government published a written ministerial statement on planning and construction working hours. This statement expects local planning authorities to approve requests to extend construction working hours temporarily to ensure safe working in line with social distancing guidelines until 9pm, Monday to Saturday, unless there are very compelling reasons against this.

Developers should expect their local planning authority to grant temporary changes to construction working hours until 9pm or later, 6 days a week, wherever possible and where construction working hours are controlled by planning condition. This flexibility is in relation to control imposed by the planning system only.

Where there are modest or short-term changes to construction working hours, this may be agreed informally with the local planning authority, and they should use their discretion to not enforce against a breach of working hours.

Where long or more significant changes to working hours are required, a formal application may be requested by the local planning authority. In doing so, it will be important for applicants to consider potential impacts and, where necessary, to put forward plans to manage concerns, drawing on existing good practice.

We expect local planning authorities to be supportive of reasonable requests. Local authorities should accept proposals for extended working hours unless there are very strong reasons against this. They should ensure that decisions are issued within 10 days where possible. We expect this to be a soft and user-friendly process and for guidance to be available on the local authority website.

In making their decision local planning authorities may consider where there are unreasonable impacts but they will be able to reject proposals only where there are very compelling reasons. These reasons could include the significant impact on neighbouring businesses or uses, such as care homes, which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable.

The aim is to allow construction work until 9pm, Monday to Saturday. Longer hours may be justified, especially if there are no residential dwellings nearby. However, local planning authorities will maintain local discretion, and where there are unreasonable impacts, they will be able to reject proposals to extend construction hours into the late night or on a Sunday. In all cases, sympathetic site management should be demonstrated.

17.47 On the one hand extending construction hours until the requested 9pm - 6 days a week - may result in the development being built and completed quicker which would be advantageous to neighbouring occupiers as the resulting impact in terms of construction activity on their day to day amenity which would be less than would otherwise be the case.

17.48 On the other hand the site is located in the heart of the village and surrounded on all sides mainly by residential buildings. In that regard it is considered that the already approved hours of construction should only be extended from 5pm to 6pm to allow additional construction work but that this be permitted for weekdays only with any Saturday working being maintained from 8am to 1pm. This is not a town or City centre site which could more readily absorb such extended hours of construction without detriment to neighbouring occupiers.

17.49 As regards these revised hours of construction this can be dealt with by a planning condition with site operatives parking to be provided as per the approved details on the previous application.

17.50 Re-positioning of Duck Street entrance

The slight re-positioning of the Duck Street entrance means that the existing utilities do not have to be disrupted. The change does not materially affect the approved design. Therefore, it would not be detrimental to the character of the Conservation Area and would still provide a safe access, in accordance with policies COM7 of the Local Plan and AM2 of the Neighbourhood Plan. There are no highway objections to the proposals, subject to a condition that prior to occupation the turning and parking be provided and retained as such thereafter.

17.51 Alterations to landscaping to include Pond

The pond is designed to enhance the ecology of the site. It is fed by rainwater and on reaching capacity any excess water will drain into the adjacent bog area, which will drain away at greenfield rates. It therefore would not increase the risk of flooding. From this perspective it will be compliant with policy ENV5 of the Local Plan and D9 of the Neighbourhood Plan. The pond will contribute significantly to the biodiversity of the site by encouraging insects, reptiles and amphibians, birds and bats, as well as flora. Therefore, the scheme will also accord with policy ENV2 of the Local Plan and policies D1, L2 and L5 of the Neighbourhood Plan.

17.52 Impact of Chicken Coop

The chicken coop will be an attractive traditional feature. It reflects the heritage of the site as a former farmstead. Its small scale means that it will not be noticeable other than from inside the garden. Overall it will have no impact on the Conservation Area

18 CONCLUSION/SUMMARY:

18.1 The changes to the dwelling are in keeping with the original design concept. They also allow the dwelling to maintain its low carbon credentials. The changes have no adverse impact on the street scene and have no adverse impact on the character and appearance of the Conservation Area, or the wider AONB given the fall-back position of the approved scheme.

18.2 The changes do not impact adversely on neighbours' amenity. Alterations to the landscaping benefit biodiversity and provide a sustainable solution to run off. The alterations to the access do not interfere with highway safety or impact any more on the Conservation Area than the approved development. There is therefore no conflict with the

adopted Local Plan or Neighbourhood Plan and its policies sufficient to warrant a refusal of planning permission.

19 RECOMMENDATION: Grant subject to the following conditions (those that were approved originally have been amended accordingly for this current proposal but as the development has already commenced a new commencement condition is not required):

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

Location Plan - Drawing Number L301 received on 27/12/2019

(As built) Lower Ground Floor Plan & Ground Floor Plan - Drawing Number L401 received on 27/12/2019

(As built) First Floor Plan & Roof Plan - Drawing Number L402 received on 27/12/2019

(As built) Elevation 1 of 3 - Drawing Number L601 received on 27/12/2019

(As built) Elevation 2 of 3 - Drawing Number L602 received on 27/12/2019

(As built) Elevation 3 of 3 - Drawing Number L603 received on 27/12/2019

Barbeque Shelter Area - Drawing Number L501 received on 27/12/2019

Open Compost Bins & Wood Shed - Drawing Number L505 received on 27/12/2019

Chicken Coop - Drawing Number L507 received on 27/12/2019

Tool & Lawnmower Shed - Drawing Number L503 received on 27/12/2019

Open Wood Shed & Trailer Store - Drawing Number L504 received on 27/12/2019

Landscaping Plan - Drawing Number 801 LANDP001 REV 009 received on 27/12/2019

Landscaping Plan - Drawing Number L007 Rev B received on 13/07/2020

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

2 The development shall be carried out in accordance with details and samples of all facing and roofing materials including the glazing installed in the rear lower extensions hereby approved as per the details approved under compliance with condition applications WD/D/18/002892; WD/D/19/00782; WD/D/19/001329; WD/D/19/002463 which sets out the following:

- Natural Finish Larch Cladding T&G
- Purbeck Stone
- Re-Used Dry Stone Wall
- Lime Render 1:3 NHL mix with washed sand
- Slate Tile - Del Carmen Ultra Spanish slates 500x250mm by SSL
- Standing Seam Zinc - ZM Silesia (Pre-Aged Grey)
- Clay Tile - Phalempin Single Camber Clay Plain Roof Tile
- Sinusoidal Corten Steel Roof
- Sedum Roof - Bauder Sedum on Green Felt
- Doors and Windows - Painted timber (RAL 7016)
- Lead
- Black Metal Gutters and RWP's

Glass:

- Low reflectance glass to southern elevations
- Balcony glass - Guardian Glass with 1 coat of Clarity Low reflectance coating to the outside. Light reflectance of 4%-approved by LPA
- Glass to windows and doors SSG Climate Plus 6. Light Reflectance 12% - approved by LPA

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality and to prevent undue glare.

3 The development shall be carried out in accordance with the details hereby approved of the heritage greenhouse; compost bins; trailer store; barbeque shelter area; wood store; chicken coop; outdoor field shelter; and tool/lawnmower shed all as shown on drawing number 801 LANDP001 Rev 009 received on 27/12/2019

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality.

4 Before the dwelling hereby approved is occupied the turning and parking shown on Drawing Number 1702 L 001 Rev B must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon

5 The development hereby approved shall be carried out in accordance with the proposed drainage works (foul and surface water) submitted to and approved by the Local Planning Authority under ref WD/D/18/002892/CWC. That approved drainage scheme shall be completed before occupation of the development.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

6 The development hereby approved shall be carried out in accordance with the landscaping details as shown on drawing number Landscape Plan - Drawing Number 1702 L007 Rev B. The scheme shall be carried out in the first available planting season or prior to the occupation of any part of the development. If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality

7 The development hereby approved shall be carried out in accordance with the submitted biodiversity mitigation report of William Davis, Lindsay Carrington Ecological Consultancy Ltd dated 3rd January 2018 unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of nature conservation interests

8 The development hereby approved shall be carried out in accordance with the Duck Street access proposals (drawing number L 016 REV H) which shall be completed prior to occupation of the dwelling and retained as such

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality and to ensure satisfactory drainage is provided to prevent problems in Duck Street.

9. Hours of construction associated with the development hereby permitted shall not take place outside the hours of 8am to 6pm on weekdays; 8am to 1pm on Saturdays; with no work on Sundays and Bank Holidays. Parking for site operatives shall be in accordance with the approved details as per application ref WD/D/18/001167/CWC.

REASON: In the interests of residential amenity and highway safety.

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1.0

Application Number: [WD/D/20/000253](#)

Site address: Beach Chalet Adjacent Car Park, Charmouth Beach, Lower Sea Lane, Charmouth

Proposal: Make alterations to convert redundant toilets to beach chalet (with variation of Condition 1 of Planning Permission 1/D/13/000282 amending the occupancy condition)

Applicant name: Mrs J Lister

Case Officer: Jennie Roberts

Ward Member: Cllr D Turner

This application is reported to Committee following consultation under the Scheme of Delegation requirements and consideration by members and the Development Manager that the committee should determine this application.

2.0

Summary of Recommendation: Grant with variation to condition:-

The beach chalet hereby approved shall not be used as a permanent dwelling, nor for ancillary sales or serving of food and/or drink. Overnight holiday accommodation shall only take place between 1st March and 31st October each year and the owners shall keep a record of the overnight use which shall be made available to the Local Planning Authority on request.

3.0

Reason for the recommendation:

The continued use of this building as a Beach Chalet is acceptable, but an increase of this use to a residential dwelling would be contrary to policy ENV7. Retail sales and serving food and drink is also considered to be inappropriate in this location. Therefore whilst the existing use is supported a revised, robust and updated condition is recommended to control the future use of the building.

4.0

Table of key planning issues

Issue	Conclusion
Principle of development	Continued use as a beach chalet acceptable but robust wording of revised condition required.
Land Stability and Coastal Erosion	A new residential use would not be acceptable due to long term risk of coastal change and land instability but continuation of the existing beach chalet use controlled by condition is acceptable.
Impact on Heritage Coast and AONB	No physical change to building.
Impact on Amenity	Restriction of use by condition will

5.0 Description of Site

- 5.1 The existing beach chalet is within the building of former public toilets adjacent to the public car park at the end of Lower Sea Lane. The accommodation comprises an open living area with kitchenette, shower and WC; plus a small patio area. Planning permission was granted in 2002 to make alterations to convert the redundant toilets to a beach chalet. This included the installation of additional doors and windows.

6.0 Description of Development

- 6.1 Condition 2 of the 2002 planning permission limited the chalet to not be used as a dwelling, overnight holiday accommodation, or for ancillary sales or serving of food and/or drink:

The development hereby approved shall not be used as either a dwelling or overnight holiday accommodation, nor for ancillary sales or serving of food and/or drink.

REASON: Such development would be detrimental to the character of the area, and, as a dwelling, contrary to development plan policies for the control of development outside main built-up limits.

- 6.2 Subsequently in 2013 a further permission was granted to amend this condition to allow occasional overnight holiday accommodation and a revised condition was imposed:

The beach chalet hereby approved shall not be used as a permanent dwelling, nor for ancillary sales or serving of food and/or drink. Overnight holiday accommodation shall be occasional use for a maximum period of 2 weeks at any one time and shall be used by the owner and their family and friends only; a record of the overnight use shall be kept and made available to the local planning authority on request.

Reason: To control; the use of the chalet in accordance with policies SA1, SA2, SS3 and SS4 of the West Dorset District Local Plan as the site lies within the designated Heritage Coast and Area of Outstanding Natural Beauty and outside the Defined Development Boundary.

This application now seeks to vary condition 1 of the 2013 planning permission. The applicant has suggested the following alternative wording:-

Notwithstanding Classes C2 and C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the use hereby permitted shall be used to provide holiday accommodation only and the property shall not be used as permanent unrestricted accommodation or as a primary place of residence.

7.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/W/02/000771	Make alterations to convert redundant toilets to beach chalet	Approved	17 May 2002
1/D/13/000282	Variation of condition 2 of P.P. 1/W/02/000771 to allow occasional overnight holiday accommodation	Approved	21 August 2013

8.0 List of Constraints

Instability zone 3

Cliff Top Recession

AONB: *(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)*

Heritage Coast

9.0 Consultations

9.1 **Dorset Highways** - No Objection.

9.2 **Parish Council** - Object – original permission and condition is adequate and should not be relaxed further.

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

10.0 Representations

One letter of objection – The condition reflects restrictions imposed by the Evans Covenant on existing properties and businesses in the immediate area. The proposal will not increase tourist accommodation significantly and there is an abundance of holiday accommodation in the village. Concerns regarding parking, waste disposal and maintenance.

11.0 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
ENV7.	Coastal Erosion and Land Instability
ENV10.	The Landscape and Townscape Setting
ENV16.	Amenity
SUS2.	Distribution of Development
SUS3.	Adaptation and Re-Use of Buildings Outside Defined Development Boundaries
ECON6.	Built Tourist Accommodation

National Planning Policy Framework (NPPF) 2019

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

2. Achieving sustainable development
4. Decision-making
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

Decision making:

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

Other material considerations

South Devon and Dorset Shoreline Management Plan (SMP2)

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

13.0 Public Sector Equalities Duty

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

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

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

14.0 Financial benefits

Minimal - this proposal will not change the use of the chalet but update and clarify the wording of the condition.

15.0 Climate Implications

Continued use as a beach chalet is acceptable but change of use to a dwelling would not be supported in this area of coastal recession.

16.0 Planning Assessment

Principle of development

16.1 The use of this former toilet building as a beach chalet is acceptable and long established having been granted planning permission in 2002. Despite being outside the DDB, the reuse of such a building of permanent construction was in accordance with local plan policies at that time and is now acceptable under Policy SUS3 and ECON6 of the West Dorset Weymouth and Portland Local Plan. Therefore the principle of a beach chalet in this location is accepted but it is acknowledged that restriction of the use and occupation by planning conditions remains appropriate.

Land Stability and Coastal Erosion

16.2 The SMP policy is currently ‘hold the line’ but in the medium/longer term there will be a transition whereby there will be no active intervention to maintain the coastal defences and there would be managed realignment of the coast to manage the flood risk. The Coastal Risk Planning Guidance (CRPG) identifies

potential coastal change risk areas along the West Dorset, Weymouth & Portland Coast and at Charmouth, considers the beach roll back and retreat of undefended cliffs on either side of the river channel.

16.3 Therefore in the longer term the risks to the chalet as a result of coastal change will become higher and land stability will become an issue. As such a new residential use would not be supported in this location. However on the understanding that this application does not change the use of the beach chalet this would not be reason to oppose the current application to vary a condition of the extant permission. Time limited permissions can be used where coastal erosion is a concern to allow for reappraisal and consideration of the actual rate of coastal change experienced in the future. But again as a section 73 application to vary an existing permission this is not considered to be appropriate.

Impact on Heritage Coast and AONB

16.4 The original proposal included some minor alterations to the building and no further alterations are now proposed. Therefore there will be no change to the visual appearance of the surrounding area or landscape.

Impact on Amenity

16.5 The chalet is very small scale providing basic and limited accommodation. It is a reasonable distance from neighbours on the opposite side of Sea Lane. Occasional overnight accommodation was not previously considered to cause serious detriment to neighbouring properties. The requested variation of the previous condition seeks to allow holiday occupancy without any limit to the occupiers or the length of stay but would not allow permanent unrestricted accommodation or use as a primary place of residence. It is not considered that variation to the condition would have a significant adverse effect on the amenity of neighbours.

17.0 Conclusion

17.1 The reason for the original condition imposed in 2002 was to protect the character of the area and to prevent a dwelling outside the DDB. The variation of condition in 2013 allowed some overnight occupation of the chalet with restrictions on the occupiers and length of stay which was as agreed and requested by the owner at that time; being occasional use and for short periods of time. The conditions on the applications in 2002 and 2013 sought to prevent the chalet from being a permanent dwelling.

17.2 The approved use of the building is a beach chalet, although it is accepted that the building is capable of being lived in, as indeed is not unusual in some locations depending on size, internal facilities, and construction. However

the chalet is not a C3 dwelling as is made clear in the previous conditions imposed and the current use is considered to be sui generis.

- 17.3 Whilst variation of the previous condition is generally acceptable, uninterrupted overnight occupation would be indistinguishable from a dwelling in actual use terms. Therefore it would still be relevant, necessary and reasonable to impose some restriction on the use of the beach chalet.
- 17.4 It is the imprecision of the words “occasional” and “family and friends” that this application is particularly critical of and it is acknowledged that the precision of the condition could be improved by removing those words from the condition. Some concern is also raised by the applicant regarding the 2 week length of stay that is currently restricted.
- 17.5 Whilst it is acceptable to amend the condition, it is noted that the beach chalet is not a permanent dwelling and an alternative appropriate condition to restrict the use continues to be appropriate. It is therefore suggested that the condition be varied to restrict use of the beach chalet for overnight holiday accommodation from 1st March to 31st October.
- 17.6 The restriction of sales and serving food and drink is still required to prevent Class A uses taking place at this sui generis unit, as such uses are not appropriate in this location.

18.0 RECOMMENDATION

Grant permission subject to the following conditions:-

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

Location Plan received on 30/01/2020

Existing and Proposed plans and elevations - Drawing Number 20/1340/01A received on 07/06/2002

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

2. The beach chalet hereby approved shall not be used as a permanent dwelling, nor for ancillary sales or serving of food and/or drink. Overnight holiday accommodation shall only take place between 1st March and 31st October each year and the owners shall keep a record of the overnight use which shall be made available to the Local Planning Authority on request.

REASON: To control the use of the Chalet in this location where residential and retail use would not be acceptable.

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