



Western and Southern Area Planning Committee

Date: Thursday, 4 November 2021
Time: 10.00 am
Venue: MS Team Live Event This meeting will be held remotely as an MS Teams Live Event [see link below]

Membership: (Quorum 6)

Dave Bolwell, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, Paul Kimber, Bill Pipe (Vice-Chairman), David Shortell (Chairman), Sarah Williams, Kate Wheller and John Worth

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

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 view the proceedings of this meeting with the exception of any items listed in the exempt part of this agenda.

In accordance with the decision taken by Full Council on 4 May 2021, this informal meeting will take place virtually. Decisions will be made by the appropriate officer following a 'minded to' decision by members of the committee.

This meeting will be held remotely as an MS Teams Live Event (see link below):-

[Link to observe the meeting](#)

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 Tuesday 2 November 2021**. 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 Tuesday 2 November 2021.

Please note that if you submit a representation to be read out on your behalf at the committee meeting, your name and written submission will be published as part of 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.

AGENDA

Page No.

1 APOLOGIES

To receive any apologies for absence

2 DECLARATIONS OF INTEREST

To disclose any pecuniary, other registerable or non-registerable interest as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

3 PUBLIC PARTICIPATION

5 - 6

To receive questions or statements on the business of the committee from town and parish councils and members of the public.

Public speaking has been suspended for virtual committee meetings during the Covid-19 crisis and public participation will be dealt with through written submissions only.

Members of the public who live, work or represent an organisation within the Dorset Council area, may submit up to two questions or a statement of up to a maximum of 450 words. All submissions must be sent electronically to denise.hunt@dorsetcouncil.gov.uk by the deadline set out below. When submitting a question please indicate who the question is for and include your name, address and contact details. Questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.

Questions will be read out by an officer of the council and a response given by the appropriate Portfolio Holder or officer at the meeting. All questions, statements and responses will be published in full within the minutes of the meeting. **The deadline for submission of the full text of a question or statement is 8.30am on Tuesday 2 November 2021.**

4 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- | | | |
|----------|---|----------|
| a | WP/20/00467/OUT - The Heliport, Coode Way, Portland, DT5 1BL | 7 - 30 |
| | Erection of building for servicing and maintenance of helicopters and additional facilities incidental to heliport use (Outline – access, appearance, layout and scale). | |
| b | P/FUL/2021/00554 - Stonebarrow Manor, Stonebarrow Lane, Charmouth, Dorset, DT6 6RA | 31 - 52 |
| | Conversion of existing Manor House to 5 dwellings including extensions. Use Stonebarrow Barn as independent dwelling (removal of condition 4 of 1/W/2002/0886 – holiday employment occupancy link); erect new dwelling and modify existing vehicular access (Amended scheme). | |
| c | P/FUL/2021/02664 - 10 Kirtleton Avenue, Weymouth, Dorset, DT4 7PT | 53 - 62 |
| | Change of use from Class C2 residential institution to Class C3 residential dwelling houses and C4(a) houses in multiple occupation. | |
| 5 | HI1229 CUSTOM HOUSE QUAY, WEYMOUTH - PUBLIC REALM ENHANCEMENTS | 63 - 100 |
| | To consider a report by the Executive Director of Place. | |
| 6 | URGENT ITEMS | |
| | To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes. | |
| 7 | EXEMPT BUSINESS | |
| | To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended). | |
| | The public and the press will be asked to leave the meeting whilst the item of business is considered. | |

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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Application Number:	WP/20/00467/OUT
Proposal:	Erection of building for servicing and maintenance of helicopters and additional facilities incidental to heliport use (Outline-Access, Appearance, Layout and Scale)
Location:	THE HELIPORT, COODE WAY, PORTLAND, DT5 1BL
Case Officer:	Emma Telford
Ward Member(s):	Cllr R Hughes, Cllr P Kimber & Cllr S Cocking

The Service Manager has referred this application to planning committee due to the high level of public interest.

1.0 Summary of Recommendation:

1.1 Recommendation A: That the committee be minded to delegate to the Head of Planning to grant, subject to the completion of a legal agreement under Section 106 of the Town and County Planning Act 1990 (as amended) to secure a financial contribution for mitigation to the recreational impact to the Chesil and the Fleet European site and subject to planning conditions and that the Head of Planning determine the application accordingly.

1.2 Recommendation B: That the committee be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning and that the Head of Planning determine the application accordingly:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to secure mitigation necessary to avoid unacceptable impacts through recreational pressures upon the Chesil and Fleet European Site contrary to policy ENV 2 of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 15 of the National Planning Policy Framework (2021).

2.0 Reason for the recommendation:

- The proposed development is within the Defined Development Boundary (DDB) for Portland in both the Local Plan and the Portland Neighbourhood Plan.
- The proposed development is not considered to result in any significant harm to neighbouring residential amenity.
- The proposed development is considered acceptable in its design and general visual impact.
- There are no material considerations which would warrant refusal of this application.

3.0 Key Planning Issues

Issue	Conclusion
Principle of Development	The application site is located within the DDB for Portland. The proposed development is considered to comply with local plan policy PORT 1 and policy Port/EN6 of the Portland Neighbourhood Plan.
Residential Amenity	It would not have a significant adverse impact on the living conditions of occupiers of residential properties.
Visual Amenity and the setting of Heritage Assets	It would not have an adverse impact on the visual amenities of the site, nor would it result in any additional harm to the significance of the heritage assets.
Highway Safety	Highways raised no objections.
Flooding & Drainage	Environment Agency and Flood Risk Management Team raised no objection subject to conditions.
Biodiversity	The impacts are considered acceptable subject to a financial contribution for mitigation and a condition to secure native planting suitable to the area.

4.0 Description of Site

4.1 The application site is located within Osprey Quay. Within the site there is an existing hangar building and further ancillary structures. The majority of the site comprises tarmacked area for use as a helipad and runway for take-off and landing and associated activities. To the north of the site is Portland Harbour, with a pedestrian esplanade along the site boundary. Along the eastern boundary there is a large area of open space and the site is bounded to the west and south by commercial units of Osprey Quay. The application site is located within the setting of the scheduled monument Portland Castle.

4.2 The application site is located within the defined development boundary for Portland and is within the local plan allocation PORT 1.

5.0 Description of Proposal

5.1 This application seeks outline planning permission (although the only reserved matter is landscaping) for the erection of a building for servicing and maintenance of helicopters and additional facilities incidental to heliport use. The hangar would be located along the north-west boundary and due to the nature of the use the access to the hangar would require wide span openings with a depth to fully accommodate the helicopter and adequate space around and above for maintenance access. The proposed building would also provide an indoor area to provide simulated training, some overnight accommodation for student pilots and crew to support the current training activity undertaken at the site, plant areas and ancillary support areas for example offices, staff welfare facilities, stores and lecture rooms.

5.2 The proposed building would comprise of three core elements, the main hangar, accommodation and simulator. The main hangar area is to be centrally located in order to have direct access to the landing/take off areas. The accommodation element is located to the north of the site. The proposed roof design of the building is a curved roof design sweeping downwards at the boundary in order to achieve the required height whilst minimising the eaves height adjacent to the western boundary.

5.3 Access to the site would be via the existing gated entrance onto the site at Coode Way.

6.0 Relevant Planning History

03/00341/GOV – Construct a new search and rescue facility including helicopter hangar and realignment of the existing runway – Approved – 05/12/2003

WP/17/00741/CLP – The use of the land as a helicopter facility including hangar, runway for take off and landing and associated activities – Approved – 12/01/2018

7.0 Relevant Constraints

Within defined development boundary
Local plan allocation PORT 1, Osprey Quay
Setting of the Conservation Area
Setting of the Scheduled Monument
Flood Zone 3
Setting of the World Heritage Site

8.0 Consultations

8.1 Natural England – *As submitted, the application could have potential significant effects on Portland Harbour Shore SSSI, Chesil & The Fleet SSSI, Chesil & The Fleet SAC, Chesil Beach & the Fleet Ramsar site and Chesil Beach & the Fleet SPA. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:*

- *Additional information to allow the competent Authority to complete a Habitats Regulations Assessment/Appropriate Assessment in relation to a) the proposed student accommodation and b) the disturbance impacts from flights – see below for more detail.*
- *A drainage strategy for the site to ensure protection of the water quality in Portland Harbour and the surrounding areas' designated sites*

We recommend you obtain the following information to help undertake the Habitats Regulations Assessment/Appropriate Assessment:

In respect of the proposed student accommodation:

- *The likely increase of visitors to the international sites resulting from the development alone and in combination with planned development within the locality.*
- *The effectiveness of ongoing recreational management efforts and whether additional measures may be required.*
- *Any measures that may be required to ensure the recreational mitigation measures in place have sufficient resources to ensure they can be relied on for perpetuity.*
- *Ultimately, whether the development is willing to comply with the Interim Strategy for mitigating recreational impacts on the Chesil & the Fleet suite of designated sites.*

In respect of the disturbance impacts from flights:

- *Consideration of disturbance impacts from flight movements and noise disturbance and any requirement for restriction of flight paths and heights to ensure no disturbance to birds at the designated sites.*

Biodiversity Plan Required

The application falls within the scope of the Dorset Biodiversity Protocol, recommended by your authority, which requires the submission of a Biodiversity Plan (BP) for all developments of this nature. Natural England therefore recommends that permission is not granted until a BP has been produced and approved by the Dorset Council's Natural Environment Team (NET). Provided the BP has been approved by the DC NET and its implementation in full is made a condition of any permission, then no further consultation with Natural England is required

8.2 Historic England – Historic England has concerns regarding the application on heritage grounds. Our concerns relate to the incremental encroachment on the openness of the surroundings of this nationally important heritage asset and the potential increase in noise, dust and vibration which we consider has potential to be detrimental. We are also concerned that the potential for additional vibration to impact on the historic fabric of the castle has not been adequately assessed. In our opinion the proposed development would have a harmful impact on the significance of Portland Castle as a result of this proposed development within its setting.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, 194 and 200 of the NPPF.

In determining this application in due course you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or

any features of special architectural or historic interest which they possess. You should also bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

8.3 Crime Prevention Team – *No objections to this application.*

8.4 Highways – *The Highway Authority considers that the proposals do not present a material harm to the transport network or to highway safety and consequently has no objection.*

8.5 Wessex Water – *No objections to this application.*

8.6 Flood Risk Management Team – *We request that a precautionary approach be adopted and recommend that a holding objection be applied until a substantiated conceptual drainage strategy has been submitted and approved.*

8.7 Weymouth Town Council – *No objections.*

8.8 Portland Town Council – *Portland Town Council has concerns about the environmental impact of noise and fume emissions. It notes concerns raised by other consultees. Portland Town Council therefore strongly requests that this application is not determined by a planning officer but instead is heard by planning committee to enable full and frank debate.*

8.9 Conservation Officer – *Whereas the proposal seeks to expand the employment opportunities within an area of industrial/commercial activity, the scale of the proposal is a significant change to the overall area. In particular heritage concern rests with the (visual) impact on the Portland castle site, less so on the Conservation Area - though this is not taking into account associated environmental impacts such as noise etc.*

It is noted that the proposed unit is set back as far as possible away from the castle however the facing elevation will be a large monolithic mass. Impact can be imagined easily looking at photo 4 of the heritage statement which shows the view from the castle slipway. The height is about the same as the existing hangar and when viewed from the castle site this 4 storey building will dominate this view obscuring the units behind and reducing the sense of open context historically associated with the castle.

There is also concern about the impact of the existing use of the heliport so this proposed expansion will further add to this traffic. The extra noise, dust and vibration to be caused by an increase in traffic has not been properly identified/demonstrated. Current usage can be described as high so the likelihood is that an increase is only going to make this worse and raise public dissatisfaction. In this sense the impact on the conservation area will be harmful.

There is of course the planning balance to be struck.....and whereas the site is in an obvious location the proximity of the scheduled monument and conservation area make the scale of the proposal inappropriate and should be scaled down.

It is noted that historic England have raised a number of concerns and these will need to be resolved before we can support the proposal fully.

8.10 Senior Archaeologist – I saw no reason to comment on archaeology. Historic England points out that the Cotswold Archaeology archaeological assessment highlights potential for palaeoenvironmental archaeology (i.e. deposits containing information relating to past landscapes and land use). However, my understanding from previous archaeological studies in this area is that there are deep deposits of modern reclamation material that infilled what was formerly a body of water called The Mere. Under such circumstances I think it unlikely that the proposed development would have a significant archaeological impact, and do not advise of a need for archaeological evaluation or an archaeological condition.

8.11 Technical Services – Due to the size of the proposed development, the DC FRM team have provided comments regards the management of surface water given their role as LLFA. I suggest you refer to these and also consult with the EA as the entire site falls within EA flood zones 2&3.

8.12 Environmental Health – I have no comments regarding noise for this application.

8.13 Environment Agency – We have no objection in principle to the proposed development, but currently object to the proposed development on flood risk grounds. This objection is discussed below.

This development appears to be a 'Less Vulnerable' development for helicopter maintenance, however there are 12 sleeping accommodation rooms included within the proposal. We note that this sleeping accommodation is on the first, second and third floors but it is this element that raises our concern, and therefore we discuss this in our response below and will require your Authority to advise us on this.

The supporting Flood Risk Assessment (FRA), prepared by STM Environmental v.1.0 dated 07/07/20, refers to the proposed bedrooms as 'essential ancillary sleeping accommodation' and implies that this is a 'Water Compatible' development type. We query with your Authority regarding the vulnerability classification of the development and believe that the inclusion of sleeping accommodation could align the proposal with a higher flood risk vulnerability classification. We therefore would however welcome further advice from the Local Planning Authority with regards the vulnerability classification 'category' of this development and would be pleased to comment further.

Whilst we appreciate the applicants request for onsite accommodation, it is the incorporation of the sleeping accommodation, even at higher floor level, at this location which we have concerns due to the significant flood risk in this area. There is site specific complexity of flooding, flood alleviation, evacuation, public safety, etc. for development in this location. Therefore, we note that the FRA does not appear to have considered flood risk from the southern side of the site, from overtopping of Chesil Beach under severe storm conditions. Coupled with this, the FRA does not show any understanding of the Flood Alleviation provisions or operation in this area, including the privately owned site specific assets that were put in place to reduce flood risk for the area and site.

Therefore, our initial advice would be that the proposal should be revised to remove the sleeping accommodation. Even if this is achieved, we would advise that a far more comprehensive FRA must be submitted which includes a complete understanding of all sources of flood risk and a full account of all flood alleviation provisions, operation protocols etc. and Osprey Quay bespoke 'site specific' flood evacuation procedures and mitigation measures.

8.14 Dorset & Wiltshire Fire and Rescue Service – *In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements.*

8.15 *In response to the comments received, further information and an Environmental Statement was submitted this meant that the application was re-consulted on and the following further comments were made.*

8.16 Environment Agency – *Further review and commentary has clarified that the proposed hangar is an extension to an existing helicopter maintenance and training business which occupies this site.*

We also note that there is existing 'crew' sleeping accommodation at this site (number of rooms and location unconfirmed) and we understand that as a result of this proposal all sleeping accommodation would be moved to the new building and set at first floor or above.

Subject to the above and strictly on the basis that the propose sleeping accommodation can be aligned with the approved use of the site to the satisfaction of your Authority, we would have no further objection to the proposal.

8.17 Flood Risk Management Team - *We withdraw our previous recommendation of a holding objection and confirm that we have No In-Principle Objection to the proposed development subject to attachment of the following conditions to any planning approval granted. Although the site is close to tidal waters and is understood to be served by existing surface water sewers, a detailed drainage strategy will need to be submitted at*

the DoC stage for approval. Therefore we recommend that the following conditions be applied to any decision notice:

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

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

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

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

8.18 Conservation Officer - There are no buildings on the application site and the site is not within a Conservation Area. However, development on the site has the potential to affect the setting of a number of designated heritage assets. The main issues to consider therefore include the following:

1. the impact of the proposed development on the significance of the following designated heritage assets, including any contribution made by their setting:

- Portland Castle (Scheduled Monument, 1015326), which includes:
 - Portland Castle (Grade I, 1205262);*
 - Captain's House (Grade II*, 1280817);*
 - Gateway and Curtain Wall to SE of Captain's House (Grade II*, 1205280);**
- Boundary Stone c. 23 m S of Entrance to Captain's House (Grade II, 1281849);*
- Underhill Conservation Area; and*

2. if harm is identified to designated heritage assets, any public benefits of the scheme could be sufficiently substantial to outweigh any harm caused, along with any other

relevant tests in national or local policy.

These comments supersede those by another Conservation Officer in August 2020 and take into account a letter from Messrs Ken Parke Planning Consultants (dated 6 October 2020), which responds to concerns raised by various consultees. In preparing these comments, we have taken the opportunity of reviewing all the application documentation and, as the matters raised are quite complex, have taken a detailed approach in order to sharpen the conclusions reached.

Impacts on Listed Buildings

In terms of heritage impacts, two particular areas of concern have been raised in responses to date by the Conservation Officer, Historic England and English Heritage. These both relate to effects on the Scheduled Monument and listed buildings at Portland Castle and comprise:

- 1. the visual impact of the proposals on the setting of the Castle; and*
- 2. impacts on the setting of the Castle arising from noise, and potential damage to fabric caused by helicopters taking off and landing on the existing runway, which is in close proximity to the Castle.*

For ease, these points are best addressed in turn.

1. The previous Conservation Officer noted that the proposed building ‘will dominate this view [i.e. from within the Castle, see Heritage Statement [‘HS’], photo 4, p. 30] obscuring the units behind and reducing the sense of open context historically associated with the Castle’. As the scale of the building was a ‘significant change to the overall area’, his recommendation was that the proposed building be ‘scaled down’. Similar concerns have been raised by Historic England, who noted the harm arising from ‘incremental encroachment of a large industrial development’ and impacts on the ‘intervisibility’ with Sandsfoot Castle and the ‘openness of the site’.

There is no doubt that these elements contribute to the significance of the Castle: the ‘topographical siting of the monument’ and the ‘strong spatial and associative relationship’ with Sandsfoot castle, with which it was ‘intentionally intervisible’ are noted in the HS (5.17- 5.19, pp. 28-29). However, the HS concludes that ‘the proposed development would not alter the key aspects of the Castle’s setting...and would not impede the understanding of its functional history and relationships’ (5.27, p. 33).

There is also no doubt that the setting of the Castle has changed irrevocably during the 20th century and continues in the 21st century. These changes have manifested in several ways:

- The land to the E and SE of the Castle is now dominated by considerably larger buildings, which not only distract from the building, but dominate and blur its backdrop*

when viewed from the water and from longer views from the land to N and NW (e.g. from Sandsfoot Castle).

- *During the 20th century, the Mere has been progressively reclaimed, meaning that the formerly isolated, promontory position of the Castle in the coastal landscape has been much diminished.*
- *Related to the above, the gradual development of Osprey Quay, a process which truly began with the establishment of the RNAS on the site, has changed the context of the Castle both in terms of surrounding land usage, but also in building styles and uses, which lean now towards a modern, light industrial context.*
- *The sizeable runway and adjoining land adjacent to the Castle preserves at least some of the open aspect towards the latter from Portland Beach Road, but there is recent development appearing on this land immediate E of the runway (i.e. SSW of the Castle). This is bringing this modern, light industrial appearance and use ever closer within the Castle's surroundings and affecting views from Portland beach Road.*

However, there are aspects of the Castle's setting which have remained unchanged despite this modernisation:

- *The intervisibility between the Castle and Sandsfoot Castle remains intact: the two buildings have a direct line-of-sight across the harbour in a NNW direction, though the perceptibility of both have been changed by alterations to their surroundings and, in the case of Sandsfoot, by coastal erosion hastening its gradual collapse. This direction of this view is such that it bypasses the Osprey Quay development, though for obvious reasons this features in the penumbra of that view. This is illustrated in Photo 3 in the HS (p. 30).*
- *A good deal of open space remains around the Castle to the S and SSW, much of which is given over to the runway, which itself has limited visual impact other than its perimeter fence. As identified under 'Significance' above, this aspect of the Castle's setting contributes much to its significance as it permits views from Portland Beach Road, the current and historical link between the island and the mainland.*
- *Notwithstanding the potential effects on the fabric of the building through naval and later coastguard helicopters (a matter discussed further below), the foundation and operation of the RNAS and the subsequent continuation of coastguard activity are not entirely incongruous with the Castle's military purpose and context.*

Taking the above into account, if the current proposals change or exacerbate aspects of these detrimental changes to a perceptible degree, it follows that the proposals would result in harm to the significance of the Castle in terms of visual impacts or contextual changes to setting.

The proposed hangar sits within a site which is already developed for aviation usage, and legibly so. The proposal does not represent the development of a virgin site, unlike, for example, the aforementioned development occurring to the S and SSW of the Castle. Though the distances are not great, the open space between the proposed site and the Castle is experienced in the surroundings as being quite extensive, emphasised by the extensive taxi space, runway and car park that separate the two, as well as the open harbour backdrop. The most prominent visible elements in the current melange are the existing hangar, the 5-storey marina drystack building and the curved roof profiles of the buildings at units 22-26 Osprey Quay (McManus Design, drawing no. PL-05). All three of these buildings are in the view W from the Castle grounds (HS, Photo 4, p. 30). In the latter view, the proposed building would effectively sit in front of the buildings at 22-26 Osprey Quay and would therefore increase the visual prominence of the modern built form. However, as the context visuals make clear (D&A Statement, pp. 17-18), this would not be out-of-character for the site nor, in our view, would the new building result in domination of the significant viewpoints to and from the Castle.

On the above assessment, it is not considered that the visual impact of the proposed building on the significance of the Castle will be sufficient as to qualify as harm. In terms of specific elements of the latter's setting, it is considered that:

- it will not block the most significant views from the Castle, i.e. to/from Sandsfoot Castle and out across the harbour it was intended to face and protect;*
- it will not block or alter the remaining view across open space towards the Castle from Portland Beach Road;*
- it will not materially alter the existing character of the modern, light industrial context of the Castle represented by the Osprey Quay development; and*
- it represents development within an existing aviation site and not on an undeveloped site. In experiential terms, it is not thought that it will significantly alter the perceived space between the Castle and the site.*

2. Concerns were raised by the previous Conservation Officer about the 'impact of the existing use of the heliport' and its potential expansion giving rise to additional 'noise, dust and vibration'. Again, similar concerns were raised by both Historic England and English Heritage: the former note how the impact of noise etc. appears not to have been considered, whilst the latter have noted potential ongoing effects on the fabric of the Castle arising from vibrations caused by helicopter activity, a situation which they are monitoring.

The impact of noise/vibration on both setting and fabric of heritage assets is certainly a valid consideration, but in this case is particularly valid if new sources of noise/activity will be introduced through new uses and/or if current noise- or vibration-producing

activities will be intensified as a result of the proposals. Regarding the former, our understanding is that the proposals will supplement current activities on the site, namely the stationing and servicing of helicopters and the training of pilots. In this sense, we are satisfied that the proposals will not introduce new sources of noise/activity. In terms of intensification, our understanding is that the proposals do not suggest an increase in the number of flights to and from the facility as a result of the new building. The Planning Statement [‘PS’] refers to this issue and states that the ‘deep servicing’ and parts harvesting are undertaken in the hangar and will therefore result in minimal externally audible noise and that the machines ‘will be brought to the site mostly by lorry’ (3.4-3.5, p. 6). In their letter of 6 October 2020, Messrs Ken Parke also confirm that no intensification of flights is proposed as a result of the scheme and also that the current flight numbers are unrestricted (p. 1). Taking this into account, we are satisfied that the proposals will not result in an appreciable intensification of impacts from noise/vibration than is currently emitted from the site under its normal, lawful working conditions.

Though we note with concern English Heritage’s comments regarding potential cracking to the Captain’s House caused by the existing use of the site, as well as issues with volume, these seem to relate to the current use of the site and should therefore be addressed directly with HeliOperations. If the level of intensification of noise/activity that will result from the new hangar proposal is negligible, then it is not clear how the proposal would result in additional harm in this respect. Obviously, in the event that the opposite were the case, then the matter would likely be considered differently.

Impacts on Underhill Conservation Area

Issues relating to the impacts on the Conservation Area are less in evidence in previous consultee responses. The conclusion of the HS was that i) ‘the Site is not considered to represent an aspect that defines the special character or appearance of the Conservation Area’ (5.42, p. 36); and that ii) the ‘degree of change arising from the proposed development would be minimal and would not affect the overall appreciation of the special character, and hence significance, of the Conservation Area (5.43, p. 37). Based on our own assessment above, we see no reason to disagree with these conclusions.

Conclusions

Based on the above, we do not consider that the proposals will result in additional harm to the significance of either the Portland castle Scheduled Monument (including the composite listed buildings), nor to the Conservation Area. The design is considered to be acceptable; sufficiently varied so as not to represent a ‘monolithic mass’; and congruent in appearance and scale with the prevailing Osprey Quay context. However, owing to the sensitivity of the setting and in order to ensure that specified materials and colours are appropriate, details of these should be submitted and approved as a condition.

8.19 Historic England – *We consider that amendments are required to the design of the proposed accommodation building to ensure that important open views of the castle would not be diminished by this building. We consider that those amendments should seek to ensure that the building is designed to appear subservient to the castle in views from the land.*

Historic England has concerns regarding the application on heritage grounds. Our concerns relate to the incremental encroachment on the openness of the surroundings of this nationally important heritage asset and the potential increase in noise, dust and vibration which we consider has potential to be detrimental. We are also concerned that the potential for additional vibration to impact on the historic fabric of the castle has not been adequately assessed. In our opinion the proposed development would have a harmful impact on the significance of Portland Castle as a result of this proposed development within its setting.

9.0 Representations

9.1 Thirty responses were received objecting to the proposed development, the reasons for which are summarised below:

Neighbouring Amenity:

- Unsuitable location close to a residential area
- Noise levels are already intolerable
- Increased noise levels
- Increased noise level at anti-social times
- Noise from repetitive training
- Noise is the second largest environmental cause of health problems, just after the impact of air quality
- Hovering of helicopters for long periods of time
- No restrictions on flight times and the noise evaluation implies there will be no additional noise
- Increased flight activity over the houses on the island since this organisation took over the base – Navy helicopters were always flown straight out to sea and around the island
- Clear documentation is required of what time flights can take place in the evening and night
- New housing is very close to the helicopter pad and is on-going
- Noise just over Portland but also the adjacent Rodwell and Wyke Ward
- Increased air pollution
- Increased vibrations causing rattling windows, drowns out TV and audio equipment, phone conversations etc
- Impinging on work productivity of local businesses and local residents working from home

- No timetable for the helicopters movements also impacts negatively on the mental health of neighbouring residents
- More incoming and departing helicopters and with servicing and works, more frequent test flights or operations will also be needed
- No commitment to avoid increasing aircraft operation activity levels
- The landing spot in the compound will be moved close to the edge of the compound
- Safety of manoeuvres being practiced in close proximity to spectators and housing
- Level of noise is incompatible with quiet enjoyment of residential properties
- Makes the community unsafe by having untrained and unqualified pilots flying helicopters over residential and business communities
- There are soot deposits, smell and fuel droplets
- Loss of privacy with flights level with bedroom windows
- Operating plan which minimises the noise nuisance to the local community needs to be agreed
- Incompatible with the public right of way
- Would dwarf Portland Castle

Visual Amenities:

- The proposed four storey building would be out of keeping with the surrounding two storey development
- The orientation of the building would be out of keeping with the surrounding buildings
- The proposal does not preserve or enhance the character and appearance of the conservation area or the scheduled monument
- Views of nature/coastline will become eroded
- Development will further industrialise the coastline
- Nuisance activity in this beautiful and tranquil area of Portland Harbour and beyond
- Portland Castle is already subjected to very high levels of noise and fumes
- Size and location of the proposed building is out of keeping with the open feel of the waterfront and surrounding vistas
- Size of the building will dominate the water's edge
- New precedent for other developments
- Size of structure would redefine and dominate the waterfront and impact views across the Portland Peninsular
- Cracks have started to appear in Captain's House

Other Matters:

- Increased noise will adversely affect the local tourist industry which is so important for the local area and its economy
- Council have failed in their duty to carry out an environmental impact survey
- 12 en-suite bedrooms are proposed would be better for the Portland economy if they arranged for them to stay in Portland's hotels and B&B's
- Need to tackle climate change and reduce harmful emissions such as helicopter emissions
- Degrades the economics, the social and the environmental wellbeing of the area

- Purpose of the hangar is to increase their ability to service, repair and test more helicopters how will this not increase the amount, frequency and duration of flying time
- Increased traffic

9.2 A hundred and four responses were received in support of the application for the reasons summarised below:

- Helicopters are part of Portland's past and future
- Portland's history for decades has an airfield of some description long before houses were built nearby
- Helicopters operating from this site for decades
- Create more jobs and revenue to the area
- Jobs also created through local contractors
- An expansion of this type of business will create genuine well paid apprenticeships
- If you buy property next to a helicopter base you must expect noise
- Facility has boosted tourism with people coming to watch and then using other facilities/services
- Investment in the local area
- Enjoyment of watching the helicopters coming in and out
- Numbers minimal now compared to when the navy was here
- Area is an industrial zone and has large buildings all around
- Encourage more interaction with other air support companies
- Building will be used for servicing purposes and will not contribute to extra flights
- Majority of night flights are Search and Rescue, Police and armed forces which Helioperations have no control over but do provide a vital service to these agencies
- Noise is not extensive or obtrusive
- Contribute to the wider community
- Vital to train people who could end up saving someone's lives
- Need to support a quality non tourism related business
- No similar businesses around
- Offers a refuelling centre for helicopters so a on going search and rescue can refuel and continue their operation
- Asset to Portland
- Building would shield a lot of noise
- Portland Port and the associated land is a working area
- Erection of this building can only enhance the heliport
- Company is willing to expand and inject much needed cash into the community
- Minor inconvenience from flying operation is outweighed by the benefits
- Helping to rejuvenate the area
- Expanded facilities will provide a customer base for nearby shops and services
- Utilise the historic use of the site
- Business is involved in local community they give tours to local groups of school children and the local scouts
- Upgraded maintenance facilities will not result in an increase in night flying
- Plan will assist in securing the future of this business

- Helicopters is an integral part of the area commercial and visitor income
- Heliport is a national and international facility that should be encouraged
- We cannot rely on tourism to provide jobs prospects for our younger population

9.3 Comments were also made regarding the proposal impacting on neighbouring resident's views however this is not a material planning consideration and will not be considered as part of this application.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan

INT 1 – Presumption in Favour of Sustainable Development
 ENV 1 – Landscape, Seascape and Sites of Geological Interest
 ENV 2 – Wildlife and Habitats
 ENV 4 – Heritage Assets
 ENV 5 – Flood Risk
 ENV 10 – The Landscape and Townscape Setting
 ENV 11 – The Pattern of Streets and Spaces
 ENV 13 – Achieving High Levels of Environmental Performance
 ENV 16 – Amenity
 SUS 1 – The Level of Economic and Housing Growth
 SUS 2 – Distribution of Development
 ECON 1 – Provision of Employment
 COM 7 – Creating a Safe and Efficient Transport Network
 COM 9 – Parking Standards in New Development
 COM 10 – The Provision of Utilities Service Infrastructure
 PORT 1 – Osprey Quay

Portland Neighbourhood Plan 2017-2031

Port/EN0 Protection of European Sites
 Port/EN4 Local Heritage Assets
 Port/EN6 Defined Development Boundaries
 Port/EN7 Design and Character
 Port/TR3 Reducing Parking Problems

Other material considerations

National Planning Policy Framework

2. Achieving sustainable development
4. Decision-making

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
16. Conserving and enhancing the historic environment

Urban Design (SPG3)

Weymouth and Portland Landscape Character Assessment 2013

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

- Construction jobs created
- Overnight accommodation encouraging spending in the local area

14.0 Climate Implications

14.1 The Design and Access Statement details that the building will be constructed to achieve a BREEAM (Building Research Establishment Assessment Method)

assessment of 'very good' and exceed compliance with 2013 Building Regulations Part L.

14.2 The application site is located within the defined development boundary and would be an extension of the existing use.

15.0 Planning Assessment

Principle of Development

15.1 The application site is located within the Defined Development Boundary (DDB) for Portland, where residential, employment and other development to meet the needs of the local area will normally be permitted. The application site is also located within the local plan allocation PORT 1, Osprey Quay. The policy reads as follows:

i) Land at Osprey Quay as shown on the policies map is allocated for primarily employment, leisure and ancillary retail uses and residential as part of a mixed-use scheme. Any development should be in accordance with the most recent Osprey Quay masterplan agreed by Weymouth & Portland Borough Council.

15.2 The proposal is for the erection of a hangar building within the existing heliport compound extending the existing use of the site and is considered to fall under the definition of employment and therefore is considered to accord with local plan policy PORT 1. The proposal does include some overnight accommodation however these would be ancillary to the business unit and could not be used as self-contained dwellings. The principle of the development is therefore considered acceptable

Residential Amenity

15.3 The proposal is for the erection of a building for servicing and maintenance of helicopters and additional facilities is incidental to heliport use. The proposed building would be located within the existing heliport compound and would be located adjacent to the north-west boundary. The proposed building would be in close proximity to the neighbouring commercial properties, the building is removed from any residential property and therefore would have no adverse impact in terms of loss of privacy, loss of light or outlook. Concerns have been raised by third parties regarding both the current noise level from the site but also increased disturbance from noise if this application is granted. A Certificate of Lawfulness issued in January 2018, which confirmed as lawful the use of the land as a helicopter facility including hangar, runway for take-off and landing and associated activities. The supporting evidence for the application sets out that the proposal would not be introducing a new source of noise to the site. A Noise Report was submitted as part of the application and concludes that there will be no additional noise associated with the activities. Environmental Health were also consulted on the proposal and raised no comments in relation to noise. The concerns

raised regarding noise were mainly in response to the flying of helicopters rather than the noise from maintenance carried out at the site. The Certificate of Lawfulness did not restrict the amount of take offs/landing nor did it restrict the hours when these activities could take place and therefore the site currently operates on an unrestricted basis and can lawfully do so. The proposal is for an engineering facility for the repair and maintenance of helicopters with the provision of ancillary training facilities for the existing training operations and does not involve an intensification of flights and as there is no current limit on the number of flights. As such it is not considered that a condition could now be imposed to restrict the number of flights on the basis of this current application. The proposed development is therefore not considered to result in a significant adverse impact on the amenity of residential occupiers.

Visual Amenity and the setting of Heritage Assets

15.4 The proposal is for the erection of a building for servicing and maintenance of helicopters and additional facilities incidental to heliport use. The application site has the potential to affect the setting of a number of designated heritage assets. These include the scheduled monument, Portland Castle, Captain's House, Gateway and Curtain Wall to SE of Captain's House, boundary stone and Underhill Conservation Area. Concerns have been raised by both third parties and Historic England in relation to the visual impact of the proposal on the setting of the Castle and impacts on the setting of the Castle arising from noise and potential damage to fabric caused by helicopters taking off and landing. The proposed hangar site is within a site which is already developed for aviation usage, and legibly so. The open space between the proposed site and the Castle is experienced in the surroundings as being quite extensive, emphasised by the extensive taxi space, runway and car park that separate the two, as well as the open harbour backdrop. The most prominent visible elements from the Castle are currently the existing hangar, the five storey marina drystack building and the curved roof profiled of the buildings at units 22-26 Osprey Quay. The proposed building would effectively sit in front of the buildings at 22-26 Osprey Quay and would therefore increase the visual prominence of the modern built form. This would not be out-of-character for the site nor, would the new building result in domination of the significant viewpoints to and from the Castle. The Senior Conservation Officer considered that the visual impact of the proposed building on the significance of the Castle will be sufficient as to qualify as harm. Historic England advised that the glazed accommodation section should be removed or relocated at the southern end so that it's not a prominent feature and would minimise the visual impact when approaching the castle. This was not considered necessary but confirmation was sought as to whether the hangar could be stepped back from the coast any further, however due to the size requirements of the building this was not achievable within the parameters of the site. The proposed glazed accommodation is considered to create a feature and provide interest in the building

when viewed from the sea and therefore it was not considered sufficient enough to warrant refusal of the scheme.

15.5 Concerns were also raised regarding the impact of noise and vibration on both the setting and fabric of heritage assets. The Senior Conservation Officer considered that the proposals will supplement current activities on the site and was satisfied that the proposals will not increase the intensification of impacts from noise/vibration than is currently emitted from the site under its normal, lawful working conditions. The Senior Conservation Officer concluded that the proposals will not result in additional harm to the significance of either the scheduled monument Portland Castle nor to the Conservation Area. The design is considered to be acceptable, it is sufficiently varied so as not to result in one large mass and reflects the scale and appearance of the surrounding development of Osprey Quay. A condition would be placed on any approval granted for samples and details for the proposed materials for walling and roofing to be agreed. Given all of the above the proposal is considered to result in less than substantial harm to the significance of the designated heritage assets as set out in NPPF paragraph 202 and this harm should be weighed against the public benefits of the proposal. The scheme will provide economic benefits through the construction of the proposed building and the growing of the existing use within the existing parameters of the heliport site. The proposed development also looks to secure the use of the heliport which forms a key part of the history of Portland. The public benefits therefore are considered to outweigh the less than substantial harm to the significance of the heritage assets as detailed above.

Highway Safety

15.6 The proposed development is for the erection of a hangar building with additional facilities. The access to the site would be via the existing gated entrance onto the site at Coode Way with parking for visitors and staff within the existing parking areas within the site which currently provides a total of 70 car parking spaces. Access beyond the car park to the building would be restricted by security gates with a limited amount of parking provided to the South of the new building for delivery vehicles and other authorised vehicles would be able to access the front of the building. Highways were consulted on the proposal and considered that the proposals do not present a material harm to the transport network or to highway safety and consequently has no objection.

Flooding & Drainage

15.7 The application site is located within flood zone 3, a Flood Risk Assessment (FRA) was submitted as part of the application. The FRA details that there are site specific flood defences which were installed by MCA to ensure that the site could remain operational in terms of adverse conditions which is the times when the site is most likely to be active responding to emergencies. The EA were consulted on the application and

raised no objection in principle to less vulnerable development for helicopter maintenance but were concerned regarding the proposed 12 sleeping accommodation rooms included in the proposal. In response to these comments further information was supplied and the EA re-consulted. The EA raised no further objection providing there is existing crew sleeping accommodation at the site and as a result of the proposal all sleeping accommodation would be moved to the new building and set at first floor level or above and a condition would be placed on any approval granted to ensure this.

15.8 The Flood Risk Management Team were consulted on the application and requested the submission of a substantiated conceptual drainage strategy. In response to the comments further information was submitted and the Flood Risk Management Team withdrew their holding objection and confirmed that they do not have an in principle objection to the proposed development subject to conditions for a detailed surface water management scheme and details of maintenance and management which would be placed on any approval granted.

Biodiversity

15.9 Natural England were consulted on the application and considered that the application could have potential significant effects on Portland Harbour Shore SSSI, Chesil & The Fleet SSSI, Chesil & The Fleet SAC, Chesil Beach & the Fleet Ramsar site and Chesil Beach & the Fleet SPA. Natural England considered that further information in order to determine the significance of these impacts and the scope for mitigation including information regarding the recreational impact from the student accommodation and in respect of the disturbance impacts from flights. Natural England also considered that a Biodiversity Plan (BP) should be submitted.

15.10 In response to the comments further information was provided. They detailed that there was no increase in the number of students attending the site as the operation currently offers training to students and pilots who stay within the local area in short term accommodation. The proposed development would enable the students to stay on the site rather than find other accommodation. It was considered that there was no guarantee that students wouldn't use Chesil Beach for recreation, especially given the proximity of the site to the beach therefore significant effects cannot be ruled out, particularly when applying the precautionary principle of HRA. The appropriate assessment (AA) undertaken and agreed by Natural England sets out that a financial contribution would be required of £4,088.76 plus an administration fee for mitigation which would be secured through a Section 106 agreement. It is considered that with mitigation secured, adverse effects on the integrity of the Chesil and the Fleet European sites, resulting from increased recreation are avoided.

15.11 In response to the comments regarding disturbance from flights the operators also detailed that any designated and wildlife protected areas have mandatory

avoidance areas around them to ensure that all flight operators avoid them, designated sites are already protected by other legislation and regulations. Natural England confirmed that the proposed development is unlikely to result in helicopters flying at sufficiently low altitudes over the SPA to significantly disturb birds which was also set out and agreed by Natural England in the AA.

15.12 In response to the requirement for a BP, the applicant set out that the site is not a suitable habitat for most wildlife species and the site is already mostly hard landscaped. This was discussed with the Natural Environment Team who considered that there doesn't appear to be any ecological features within the site so no mitigation is required, a BP could be undertaken to secure the net gain measures but this could also be done by condition. NET advised in this case a condition securing native planting suitable to the area would be considered suitable, such a condition would be placed on any approval granted.

16.0 Conclusion

16.1 The proposal is for the erection of a building for servicing and maintenance of helicopters and additional facilities incidental to heliport use. The application site is located within the defined development boundary and is considered to comply with local plan policies SUS 2 and PORT 1.

16.2 The proposed development is also considered acceptable subject to conditions in relation to residential amenity, visual amenity and the setting of heritage assets, highway safety, flooding and drainage and biodiversity.

17.0 Recommendation

- A) That the committee be minded to delegate to the Head of Planning to grant, subject to the completion of a legal agreement under Section 106 of the Town and County Planning Act 1990 (as amended) to secure a financial contribution for mitigation to the recreational impact to the Chesil and the Fleet European site and subject to planning conditions and that the Head of Planning determine the application accordingly.

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 PL-01

Proposed Site Plan – drawing number PL-03

Proposed Elevations – drawing number PL-04
Proposed Ground Floor Plan – drawing number PL-06
Proposed First and Second Floor Plan – drawing number PL-07
Proposed Third Floor and Roof Plan – drawing number PL-08
Proposed Sections A-A & B-B – drawing number PL-09
Proposed Sections C-C, D-D, E-E – drawing number PL-10

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

3. No development above Damp Proof Course (DPC) level shall be commenced until details (including colour photographs) 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 the development shall proceed in strict accordance with the agreed details.

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

4. No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including a timetable for implementation, has been submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with agree scheme and timetable for implementation.

REASON: To prevent increased flooding and to improve protected water quality.

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

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

6. The 12 student accommodation rooms hereby approved shall only be located on the first, second or third floor of the building hereby approved, with no overnight accommodation being located on the ground floor of the building hereby approved or the ground floor of any other building within the red and blue lines of the application site as shown on the Location Plan, drawing number PL-01.

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

7. No development above Damp Proof Course (DPC) level shall be commenced until a landscaping scheme shall have been submitted to, and approved in writing, by the Local

Planning Authority. The approved scheme shall include native planting suitable to the area and be implemented during the first planting season November – March inclusive, immediately following commencement of the development. The scheme shall include provision for the maintenance and replacement as necessary of the shrubs and planting for a period of not less than 5 years.

REASON: In the interests of visual amenity

Informatives:

1. NPPF
2. S106

B) That the committee would be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning and that the Head of Planning determine the application accordingly:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to secure mitigation necessary to avoid unacceptable impacts through recreational pressures upon the Chesil and Fleet European Site contrary to policy ENV 2 of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 15 of the National Planning Policy Framework (2021).

Application Number:	P/FUL/2021/00554
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Stonebarrow Manor, Stonebarrow Lane, Charmouth, Dorset DT6 6RA
Proposal:	Conversion of existing Manor House to 5 dwellings including extensions. Use Stonebarrow Barn as independent dwelling (removal of cond. 4 of 1/W/2002/0886-holiday employment occupancy link); erect new dwelling and modify existing vehicular access (Amended scheme).
Applicant name:	LBCD LTD
Case Officer:	Bob Burden
Ward Member(s):	Cllr Christopher

Taking account of representations made during the course of the consideration of the application, 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:

Recommendation A: That the committee be minded to delegate authority to approve to the Head of Planning subject to planning conditions, and a planning obligation to address an affordable housing contribution of £36,228.62 and subject to the comments of the Natural Environment Team, and to any comments of the Environment Agency stating that they have no objection or no comments being received from them by 3/11/21 and imposing any additional conditions requested by them which in the view of the Head of Planning are necessary and that the Head of Planning determine the application accordingly.

Recommendation B: That the committee be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning and that the Head of Planning determine the application accordingly:

In the absence of a satisfactory and completed section 106 agreement or unilateral undertaking the scheme would make no provision for a contribution to affordable housing in the locality and as such the development is contrary to Policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2021).

2.0 Reason for the recommendation:

- Contribution towards 5 year housing land supply (currently 4.93 yrs).
- 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.

3.0 Key planning issues

Issue	Conclusion
Principle of development	The site is close to (162m) outside the defined development boundary of Charmouth. Charmouth is a settlement with a range of facilities and services and is therefore considered in principle a sustainable location.
Effect on visual amenity (including trees) and on the Area of Outstanding Natural Beauty	The siting, design and materials are considered visually acceptable.
Heritage assets	The building is a non-designated heritage asset and the effect of the conversion is acceptable on its character.
Effect on residential amenity	The scheme has an acceptable relationship with neighbouring uses/property and with other units within the scheme.
Flood-risk and drainage	A flood risk assessment has been provided, and drainage details are addressed by condition.
Land stability	The submitted Land stability report is acceptable.
Ecology	A biodiversity plan has been provided.
Highways	The scheme provides sufficient parking and the existing access is acceptable subject to highways conditions.
Affordable Housing	The scheme requires an affordable housing contribution of £36,228.62 to comply with the local plan policy and NPPF.

4.0 Description of Site

4.1 The site lies at the junction of Charmouth Road and Stonebarrow Lane on the east side of the village. It comprises Stonebarrow Manor- formerly used as an 18

bed holiday unit and Stone barrow barn- specified by planning condition/section 106 as a unit occupied by employees/dependants engaged in running the Manor as a holiday business.

4.2 Stonebarrow Manor is a sizeable building, set back and occupying an elevated position within the site. It is of white finished walls under a natural slate roof with architectural detailing. Whilst there have been alterations and extensions it is a non-designated heritage asset with historic origins and a distinctive presence in the streetscene. The frontage garden area comprises a mainly open grassed sloping tract of land.

4.3 Stonebarrow Barn lies to the east within the site; a dwelling of natural stone under a natural slate roof. The site slopes down from east to west and includes garden areas or more extensive mainly grassed areas, with a driveway and gravelled parking areas. There is an existing vehicular access on the south-west side onto Stonebarrow Lane. The site includes a number of trees both within it and to the boundaries; in particular there are group Tree Preservation Orders affecting trees towards the western part of the site, at the south-eastern corner of the site and TPO's on a horse chestnut to the east of Stonebarrow Barn, and on 2 ash trees to the north of the Barn and north-east of the Manor . There are established boundary trees/planting along the Stonebarrow Lane frontage reducing to hedging east of the Manor (beyond the natural stone walled garden area), before the TPO trees. On the east site boundary the land rises to a bank surmounted by a relatively continuous row of mature trees. The frontage to the north-west part of the site is relatively open with a timber post and rail fence adjacent to the Charmouth Road.

4.4 Opposite the site on the south side of Stonebarrow Lane are dwellings known as Stonebarrow Gate and Gabriels. The east boundary is with the Newlands Holiday Park; an extensive holiday park including a mix of holiday caravans, other holiday accommodation and related facilities. Moving northward along the east boundary there is a horticultural storage and compost area, then a parking area and moving round to the east side of the Barn, the recycling/refuse area for the holiday park and maintenance workshop. There is open land to the north-west of the site beyond Charmouth Road.

5.0 Description of Development

5.1 The application proposes the subdivision and extensions of Stonebarrow Manor into 5 dwellings (4 in the main building, 1 in the rear extension). A first-floor extension at the south end of the Manor is proposed, and a ground floor extension of the rear (unit 5). A further new-build dwelling is proposed between the Manor and Barn. The application also seeks to remove planning condition 4 of application 1/W/00/000375 tying residential occupancy of the Barn to those employed in servicing the holiday unit. The existing vehicular access would be modified by providing visibility splays 0.6m above road level. The existing gravel parking area in front of the Manor would be increased slightly for parking, with additional parking alongside the proposed unit 4 and the new-build unit. About half the extensive gravel area fronting the Barn would be replaced by grass. 17 car spaces would be provided.

The more open grassed area to the north-west would be used as gardens for some of the units.

6.0 Relevant Planning History

1/W/00/000375 - Alterations to convert barn/storage building for occupation by persons employed in the holiday business. Approved 13/6/2001

1/W/02/000886 - Alterations to convert barn/storage building for occupation by persons employed in the holiday business (amended scheme). Approved 27/9/2002.

P/MPO/2021/03556 Discharge of s106 agreements dated 13/6/2000 (1/W/00/000375) and 27/9/2002 (1/W/02/000886) relating to servicing accommodation for holiday units (Pending application).

7.0 List of Constraints

ENV 7; Lyme Regis and Charmouth Slope Instability Zone 3

ENV 1; Heritage Coast

ENV 1; Area of Outstanding Natural Beauty; Dorset

Landscape Character areas; Wooded Hills; Chideock Hills

TPO 1957

Flood Zone 1 and 2

Outside defined development boundary (162m away)

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

8.0 Consultations

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

Comments on original submitted plans:

Natural England- Biodiversity Mitigation Plan required

Highways Officer- (Scheme amended-comments below relate to amended plans)
The proposed secondary access has been removed. Acceptable visibility is available at the existing access given the nature of the highway in the vicinity of the site.
Sufficient car parking is provided.

The Highway Authority has NO OBJECTION, and recommends the following condition(s):

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.

Visibility splays as submitted

Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

No gates

There must be no gates hung so as to form an obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

Tree Officer- comments on original scheme-

Removal of T1 horse chestnut acceptable due fungal decay.

Removal of T9 ash- judged to be more important than submitted arboricultural assessment indicates.

Concern proposed unit 9 adversely affected by shading/amenity implications by TPO'd sycamores close-by, and trees opposite - potential pressure for adverse tree works.

Submitted landscape plan lacks detail.

Entrance area-scope for some tree removal and replanting.

Charmouth Road frontage- planting of new native species hedgerow further helped if supplemented by standard trees.

Objection raised

- 1) Applicant to supply reasoning for T9 ash categorisation and proposed removal.
- 2) Detailed and comprehensive landscaping plan to include all tree planting using tree species that compensate the removed trees as an enhancement to the site. To include areas to the north where potential tree removals and replanting is recommended.
- 3) Reconsider location and potential for Unit 9 and the effects to the property by existing trees

Tree Officer comments on amended plans-

(In summary, the Tree Officer is now content with the amended scheme subject to conditions relating to the arboricultural method statement and a landscaping scheme).

Environmental Health Officer- No comment

Flood and Coastal Risk Management Officer-

With regards to this application i have no 'in principle' objection. The submitted ground stability report makes a number of recommendations regards the proposed construction methodology and also recommends that further site investigation will be required to inform the design. I would suggest that these recommendations are followed and that the future geotechnical aspects are reviewed/considered by a competent person where necessary. Some extensive excavation work will be required so ground conditions, excavations, temporary supports etc should be carefully monitored during any construction work in case of localised land slippage. I would also advise that collected surface/rainwater is discharged to a piped drainage system and not to soakaway as is accepted good practice at this location. Building Control would have to be happy with the foundation, retaining wall arrangements if/when an application is made for Building Regs approval.

The EA's surface water flood risk mapping indicates that there is a potential surface water flood risk at this location – primarily as a result of run off down Stonebarrow Lane – the applicant should be aware of this and possibly incorporate flood mitigation measures if appropriate however I am unaware of any previous flood incidents at this address.

Building Control Officer- The land stability report is considered acceptable.

Natural Environment Team- Comments awaited.

Environment Agency- Comments awaited.

Char Valley Parish Council- Notes that the applicants assert that they have taken into consideration policy ENV15 on the efficient and appropriate use of land. They say the site has been planned to make effective use of the land with a mix of properties which meets the needs of the population. However, no attempt has been made to offer economic or affordable housing for the local population and the applicants are seeking Removal of Condition No.4 & No.5 on planning application reference 1/W/02/000886 – these two conditions together served to offer accommodation to local working people.

CVPC notes further that the applicants are seeking Removal of Condition No.4 & No.5 on planning application reference 1/W/02/000886 – these two conditions were imposed because “The site is in an area where new dwellings would be contrary to the provisions of the approved Development Plan and normally would not be permitted.” However, as well as circumventing these conditions, the applicants are seeking to build three further new dwellings.

For these reasons, CVPC objects to the removal of Condition No.4 & No.5 on planning application reference 1/W/02/000886.

CVPC notes that the applicants claim that “In the longer term, there will be employment opportunities for general maintenance and gardening to be the building on the site and the garden areas surrounding.” However, the garden space available after the renovation/construction of 9 dwellings and 22 parking spaces and associated driveways on a 1.2 acre site will be considerably less than the existing garden space. Additionally the applicants are seeking the removal of restrictions that do offer accommodation to people working on the site currently. In these two ways, the application actually reduces employment opportunities in the long term.

CVPC notes that the applicants claim the “proposed scheme would sit comfortably on the site and stimulate the local economy in the short term and the longer term, creating homes and bringing more families into the area.”

However, they later cite in their support several recent permissions to allow all-year-round holiday usage for local dwellings. This is completely at odds with the supposed intention of creating homes and bringing families into the area.

CVPC notes that although the Application Form (Section 8) states that no new or altered vehicular access is proposed to the public highway the plans appear to show new access from Plot 9 to a narrow part of Stonebarrow Lane adding to the recognised hazards of this very narrow single lane road which is already overburdened by local and visitor traffic as well as by many pedestrians and which has no pavement or pedestrian walkway for its entire length.

CVPC supports the views of residents who feel that building two houses between the manor and the barn is excessive infilling and would detract from the appearance of an important historic building in the village as well as imposing dangerous extra levels of traffic on the access road (Stonebarrow Lane).

**** For these reasons CVPC objects to the level of development and number of proposed new dwellings – specifically it objects to the three new detached dwellings proposed.**

CVPC notes that there is no record of a bat survey having been undertaken.

****For this reason, CVPC asks Dorset Council to request one before any decision is made.**

Charmouth Parish Council-(Adjacent Parish) feels that whilst this property is just outside the Charmouth parish boundary, it is a visually prominent location at the gateway to the village. Charmouth Parish Council therefore objects to the proposal to infill the area between the house and the barns with three additional properties which appears to be over development of the site. In principle there are no objections to the conversion of the house and barns. The Parish Council would also support the Tree Officers comments.

Charmouth Parish Council-Further Comments on Amended Plans- The Parish Council is pleased that the issue of over-development has been addressed by the reduction of two of the proposed dwellings. However, there is concern that this scheme is proposing 100% open market housing and it is felt that there should be an apportionment calculation in line with Para 30 of NPPF 2021. NPPF 2021 Para 64 indicates that on developments in designated rural areas (inc. AONBs) affordable homes can be sought below the national threshold of 10 units (= 'major development') i.e. normally 5-9 units.

The Parish Council is also concerned about the access and visibility, in line with the Highway Authority's comments, given the number of vehicles that will be using the site on a daily basis.

Char Valley Parish Council-Further comments on Amended Plans- has the following observations in response to the application and the Agent's correspondence on the matter:

Reducing the size of the proposed over-development from nine to seven dwellings is an improvement but it does not address a number of other issues.

The proposed development would make all the dwellings open-market housing and we strongly argue that an apportionment calculation (permitted in an AONB) should be applied, whereby affordable homes can be sought below the national threshold. This is especially important given the simultaneous application to remove the S106 agreement covering one dwelling.

CVPC's previous objection (12/05/2021) stated: "CVPC notes further that the applicants are seeking Removal of Condition No.4 & No.5 on planning application reference 1/W/02/000886 – these two conditions were imposed because 'The site is in an area where new dwellings would be contrary to the provisions of the approved Development Plan and normally would not be permitted.'" CVPC's objection still stands.

CVPC's previous objection (12/05/2021) stated: "CVPC notes that the applicants claim that 'In the longer term, there will be employment opportunities for general maintenance and gardening to be the building on the site and the garden areas surrounding.' However, ... the applicants are seeking the removal of restrictions that do offer accommodation to people working on the site currently. In this way, the application actually reduces employment opportunities in the long term. CVPC's objection still stands.

CVPC's previous objection (12/05/2021) stated: "CVPC supports the views of residents who feel that building two houses between the manor and the barn is excessive infilling and would detract from the appearance of an important historic building in the village as well as imposing dangerous extra levels of traffic on the

access road (Stonebarrow Lane).” CVPC’s objection still stands.

CVPC also acknowledges the commercial concerns of Avison Young (representing the neighbouring Newlands Holiday Park) although they are not proper grounds for the Parish Council itself to object.

Representations received

Comments on original submitted scheme:

8 letters of objection/comment have been received. The main planning related points include:

- overdevelopment of site
- adverse visual impact, particularly between the Barn and Manor
- visually detrimental on gateway site in AONB
- two houses between Barn and Manor - excessive infilling/detract from historic building
- layout of individual gardens out of character
- loss of flora and fauna from development of site
- bat survey should be carried out
- additional access and more houses will increase highway safety dangers on Stonebarrow Lane; a narrow lane without footway
- noise/disturbance from existing close-by business uses may prompt amenity complaints- with possible consequences for business
- no affordable housing being provided
- concern over impact of residential use on the efficient operation and viability of adjacent holiday business
- loss of current local economic tourism benefits site currently provides.
- inaccuracies in planning statement

- contrary to Local Plan and NPPF advice
- Development would harm the historic and landscape character of the designated Area of Outstanding Natural Beauty and Heritage Coast
- detrimental to South-West Coast Path environment
- no economic justification for the loss of the existing tourism use
- development would frustrate proper planning of the area -loss of holiday-related employment servicing Barn dwelling
- no justification to depart from the strategic housing approach of the development plan to allow for housing in this countryside location outside the defined development boundary
- development would create amenity issues that would impinge on adjacent holiday business operation -risk of complaints from residents due to noise/activities may have adverse consequences for enjoyment/economy of business
- development would provide substandard housing- Manor and southern dwelling will overlook/overshadow new dwelling gardens
- development would create highway safety issues-negative impact on road network and safe road operations/inadequate parking/inadequate access visibility/no footway
- out of character in scale and design
- hard landscaping/fencing- adverse visual impact

- highway dangers and amenity impacts on neighbours from construction traffic/phase
- adverse effects on local businesses
- substantial increase in traffic on already heavily used Stonebarrow Lane (by cars, walkers, cyclists)
- loss of trees
- additional vehicular access too dangerous
- difficult junction with Stonebarrow Lane
- if approved-should be permanent dwellings- not holiday/second homes

1 letter of support. The main planning related points include-

- excellent and sympathetic addition to this area
- useful addition to housing stock

Further Comments Received on Amended Scheme:

2 further letters of objection/comment. The main planning related points include:

- Re-statement of earlier expressed range of objections of 14/5/21 relative to adjacent holiday business (bulk of concerns remain) as summarised below:
 - The development would harm the historic and landscape character of the designated Area of Outstanding Natural Beauty and Heritage Coast
 - There is no economic justification for the loss of the existing tourism use
 - The development would frustrate the proper planning of the area
 - There is no evidence, reason or justification to depart from the Strategic Housing Approach of the Development Plan to allow for housing in this countryside location outside the settlement boundary
 - The development would create amenity issues that could impinge on our client's business operation
 - The development would provide substandard housing.
- concern of impact of residential use on the efficient operation and continued viability of adjacent holiday business -particularly if Stonebarrow Barn employment servicing condition is removed, resulting in a permanent residential use adjacent to commercial yard - concern over potential complaints that might compromise operations, and that the scheme is contrary to policy ENV16 - Amenity. Maintenance yard cheek-by- jowl with windows in Stonebarrow Barn
 - inaccuracies in applicants planning statement
 - scheme unacceptable in principle and in context of national and local Planning policy
 - divided gardens and excessive parking out of character
 - removal of trees/hedging detrimental to flora and fauna
 - harm to AONB from new housing
 - construction phase-detrimental to amenity and local holiday businesses

Full copies of all letters of representation can be viewed on the Dorset Council website.

9.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan 2015

SUS1 The level of economic and housing growth
SUS2 Distribution of development
SUS3 Adaptation and re-use of buildings outside defined development boundaries
ENV1 Landscape, seascape and sites of geological interest
ENV2 Wildlife and habitats
ENV4 Heritage Assets
ENV5 Flood Risk
ENV7 Coastal Erosion and land instability
ENV9 Pollution and contaminated land
ENV10 Landscape and townscape setting
ENV12 Design and positioning of buildings
ENV13 Achieving high levels of environmental performance
ENV15 Efficient and appropriate use of land
ENV16 Amenity
ECON3 Protection of other employment sites
HOUS1 Affordable Housing
COM7 Safe and efficient transport network
COM9 Parking standards in new development

National Planning Policy Framework 2021

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

Decision-making

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

Other material considerations

AONB Management Plan 2019-2024
West Dorset Landscape Character Assessment
Design and Sustainable Development Guidelines
Bournemouth, Dorset and Poole Parking Standards

10.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

11.0 Public Sector Equalities Duty

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 Public Sector Equalities Duty. Parking spaces are generally provided relatively close to dwellings which will assist the elderly or less able.

12.0 Climate Implications

12.1 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. However, this must be balanced against the opportunity to provide housing in a sustainable location. A condition will be added to include electrical vehicle charging scheme.

12.2 Additionally, the applicant has provided a Renewable Energy Statement. This includes for example 3 electrical charging points, the new-build including solar panels and insulation double the thickness of conventional cavity wall construction. All the properties are to have energy efficient boilers and all will have water butts.

13.0 Planning Assessment

Principle of development-

13.1 The village of Charmouth has a defined development boundary in the adopted Local Plan. This is because it has a range of facilities and services, including a primary school, shops, cafes, etc.

13.2 The spatial strategy in the local Plan is set out in policy SUS2. This has a three-tiered approach, with the main towns of Weymouth and Dorchester as the highest

priority locations for new development and elsewhere the market/coastal towns, Portland and Crossways being a focus for future development at the second tier in the hierarchy. At the third tier, the policy states; *“Development in rural areas will be directed to the settlements with defined development boundaries, and will take place at an appropriate scale to the size of the settlement”*.

13.3 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 Charmouth.

13.4 However, the council’s policies/strategies in respect to the delivery of homes are not up to date and therefore ‘the presumption of favour of sustainable development’ in national planning policy is engaged. The council’s strategy for meeting housing need is outlined in parts I), II) and III) of Policy SUS2 of the 2015 adopted local plan. The location for the proposed new dwelling (i.e. on a site which is not specifically allocated for development in the local plan and which is outside existing defined development boundaries) are inconsistent with parts I) and II) and do not satisfy any of the exceptions listed in part III).

13.5 However, five years have now elapsed since the local plan was adopted in October 2015 – in order to maintain the supply and delivery of new homes paragraph 74 of the NPPF states that the council is obliged to identify ‘...a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.’ Using a Local Housing Need Figure, the council’s most recent ‘Five-year housing land supply April 2020’ states that ‘...the council can demonstrate a supply of deliverable sites equivalent to 4.93 years.’ (Paragraph 4.1.3). Because the council is not able to demonstrate a five-year supply of deliverable housing sites, parts I), II) and III) of Policy SUS2 cannot be considered as up-to-date when assessing the proposals for new dwellings. In accordance with paragraph 11d) of the NPPF planning permission should be granted for the proposed dwellings unless: “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.’

13.6 Whilst outside the defined development boundary it is only 162m away. The site is consequently well related to the settlement of Charmouth. The proposed homes will contribute to meeting the needs for new homes in this part of Dorset without adverse impacts on the local environment in a location which will allow the occupants of the development to access existing services/facilities in the nearby town.

13.7 The likely fragility of the Councils’ housing land supply in the Local Plan was foreseen by the Local Plan Inspector who stated: *The overall number of dwellings derived from the various sources of supply is unlikely, however, to be sufficient to meet housing targets to the end of the plan period making it necessary for the Councils to identify further land.”*

13.8 As a consequence of this tenuous position, the LP Inspector advised; *It is therefore important that the Councils closely monitor the delivery of new dwellings and take advantage of every reasonable opportunity to improve their short term supply position as well as the overall amount of housing for the plan period.*" [my emphasis] (para.106).

13.9 Whilst the Council is progressing a new Dorset Council Local Plan this is at a relatively early stage and therefore currently carries little weight.

13.10 Consequently, there remains a clear need in your officer's opinion not to continue to apply 'full rigour' to Policy SUS2 and to look for opportunities to bolster the housing supply where these are consistent with the remaining policies in the Local Plan, in particular Policy INT1 which promotes sustainable development. In this regard the site is just 162m from the Charmouth defined development boundary. Given the range of facilities and services the Local Plan regards Charmouth as a sustainable location for further development where this takes place in rural areas, subject to this being at an appropriate scale to the size of the settlement as advised in Policy SUS2. In these circumstances, it is considered that the Council should regard the site as a sustainable location for further development and that the principle of new-build is acceptable in this context. The proposal also includes the re-use of the existing Manor as 5 residential units. Policy SUS2 of the Local Plan allows for the re-use of existing rural buildings for open market housing hence this is also acceptable in principle.

13.11 Representations have made reference to the loss of employment from the site. Policy ECON6 of the Local Plan refers to retention of hotels and guesthouses. However, the site is neither of these uses so the policy does not apply- it is a self-catering holiday unit-albeit a large one.

13.12 Regarding Stonebarrow Barn, when the Manor became a holiday unit in 2002 a planning condition was placed on the Barn close-by to limit occupation to persons engaged in the servicing of the holiday unit (condition 4 of 1/W/2002/0886). The condition reads:

The occupation of the cottage shall be limited to a person engaged to work (including a self-employed person) on a full-time or near full-time basis within the property known as Stonebarrow Manor, in connection with the provision of holiday accommodation, together with the immediate family of such person and any dependants residing with such person.

Reason: The site is in an area where new dwellings would be contrary to the provisions of the approved Development Plan and normally would not be permitted.

13.13 Whilst this can be regarded as an element of employment it is very limited in its scope as it would involve just one person servicing just one holiday unit. Consequently, it is not considered expedient to retain the condition linking occupation to employment relating to servicing the Manor building. It should also be noted that the Barn has effectively been used as a dwelling and would simply continue as such under this scheme. Furthermore, under current practice it would not normally be necessary to require a unit of serviced accommodation on site with a

self-catering holiday unit in any event. Moreover, the Development Plan scenario is quite different 19 years on due to the shortfall in housing land supply.

13.14 Representations have also been received expressing concern at the absence of affordable housing within the scheme. The council on smaller sites such as this does not require on-site provision but *does* seek to secure financial contributions towards affordable housing off-site. The site does benefit from vacant building credit in relation to the existing building which would be converted. The scheme involves a net gain of 6 more dwellings and the contribution is based on 35% provision minus the vacant building credit. Accordingly, this development can provide a contribution of £36,228.62 towards affordable housing. This would be secured by a planning obligation.

Effect on Visual Amenity and Area of Outstanding Natural Beauty-

13.15 The site lies within the Heritage Coast and Area of Outstanding Natural Beauty (AONB). It is also visible from the adjacent Charmouth Road and Stonebarrow Lane. As it is a visually sensitive site any development needs to be handled carefully. The scheme has been reduced from 9 to 7 dwellings. New-build elements are limited comprising 1 new detached unit between the Barn and Manor, and a first floor extension and roof alteration to the Manor and a ground floor extension to the proposed unit 5 (to rear of Manor). Development has been deliberately kept away from the boundaries/boundary tree planting and is acceptable relative to the TPO'd trees within the site. The new detached unit has been sited to allow an appreciable distance from the two buildings and is of a similar height. This coupled with the shorter frontage length helps to assimilate the building as slightly subservient in mass to the other buildings. The design is more contemporary although it picks up on more traditional finishes with render/timber-clad elevations under a slate roof. The Manor would have certain frontage window openings converted to doors for the proposed units, although the principle central door/entranceway would be retained. There is an historic natural stone walled garden to the rear of the Manor; this would be retained and used as garden for two of the units. Additional gravelled parking areas would be provided for car parking adjacent to the units, with the existing parking area on the site continuing as a car parking area. About half the current gravelled area in front of the barn would be replaced by a lawn.

13.16 The site has a wide relatively open largely grassed frontage to Charmouth Road with a number of trees- particularly to the western end of the site. This area would be kept free of significant built development with the area divided only by post and wire fencing or hedgerows. A frontage hedgerow would be planted along the roadside, and continued on a slightly set-back line, parallel with the frontage to the Barn.

13.17 It is considered that the siting, design and materials are visually acceptable on this site. Furthermore, the scheme will include retention of the important trees/vegetation and will include significant further planting.

13.18 The site lies within the AONB; the location is close to other development including dwellings and a large holiday park. As such the scheme sits within a more

developed context. In these circumstances it is considered that the proposals would not cause harm to the natural beauty of the Area of Outstanding Natural Beauty.

Heritage Assets-

13.19 The site includes Stonebarrow Manor and Stonebarrow Barn. Neither building is listed nor in a conservation area. They are considered to be non-designated heritage assets. Stonebarrow Barn is a traditional vernacular building and there is minimal change to the building externally. Stonebarrow Manor is a white finished stone building dating back several hundred years. The first floor extensions and modest external alterations are considered to be sympathetic to the character of the building and are acceptable; there would be minimal harm to the significance of the building.

Effect on Residential Amenity-

13.20 The most apparent immediate adjacent use is the Newlands Holiday Park to the east. This boundary is defined by a raised slope/bank mainly surmounted by mature tree cover. Moving northwards along this boundary the site is adjacent to the plant storage and compost area of the holiday park, with parking areas further north. To the east of the Barn is a machinery workshop/maintenance building, together with an open yard with an area for recycling materials and recycling bins adjacent to the Barn's gable end. The operators of the holiday park have expressed concern over the potential of occupiers of the Barn complaining over the activities that take place here as part of the running of the holiday park. However, whilst the condition on the barn stipulates that the current occupiers occupancy relates to servicing the holiday unit -it has of course been occupied as a residential dwelling -and that type of occupancy would not change with the removal of the condition. From site visits to both sites the case officer did not see any significant issue that would prevent a satisfactory relationship between a dwelling here and the uses close by on the holiday park. There are two existing higher level small windows on the gable end with views facing into the maintenance yard. They both serve wc's and this would continue to be the case. In fact, the relationship is likely to be improved as the applicant has indicated the transparent glass would be replaced with obscure glazing. There would be some changes to the internal layout but externally the Barn would remain as at present. To the front of the barn there is an existing c1.7m high natural stone all which helps provide some privacy from this adjacent yard.

13.21 There are dwellings on the opposite side of Stonebarrow Lane although the distance and relative sitings do not give rise to residential amenity related issues. The conversion of the Manor itself has been designed in such a way that no unacceptable overlooking of adjacent units/gardens would occur. The scheme is considered acceptable in residential amenity terms.

Flood-risk and Drainage-

13.22 The site lies almost entirely within flood risk zone 1(lowest risk) - with a very small area at the north-west corner in zone 2. No built development is proposed in

zone 2. A Flood Risk Assessment has been provided and the Council's Flood Risk Management Team are content with this. The Coastal Risk Management Officer referenced the Environment Agency (EA) surface water mapping in his comments. A consultation has been passed to the EA, although they may not offer comment given the low flood risk designation. The applicant is however currently preparing a surface water drainage strategy for the site. This is likely to be addressed by a planning condition subject to the comments of the EA.

Land Stability-

13.23 The site lies in Land Stability Zone 3. A Geotechnical Report has been submitted and assessed by the Council's Flood and Coastal Erosion Risk Management Division. The Project Engineer considers the report acceptable and the recommendations in it to be sound and should be followed. He also advises collected surface/rainwater should be discharged to a piped drainage system (soakaways should not be used). The Project Officer, Coastal Risk Management and the Building Control Officer have also reviewed the further amended report and agree with the conclusions stated.

Ecology-

13.24 The applicant has submitted a biodiversity plan to the Natural Environment Team (NET). The comments of the NET Team are currently awaited.

Highways-

13.25 The scheme had originally proposed an additional access onto Stonebarrow Lane. However the scheme has been amended and now the existing vehicular access would be used. The Highways Officer has been re-consulted and advises that acceptable visibility is available at the existing access given the nature of the highway in this vicinity. The scheme provides 17 car spaces and the Highways officer considers this sufficient. He raises no objection to the scheme subject to conditions including parking layout, visibility splays and no gates obstructing access. The scheme is considered acceptable in highway safety terms.

Officer Comments on Parish Council Observations:

(Note: these comments mainly focus on comments made in relation to the amended scheme as most relevant)

13.26 Char Valley Parish Council- The council are concerned that the proposal includes no affordable housing. However, as outlined earlier in the report; the council on smaller sites such as this (between 6 and 9 units) does not require on-site provision but *does* seek to secure financial contributions towards affordable housing off-site. The site does benefit from vacant building credit in relation to the existing building which would be converted. However, this development can provide a contribution of £36,228-62 towards affordable housing. This would be secured by a planning obligation.

13.27 There is concern at the loss of tourist-related employment from the barn; however, this is a minimal employment provision and there is no relevant policy to reasonably resist a change of use of the Manor to residential. Consequently, there is a lack of justification to retain the employment-related planning condition.

13.28 The Council objects to housing outside the defined development boundary (DDB). However, as explained in the “principle of development” section earlier, the absence of a 5 year housing land supply provides a justification for supporting the scheme as it is in a sustainable location very close to the DDB. They are concerned the new dwelling near the historic Manor will detract from its setting. However, it would be over 11m way, at a lower height and markedly smaller mass. As such, it is considered it would have an acceptable effect on the setting of the Manor. They also consider there would be dangerous extra traffic on the access road. However, the highways officer advises that there is no objection to the amended scheme subject to conditions.

13.29 Charmouth Parish Council (adjacent parish)- They are pleased that what they considered to be overdevelopment is addressed by the removal of 2 dwellings, but want to see affordable homes included. They have concerns over access given number of vehicles. These two concerns are addressed by the officer comments in the foregoing section above.

14.0 Conclusion

14.1 This scheme represents an opportunity to provide 7 open market dwellings in a sustainable location close to Charmouth; it would be a useful boost to housing provision with only modest change to the amount of built development and would provide £36,268.62 towards affordable housing provision.

14.2 The scheme is acceptable in highways terms. In terms of the economic sustainability objective, the scheme would provide employment during the construction phase, and occupiers are likely to help support the various local business and services in the Charmouth area. In social terms, occupiers may have involvement with community facilities in the locality. Regarding the environmental objective the scheme respects the character of the existing buildings and their setting; the siting, design and materials are considered acceptable in the Heritage Coast and the Area of Outstanding Natural Beauty.

15.0 Recommendation

Recommendation A: That the committee be minded to delegate authority to approve to the Head of Planning subject to planning conditions, and a planning obligation to address an affordable housing contribution of £36,228.62 and subject to the comments of the Natural Environment Team, and to any comments of the Environment Agency stating that they have no objection or no comments being received from them by 3/11/21 and imposing any additional conditions requested by them which in the view of the Head of Planning are necessary and that the Head of Planning determine the application accordingly.

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

Proposed site plan MOD-85-05B

Proposed Floor plan and elevations MOD-85-04B

Proposed floor plan and elevations for new build dwellings MOD-85-06B
Existing and proposed street scenes MOD-85-07B

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 above damp proof course shall take place until full details of the external walling and roofing materials for the development shall first have been submitted to and approved in writing by the local planning authority. No windows shall be replaced/installed until details of the materials and external finish shall first have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed materials. The agreed external render colour of Stonebarrow Manor shall be permanently retained thereafter unless otherwise agreed in writing by the local planning authority

REASON: In the interests of visual amenity, and to ensure a unified appearance to the Manor building.

4. No dwelling shall be first occupied until the means of enclosure for the site shall have been erected, all in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The agreed means of enclosure shall be permanently retained thereafter.

REASON: In the interests of visual amenity.

5. No development shall be commenced until the existing trees have been protected in accordance with the details set out in the Arboricultural Method Statement – 13/9/21 setting out how the existing trees are to be protected and managed before, during and after development. Thereafter the development shall be carried out in accordance with the Method Statement and the protections measures maintained for the duration of the development. The local planning authority shall be notified in writing within 1 week of the protective tree fencing having been erected.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

6. Prior to the commencement of any development hereby approved, above damp course level, full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The soft landscaping details shall include a new native species roadside hedge and a specimen landscape tree to replace T1. These details shall include where relevant: proposed

finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; retained landscape features. 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. The submitted details shall include details of the management and maintenance of the soft landscaping and the landscaping shall be maintained in accordance with the approved details.

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

7. Prior to the commencement of the development hereby approved 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, 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.

8. The development thereby approved shall be carried out in accordance with the submitted Flood-risk Assessment Statement received 29/9/21.

REASON: To minimise flooding risk.

9. No development above damp proof course level shall take place until a detailed scheme to show how collected surface/rainwater is to be discharged to a piped drainage system on the site shall first have been submitted to and approved in writing by the local planning authority (soakaways are not permitted). The development shall not be first occupied until the agreed scheme shall have been installed. The scheme shall be permanently retained thereafter.

REASON: To assist satisfactory surface water drainage and minimise land stability risk.

10. The development hereby approved shall be carried out in accordance with the PCRM Ground Stability Assessment and Recommendations (6/10/21).

REASON: To minimise risk of land instability.

11. 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.

12. The development hereby approved shall be carried out in accordance with a bio-diversity plan which shall first have been submitted to and approved in writing by the local planning authority. The bio-diversity plan shall include a timetable for implementation and thereafter the development shall be carried out in accordance with the approved timetable.

REASON: In the interests of enhancing bio-diversity.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) (except for the alterations permitted by this application) there shall be no external alterations or enlargements to the front (north) elevation of Stonebarrow Manor without the prior written approval of the local planning authority.

REASON: In the interests of ensuring an overall unified visual appearance to the front elevation of the Manor.

14. Before the development hereby approved is occupied or utilised the turning and parking shown on the approved 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.

15. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

REASON: To ensure that a vehicle can see or be seen when exiting the access.

16. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

REASON: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

Informatives-

-NPPF approval

-S106/UU

-CIL

-Street-numbering

Recommendation B: That the committee be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning and that the Head of Planning determine the application accordingly:

In the absence of a satisfactory and completed section 106 agreement or unilateral undertaking the scheme would make no provision for a contribution to affordable housing in the locality and as such the development is contrary to Policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2021).

Officer Report

Application Number:	P/FUL/2021/02664
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	10 Kirtleton Avenue Weymouth Dorset DT4 7PT
Proposal:	Change of use from Class C2 residential institution to Class C3 residential dwelling houses and C4(a) houses in multiple occupation.
Applicant name:	Dorset Council
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Barrow and Cllr Gray

1.0 In accordance with the council's scheme of delegation the application must be determined by committee because the Council is the applicant.

2.0 Summary of recommendation: GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paras 16.1 and 16.2 at end:

- Absence of 5 year land supply
- Para 11(d) 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 proposal would deliver benefits through the provision of accommodation for care leavers.
- The location is considered to be sustainable and the proposal will not result in any changes to the appearance of the building.
- There is not considered to be any harm to neighbouring residential amenity.

4.0 Key planning issues

Issue	Conclusion
Principle of development	While the proposal would result in the loss of an existing care home use the proposal would deliver significant benefits through the provision of accommodation for care leavers together with a new care leaver hub.
Scale, design, impact on character and appearance	The proposals will not result in any external changes to the appearance of the building

Officer Report

Impact on amenity	The proposals would not result in any additional impacts from overlooking, overbearing or loss of light. While the character of the use would change the site is located in a residential area
Highways and parking	The site would retain six off road parking spaces and would also provide for a new secure cycle parking. There is no objection from the highways authority and the proposals would not result in unacceptable impacts on the highways network.
Habitats	The occupancy of the development as proposed would be lower than anticipated for the previous use so it is considered that there is no likely significant effect on habitats sites.

5.0 Description of Site

- 5.1 The site is located on the north eastern side of Kirtleton Avenue, in the Melcombe Regis area of Weymouth. The site is rectangular and is occupied by a 2.5 storey building which fronts onto the road, behind frontage car parking. There is a vehicular access at the north western boundary of the site providing access to a rear parking courtyard. Ground levels fall from the street towards the rear of the site. There is minimal soft landscaping on the site at present, comprising some small planting areas at the front of the site and an enclosed rear garden area. The building occupying the site was constructed as a care facility to provide respite care for disabled children.
- 5.2 The site is within the urban area of Weymouth and the surrounding area is predominantly residential in character comprising a mix of early to mid-20th century dwellings and more modern replacements dating to the late 20th and early 21st century. Buildings in the vicinity are generally traditional in their appearance with pitched roofs and brick construction. Buildings are generally 2-3 storeys in scale, many including accommodation in the roof space.

6.0 Description of Development

- 6.1 The proposal is for the change of use of the building from the former respite care use, to provide 8 new dwellings which are intended to be made available for care leavers. The proposal is for the change of use only and does not include any external alterations to the building.
- 6.2 The dwellings to be created will comprise a mix of one and two bedroom units and it is intended that the proposals will provide accommodation for up to 14 people. The proposal is specifically intended to provide accommodation for care leavers, to support the transition into independent living as part of the council's care leaver strategy. The ground floor of the building will therefore provide a range of communal facilities for residents including a communal kitchen and lounge and a training kitchen.
- 6.3 Two flexible spaces are also provided at the ground floor level which would allow for a variety of support activities for the residents.

Officer Report

- 6.4 The site has 6 existing parking spaces which would be retained. An externally accessible secure cycle store would be provided at the lower ground floor level of the building, accessible from the rear.

7.0 Relevant Planning History

Application number	Proposal	Decision	Decision Date
09/00025/FUL	Demolish existing building and erect 3/4 storey 13 bedroom care home with communal and support staff space	Granted	05/03/2009
08/00137/REM	Demolition of existing building and erect block of 8 flats with parking	Granted	28/04/2008
08/00098/OUT	Renewal of permission to demolish the existing building and erect block of 8 flats with parking	Granted	08/04/2008
08/00008/FUL	Demolish existing building and erect 8 flats	Refused	07/02/2008
05/00011/OUT	Demolition of existing building and erect block of 8 flats with parking	Granted	25/02/2005

8.0 List of Constraints

Type: Neighbourhood Area; Name: Weymouth; Status Designated 18/05/2020;

NE - SSSI impact risk zone;

NE - SSSI (400m buffer): Radipole Lake;

NE - SSSI: White Horse Hill ;

NE - SSSI: South Dorset Coast ;

NE - SSSI: Chesil & The Fleet ;

NE - SSSI: Portland Harbour Shore ;

NE - SSSI: Radipole Lake ;

NE - SSSI: Crookhill Brick Pit ;

NE - SSSI: Lodmoor ;

NE - SSSI: Lorton ;

NE - SSSI: Chalbury Hill and Quarry ;

NE - SSSI: Upwey Quarries and Bincombe Down ;

9.0 Consultations

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

Consultees

1. **DC - Housing Improvement Team** – Comments not received.

Officer Report

2. **DC – Highways-** No objection subject to condition requiring provision of turning and parking space.
3. **P - Weymouth Town Council –** No Objection
4. **Radipole Ward Councillor –** Comments not received.

Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

No third party comments have been received in respect of this application.

10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan 2015

- 10.1 So far as this application is concerned the following policies are considered to be relevant:

- INT1 – Presumption in favour of sustainable development
- ENV10 – The landscape and townscape setting
- ENV12 – The design and positioning of buildings
- ENV13 – Achieving high levels of environmental performance.
- ENV15 – Efficient and appropriate use of land
- ENV16 – Amenity
- SUS2 – Distribution of development
- HOUS4 – Development of flats, hostels and houses in multiple occupation
- COM3 – The retention of local community buildings and structures
- COM7 – Creating a safe and efficient transport network
- COM9 – Parking standards in new development

Other material considerations

National Planning Policy Framework

- 10.2 So far as this application is concerned the following sections and paragraphs are considered to be relevant:

- 2 – Achieving sustainable development

Officer Report

- 5 – Delivering a sufficient supply of homes
- 8 – promoting healthy and safe communities
- 11 – Making effective use of land
- Paragraph 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.

Dorset Council's Care Leave Strategy 2021-2023

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.

11.1 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

12.1 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.

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

12.3 The proposal will re-use a building which was constructed as a care home and which is fully accessible, with lifts serving all floors. The proposal will not impact upon persons with protected characteristics. In spite of the existing lawful use being as a care use for the disabled, the building is not currently operating so there would be no loss of those services.

Officer Report

13.0 Financial benefits

What	Amount / value
Material Considerations	
Non Material Considerations	

14.0 Climate Implications

The proposal will deliver additional dwellings through the re-use of an existing building allowing for the minimisation of waste and the efficient use of resources.

15.0 Planning Assessment

Principle of development

- 15.1 The site is located within an existing and established residential area within the urban area of Weymouth where residential development is considered acceptable in principle, subject to compliance with other policies of the Local Plan. In this instance, policy COM3 of the plan is of particular relevance due to the existing use of the site.
- 15.2 The existing use of the site is as a care home, which specifically provided respite care for disabled children. Policy COM3 seeks to protect such community facilities unless it can be demonstrated that there is no need for the facility or that such a facility is no longer likely to be viable, and that an appropriate alternative community use to meet local needs is not needed or likely to be viable.
- 15.3 In this case no information has been provided in respect of the reason for the care use ceasing or in respect of the viability of the care use. However due to the nature of the proposal – to provide housing specifically for care leavers, which will be accompanied by a degree of support on site that the proposal would continue to form an appropriate community use of the site.
- 15.4 Furthermore the proposal must also be considered in the context of the council's housing land supply position. At present the council is unable to demonstrate a 5 year housing land supply. In such circumstances relevant policies are considered to be out of date and the presumption in favour of sustainable development applies. In accordance with paragraph 11 (d) of the National Planning Policy Framework, this means that planning permission should be granted unless:
- The application of specific policies in the framework that protect assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Officer Report

- 15.5 In this instance the site is not subject to any designations which would justify refusing planning permission under point (i), above. In respect of the planning balance, while there would be a degree of conflict with policy COM3 it is considered that the benefits of providing 8 units of accommodation for care leavers would not be outweighed by any harm resulting from the loss of the care use, given that it is not currently active.

Impact on character and appearance

- 15.6 The proposal does not include any external physical alterations to the building. As such the proposal would not result in any harm to the character and appearance of the area.

Impacts upon amenity

- 15.7 As the proposal will not involve any external alterations to the building it would not have potential to give rise to harmful impacts through overlooking or loss of light. The rear elevation of the building is approximately 17m from the properties to the rear, on Park Lane. Although this is marginally less than would ordinarily be sought, as the relationship is an existing one, it is not considered that there would be any materially harmful impacts as a result of the proposed change of use.
- 15.8 The change of use will result in a change in nature from a care to a residential use. While that has potential for increased levels of activity, the site is in a residential area and such levels of activity would be comparable to surrounding properties. Further, due to the nature of this building, being council-managed supported accommodation there is potential for closer management of tenants.
- 15.8 The proposals will retain external amenity space for use by residents and each of the units would comfortably meet and exceed the nationally described space standards and would therefore provide an appropriate level of amenity for future residents.

Highways and parking

- 15.9 The site will utilise existing vehicular and pedestrian access and has a total of six on site parking spaces which are to be retained. In addition, space in the lower ground floor is to be dedicated to the provision of a secure cycle parking area. The site is also located in a highly sustainable location which is accessible by public transport and on foot. The highways authority has raised no objection subject to the imposition of conditions requiring the retention of turning and parking space and the provision of the cycle parking prior to the occupation of the dwellings.

Habitats

- 15.10 The proposal is located within 5km of the Chesil and the Fleet European Habitats Sites where recreational pressures from additional population has potential to give rise to significant impacts upon the integrity of the sites. In this instance it is considered that significant effects can be ruled out as the anticipated occupancy arising from the proposed use would be lower than that arising from the current use.

16.0 Conclusion

- 16.1 The proposal will secure the provision of 8 dwellings specifically for care leavers and will aid in the delivery of the Council's Care Leaver Strategy. Although the proposal

Officer Report

would result in the loss of a previously established care use, that use is not active and it is considered that the benefits of providing these specialist dwellings would outweigh any loss.

- 16.2 The proposals would not result in any change to the overall character of the area and would not result in harmful impacts upon amenity while providing a good standard of amenity for residents. The proposals would not result in any highways harm, subject to the imposition of appropriate conditions.

17.0 Recommendation

Recommendation: That the committee be minded to approve 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:

Block & Site Location Plan - A010 P2

Floor Layout Plans as Proposed A104 P4

Proposed Ground Floor Plan A105 P4

Proposed First Floor Plan A106 P4

Proposed Second Floor Plan A107P4

Existing and proposed lower ground floor - A108 P2

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

3. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. 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 in the interest of highway safety.

4. Prior to use or occupation of development hereby approved, the cycle parking facilities shown on drawing number A104 shall be constructed and made

Officer Report

available. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

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

In this case:

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

Case Officer Signature:		Authorising Officer Signature:	
Date:		Date:	

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Western and Southern Area Planning Committee

4 November 2021

HI1229 Custom House Quay, Weymouth – Public Realm Enhancements

For Recommendation to Cabinet

Portfolio Holder: Cllr R Bryan, Highways, Travel and Environment

Local Councillor(s): Cllr Jon Orrell

Executive Director: J Sellgren, Executive Director of Place

Report Author: Christopher Peck
Title: Cycling and Walking Officer
Tel: 01305221883
Email: christopher.peck@dorsetcouncil.gov.uk

Report Status: Public

Recommendation: That having considered the representations received in response to public advertisement, that the Committee recommend the approval of the proposed changes to the Traffic Regulation Order as advertised for the removal of parking.

Having considered the representations received to public advertisement, that the Committee recommend that the Traffic Regulation Order for the contraflow cycle provision does not proceed.

Reason for Recommendation: To enable the footway widening in order to provide a more pleasant, safer environment for non-motorised users whilst retaining access for loading for harbour businesses. It is considered that the benefits of the public realm enhancement scheme and dedicated loading bays for harbour businesses outweigh the inconvenience of the loss of thirty-nine free one hour on-street parking spaces.

Further discussions with stakeholders indicate that a contraflow cycle route in this location would not be supported.

1. Executive Summary

- 1.1 The current proposal is unrelated to any decision to be made on the continued presence of safety barriers on the harbour wall, which were installed in April 2021 following a risk assessment by the harbour authority.
- 1.2 The Weymouth Town Centre Masterplan (2015) and the Western Dorset Economic Growth Corridor Transport and Movement Studies, (2019), examined potential schemes for improving the town centre, including public realm proposals for the harbourside, emphasising the need to reduce on-street parking in this area, introduce a better quality public realm, and allow contraflow cycling on various streets in Weymouth to create a more coherent cycle network.
- 1.3 The removal of the harbour tramway was awarded funding from the Department for Transport in early 2020. The scope of the project was enlarged to consider more substantive public realm improvements during the Covid-19 emergency response period, when the road was closed during the day from July-September 2020 to allow hospitality businesses additional outside space and to support social distancing. Work commenced on rail removal in autumn 2020, with a temporary layout installed in March 2021 to allow full summer access for hospitality and leisure businesses based on the harbour.
- 1.4 The town council has previously requested improvements to the harbour, and have indicated that they have no objection to the proposed order. The scheme is supported by the ward Member. Over the first half of 2021, engagement activities have also taken place with the Harbour Consultative Group, with individual business owners in the harbour and with other stakeholders.
- 1.5 A public consultation on proposed changes to the layout of Custom House Quay was undertaken from January – February 2021, with over 1,400 responses. There was overall support for the scheme as a whole, with 58% in favour, 22% against and 20% unsure, however, some elements of the scheme, such as the contraflow cycle lane, were opposed by the majority of respondents – see Appendix E.
- 1.6 Contraflow cycling (two-way cycling on otherwise one-way roads) is an established, widely used technique, which has been implemented on 2,000 streets in London and hundreds elsewhere in the country. Since

very few schemes such as these have been implemented in Dorset, it is understandable that residents have concerns. It is therefore proposed that the contraflow cycle lane not be included in the final scheme.

1.7 The advertisement of a Public Notice on the Traffic Regulation Orders (TROs) took place in early July 2021, with a public consultation running from 8 – 31 July 2021. To make the necessary TRO changes, this report considers the objections and representations received and whether the proposed TRO changes should be implemented as advertised.

1.8 For technical reasons linked to the type of order, two draft TROs were published, one to remove the parking and one to permit two-way cycle movement. The responses to both have been amalgamated as there was considerable cross-over between responses, however, in many cases individuals chose to make representations to each separately, sometimes repeating their views.

1.9 A majority of the representations (52%) were objections to the proposals, both to the removal of parking and to the two-way movement for cycles. Themes identified from the objections and general comments are summarised below from paragraph 9.21 onwards.

2. Financial Implications

2.1. The only financial implication would be the implementation costs of the TRO, costing around £3,000, the budget for which comes from the overall scheme construction budget. Funding for the whole scheme has already been authorised as part of the rail removal project, though additional funding has been found for some elements from the Government's Active Travel Fund.

2.2. If the proposed parking TRO were to be denied substantial work would still be needed on the street to improve drainage and provide a permanent surface.

2.3. Design costs have already been incurred to bring the scheme to construction; these costs are not recoverable. Were the TRO on parking not taken forward further design costs would likely be needed to make further alterations to the scheme.

3. Well-being and Health Implications

- 3.1. 66% of Dorset's adult population is classified as obese or overweight and public health outcomes are particularly poor in the central Weymouth area, where the life expectancy of men is over ten years lower than in Upwey & Broadwey Ward. The scheme is part-funded through the Department for Transport's Active Travel Fund, which supports schemes to increase walking and cycling levels and increase physical activity.
- 3.2. Increasing opportunities for active travel is fundamental to creating healthier communities. Wider footways will help encourage active travel in the area and support healthier lifestyles.

4. Climate implications

- 4.1. Emissions from transport are now the greatest source of greenhouse gas emissions in Dorset by sector, having increased from 32% of all emissions in 2005 to 46% by 2019.
- 4.2. The provision of free parking on Custom House Quay leads to many people making regular circulatory search trips in the town centre, adding unnecessary mileage and adding to other problems in the town centre. The removal of parking and the consequent improvement in conditions for people on foot will contribute to helping to shift some short car trips to these modes, saving carbon emissions.
- 4.3. Currently 50% of commuting trips in Weymouth under 5kms in length are undertaken by car. Improving conditions for people on foot will help provide alternative to some short car trips.

5. Other Implications

- 5.1. The proposed scheme supports wider sustainability in the area through helping to reduce traffic movements in the town centre, thereby alleviating air pollution and enhancing the quality of the local environment. The 39 free spaces generate traffic in the area, particularly circulating traffic searching for free parking as discussed above. Responses to the TRO indicate that residents have noticed a welcome reduction in traffic levels on Custom House Quay while the temporary scheme has been in place.
- 5.2. The impact on economic sustainability of local businesses is mixed: although loading bays supports many harbour businesses, the removal of much of the 1hr parking may have an impact on some businesses whose customers previously relied on finding spaces in this location. In favour of the proposal, the allocation of more space for outside seating will benefit the businesses who will directly, as well as creating a more attractive

environment to support more visits to the town. Some free 1hr parking (on shared resident parking bays) remains on Mitchell Street, Market Street, Helen Lane and on the southern end of Commercial Road.

- 5.3. By improving the appearance and public realm quality of the area, the scheme supports parallel Property and Assets projects in the wider area, including the Peninsula regeneration scheme, and regeneration of the North Quay site.

6. Risk Assessment

- 6.1. A design risk assessment has been conducted for the proposed scheme, addressing conflicts between road users, including pedestrians, cycles and motor traffic. The design techniques adopted will reduce high and medium risks under the pre-2021 layout to low, including through provision of additional surface treatments to slow vehicles and to provide safety to contraflow cycling.

7. Equalities Impact Assessment

- 7.1. An Equalities Impact Assessment concluded that there will be positive impact on sectors of the community on the grounds of age, gender, pregnancy and maternity. The impacts on disability are unclear, with some positive impacts and some negative impacts.
- 7.2. It also concluded that there will be no change/ or assessed significant impact on the remainder of the protected characteristic sectors.

8. Appendices

Appendix A – Custom House Quay location plan

Appendix B – Photograph pack illustrating previous layout and temporary layout.

Appendix C – Drawing HI1229/25/100/A, Custom House Quay General Arrangement.

NOTE: To be printed and viewed at A1 size

Appendix D – Drawing HI1229/30/03/Orig, Traffic Regulation Orders

NOTE: To be printed and viewed at A1 size

Appendix E – January 2021 Consultation summary responses

Appendix F – Summary of responses to the TRO consultations

9. Background Papers

9.1. Custom House Quay is situated at the southern end of the peninsula of Melcombe Regis (see Appendix A). The southern side forms the harbour wall, with the first metre of space in from the edge of the harbour wall part of the commercial operation of the harbour rather than highway. Until the temporary arrangements described below, thirty-nine one-hour car parking spaces occupied most of the area on the southern side of the road (see Appendix B).

9.2. Improvements to the public realm of the area have been suggested previously, including the [Weymouth Town Centre Masterplan](#) (2015) which suggested the “provision of a high quality pedestrian connection from The Peninsula to and along Custom House Quay to the town bridge” as well as incorporating cycling along this route..

9.3. The *Western Dorset Economic Growth Corridor Transport and Movement Studies* (WSP, 2019), a collection of strategy documents covering parking, transport and public realm in the town centre, provided further analysis and suggestions. Amongst other issues raised, the Weymouth Town Centre Public Realm Strategy made the following points about the area in and around the quayside:

- *“Significant demand for on-street parking, contributing to vehicles circling in search of spaces and limiting pedestrian movement;*
- *The extant rail lines of the former harbour branch line on Commercial Road, Cosen’s Quay and Custom House Quay are a hazard, particularly to cyclists;*
- *The Custom House Quay and Trinity Road/Cove Row/Hope Street areas contain a good mix of residential and commercial land uses, giving the area significant economic potential. However, on-street parking detracts from views across the harbour, impacts on the visitor experience and reduces available space for pedestrians.”* (Weymouth Town Centre Public Realm Strategy, February 2019)

9.4. The *Western Dorset Economic Growth Corridor Weymouth Town Centre Transport Strategy* also identifies the value in providing for contraflow cycling on a range of streets in the town centre, including Custom House Quay.

9.5. Until 2020 the rails forming the harbour tramway ran within the carriageway. The dimensions of the railway restricted the layout of the road, limiting the size of the footway on the northern side. As the rails

were redundant, proved a risk to road users and a maintenance burden, they were removed, with authority granted at Cabinet on 28/9/2020 (<https://moderngov.dorsetcouncil.gov.uk/ieDecisionDetails.aspx?ID=415>)

- 9.6. The removal of the rail lines and the required redesign of drainage on the road gave an opportunity to reassess how the road was laid out and offered the potential to achieve some of the identified improvements suggested in the *Western Dorset Economic Growth Corridor* analyses.
- 9.7. With the re-opening of hospitality businesses in July 2020, Dorset Council agreed under emergency legislation to restrict access to Custom House Quay during the day for the summer period, with only certain business users allowed access, and nearly all the one-hour parking suspended. This permitted more space to be given over to pedestrians for social distancing, and for hospitality businesses to re-open with outside space.
- 9.8. Under this arrangement the sitting out spaces were placed where car parking spaces were previously. This limited access to the harbour wall, and additional provision was installed to protect access to vessel moorings and pontoon access points, and alterations made over the summer to help alleviate specific issues.
- 9.9. In January 2021 a public consultation on a proposed permanent scheme incorporating some of the changes in the temporary scheme was issued on Dorset Council's website and publicised through a press release and social media, with considerable coverage in the local media. Given the Covid-19 restrictions no drop-in events could take place, but some key stakeholder engagement took place using online meetings. The results of this exercise are summarised in Appendix E.
- 9.10. From late September 2020 Custom House Quay and Commercial Road were subject to major works to remove the rail lines, with work only complete by spring 2021, at which point a temporary surface was installed to once again allow sitting out areas from early April 2021, together with a wider footway. No contraflow cycle lane was installed at this point as this would have required specific signage additional design work and a temporary traffic regulation order. Indicative loading bays were installed to support harbour usage.
- 9.11. The temporary scheme in 2021 closely followed the design proposed under the permanent scheme, with the exception of two-way cycling. Nevertheless, some contraflow cycling has taken place even without the proposed provision.
- 9.12. The proposal to provide a route for contraflow cycling followed Government guidance which is summarised below in answer to *Objection*

C and in Appendix F. In short, local authorities have been asked to assess whether contraflow cycling can be permitted and provide for it where possible. Greater flexibility has been granted by Government to enable this approach under recent changes and contraflow cycling has been implemented on thousands of streets across the country. The unfamiliarity with this approach in Dorset may explain some of the local concerns with the contraflow cycling proposal. Examples of existing contraflow cycling provision elsewhere in Dorset (and BCP Council) can be found in Appendix H.

- 9.13. The permanent scheme will set out loading bays of various lengths on the harbour side to accommodate both large vehicles delivering to the hospitality and retail businesses, but also allow smaller vehicles to load onto the vessels moored alongside. An additional loading bay will be located on Maiden Street adjacent to the Ship Inn. Persistent illegal parking in this location causes blockages on Maiden Street and provision of a loading bay helps ensure that access through here can be maintained more easily. The layout of loading bays has been slightly altered following further discussions with representatives of the Weymouth and Portland Fishermen's and Licensed Boatmen's Association.
- 9.14. The public realm on Custom House Quay will be improved with a wider footway on the northern side, including an area for potential sitting out licences marked on the footway outside the hospitality businesses, and a clear footway available beyond this to the kerb. The surface would be renewed Saxon buff slabs, the same type as that in use there currently. At side roads, a textured crossover would be provided and giveaway lines set back, providing for pedestrian priority.
- 9.15. On the harbour side of the road a wider footway, interspersed with the loading bays, will greatly increase the space available. This footway will remain at carriageway level and protected, as now, with wooden bollards, which in places would be demountable. Improved seating would be provided in places where space is available – exact dimensions and locations of seating is yet to be determined.
- 9.16. The texture of the road will be imprinted asphalt herringbone patterned brick paving, similar to that on the Trinity Road on the southern side of the harbour. In several places courtesy crossing places imprinted in a differentiated pattern will be laid instead of the standard carriageway surface, with tactile markings to help aid navigation for visually impaired users.
- 9.17. In May 2021 the proposed TROs were sent to the Primary Consultees (Town Council, Police and DC Councillor) for comment. With

no objections received, the proposals went to Public Notice and advertised in the local press in July 2021. Street notices were also erected on-site.

- 9.18. A table showing the form of the comments is included as Appendix G. The majority of respondents objected both to the removal of parking (31 objections, 16 support, 12 general comments) and to the contraflow cycling (28 objections, 13 support, 13 general comments).
- 9.19. A total of 113 representations were received from 86 different addresses. More than one representation was received from individual addresses because in some places multiple individuals from a single address responded, or individuals responded to each of the two consultations. In some cases respondents had responded with comments on Custom House Quay to other TRO consultations, however, these were included in this assessment.
- 9.20. Subsequent discussions have been held with various interested parties, including representatives of the Weymouth and Portland Fishermen's and Licensed Boatmen's Association. This has led to some alterations to the location of loading bays to ensure better access to these users.
- 9.21. The objections and comments can be summarised into certain themes. These are set out below, with officer comments after each bullet point:

- *Objection a) Concerns about the loss of residents parking*

Comment: Many of the objections come from the operators of hospitality businesses in this area. Just 6% of the on-street parking capacity (approximately 13 spaces) in the Zone F area will be lost under the proposal, with 191 on-street parking spaces remaining. Further discussion on the potential for alternative provision for Zone F permit holders is ongoing, but approaches similar to that applied in summer 2020 and summer 2021 might be used in future to allow use of the Pavilion car park.

It should be noted that there are 471 residential addresses in the Zone F parking area, of which 89% are flats, only a few of which will have off-street parking. Only around one-third of these residents have applied for an on-street parking permit and therefore most are likely to rely on public transport, foot and cycle for transport. Changes to the public realm to benefit non-motorised modes will therefore be of direct benefit to the vast majority of residents within the Zone F area.

While residents were able before the temporary scheme to access the one hour free parking adjacent harbour wall, technically they were not permitted to use this during the day, and therefore it was of very limited value for most residents, who would have been forced to move their vehicles before 0900 or risk a fine, and only be permitted to return their vehicle in that location at 1800.

- *Objection b) Perceived 'danger' posed by the cycle lane*

Comment: As outlined above, further discussion with stakeholders means that the Recommendation is not to proceed with the contraflow cycle lane. The following response to the objections and comments are purely to explain why the reason why this was proposed in the first place.

A large number of comments were recorded by people who viewed the proposed arrangement of the cycle lane as unsafe, with some concerned about how cycles will access the cycle lane and those who might exit it, and some concerned about risks to pedestrians.

A cycle lane on road would have provided protection to pedestrians: in the absence of dedicated on-road provision, with widened footways adjacent to the road some cycle users may choose to use the footway, which in a location with high pedestrian flows is more likely to lead to conflict.

Although pedestrians are currently unused to having two-way cycling, the provision for cycling would have been marked at junctions and crossing points and it would have been likely that people on bikes would travel slowly through the area, as is already the case. As several respondents pointed out, pedestrians currently use the road here and people on bikes are used to sharing the space with pedestrians as this is common on many paths in the town already.

Data available suggests that many people on bikes are already travelling very slowly through Custom House Quay – whereas on Westham Road the average speed along the street by bicycle is over 20km/h, on Custom House Quay the average speed to travel along the street is just 3.5km/h.

On Westham Road, where there has been a long-held ambition to introduce contraflow cycling, over one in five of the people on bikes using the street using it in a contraflow direction. Failing to provide for contraflow cycling where there is a clear desire line means that some users are deterred, while others may be forced to use a riskier alternative on busier roads.

- *Objection c) The cycle lane is unnecessary*

Comment: As outlined above, further discussion with stakeholders means that the Recommendation is not to proceed with the contraflow cycle lane. The following response to the objections and comments are purely to explain why the reason why this was proposed in the first place.

The Government's [Local Transport Note 1/20](#) guidance issued in May 2020 is the latest and most thorough guidance on the design of roads for cycling. The Government has indicated that all schemes must follow this guidance. On contraflow cycling, this states the following:

“To make cycling an attractive alternative to driving short distances, cycle routes should be at least as direct – and preferably more direct – than those available for private motor vehicles. Permitting cyclists to make movements prohibited to motor traffic, allowing contraflow cycling, and creating links between cul-de-sacs to enable cyclists to take the shortest route, should be the default approach in traffic management schemes and new road networks.” (p. 30)

The document goes on to say:

“Where speed is low in urban areas, contraflow cycling without a dedicated cycle lane has been found to be successful even on narrow streets with on-street car parking. The following minimum carriageway widths are recommended:

- 2.6m with no car parking
- 3.9m based on car passing cycle, no car parking
- 4.6m with car parking on one side of the road
- 6.6m with car parking on both sides of the road” (p. 78)

In this case the road is kept at 4.6m in length, though when in use the loading bays will result in narrower sections which will operate as ‘give and take’.

Some respondents suggested that the cycle lane was unnecessary either because there was no connecting link at the eastern end or that people on bikes could use the alternative route.

A route eastward on Custom House Quay links to the Esplanade, with the adjacent promenade permitting cycling except during the summer daytime

restriction. Under the current plans for the redevelopment of the peninsula there will be also eventually be a route for cycling. The redevelopment of the site currently taking place might also lead to an increase in the need for people to access this area, for instance, to reach employment or leisure destinations. Dorset Council should therefore be planning a coherent and safe network for people to access this area by bike.

Expecting people to follow the route through St Edmund Street / Maiden Street / Mitchell Street / East Street and the Esplanade is not acceptable and there is a record of cycle collisions on these streets, with two injuries to people on bikes, one a child, in the last five years. Whereas most people arriving at the Peninsula by motor vehicle from the south access the area using Boot Hill, Westwey Road, Swannery Bridge, Westham Road and the Esplanade, this is a long, busy route for people on bikes, for whom a more direct route can be found on the backstreets of Rodwell, old Weymouth (Spring Road) and the harbour.

Finally, Dorset Council must be prepared for the potential that micro-mobility solutions such as electric scooters become fully legal, and are permitted to use cycle facilities in the near future. Future users of these devices are likely to want to travel east on Custom House Quay and if contraflow provision is not available they might be tempted to use the widened footway, putting them in greater conflict with pedestrians.

- *Objection d) Encouragement of anti-social behaviour / dominance of space by hospitality*

Comment: Many of these comments referred to the temporary layout over the last two summers, in which space was provided to hospitality businesses as a consequence of the Covid-19 response. For the final scheme, the space available will be designated by visual delineation in the footway, which will assist with ongoing enforcement and prevention of sitting out areas blocking the footway.

It should also be noted that whereas previously four of the businesses with sitting out licences were either public houses or restaurants, most of those able to access sitting out spaces under the temporary layout and proposed permanent scheme are smaller establishments whose business is focused on providing daytime café service.

- *Objection e) Waste of tax-payers money*

Comment: This was raised by only one or two comments. The scheme was nearly wholly funded by external resources, and the bulk of the scheme related to the removal of the rail lines. Increasing the space available for an enhanced public realm in the harbour area will help to increase Weymouth's attractiveness as a destination for visitors, with the harbour in particular providing an attraction which helps to broaden interest beyond the beach, spreading visitors both around the town, and for a longer period in the year. As outlined above, increases in active travel bring significant savings from the health benefits of more people being more physically active.

- *Objection f) Why can't the harbour be pedestrianised*

Comment: several respondents wanted Dorset Council to go further and close the quay to through traffic. Although various degrees of vehicle restriction for the harbour were proposed in the Western Dorset Economic Growth Corridor studies, such a change requires substantial modelling work to determine the wider impact on the town's traffic network. The servicing needs of the vessels in the harbour are often determined by a timetable that cannot be aligned with other needs and even timed vehicle restriction needs careful assessment of these users' needs.

- *Objection g) Disabled parking on the harbour*

Comment: several comments were made about the lack of disabled parking on the harbour. This has been considered as part of the Equalities Impact Assessment. Dedicated disabled bays have been provided on Custom House Quay, however, since these bays need to be 3m in width, they must be located at the more spacious, eastern end.

Blue badge holders are permitted to park on doubled yellow lines for three hours where they do not restrict access, and there is considerable evidence that many blue badge holders do just this. There was no dedicated disabled parking on the harbour previously.

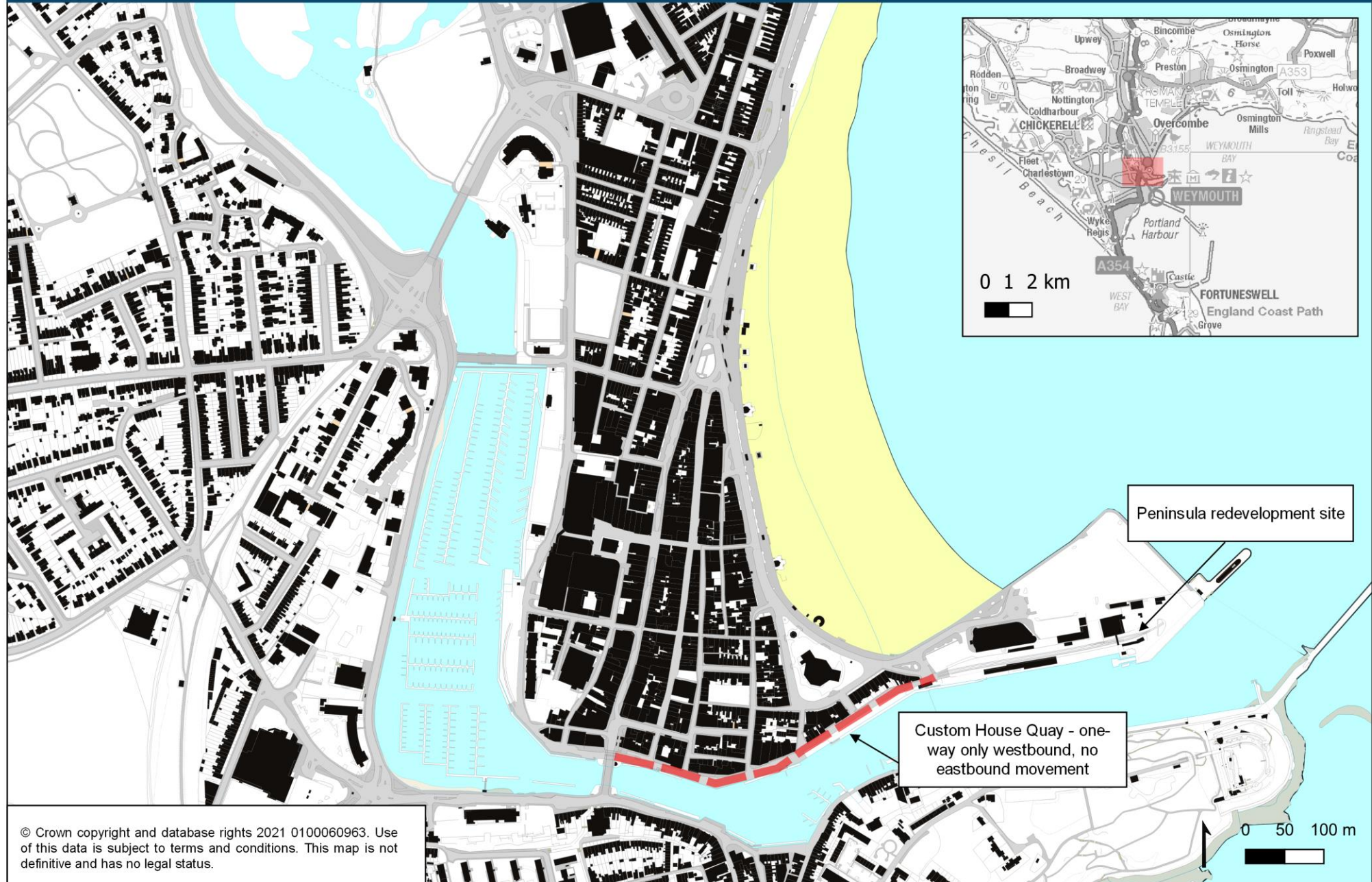
As shown in Appendix B.2, the temporary layout has enabled wheelchair users to access the harbour in a way in which they would have been unable to if parking had remained in this location.

- 9.22. In considering the representations it should be noted that the two-stage consultation process means that many people who had given their views in the wider consultation in early 2021 did not give their views to the TRO consultation. The Government's additional Network Management Duty guidance (31/7/21) states clearly that consultations should not be treated as referendums, and are part of a suite of evidence on which decisions on TROs should be made.
- 9.23. The proposed removed parking realises ambitions set out in previous strategies, follows the most up-to-date guidance and supports a healthier, more economically prosperous and low carbon future for Weymouth which balances the needs of motor vehicle access, harbourside businesses and non-motorised users. As such it is recommended that the Portfolio Holder be recommended to support the proposed changes to the Traffic Regulation Orders as advertised.
- 9.24. Following further discussions with stakeholders the recommendation is sought that the contraflow cycle lane not be taken forward.
- 9.25. Full results from the first consultation (January – February 2021) together with primary consultee responses to the TRO consultation from Weymouth Town Council, Dorset Police and the local Dorset Councillor and with responses to the Public Advert, are held on the HI1229 project file are available to view on request.

Footnote:

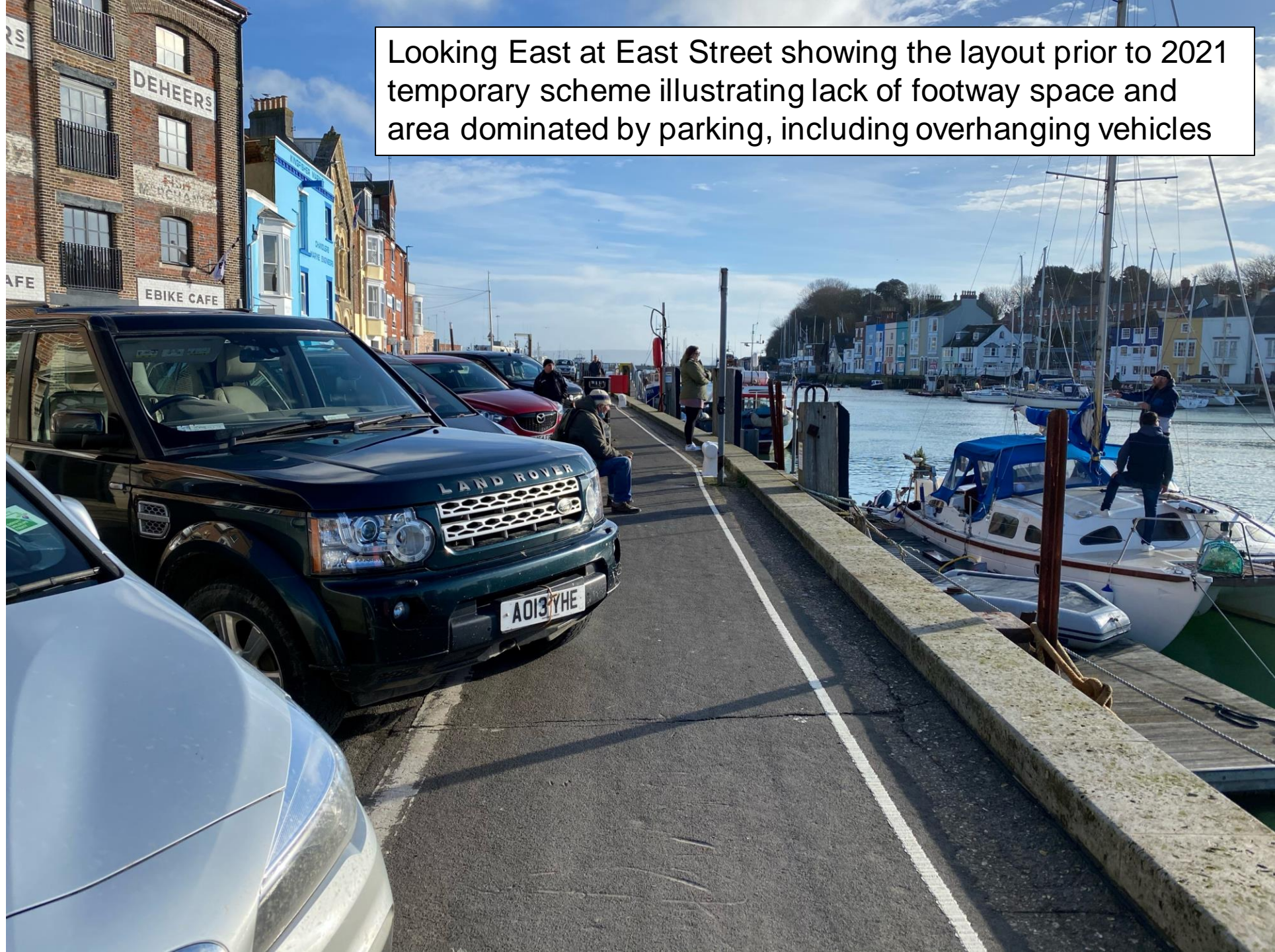
Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Appendix A – site location and plans



Appendix B – site photos

Looking East at East Street showing the layout prior to 2021 temporary scheme illustrating lack of footway space and area dominated by parking, including overhanging vehicles



B.2

Looking West at East Street showing how additional space for on the harbour side has improved accessibility for wheelchair users. The timber baulks will be removed under the proposed scheme and replaced with some better quality seating.



Looking West at South Parade. Loading bays will support access for moored vessels, as well as larger vehicles loading to harbourside businesses, whilst still providing space for vehicles to pass.



B.4

Looking East at Maiden Street. The temporary layout and lack of rail lines has encouraged a wider range of users. Note that proposed final scheme has sitting out area against the frontage of the businesses, not adjacent to the carriageway.





B.6

More space for pedestrians adjacent to the harbour wall with additional public seating.



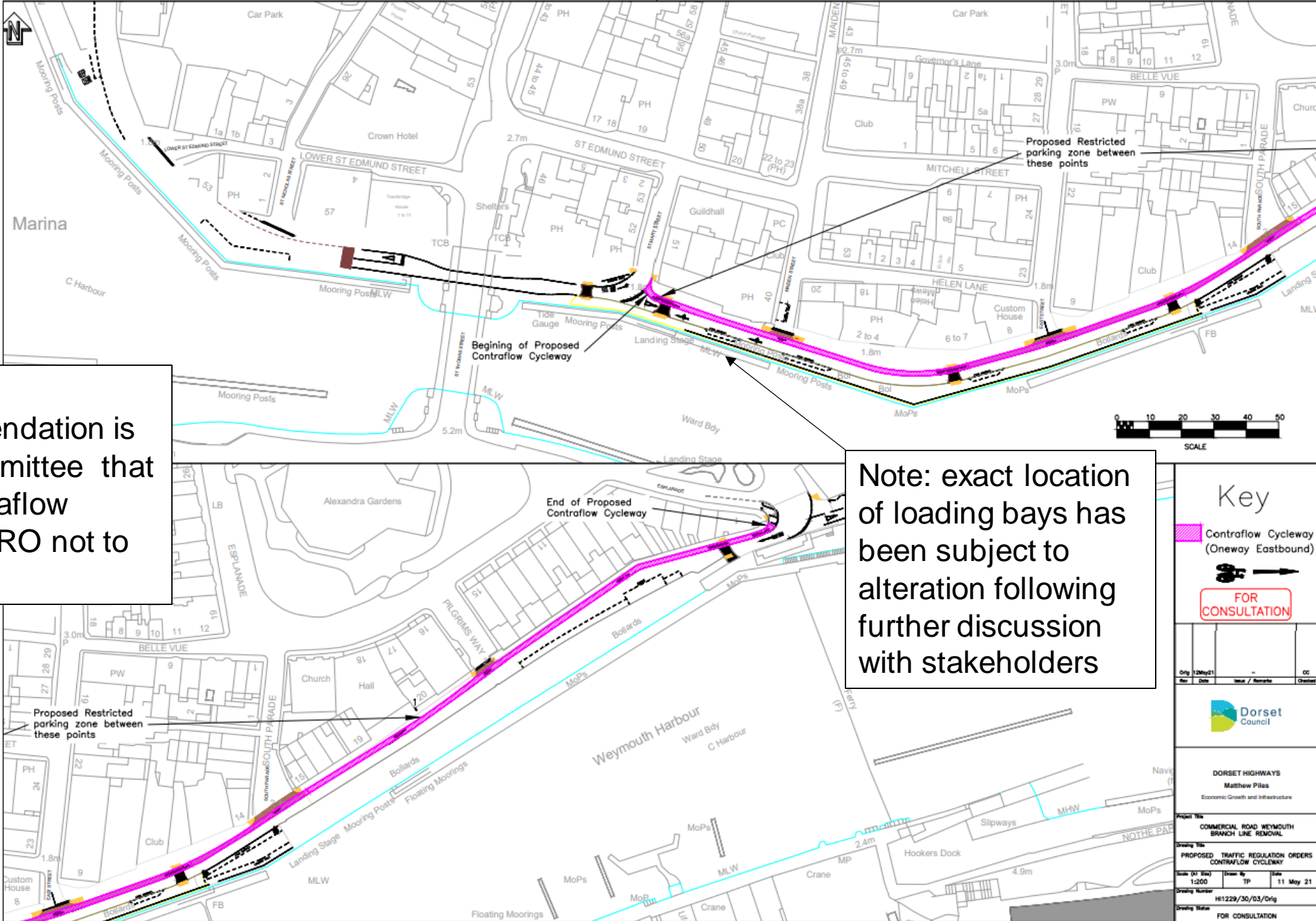
Appendix C - drawings

Drawing HI1229/25/100/A

Custom House Quay General Arrangement.

Appendix D - drawings

Drawing HI1229/30/03/Orig
Traffic Regulation Orders



Note: the recommendation is that Committee that the contraflow cycling TRO not to proceed.

Note: exact location of loading bays has been subject to alteration following further discussion with stakeholders

Key

Contraflow Cycleway (Oneway Eastbound)

FOR CONSULTATION

Only	12 May 21	Rev	Date	Issue / Remarks	Checked

Dorset Council

DORSET HIGHWAYS
Matthew Piles
Economic Growth and Infrastructure

Project Title
**COMMERCIAL ROAD WEYMOUTH
BRANCH LINE REMOVAL**

Drawing Title
**PROPOSED TRAFFIC REGULATION ORDERS
CONTRAFLOW CYCLEWAY**

Scale (At Size) 1:200
Drawn By TP
Date 11 May 21

Drawing Number H1229/30/03/Orig
Drawing Status FOR CONSULTATION

Appendix E – January 2021 Consultation

Below are some of the proposed main features of the public space improvements. Do you agree with the following?

(Note:many of these proposals will require removing the 39 on-road 1hr parking spaces in the area)

	Agree	Disagree	Don't know
widening footways on both sides of the road	936 (73.3%)	310 (24.3%)	31 (2.4%)
providing loading bays for harbour businesses and vessels	1122 (87.9%)	107 (8.4%)	47 (3.7%)
*installing a contra-flow, on-road cycle lane (towards Pavilion)	509 (40.0%)	639 (50.3%)	123 (9.7%)
provision of dedicated disabled parking bays	743 (58.7%)	391 (30.9%)	132 (10.4%)
providing additional outdoor seating space for hospitality	931 (72.7%)	304 (23.7%)	46 (3.6%)
provision of cycle parking	805 (63.6%)	356 (28.1%)	104 (8.2%)
installation of benches, planters and safety bollards	1031 (80.5%)	188 (14.7%)	62 (4.8%)

*Cyclists heading towards Town Bridge will be in the road with the one-way flow of traffic. Cyclists heading towards The Pavilion will use a dedicated cycle lane, which will be against the flow of traffic.

Would you like to see measures to improve the public space in the Custom House Quay area similar to the draft proposals shown?

- 815 (58.2%) Yes
- 284 (20.3%) Possibly
- 301 (21.5%) No

Appendix F – DfT guidance

- Excerpt from LTN 1/20 – Cycle Infrastructure Design (May 2020)
- Note – requested recommendation is that the TRO on contraflow cycling not proceed.

Mode filtering through exemptions to TROs for cycling

7.3.3 An assessment should be undertaken to review whether cyclists can be safely exempted from turning bans, No Entry and one way restrictions and be permitted access to vehicle restricted areas either at all times or within peak hours.

7.3.4 Permitting contraflow cycling in one way streets and using point-closures to close certain streets to motor vehicle through traffic will generally provide a more direct route for cyclists and should always be considered. On quiet low speed streets, there may be no need for a cycle lane (see Figure 7.4 and Section 6.4), enabling cyclists to use narrow streets in both directions. Where there is good visibility cyclists and on-coming drivers should be able to negotiate passage safely. Contraflow cycling should be signed in accordance with the advice in the Traffic Signs Manual.

Figure 7.4: Contraflow cycling in a narrow street with no marked lane, Brighton



Appendix G – TRO consultation summary

Response summary

Traffic Regulation Order responses (total)	Contraflow cycling	Parking	Total	By household
I OBJECT to the proposal	28	31	59	47
I SUPPORT the proposal	13	16	29	20
I want to give some GENERAL COMMENTS	13	12	25	19
Total	54	59	113	86

Traffic Regulation Order responses (%)	Contraflow cycling	Parking	Total	By household
I OBJECT to the proposal	52%	53%	52%	55%
I SUPPORT the proposal	24%	27%	26%	23%
I want to give some GENERAL COMMENTS	24%	20%	22%	22%

Appendix H

- Photos of contraflow cycling provision elsewhere
 - The Quay, Poole
 - Queen Street, Gillingham
 - East Street, Wimborne
 - Spring Road, Weymouth

Poole Quay – simple marked contraflow lane



Queen Street, Gillingham – old 'no-entry' bypass for bikes



East Street, Wimborne – contraflow allows right turn from East Str to Poole Road (no entry bypass)



Spring Road, Weymouth – contraflow allows cycles to access Hope Square from Spring Road enabling people on bikes to avoid Boot Hill

