



Western and Southern Area Planning Committee

Date: Thursday, 3 March 2022
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (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 Democratic Services Meeting Contact 01305 224878 - denise.hunt@dorsetcouncil.gov.uk

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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Agenda

Item	Pages
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. MINUTES

To confirm the minutes of the meetings held on [6 May 21](#), [10 June 21](#), [8 July 21](#), [9 September 21](#), [30 September 21](#), [4 November 21](#), [2 December 21](#), [6 January 22](#) and [1 February 22](#).

4. PUBLIC PARTICIPATION

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting.

The deadline for notifying a request to speak is 8.30am on Tuesday 1 March 2022.

Please refer to [Guidance for speaking at the Area Planning Committee](#) for further information.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- | | | |
|----|---|---------|
| a) | WP/20/00705/FUL - Site P, Osprey Quay, Hamm Beach Road, Portland | 5 - 30 |
| | Erection of a drive-through coffee shop and 9 business units (Use Class E and/or B8) with associated access, parking and landscaping works. | |
| b) | P/VOC/2021/05510 - Marchesi House, Poplar Close, Weymouth, DT4 9UN | 31 - 46 |
| | Demolition of existing flats & erection of 18 houses & 13 flats in two blocks (variation to condition 7 of planning approval WP/18/00914/FUL - construction management plan). | |
| c) | P/FUL/2021/01762 - Land West of Watton Lane, Bridport | 47 - 64 |
| | Erection of 3 dwellings. | |
| d) | P/PIP/2021/03739 - Land south east of Southwell Business Park, Sweethill Road, Portland | 65 - 74 |
| | Erection of up to 2 dwellings. | |
| e) | P/PIP/2021/03738 - Land north of 69 - 72 Reap Lane, Portland | 75 - 84 |
| | Erection of up to 2 dwellings. | |

f) P/LBC/2021/03958 - Gun Cliff SPS, Bridge Street, Lyme Regis 85 - 90

Install an external 4G antenna to the outside wall.

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.

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Application Number:	WP/20/00705/FUL
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	SITE P OSPREY QUAY, HAMM BEACH ROAD, PORTLAND
Proposal:	Erection of a drive-through coffee shop and 9no. business units (Use Class E and/or B8) with associated access, parking and landscaping works
Applicant name:	Tidebank UK Ltd
Case Officer:	Emma Telford
Ward Member(s):	Cllr R Hughes, Cllr P Kimber & Cllr S Cocking

This application is referred to committee in line with the Scheme of Delegation consultation process at the request of the Service Manager.

1.0 Summary of recommendation:

Recommendation A:

Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to grant, subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the financial contribution for compensation for the loss of habitat of £8,668.77 and conditions.

Recommendation B:

Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to refuse permission for the reason set out below if the agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the Head of Planning or Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to provide adequate compensatory biodiversity/nature conservation measures through the provision of a financial contribution for loss of habitat. Hence the scheme is contrary to policy ENV 2 of the West Dorset, Weymouth and Portland Local Plan and Section 15 of the National Planning Policy Framework.

2.0 Reason for the recommendation:

- The application site is located within the defined development boundary (DDB) and the proposal is considered to comply with policy PORT 1.
- The proposal is acceptable in its design and general visual impact.
- It is not considered to result in any significant harm to neighbouring residential amenity.

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

3.0 Key planning issues

Issue	Conclusion
Principle of development	The application site is located within the DDB and is considered to comply with Local Plan policy PORT 1.
Visual Amenity, Heritage Coast and the Setting of the World Heritage Site	The proposed development would not have an adverse impact on the visual amenities of the site or locality. Nor would it harm the character, special qualities or natural beauty of the Heritage Coast.
Residential Amenity	The proposal would not have a significant adverse impact on the living conditions of occupiers of residential properties.
Highway Safety	Acceptable, subject to conditions. Highways raised no objection.
Contamination	Acceptable, subject to an unexpected contamination condition.
Biodiversity	Acceptable subject to conditions and financial contribution.
Flooding & Drainage	Acceptable, subject to conditions. Flood Risk Management Team and the Environment Agency raised no objection.

4.0 Description of Site

4.1 The application site is located on the northern side of Hamm Beach Road at the northernmost point of Portland. The site lies between Hamm Beach Road and the foreshore of Portland Harbour immediately to the east of the Hamm roundabout at the junction between Portland Beach Road and Hamm Beach Road. To the east of the application site is the Weymouth and Portland National Sailing Academy site with the immediately adjacent land being used for car parking. To the south of the site on the opposite side of Hamm Beach Road is Lidl supermarket. The site comprises of a curved plot of land which is currently vacant.

4.2 The application site falls within the Local Plan allocation PORT 1. It is also located within the defined development boundary for Portland. The site is in close proximity to the Chesil & The Fleet SSSI and SAC. A small part of the end of the site, close to the Hamm roundabout falls within the Heritage Coast.

5.0 Description of Development

5.1 The proposal is for the western third of the site to be a drive-thru coffee shop. The proposed single storey building will be positioned towards the western end of the site closest to Hamm roundabout. The drive-thru lane will circle around the building and a car park to the east of the building.

5.2 The eastern two-thirds of the site is proposed to be a business park. It would comprise two, two storey buildings which are divided into 18 small units. The proposed blocks would be located to the rear of the site with car parking to the front. The units located on the first floor would be accessed via an external staircase and external corridor/terrace.

6.0 Relevant Planning History

01/00118/OUT – Mixed use of land for employment, leisure, retail (Class A1 and A3) and residential uses, also relocation of existing search and rescue facility – Granted – 29/01/2002.

03/00852/OUTM – Proposed development for Class A3 and/or A4 uses – Granted – 13/12/2005.

7.0 List of Constraints

Zone 2 (EA Flood)

Inside Defined Development Boundary

Local Plan Allocation PORT 1

Heritage Coast

Catchment of the Chesil & The Fleet SSSI and SAC

8.0 Consultations

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

Consultees

1. Technical Services – *With regards to this application I note that you have received comments from the Environment Agency regarding the flood risk and I suggest you refer to these in this instance.*

2. Flood Risk Management Team - *We request further clarification and substantiation of the proposed drainage strategy, ownership & capacity of receiving system / surface water sewer referred to within the supporting FRA, and consideration of storage / conveyance during exceedance events, namely those above the 1:30yr event that is discussed. Whilst it may be acceptable for the site to be free draining in such close proximity to tidal waters, the scheme is obliged to consider all events up to a 1:100yr (plus climate change) scenario. Essentially, will the proposed development be at any risk during events greater than 1:30yr if proposed infrastructure is likely to surcharge and what are the details of the (existing) surface water sewer & outfall to which the site is intended to connect?*

Accordingly, we request that a (Holding) Objection be applied to this proposal, pending the supply and approval of further information.

3. Spatial Policy and Implementation – Landscape – *I am unable to support this application on design grounds. The proposed site layout fails to respond to the unique waterfrontage setting, the Heritage Coast designation, and the special qualities of the site. The development fails to provide adequate hard/soft landscaping and relates poorly to the adjacent Sailing Academy environment and the coastal landscape.*

The Site for the above Development occupies a visually sensitive 'gateway' into the 'business park' with the proposed Buildings forming the western extent of the existing developed area. The Site commands a waterside- frontage (to the north) which enables dramatic views across the Harbour. The promoted English Coast Path Route (National Trail) runs along the southern boundary of the Site (this section was opened for the 2012 Olympics). The Section runs from Portland to Lulworth Cove. The Proposals are not supported by an LVIA or Appraisal – but owing to its location the Site is visually sensitive from a number of public vantage points.

The Commercial Units:

- The two Units are simple in design terms and use a limited palette of materials. It would be desirable to see a local stone used at lower levels (as can be seen on the Sailing Academy building and Boat that Rocks café) in order to create a visual consistency through the water frontage. The Units relate well to the water frontage – but there is no provision for any 'amenity' space or 'landscaping'. Standardised 'red block paving' is simply wrapped around all sides of the Buildings – and the space becomes 'pinched' at the western corner. It would be desirable to see a change of paving materials (i.e. something less municipal) between the Buildings and the water edge? This approach has worked well for the Café development to the south of the Marina – where simple slabs are used to define the amenity area (possibly limestone).*
- The car parking area to the south of the Buildings is extensive (a total of 50 spaces) and a dominant expanse of 'grey' through charcoal pavers or tarmac. There is no attempt to provide any soft landscaping (other existing water front developments comprise a mix of hard and soft detailing (through the use of Portland stone and maritime low-level plantings). The layout, as existing, is therefore unacceptable. Given the provision of high quality soft landscaping between Hamm Beach Road and the Sailing Academy car park – I would expect to see this character carried through to the Applicant Site boundaries in order to reinforce the 'sense of place'.*
- The Site is delineated to the east and west by 1.8m high timber close-boarded fencing – this is unacceptable and wholly inappropriate to the setting. Adjacent boundary treatments are largely consistent in style and comprise steel railings (painted/powder coated blue).*
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The Drive Thru Café:

- I would question the suitability of a 'drive-thru' for this 'gateway' location. The Site Layout as proposed completely disregards the Heritage Coast designation or the immediate setting of a World Heritage Site. The Site will largely be dominated by a large expanse of tarmac and a featureless area of car parking (25 spaces). No celebration is made of the water frontage (delineated by 1.8m high close-boarded fencing or 0.7m high steel vehicular barrier).*

- *The Development has an awkward relationship with the proposed Commercial Units Site – again providing ‘separation’ through timber close-boarded fencing. - Amenity areas are confined to the immediate strip around the Building – or a parcel of ‘left-over’ space in the north-eastern corner. The layout completely fails to acknowledge the Harbour setting or views to the west.*
- *There is no provision for soft landscaping or local stone detailing.*
- *There is the potential at this western extent of the Site for an innovative ‘statement’ building that responds to the Heritage Coast designation/the views/ and the water frontage. The proposed Drive-Thru Building would fail to ‘conserve or enhance’ – and no attempt is made to use local stone or ‘maritime’ architecture. The addition of a ‘substantial double height wayfinding upper roof – with branding’ would be visually unacceptable.*

*Taking the above into account – I would advise that the Development, as proposed, **fails to respond** to the local distinctiveness of this unique waterfront area and would fail to meet the aims and objectives of Local Plan policies ENV1, ENV10 and ENV12. The Proposals also conflict with the guidelines provided within the Dorset Coast Landscape and Seascape Character Assessment and the Development and Design Framework Plan. I am, therefore, **unable to support** this Application in its current form.*

4. Natural England – *As submitted, the application could have potential significant effects on the adjacent and nearby designated sites:*

- *Portland Harbour Shore Site of Special Scientific Interest (SSSI);*
- *Chesil and the Fleet European Marine Site (EMS) comprising of Chesil and the Fleet SAC, Chesil Beach and the Fleet SPA, and Chesil Beach and the Fleet Ramsar site;*
- *Chesil and the Fleet SSSI.*

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- *Confirmation that no works are required to the existing rock revetment, and that it is fit for purpose as it stands.*
- *The drive thru/drink in unit would cause concern from the litter generated and the potential for trips made to Hamm beach and indeed Chesil Beach by customers, with resultant impacts on the designated sites. Paragraph 7.4 of ecological appraisal states: ‘Potential effects on the EMS as a result of recreational pressure and disturbance can be avoided and mitigated via the design and operation of the site. The provision of litter bins, and active management of litter within and adjacent to the site, will avoid potential impacts from littering’. We would like more information on the intention of the operator to avoid and mitigate these impacts and in particular how the scheme would help address littering on Hamm Beach itself and within the Chesil Beach carpark.*

- *As the applicant is aware, Hamm Beach vegetation is already subject to recreational pressure through trampling. We would like to better understand how the development will limit such impacts through landscaping and the control of parking for both the drive through and business units, to deter visitors from easily accessing Hamm beach. Please note Natural England would expect all landscaping and planting to be appropriate to the ecological sensitivity of the locality. Whilst the ecological appraisal suggests there will be a betterment to Hamm Beach through the removal of ad-hoc parking opportunities that currently exist alongside the proposal site, the proposal itself is putting forward 70+ car parking spaces and it will be important to ensure this additional capacity is needed and suitably controlled so that it is not available for general public use.*
- *The scheme as proposed will inevitably increase public use of an ecologically sensitive area that is already demonstrated to be adversely affected by recreational activities. In our view the scheme should ensure any additional recreational impacts are mitigated by making an appropriate contribution to the emerging interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet. Given the nature of the development this could be in the form of an annual contribution to the delivery of the recreational strategy. Natural England would be happy to discuss how this might be achieved.*

Drainage strategy

We will require a drainage strategy for the site to ensure protection of the water quality as a result of surface water discharge into Portland Harbour, as outlined in the flood risk assessment. This could be conditioned as part of any approval.

CEMP

Natural England advises a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The CEMP should address the following impacts:

- *Storage of construction materials/chemicals and equipment;*
- *Dust suppression*
- *Chemical and/or fuel run-off from construction into nearby waterbodies*
- *Waste disposal*
- *Noise/visual/vibrational impacts*
- *Visual screening*

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Biodiversity Mitigation and Enhancement 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.

5. 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 subject to the following condition:*

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

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

6. Crime Prevention Design Advisor – *I see from the plans that the cycle store for the commercial units is situated at the side of Unit 9. From looking at the elevations, there do not appear to be any windows in this elevation so the cycle store is not overlooked. Is this store able to be relocated so there is some form of natural surveillance overlooking this store? I would also like to see some form of access control gates/barrier on the car park entrances and exits of the commercial units and coffee shop which can be closed at night. Empty car parks such as these with no barriers or gates are known to be used for unlawful purposes at night which cause ongoing anti-social behaviour issues for the police.*

7. Environmental Health - *In addition to any conditions recommended to be applied by the contaminated land consultants as above, it is recommended that the following condition is applied to any Planning Permission granted – Reporting of Unexpected Contamination Condition:*

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2018.

8. WPA Consultants Ltd - *We concur with the recommendations of the Environmental Health Team advising that a discovery of unknown contamination strategy be in place and secured under a planning condition. We also advise that the proponent makes themselves aware of the prior investigations, risk assessment and remediation scheme so that any capping or other barriers to contamination remaining on site are not compromised. If they are present and are compromised the liability for further remediation will be theirs.*

9. Portland Town Council - *Portland Town Council notes that Natural England have requested more information, and that the Landscape Officer does not support the scheme as it stands. Due to the ecologically sensitive location of the site, Portland Town Council has concerns about the impact of this development on the natural environment, with particular concern to littering. Portland Town Council is minded to support the application but with a proviso that a more detailed environmental impact assessment be received, and that approval should take into account current and any further information provided by Natural England regarding the natural landscape. Portland Town Council additionally draws attention to Local Plan policy E0 which requires that building should not have a detrimental impact on European sites. Portland Town Council asks for further consultation once all outstanding further information has been received.*

10. In response to the comments from the Flood Risk Management Team a FRA supplementary note document and correspondence from Wessex Water was submitted. The Flood Risk Management Team were then re-consulted on the application and made the following comments:

11. Flood Risk Management Team - *In response to our comments the applicant has duly supplied a Plot P – FRA Supplementary Note (SN) document, compiled by Jubb Consulting Engineers Ltd, and dated 14/04/2021. This SN document, particularly the clarification provided with s.4 and the attached correspondence from Wessex Water (WW), adequately addresses our preliminary concerns. On this basis we are able to withdraw our previous recommendation of a (holding) objection, subject to the attachment of planning conditions in respect of detailed design and maintenance requirements, to any permission granted.*

12. Environment Agency - *We have no objection to this less vulnerable development subject to the submitted FRA (Jubb Consulting Engineers Ltd. Version 1 dated 25/09/20, First Issue) and specifically the finished site and floor levels and layout shown in FRA Appendix H: 'Topographic Site Plan with Proposed Site Schematic Overlay' drawing number PPOQ-FORUM-ZZXX-DR-A-XX-0101 rev. P3), and in light of the second storey safe haven provision within the commercial units. We ask that a suitable condition(s) be attached to any approval granted to ensure that the FRA and these particular proposal designs, as a minimum, are adhered to.*

We would however recommend the applicant consider further elevation of the finished floor levels of the proposals to ensure at least 300mm freeboard above the

surrounding finished ground levels shown, in order to provide flow paths around the buildings and reduce internal flood risk. We would also strongly advise the addition of a first floor safe haven to the Starbucks building to reduce flood risk to occupants.

We note the very limited consideration with regards Flood Warning and Evacuation that has been provided within Section 8.4 of the FRA. We advise the LPA to consider this application in consultation with their Emergency Planning team and with regards their Flood Warning and Evacuation expectations for this locality.

13. Natural England – *No objection, subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application could:*

- *have potential significant effects on the adjacent and nearby designated sites: Portland Harbour Shore Site of Special Scientific Interest (SSSI); Chesil and the Fleet European Marine Site (EMS) comprising of Chesil and the Fleet SAC, Chesil Beach and the Fleet SPA, and Chesil Beach and the Fleet Ramsar site; Chesil and the Fleet SSSI.*
- *We have previously raised concerns around the litter generated by the proposed development and note that the applicant has now provided a copy of their litter management policy. This policy states that a minimum of 100m in all directions around the store should be assessed for litter, but the document then goes on to state that for the litter patrol standard, the store should patrol for litter up to 100m in some cases. Within the 'Further Information' document provided by Engain, it again states that the litter patrols would be tailored to the site, based upon the store management's assessment of need, and would include litter picking on the immediately adjacent areas of Hamm Beach, up to 100m from the site. In order to provide clarity over this matter we would ask for a map to be provided of the areas that the development will be responsible for litter picking from.*
- *We have previously raised concerns about the provision of a 70+ car parking space provision adjacent to Hamm beach and the need to ensure that additional capacity is suitably controlled so that it is not available for general public use. The document provided by Engain states that the parking will be time-limited and available to users of the site and therefore will not encourage or allow people to park simply to visit Hamm Beach.*
- *The scheme as proposed will inevitably increase public use of an ecologically sensitive area that is already demonstrated to be adversely affected by recreational activities. We have already raised our view that the scheme should ensure any additional recreational impacts are mitigated by making an appropriate contribution to the emerging interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet. We are pleased to see that the Engain document referred to previously states that 'In addition to the changes to the site layout, any residual or in-combination effects of the proposed development can be mitigated through contribution to the emerging interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet'. We would therefore ask that your Authority determine and seek payment of an appropriate contribution.*

14. Amended plans were submitted reducing the size of the individual business units but increasing the number and the application was re-consulted on and the following further comments were received.

15. **Portland Town Council** - *Portland Town Council originally supported this application in principle. However, there was a concern about the encroachment on Hamm Beach. Portland Town Council would like to draw attention to the concerns raised by Weymouth Civic Society. Portland Town Council neither supports or objects to this application. Portland Town Council refers Dorset Council to the Neighbourhood Plan policies EN1 "Landscape, Seascape and sites of Geological Interest" and ENO "Protection of European Sites." Portland Town Council also asks Dorset Council to consider the additional traffic that will be generated should the proposal be granted. It requests Dorset Council to review collectively the accumulative impact of this development on both transport and infrastructure.*

16. **Technical Services** – *I suggest you continue to consult the Environment Agency and DC Flood Risk Management team regards the flood risk and surface water management proposals for the site for which they have previously provided comments.*

17. **WPA Consultants Ltd** - *We concur with the recommendations of the Environmental Health Team advising that a discovery of unknown contamination strategy be in place and secured under a planning condition. We also advise that the proponent makes themselves aware of the prior investigations, risk assessment and remediation scheme so that any capping or other barriers to contamination remaining on site are not compromised.*

18. **Natural England** - *The proposed amendments to the original application are unlikely to have significantly different impacts on any statutorily protected sites than the original proposal.*

19. **Environment Agency** – *We have no additional comments in relation to the amended site plans and previous comments remain relevant.*

20. **Environmental Health** – *No further comments.*

21. **Wessex Water** – *My comments on the Drainage Strategy have been included in the Supplementary Note submitted by Jubb.*

The site is crossed by a large diameter 750mm strategic surface water outfall sewer and a 150mm foul sewer. Building and structures in proximity of public sewers are restricted as Wessex water requires unrestricted access to repair and maintain this apparatus.

Representations received

In response to the application 19 third party comments were received, 1 in support and 18 objecting to the proposed development. The reasons for objecting to the application are summarised below:

- Design of coffee shop totally inappropriate for this gateway location to Portland.
- Out of keeping with the Island's character and its native architectural style.
- Not appropriate for an undeveloped site of natural beauty.
- Contrary to the aims of Portland's neighbourhood plan.
- Encourage unnecessary car use.
- Sailing and windsurfing classes could be adversely affected by wind turbulence caused by the planned new buildings so close to the harbour waters.
- Plot P is closest to the western facing slipway which is heavily used by the Weymouth & Portland Sailing Academy.
- The proposed buildings may cause significant turbulence to the flow of wind across the sailing area and therefore negatively impact the area's suitability to introduce persons of all ages to various water sports.
- At present, no one knows what the effects might be and there is no consideration of this issue within the technical reports. A Wind Impact Assessment to establish the effect should be submitted.
- It could undermine a main part of the purpose of the sailing academy in providing opportunities for the community and for less experienced and younger sailors.
- Additional air pollution on already busy road is likely to be caused by traffic queuing for a drive thru.
- Additional litter will be generated from a drive thru coffee shop.
- Proposed application would create a large wind-shadow for the sailing area in the prevailing wind direction, inhibiting operations in the area.
- Any delays at the drive thru could result in traffic backing up on the road.
- Drive thru will add to pollution with cars stopping and starting – increasing exhaust fumes.
- Concerns regarding obesity due to high sugar levels.
- Blight on the landscape.
- The development will negatively impact upon local business and non-chain cafes.
- The development will negatively impact upon the adjacent water scape.
- Will create large amounts of unrecyclable waste.
- Waste will get blown around and pollute the wider environment.
- An independent, local/small coffee shop would be of much greater benefit to the area.
- Area already under stress from existing visits from the public which will only increase with this development.
- Overflowing bins will attract the seagulls who will also spread rubbish about.
- No need for additional commercial units.
- Already cafes on either side of the causeway.
- A more appropriate use of the land would be for parking.
- Would not reduce vehicle emissions and traffic.
- Important location which in effect forms a gateway to Portland.

- First part of the site should remain open and undeveloped to avoid an urbanised and cluttered appearance.
- Site is close to an area of ecological significance.
- Site sits partially within the Heritage Coast designation.
- Litter blowing into the sea.
- Spoil the legacy of the sailing academy which attracts people from all over the country.
- Overdevelopment of a prominent site at the water's edge.
- Harbour views would be lost altogether or significantly impaired.
- Concerns regarding flood risk.

The reasons in support of the application are summarised below:

- Significant boost to the area's economy by providing jobs.
- Concerns regarding litter can be resolved by having more bins.
- Will support the character of the area.

In response to the comments received regarding the impact of the proposed scheme on wind in the area a Wind Condition Study, dated March 2021 was submitted. In response to this information two further comments were received on behalf of the Weymouth & Portland Sailing Academy and Chesil Sailing Trust and The Official Test Centre set out below:

- Having reviewed the report, I am satisfied with the assessment and now withdraw earlier concerns and am happy to support the planning application.
- Having reviewed the report, both the WPNSA and the Chesil Sailing Trust are satisfied with the assessment and so now withdraw the earlier concerns expressed in the initial representations and are happy to support the planning application

9.0 Relevant Policies

West Dorset, Weymouth & 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 5 – Flood Risk
 ENV 9 – Pollution and Contaminated Land
 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

ECON 4 – Retail and Town Centre Development
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

Port/EN0 Protection of European Sites
Port/EN6 Defined Development Boundaries
Port/EN7 Design and Character
Port/BE3 New Employment Premises
Port/BE6 The Northern Arc
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
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding, and coastal change
15. Conserving and enhancing the natural environment

Urban Design (SPG3)

Weymouth and Portland Landscape Character Assessment 2013

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. The application involves the provision of disabled parking spaces in accessible locations.

12.0 Financial benefits

- Construction jobs created.
- Jobs created through the proposed uses.

13.0 Climate Implications

13.1 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, the proposal would involve the provision of business units within the DDB of Portland. It would also include the provision of electric car charging and photovoltaic panels on the roof of the commercial units.

14.0 Planning Assessment

Principle of Development

14.1 The proposed development is for the erection of a drive thru coffee shop and business units. The application site is located within the defined development boundary (DDB) as set out in both the Local Plan and within the Fortuneswell/Castletown DDB (Port/EN6) in the Portland Neighbourhood Plan. Local Plan policy SUS 2 sets out that within the DDB residential, employment and other development to meet the needs of the local area will normally be permitted.

14.2 The National Planning Policy Framework (NPPF) at paragraph 87 sets out that *Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.* The application site also falls within the Local Plan policy PORT 1, Osprey Quay which sets out that land at Osprey Quay is allocated for *primarily employment, leisure and ancillary retail uses and residential as part of a mixed-use scheme.* The proposed coffee shop with a drive thru would fall under use class E and the proposed commercial units seek a use class of E and B8 and therefore the proposals are considered to comply with the allocation with the commercial uses falling under employment and the coffee shop with a drive thru being considered as an ancillary retail use. As the coffee shop with drive thru would comply with the local plan allocation therefore the requirement for a sequential test would not apply. It is also considered that the coffee shop would be fairly complimentary to the mix of uses on the wider Osprey Quay site and whilst there is a drive thru it is also a coffee shop with the opportunity for consumption on the premises which could support

those using the site for employment or leisure purposes whilst still being relatively small in scale. The definition of employment in the local plan also needs to be considered. It sets out that employment *also applies to non B class development which provides direct, on-going local employment opportunities such as tourism and retail*. Therefore, the proposals are also considered to meet the local plan definition of employment. Conditions would be placed on any approval granted to limit the units to the appropriate use classes and those considered as part of this application.

14.3 The application site also falls within the Portland Neighbourhood Plan allocation BE6, The Northern Arc. The policy supports the realisation of the economic and employment potential for the site and wider area but that any development brought forward regarding the Northern Arc must ensure that it can be implemented without any adverse effect upon the integrity of the European sites. The impact of the proposal on European sites and biodiversity will be considered in more detail in a following paragraph of this report however an Appropriate Assessment has been undertaken concluding that the proposal will have no likely significant effect on the European sites.

Visual Amenity, Heritage Coast and the Setting of the World Heritage Site

14.4 The proposed development involves the erection of commercial units and a coffee shop with drive thru. The site comprises a parcel of water-frontage land with a small part of the end of the site falling with the Heritage Coast. The application site is also within the setting of the World Heritage Site. The site is considered to form a visual gateway location at the junction of Portland Beach Road and Hamm Beach Road. The site is currently vacant and is devoid of much vegetation being covered in substrate material. The site abuts the car parking for the National Sailing Academy Building along its eastern boundary. The Hamm Beach Road is located to the south with the recently constructed Lidl building and car parking beyond. The proposed commercial units would be separated into two blocks located within the eastern aspect of the site and occupy a water frontage location. The blocks would be two storeys high with car parking located between the units and Hamm Beach Road. The commercial units would also include photovoltaic panels on the roof of the blocks. The coffee shop and drive thru, which the supporting information for the application sets out would be occupied by Starbucks, would be located at the western extent of the site with the drive thru around the building and car parking to the east.

14.5 The Senior Landscape Architect was consulted on the application and considered that owing to its location the site is visually sensitive from a number of public vantage points including Portland Beach Road and the marine environment. The site does however fall within the Local Plan allocation PORT 1 and therefore has been considered appropriate for development to take place on the site. The Senior Landscape Architect raised concerns regarding the design of the buildings and the wider site including the need for soft landscaping and that the proposed 1.8m high timber close boarded fencing is inappropriate to the setting. Concerns were also raised with the agent regarding the top element/upper roof signage totem on the proposed coffee shop and the possibility of its removal and whether there was any scope to introduce any Portland Stone into the elevations of the scheme given the location of the site. In response to the concerns/comments raised the scheme was amended to include Portland Stone at ground floor level of the proposed commercial

units. A condition would be placed on any approval granted for details of materials to be submitted and agreed. In response to the comments regarding the top element/upper roof signage the agent set out that the prospective occupiers were unwilling to forgo this feature and this type of feature was commonly found in a commercial context and would sit comfortably with the commercial character particularly with the Lidl opposite which has high level signage. Any signage shown on the submitted plans are indicative and would be subject to a separate advertisement consent. However, the roof top feature is subject of this application and on balance is not considered to warrant refusal of the application. Further amendments were made to the proposed fencing and areas of soft landscaping were added, in particular at the access to the proposed commercial units to reflect that of the Sailing Academy entrance.

14.6 The proposed development would be viewed in relation to the existing development of Osprey Quay including the Lidl store. It is considered that the proposed development would sit comfortably within the wider context of the Osprey Quay development. The scale of the buildings would also be lesser than existing buildings in the vicinity. The proposed commercial units would provide a frontage to both Osprey Quay and the harbour side with interest created through different materials on ground and first floor and the proposed fenestration.

14.7 Given the amendments made to the scheme and its location in relation to the existing built environment of Osprey Quay it is considered that the proposed development would not have an adverse impact on the visual amenities of the site or locality. Nor would it harm the character, special qualities or natural beauty of the Heritage Coast or the setting of the World Heritage Site.

Residential Amenity

14.8 The proposed development involves the erection of commercial units and a coffee shop with drive thru. The site is bounded to the north by the foreshore of Portland Harbour. To the east of the application site is the Weymouth and Portland National Sailing Academy site with the immediately adjacent land being used for car parking. To the south of the site on the opposite side of Hamm Beach Road is Lidl supermarket. It is considered that the proposed development would be located sufficient distance away from residential properties and therefore would not have a significant adverse impact on the living conditions of occupiers of residential properties.

Third party comments

14.9 Third party concerns were raised regarding the impact of the proposed development on the prevailing winds and the impacts this could have on a number of water sports. In response to these comments a Wind Condition Study was undertaken and submitted which concluded *the introduction of any development will create shelter downwind, as well introducing increased turbulence. The proposed development is not a significant structure with respect to wind, and these effects are shown to be minor and localised.* After the submission of the Wind Condition Study further responses were received from the Weymouth & Portland National Sailing Academy, Chesil Sailing Trust and the Official Test Centre all of which were satisfied

with the assessment, withdrawing their earlier concerns and supporting the application.

14.10 Third party concerns were also raised regarding the selling of high sugar foods from Starbucks, which the supporting text of the application sets out would be the occupier of the coffee shop, and the impact on health and obesity. There is no policy in the Local Plan about such outlets and the proposed location is not in close proximity to a school. The NPPF para 92 sets out that decisions should aim to achieve healthy, inclusive and safe places which ... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of ... access to healthier food. The supporting text has indicated that Starbucks are the intended occupier of the unit however this application would be approving the use and not the occupier and the unit therefore could be used for any type of coffee shop. Given the above it is not considered that the addition of a coffee shop in this location would result in a significant adverse impact to warrant refusal of the application.

Highway Safety

14.11 The proposed development involves the erection of commercial units and a coffee shop with drive thru. The commercial units would be accessed via a single access to the car parking which would be located to the front of the units. The proposed coffee shop would have separate access and egress points and would have a drive thru around the building and separate car parking. Highways were consulted on the application and considered that the proposals do not present a material harm to the transport network or to highway safety and consequently have no objection subject to conditions including turning and parking construction to be as submitted. The condition which would be placed on any approval granted.

14.12 The proposed development also includes the provision of electric car charging with two charging bays proposed in the car park of the coffee shop and two wall mounted chargers proposed with one on each of the commercial blocks. Para 112, e) of the NPPF sets out that applications for development should *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations*. The NPPF does not specify a number of charging spaces required nor does local policy. It is considered that due to the lack of a specified number for the provision of such charging points in policy, the proposed provision is acceptable. A condition would be placed on any approval that prior to first use the charging spaces are provided. The level of parking provided and the provision of the charging spaces means that the proposal is considered to comply with Portland Neighbourhood Plan policy TR 3.

Land contamination

14.13 Both Environmental Health and WPA were consulted on the application and considered that due to the historic land use of the area an unexpected contamination condition should be placed on any approval granted. WPA also advised that the applicant should make themselves aware of the prior investigations, risk assessment and remediation scheme for the site so this would be advised as part of an informative.

Biodiversity

14.14 The site is currently vacant with a compacted stone surface. The application site is located in close proximity to the Chesil & The Fleet SAC and SSSI. Natural England were consulted on the application and considered that the application could have potential significant effects on the adjacent and nearby designated sites. Natural England required further information in order to determine the significance of these impacts including details of any works to the rock revetment, litter, landscaping and recreational activities. Natural England also requested conditions for a drainage strategy to ensure protection of the water quality as a result of surface water discharge into Portland Harbour and a Construction Environmental Management Plan (CEMP) which would be placed on any approval granted. The response also set out that a Biodiversity Plan was required for the site.

14.15 In response to the comments received a report titled 'Further Information in Regard to Designated Sites and the Litter Management Policy for Drive Thru stores' was submitted. The further information set out that there are no proposals for any works to the rock revetment as it is fit for purpose as it stands, litter patrols would be undertaken and that the parking will be time-limited and available to users of the site. An Appropriate Assessment (AA) was undertaken setting out that adverse effects could be caused by the potential for recreational impacts as a result of the coffee shop and drive thru as it may generate litter and result in an increase in recreational trips by customers with resultant impacts on the designated sites through disturbance. In addition, the provision of a 70+ car parking spaces, also has the potential to increase recreational visits to the designated sites resulting in impacts through trampling of drift line vegetation. The AA set out that the mitigation which would be provided as part of the proposed development including the litter management policy is sufficient to prevent significant impacts from litter and the time-limited parking would prevent people parking to visit the beach, and therefore would minimise use of the site for recreation. Therefore, the AA concluded that there would be no adverse effect on the integrity of the designated sites and Natural England concurred with the conclusions of the assessment. Conditions would be added to any approval granted for schemes for the provision of litter bins and parking signage and for these to be implemented prior to the first use of the coffee shop and drive thru.

14.16 A biodiversity plan (BP) was submitted as part of the application and agreed by the Natural Environment Team. The BP requires the submission of a Construction Environment Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) and conditions relating to both would be placed on any approval granted. A condition would also be placed on any approval for the development to be carried out in accordance with the BP and for the submission of a lighting scheme. The BP also sets out that a biodiversity loss will occur due to the proposed development and as such in line with the Dorset Biodiversity Appraisal Protocol a financial contribution of £8,668.77 would be required to compensate for the loss of habitat. The financial contribution would be secured via a legal agreement.

Flooding & Drainage

14.17 The proposed development involves the erection of commercial units and a coffee shop with drive thru. The site falls partially within the extent of flood zone 2 & 3. The Flood Risk Management Team were consulted on the application and requested further clarification and substantiation of the proposed drainage strategy set out in the Flood Risk Assessment dated, September 2020. In response to the comments a Supplementary Note, dated April 2021 was submitted which provided the clarification required. The Flood Risk Management Team withdrew their previous holding objection subject to conditions for detailed surface water management scheme and maintenance and management scheme which would be placed on any approval granted.

14.18 The Environment Agency (EA) were consulted on the application and raised no objection to the less vulnerable development and subject to the submitted Flood Risk Assessment and specifically the finished site and floor levels. The EA recommended a condition to ensure the development is carried out in accordance with these details which would be placed on any approval granted. The EA also advised that the applicant consider further elevation of the finished floor levels of the proposals to ensure at least 300mm freeboard above the surrounding finished ground levels and the addition of a first-floor safe haven to the coffee shop. This advice was put to the applicant and they confirmed they are aware and discussed it with their flood risk consultant but are not intending to amend the scheme in response to the EA's advice. The EA also advised that limited consideration had been given to flood warning and evacuation and therefore a condition would also be placed on any approval granted.

15.0 Conclusion

15.1 The proposed development is for the erection of a drive thru coffee shop and business units and associated works. The application site is located within the defined development boundary and is considered to comply with Local Plan policy PORT 1 and is therefore considered acceptable in principle. The proposal is also considered acceptable subject to conditions and a S106 agreement in relation to visual amenity, residential amenity, highway safety, contamination flooding & drainage and biodiversity.

16.0 Recommendation

A) Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to grant, subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the financial contribution for compensation for the loss of habitat of £8,668.77 and conditions:

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

Proposed Site Plan – drawing number P101 P6

Proposed Elevations and Section A-A of Commercial Units 1-5 – drawing number P310 P4

Proposed Floor Plan and Roof Plan of Commercial Units 1-5 – drawing number P210 P2
Proposed Elevations and Section A-A of Commercial Units 6-9 – drawing number P311 P4
Proposed Floor Plan and Roof Plan of Commercial Units 6-9 – drawing number P211 P3
Proposed Elevations and Sections of Starbucks Drive Thru – drawing number P300 P2
Proposed Floor Plan and Roof Plan of Starbucks Drive Thru – drawing number P200 P1
Refuse Enclosure, Bicycle Shelter, PV Inverter/switch room and Fencing Details – drawing number P500 P4
Longitudinal Section A-A through Proposed Development Site – drawing number P401 P2
Longitudinal Section A-A through Proposed Development Site – drawing number P402 P3

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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the commercial units 1-5 and 6-9 subject of this permission shall only be for purposes falling with use Class B8, E(a), E(b), E(c), E(d) and E(g).

Reason: To ensure that the use remains compatible with surrounding land uses in the area and the application has been considered on this basis.

4) The commercial units 1-5 and 6-9 hereby approved shall not be amalgamated into larger units, without the prior written consent of the Local Planning Authority.

Reason: The application has been considered on the basis of the individual units.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the unit titled 'Proposed Starbucks Drive Thru' on the proposed site plan, drawing number P101 P6 subject of this permission shall only be for purposes falling with use Class E(a), E(b), E(c) and E(g).

Reason: To ensure that the use remains compatible with surrounding land uses in the area, flood risk and the application has been considered on this basis.

6) There shall be no development above the damp proof course level of each unit until details (including colour photographs) of all external facing materials for the walls and roof of that unit shall have been submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with the agreed details.

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

7) No external lighting shall be erected on the buildings hereby approved or within the application site identified by the red line on the approved drawings without a lighting scheme having first been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity and biodiversity mitigation.

8) Before any part of the development hereby approved is first occupied or utilised the turning and parking areas relating to that part of the development as 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.

9) Before any part of the development hereby approved is first occupied or utilised, the electric vehicle charging points and parking bays shown on the submitted plans shall have been constructed. Thereafter, they must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

10) In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

11) No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved management plan shall be adhered to throughout the construction period. The management plan shall provide for:

- Storage of construction materials/chemicals and equipment.
- Dust suppression.
- Chemical and/or fuel run-off from construction into nearby waterbodies.
- Waste disposal.
- Noise/visual/vibrational impacts.
- Details of construction lighting.
- Outline avoidance/mitigation methods which will manage potential pollution threats on the SNCI and EMS.
- Vegetation clearance.
- Outline precautionary methods to the removal of suitable reptile and amphibian habitat.

Reason: To avoid or mitigate constructional impacts on species and habitats.

12) The development shall be carried out and maintained in accordance with the measures of the Biodiversity Plan, signed by Matthew Davies and dated 08/12/2021 and agreed by the Natural Environment Team on 13/12/2021, unless a subsequent variation is agreed in writing with the Council.

Reason: In the interests of biodiversity mitigation and enhancement.

13) None of the units hereby approved shall not be brought into first use until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a timetable for implementation and details of the management of habitats on the site in the longer term (5+ years) including details of appropriate native planting for coastal environments that shall be sympathetic to the SNCI and make provision to encourage bird nesting and foraging opportunities. The LEMP shall also include appropriate enhancements to encourage reptile foraging around the periphery of the development hereby approved. Thereafter the development shall proceed in accordance with the approved details.

Reason: In the interests of biodiversity mitigation and enhancement.

14) The unit labelled 'Proposed Starbucks Drive Thru' on the proposed site plan, drawing number P101 P6 shall not be brought into first use until a scheme for the provision of litter bins has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first use of the unit and permanently retained as such thereafter.

Reason: In the interest of visual amenity and biodiversity.

15) None of the units hereby approved shall be brought into first use until parking signage detailing that the parking shall only be used by the users of the units have been erected in numbers, positions and with wording which shall have first been agreed in writing with the Local Planning Authority. Thereafter the notices shall be kept legible and clear of obstruction.

Reason: In the interest of visual amenity and biodiversity.

16) The construction of the development shall be carried out in accordance with the measures of the Flood Risk Assessment, dated September 2020 and shall be maintained as such thereafter.

Reason: In order to safeguard the development from unnecessary flood risk.

17) None of the units hereby approved shall be brought into first use until flooding warning and emergency evacuation procedure notices have been erected in numbers, positions and with wording which shall have first been agreed in writing with the Local Planning Authority. Thereafter the notices shall be kept legible and clear of obstruction.

Reason: To ensure that users of the site are aware that the area is at risk of flooding, and the emergency evacuation procedure and route(s) to be used during flood events.

18) No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of both how drainage is to be managed during construction and sufficient storage achieved, has been submitted to, and approved in writing by the local planning authority. The scheme shall include provisions to ensure protection of water quality as a result of surface water drainage into Portland Harbour. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding and to protect water quality of the adjacent Portland Harbour.

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

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

Informatives

1. Informative Note: NPPF

2. Informative Note: Dorset Highways

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

Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

3. Informative Note: Pollution Prevention during Construction

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

4. Informative Note: Waste Management

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

5. Informative Note: Wessex Water

If you are building within 6 metres of a strategic sewer or 3 metres of a public sewer you will need Wessex Water approval from our sewer build over team sewer.buildover@wessexwater.co.uk. They will require full details of the permanent nature of these structures along the eastern boundary which are proposed over the line of the public sewers. Their foundation depths and slabs details, how permanent the structures are and how readily they can be dismantled, this will be required to assess if Wessex Water will agree to any form of build over of the public sewers here.

6. Biodiversity Plan Compliance

7. Any signage shown on the plans is indicative and would need to be subject of a separate advertisement consent application.

Recommendation B:

B) Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to refuse permission for the reason set out below if the agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the Head of Planning or Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to provide adequate compensatory biodiversity/nature conservation measures through the provision of a financial contribution for loss of habitat. Hence the scheme

is contrary to policy ENV 2 of the West Dorset, Weymouth and Portland Local Plan and Section 15 of the National Planning Policy Framework.

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Application Number:	P/VOC/2021/05510
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Marchesi House, Poplar Close, Weymouth, DT4 9UN
Proposal:	Demolition of existing flats & erection of 18no. houses & 13no. flats in two blocks (variation to condition 7 of planning approval WP/18/00914/FUL - construction management plan)
Applicant name:	Bournemouth Churches Housing Association Limited
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr Barrow and Cllr Gray

1.0 This application is brought to the Planning Committee for determination as a result of representations received from Weymouth Town Council and from Dorset Councillors contrary to the Officer recommendation in accordance with the Council's Constitution and Scheme of Delegation.

2.0 Summary of recommendation:

Recommendation A: Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to GRANT planning permission subject to:

- completion of a Deed of Variation to secure the planning obligations agreed under the Section 106 Agreement (dated 26 May 2020) related to planning permission WP/18/00914/FUL; and
- the planning conditions detailed in Section 17 below.

Recommendation B: Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to REFUSE planning permission for the reason set out below if the Deed of Variation is not completed within 6 months of the committee resolution or such extended timeframe as agreed by the Head of Planning or Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed Deed of Variation the scheme fails to ensure provision of the affordable housing on site. Hence the scheme is contrary to Policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2021).

3.0 Reason for the recommendation:

- The revised construction access raises no significant highway safety concerns or harm to neighbour's amenity.
- Contribution toward 5 year housing land supply.
- Para 11d of the National Planning Policy Framework (NPPF) provides that permission should be granted for development proposals unless specific

policies in the NPPF provide a clear reason for refusal or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is established by planning permission WP/18/00914/FUL, granted in June 2020.
Highways	The Highways Authority confirms no objection subject to planning conditions securing the implementation of the submitted Construction Phase Plan and Traffic Management Plan.
Amenity	Appropriate measures to mitigate amenity impacts caused by the revised construction access are proposed.
Chesil and the Fleet	The revised proposal will not adversely affect Chesil and the Fleet. Appropriate mitigation will be provided via the Community Infrastructure Levy.

5.0 Description of Site

The site comprises a two-storey block of flats (Marchesi House) arranged in a # (hashtag) shape with a western road frontage to Radipole Lane; northern frontage onto Sycamore Road; and, to the east Rowan Close. The existing vehicle access to the site is from Rowan Close, which leads to Poplar Close – the parking area to the east of Marchesi House. Changes in levels across the site, particularly from north to south, are significant.

To the south of the site is a service road providing rear access to John Gregory public house and Active Mobility along with local shops, a post office, and a hot food takeaway at Southill's local service centre. The service road leads to an area of public open space linking Rowan Close to the north with the shops, and dwellings to the south in Grays and Faversham. A footpath along the eastern boundary of the site links Rowan Close with a network of footpaths to the south.

The surroundings are predominantly residential with a mix of single, 1.5 and 2-storey detached and semi-detached dwellings in a mix of construction styles and building materials. Southill Primary School is located approximately 200m north of the site along Sycamore Road.

The site is hoarded in preparation for demolition and construction works approved under planning permission WP/18/00914/FUL.

6.0 Description of Development

This S73 application for Minor Material Amendments seeks to vary the wording of planning condition 7 (Construction Traffic Management Plan) of WP/18/00914/FUL to remove the requirement for construction access to be provided solely from Radipole Lane.

The Applicant proposes to use the existing access to the site (from Rowan Close) for construction access and has submitted the below documents in support of the application:

- Construction Environmental Management Plan (CEMP)
- Construction Phase Plan (CPP)
- Traffic Management Plan (TMP) (also appended to the CEMP)

These documents include the details required by planning condition 7 and outline mitigation measures associated with the proposed revised construction access. The documents are proposed to be incorporated in an amended planning condition (see Section 17 of this report).

7.0 Relevant Planning History

Planning permission for demolition of Marchesi House and erection of 18 no. houses and 13 no. flats in two blocks was granted in June 2020. The permission was subject to a number of planning conditions and a S106 Agreement.

Details reserved by planning condition 7 (which this application now seeks to vary) were discharged in July 2021. The previously approved Construction Environmental Management Plan (dated March 2021) noted that construction access would be from Radipole Lane.

Application No.	Application Description	Decision
WP/18/00914/FUL	Demolition of existing flats & erection of 18no. houses & 13no. flats in two blocks	Granted 12 June 2020
WP/18/00914/FUL	Discharge of Planning Condition 7	Discharged 26 July 2021

8.0 List of Constraints

Within Defined Development Boundary (DDB)

Not within a Conservation Area

Within 5km of Chesil Beach & the Fleet SAC, SPA and RAMSAR

9.0 Consultations

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

Consultees

Dorset Council Highways

The response from Dorset Council Highways notes the Highways Authority had no highway safety concerns related to the original planning application (WP/18/00914/FUL) and did not identify the need for construction traffic to be provided solely from Radipole Lane. The response confirms this is still the Highways Authority's position and there is no objection subject to planning conditions securing the implementation of the submitted Construction Phase Plan and Traffic Management Plan.

Dorset Council Environmental Services – Protection

No comments to make on this application.

Natural England

Natural England's first consultation response notes that Natural England is not able to fully assess the potential impacts of the proposal. It states that if Dorset Council consider there to be significant risks to statutory nature conservation sites or protected landscapes, then the specific areas on which the council requires advice should be confirmed. The response also included Natural England's generic advice and confirmed that it is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies.

Following review of Dorset Council's Appropriate Assessment, Natural England's second response confirms that Natural England concurs with the assessment conclusions (the proposal will not result in adverse effects on the integrity of any of the sites in question) providing all mitigation measures are appropriately secured.

Weymouth Town Council (WTC)

Object on the grounds of highway safety. State that the existing planning conditions should not be varied and should remain in place.

Dorset Council Cllrs Pete Barrow & David Gray

The Radipole Ward Councillors made the following initial comments:

"We recommend that local residents should be invited to comment.

As the original decision to impose the condition was made by the Planning Committee we recommend that any change should also be made by Committee.

We are total[ly] opposed to allowing a very large number of heavy goods vehicles to access the site via Sycamore Rd/Rowan Cl/Poplar Cl over some 18 to 24 months which we think presents a very high risk to children on their way to and from school as well as to other members of the community. We strongly recommend that all construction traffic should access the site via Radipole Lane."

Dorset Council Cllrs Pete Barrow & David Gray and WTC Cllr David Harris

Subsequently, a joint letter of objection from the above Radipole Ward Councillors and WTC Councillor David Harris requests that the application be referred to the Planning Committee for determination. In summary, the letter raises the below points of objection and requests that all construction traffic accesses the site via Radipole Lane:

1. Consultation – local residents should be invited to submit comments;

2. Safety concerns associated with access to/from the site during construction and construction traffic on Sycamore Road and Rowan Close;
3. Loss of amenity due to the noise; and
4. Disruption caused by contractors parking on local roads.

Representations received

At the time of writing 53 third party representations have been received. All are objections.

The Headteacher of Southill Primary School writes:

“As headteacher of the school at the top of Sycamore Road, I am very concerned about this proposal. I feel that the increased road use around this area from lorries and other construction traffic will present significant risks to the parents and children of my school as they make their way to and from school, by car and on foot.

As a school, we promote an active travel plan whereby parents are recommended to park at Southill shops and walk to school from there, easing congestion around the school and encouraging a more healthy lifestyle. The route for this walk is directly past the proposed new entrance for works traffic. It is a well defined footpath in frequent use by families on their way to and from school. The additional construction traffic around these pedestrian routes and in the small residential roads such as Sycamore Road and Rowan Close, would cause safety and pollution hazards for the parents and children who use this area.

We support the housing development in principle, but not to the detriment of our families' health and safety.”

Other representations include comments by local residents and parents of pupils at Southill Primary School. The objections focus on pedestrian safety and disruption. They are summarised as follows:

1. Proximity of vehicle access to a pedestrian route well-used by pupils and parents;
2. Danger of construction vehicles to residents, school/pre-school children (Southill Primary School and Humptys House) and the elderly;
3. Increased road traffic;
4. Roads are unsuitable for heavy vehicle traffic;
5. Obstruction to local roads and emergency service vehicles;
6. Inconvenience, including due to delays caused by road blockages.
7. Damage to vehicles parked on Sycamore Road and Rowan Close;
8. Disruption to parking and access to residential properties including due to contractors parking on local roads;

9. Vehicle pollution, noise, odour, dust and debris caused by construction vehicles; and
10. Adverse impacts on mental health caused by construction works.

A number of the objections also:

1. Request that the application be considered by Planning Committee; and
2. Clarify that the road providing access to the site is Rowan Close, not Poplar Close.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan (2015)

INT 1 – Presumption in Favour of Sustainable Development

ENV 2 – Wildlife and Habitats

ENV 16 – Amenity

COM 7 – Creating a Safe and Efficient Transport Network

Other material considerations

National Planning Policy Framework (2021)

2. Achieving Sustainable Development

4. Decision-Making

9. Promoting Sustainable Transport

15. Conserving and Enhancing the Natural Environment

Decision-making

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

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 Public Sector Equalities Duty.

In this case, and in line with the earlier planning permission (WP/18/00914/FUL), level access to the dwellings is shown as being provided, and car parking involves the provision of visitor spaces of sufficient width to accommodate disabled persons vehicles. As such it caters for disabled and ambulant disabled occupants and visitors.

13.0 Financial benefits

Material considerations

- On site provision of affordable housing as established by the earlier planning permission (WP/18/00914/FUL) and secured by the associated Section 106 Agreement.
- Contributions to employment opportunities in the form of temporary construction work.
- Whilst no additional jobs are likely to be created as a result of the development, the dwellings will likely be occupied by persons working in the locality, and who are likely to frequent nearby shops and facilities in the local centre, with pupils attending local schools.

Non material considerations

- CIL contributions.
- Council tax receipts from occupants of the new dwellings.
- New Homes Bonus.

14.0 Climate Implications

Construction of the scheme will involve the use of plant, machinery and vehicles, together with any non-electric vehicles post-construction. These will generate emissions including greenhouse gases. However, this has to be balanced against the benefits of providing housing in a sustainable location through regeneration of a brownfield site.

15.0 Planning Assessment

This S73 application seeks to vary the wording of planning condition 7 (Construction Traffic Management Plan) to remove the requirement for construction access to be provided from Radipole Lane and enable construction access to be provided from the existing site access on Rowan Close. The condition was imposed following concerns raised by a local ward member and members of the public during the course of the determination of the original application. The reason for the condition was *“in the interests of the living conditions of nearby occupiers and highway safety.”*

Highway safety and amenity are therefore the key planning considerations of this application.

Before assessing these matters, it is relevant to note the Applicant has advised that alternative construction access from Radipole Lane and the service road to the south of the site were explored before submission of this S73 application.

From a practical perspective, the layout of the approved development includes dwellings along the entirety of the Radipole Lane frontage. The Applicant has confirmed that this prevents Radipole Lane being used as the sole construction access for the entirety of the build period.

The Applicant did submit details to discharge condition 7 showing access from Radipole Lane by way of the service road to the south. However, the Applicant has subsequently confirmed that the access is not in their ownership and there are no rights of access available over the land. The Applicant has advised that it cannot practically or lawfully gain construction access to the site from Radipole Lane, as required by the current wording of condition 7.

The Planning Officer is satisfied that the Applicant has reasonably explored and sought to provide construction access from Radipole Lane. The following assessment therefore focuses on whether use of the existing site access for construction vehicles is acceptable.

Principle of Development

The site is a sustainable location within a predominantly residential area and within the Defined Development Boundary. The principle of development has already been established by detailed planning permission WP/18/00914/FUL.

Highways

All comments in respect of traffic generation, highway and pedestrian safety, parking disruption, and construction traffic movements, raised by neighbours, Ward Members, Weymouth Town Council and Southill Primary School are noted. Of particular note are the safety concerns regarding construction traffic movements on Sycamore Road and Rowan Close and in proximity to the adjacent footpath which provides a walking route for pupils of Southill Primary School.

In response to the concerns raised, the Applicant has reviewed and amended supporting documents to provide additional measures to manage construction risks. The measures include:

1. Traffic Marshalls to be located at site entrance and junction of Radipole Lane/Sycamore Road.
2. No deliveries during term time between 08:15-09:15am and 14:45-15:45pm to avoid school start and finish times.
3. All construction traffic along Sycamore Road and Rowan Close to be guided by a Traffic Marshall. Traffic Marshall to meet in-bound vehicles on Radipole Lane and guide vehicles to the site entrance.
4. No reversing without Banksman/Traffic Marshall supervision.
5. Vehicle speed of 5mph in public/occupied areas.

6. Sub-contractors to park in nearby public car park and walk to site.

The measures are informed by a Risk Assessment of Traffic Management. This specifically considers the safety of members of the public and pupils walking to/from Southill Primary School.

The response from Dorset Council Highways notes the Highways Authority has no highway safety concerns related to the construction of the proposed development and confirms no objection subject to planning conditions securing the implementation of the submitted Construction Phase Plan and Traffic Management Plan. These documents are proposed to be conditioned through the amended condition 7.

In respect of construction traffic management, highways and pedestrian safety the amended construction access is considered to be acceptable given it would not have a severe detrimental effect on road safety and appropriate measures are proposed to mitigate risks. Adopted Local Plan Policy COM7 is considered to be complied with.

Amenity

The comments raising residential amenity concerns with the proposed revised construction access are noted.

Any construction activities within a residential area have potential to impact upon residential amenity. Impacts are typically controlled through construction management and restricted construction hours. In this regard, the previously approved Construction Environmental Management Plan (dated March 2021) included a series of measure to reduce impacts on residential amenity.

Given the proposed change of construction access, the applicant has submitted an amended Construction Environmental Management Plan (dated 20 January 2022) and provided a Construction Phase Plan (dated 19 January 2022). A Traffic Management Plan is also appended to the Management Plan. A number of measures included within the previously approved Construction Environmental Management Plan are carried forward. The measures relevant to the revised construction access and its impacts on residential amenity include:

1. Hours of work restricted to: Monday – Friday 08:00-18:00, Saturday 0800-1300 with no work on Sundays.
2. Controlling vehicle speed, use of sweepers, wheel washing and keeping all site entrances clean.
3. No idling vehicles.
4. Commitment to maintaining communications with local residents, including through regular updates on construction activities and monthly ‘sounding board’ meetings.
5. Complaints procedure for members of the public to raise concerns with the site manager.

Policy ENV16 – Amenity – of the Adopted Local Plan permits development provided that it has no significant adverse impact on existing residential amenity, including pollution or a level of activity that would detract from the quiet enjoyment of

residential properties. The application is considered to comply with this policy subject to a revised planning condition securing implementation of the measures outlined in the submitted documents.

Chesil and the Fleet

The site lies within 5km of Chesil Beach and the Fleet Special Area of Conservation (SAC) and Special Protection Area (SPA), European designated sites and therefore has the potential for adverse effects through increased recreational pressure caused by new residents.

Whilst the proposed variation of condition 7 only affects the construction access to the site, it is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment to secure any necessary mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.

An Appropriate Assessment undertaken by Dorset Council concludes that there will be no adverse effect on the integrity of the Chesil and the Fleet SPA or SAC subject to mitigation measures addressing the additional recreational pressure generated by residents of the new dwelling being provided. Funding to deliver these measures will be provided by CIL. Accordingly, the development offers suitable mitigation and is acceptable and in line with Policy ENV 2 – Wildlife and Habitats – of the Adopted Local Plan.

16.0 Conclusion

The use of the existing site access from Rowan Close for construction vehicles is considered to be acceptable. There are no unacceptable impacts on residential amenity and no highway safety concerns have been raised by the Highways Authority. There are no material considerations which warrant refusal of this application.

The proposed development is acceptable and accords with the 2015 adopted Local Plan. The proposal is in accordance with the provisions of policies INT1, ENV 2, ENV 16 and COM 7 of the West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015); and, the relevant advice contained in Sections 2, 4, 9 and 15 of the NPPF (2021).

17.0 Recommendation

Recommendation A: Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to GRANT planning permission subject to:

- completion of a Deed of Variation to secure the planning obligations agreed under the Section 106 Agreement (dated 26 May 2020) related to planning permission WP/18/00914/FUL; and
- the following planning conditions:
 1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date planning permission WP/18/00914/FUL was granted (dated 12 June 2020).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Houses 11 - 14 - Proposed Rear & Side Elevations - Drawing Number 1730 18B (Amended) received on 21/5/2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

View 1 received on 21/5/2019

View 2 received on 21/5/2019

View 3 received on 21/5/2019

View 4 received on 21/5/2019

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

3. The development hereby permitted shall be undertaken using the building materials listed on the application forms related to planning permission

WP/18/00914/FUL, and approved Drawings referred to in condition 2 of this planning permission.

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

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

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

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

REASON: In the interest of visual amenity.

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

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

7. The development shall be carried out in accordance with the Construction Environmental Management Plan (dated 20 January 2022), Construction Phase Plan (dated 19 January 2022) and Traffic Management Plan (ref. A21-340-GEN-01). The approved Plans shall not be altered without the prior written approval of the Local Planning Authority.

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

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

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

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

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

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

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

Informatives

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.

Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [TBC].

Informative: Privately managed estate roads

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

Informative: Fire safety

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

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

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

Recommendation B: Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to REFUSE planning permission for the reason set out below if the Deed of Variation is not completed within 6 months of the committee resolution or such extended timeframe as agreed by the Head of Planning or Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed Deed of Variation the scheme fails to ensure provision of the affordable housing on site. Hence the scheme is contrary to Policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2021).

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Application Number:	P/FUL/2021/01762
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land West Of Watton Lane Bridport Dorset
Proposal:	Erection of 3no. dwellings
Applicant name:	Langley Construction
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Bolwell; Cllr Clayton; Cllr Williams

1.0 This application is brought to the Planning Committee for determination as a result of representations received from Dorset Councillors in accordance with the Council's Constitution and Scheme of Delegation.

2.0 Summary of recommendation: Grant subject to conditions.

3.0 Reason for the recommendation: as set out in paras 16.1 – 16.3 below.

- Absence of 5 year housing land supply.
- Para 11d 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.
- Material fall back position established by extant outline planning consent for 2 dwellings.
- The proposal is acceptable in its design and general visual impact.
- The proposal would not result in a harmful impact upon the AONB.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Although outside the defined development boundary, the principle of development is considered acceptable. The tilted balance in favour of sustainable development is engaged due to council's inability to demonstrate a 5 year housing supply and as such the development policies relating to housing provision are considered to be out of date and have been given reduced weight. Officers have

	also given weight to the existence of an extant outline planning permission for two dwellings on the site which is considered to be a legitimate fall back position.
Landscape	Although located within the AONB the proposal is surrounded on three sides by housing and is visually contained. Where views of the development are available it would be seen in the context of the neighbouring housing. The design of the proposals is also such that the taller buildings are located on lower ground, limiting landscape impacts.
Design and Character	Although a slight increase in density compared to the approved scheme, the development would still reflect prevailing development patterns in the area. The building styles are suburban and would sit comfortably within the mix of styles observed.
Amenity	The scheme would maintain generous spacing between the proposed dwellings and neighbours which, together with the relative ground level and surrounding landscape features would avoid harmful impacts on amenity by way of overlooking, overbearing, loss of light or noise and disturbance.
Access and Highways	The site would utilise an established access which has been approved in conjunction with the development of three units on the site, which have been consented through two separate planning applications. The increase of one unit would not result in significant additional impacts.
Biodiversity	The proposals are supported by a biodiversity survey which has not identified the requirement for any additional surveys and which has proposed mitigation for impacts of wildlife utilising the site, which may be secured by a suitable condition.
Trees	Notwithstanding the tree officer's comments, there are no trees on the development site and where trees are present on the boundaries of the site they are a considerable distance from

	the footprint of buildings. The site is not affected by tree protection orders.
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5.0 Description of Site

- 5.1 The application site is comprised of land on the western side of Watton Lane, on the western edge of Bridport. The site forms part of a rectangular field. A dwelling has recently been constructed in the north eastern corner of the field. The site is bounded to the north by dwellings known as Foxgloves and The Croft, which front onto Broad Lane. The site is bounded to the west by dwellings which are located to the rear of the properties on Broad Lane, where it is noted that outline planning consent has previously been granted for the construction of further dwellings to the rear of the properties.
- 5.2 The site slopes from north to south with the land continuing to fall away, more steeply, further to the south. The access to the site is taken from the north eastern corner of the site. The site's boundaries are defined to the north, east and west by existing hedgerows while the southern boundary is open.
- 5.3 The immediate surrounding area comprises low density development on the south western fringe of Bridport. Dwellings in the immediate vicinity comprise 1 and 2 storey detached dwellings in spacious plots on the southern side of Broad Lane. The northern side of Broad Lane is currently undeveloped farmland and is allocated in the Local Plan for the provision of open space as part of the Vearse Farm strategic development site to the west of Bridport.

6.0 Description of Development

- 6.1 The proposed development comprises the construction of three detached dwellings together with detached garages, access and landscaping. The access to the site would be taken via the existing access route which has been constructed for the recently constructed dwelling to the north east. The access road would travel into the site from the east before turning southwards to provide access to the new plots. The access road would continue to facilitate access to the remainder of the field located to the south, which would remain undeveloped and be accessed from a new field gate.
- 6.2 The application refers to plots 2, 3 and 4, plot 1 being the recently constructed dwelling in the north east and it is evident from the submitted drawings that the three dwellings now proposed would integrate with it to form a single coherent development.
- 6.3 Plot 2 comprises a single storey dwelling with a T-shaped plan form. The dwelling would provide two double and one single bedrooms together with a Living Room, Kitchen/Dining Room and utility room. The unit is essentially a handed version of the scheme approved for plot 1, which it would sit immediately to the west of. A detached garage would be located immediately to the north of the property.
- 6.4 Plots 3 and 4 are two storey units to be located in the southern part of the site. They are handed versions of the same design which provide four double bedrooms at the first floor with kitchen, dining room and living accommodation on the ground floor level. Each house would be oriented to present the front elevation to the north, with the rear elevation oriented southwards. The planform is rectilinear with a bay window to the living rooms and a hipped roof. Detached double garages are provided to the

north of each dwelling, oriented to present the garage doors towards the central access drive. A covered walkway is also proposed linking the garage to the front of the dwelling on plot 4.

7.0 Relevant Planning History

Application Number	Location	Proposal	Decision	Decision Date
P/FUL/2021/01675	Land At Watton Lane Bridport DT6 5JY	Erect Dwelling (Alternative Scheme)	Granted	30/09/2021
P/NMA/2021/01052	Land West Of Watton Lane, Bridport	Amendment to planning permission WD/D/19/002539 - Amended elevation and floor plans to adjust design to take account of a water main	Refused	28/04/2021
WD/D/20/003073	Land West Of, Watton Lane, Bridport	Request for confirmation of compliance with condition 3 of planning approval WD/D/19/002539	Response Given	15/12/2020
WD/D/19/002539	Land West Of Watton Lane, Bridport	Application for approval of reserved matters for access, appearance, landscaping, layout & scale in relation to Outline Approval WD/D/18/000232	Granted	26/02/2020
WD/D/19/002178	Land West Of, Watton Lane, Bridport	Erect 2 dwellings (Outline Application - Access and Layout)	Refused (appeal allowed)	17/01/2020
WD/D/18/000232	Land West Of, Watton Lane, Bridport	Outline application for the erection of 1no. dwelling	Granted	24/05/2018

8.0 List of Constraints

- **Area of Outstanding Natural Beauty; Dorset** (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)

- **Landscape Character; Wooded Hills; Chideock Hills**
- **Outside of Defined Development Boundary.**

9.0 Consultations

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

Consultees

- 1. Highways** – Initial comments recommended amendments to ensure the provision of visibility splays and areas for turning for plots 2 and 3. Amended plans received and no objection subject to condition requiring the construction of the first 5.0m of the vehicle access to a specification to be agreed, for the visibility splays to be retained and for the construction of the estate road.
- 2. Trees** – Commented to request the submission of an arboricultural impact appraisal and method statement.
- 3. Symondsburry PC** – Note that the application is for three dwellings where an application for two dwellings was previously refused. The development approach may be piecemeal considering the whole of the landholding and Dorset Council may wish to consider a comprehensive proposal designed to prevent piecemeal uncoordinated development.

It is not clear how foul water will connect to a mains sewer which is understood to be located in the adjacent property of 'Little Paddock' without a detrimental effect on landscape and hedgerows.

The development is becoming denser than the development allowed by the previous inspector and this may have an effect on the long distance view of the AONB from public rights of way as well as short view being detrimental. This could be considered to degrade the available green open space that characterises the area. Nonetheless the dwellings still relate to the existing residential dwellings by infilling an area of grassland.

There is no mention of how biodiversity net gain will be achieved.

There may be a need for pedestrian and vehicle passing places on the access.

Clarification is required in respect of the use of materials.

No objection.

- 4. Bridport Ward (Cllr Bolwell)** - Due to the number of objections from members of the public and also Symondsburry PC and Bridport TC then should the

planning officer be minded to suggest approval then I, as a Ward Member, would request this application is heard and determined by the Planning Committee.

I note the concerns over the original 1 building dimensions and its effects on the landscape and also the subsequent previous approval of 2 dwellings by appeal and the potential use of this appeal decision as a basis for increasing the number of dwellings on site. Also, the BANP policies being quoted. I do not believe that a Delegated decision for approval would be in the Public interest.

Cllr Clayton - This application (land west of Watton Lane, Bridport) is located in my ward. Due to the degree of public interest and adverse public opinion regarding this application I request that the decision is made by committee.

5. Building Control West Team No Comment.

6. Natural Environment Team – No comments received.

7. Bridport Town Council (Site lies outside of the TC area) Strongly object. This is a cynical opportunist expansion of the original application. Bridport Town Council supports the comments of the large number of objectors to this application, and the overwhelming opposition of local residents. The application does not conform with Bridport Area Neighbourhood Plan policies, including L1 and L4(2) and has an unacceptable impact on the AONB.

Bridport Town Council notes that this is a neighbouring parish application and respects the comments of Symondsburry Parish Council as the main consultee.

Representations received

Total - Objections	Total - No Objections	Total - Comments
25	0	1

9.2 In addition to comments summarised above from consultees and Bridport Town Council, 26 comments have been received. Comments have been received from immediate neighbours, residents of Bridport and further afield.

- Object to the application being determined under delegated powers and request that it be determined by committee – associated suggestion that the delegated decision process is open to corruption.
- Development in AONB and loss of countryside.
- Increase in the number of units.
- Impact on infrastructure of Bridport.

- Development is located outside of DDB and would represent creeping urbanisation of the Town.
- Proposed houses are out of character with the area.
- Countryside is already being lost at Vearse Farm.
- Increase in traffic.
- Increase in pollution.
- Impact on views from footpaths.
- Site is too small to support the size of the buildings.
- Access too narrow.
- Site is close to the Jurassic Coast world heritage site.
- Lack of a public meeting about the proposals.
- Proposal should not be accepted as it is not for affordable housing.
- Concerns in respect of scale of the development.
- Objections to previous application for two houses apply to an even greater degree.
- The proposal is a salami slicing approach that could result in even more units.
- The developer had previously indicated that they had no intention of increasing the number of units.
- The property already built is not in accordance with the approved plans.
- Overlooking of neighbouring property (the Croft).
- Lack of neighbour notification.
- Overdevelopment of the site.
- Access road allows access to the field and potential for future expansion of the site.
- There is a material difference from the previously approved scheme and must be considered on its own merits.
- There have been changes in policy since the previous decision including:
 - Extent of housing land supply shortfall

- Measures being put in place to address the shortfall.
- Housing delivery test shows delivery exceeding requirements.
- Site has not been subject to the SHLAA review process.
- Conflict with the climate emergency.
- There can be no assumption that the inspector would come to the same conclusion with the current application as before.

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
- ENV1 – Landscape, Seascape and Sites of Geological Interest
- ENV2 – Wildlife and habitats
- ENV10 – The landscape and townscape setting
- ENV11 – The pattern of streets and spaces
- ENV12 – The design and positioning of buildings
- ENV16 – Amenity
- SUS2 – Distribution of development
- HOUS6 – Other residential development outside defined development boundaries.
- COM7 – Creating a safe and efficient transport network

Bridport Area Neighbourhood Plan May 2020

10.2 So far as this application is concerned the following policies are considered relevant:

- H6 – Housing Development Requirements
- L1 – Green corridors, footpaths, surrounding hills and skylines
- L2 – Biodiversity
- D1 – Harmonising with the site
- D5 – Efficient use of land
- D6 – Definition of streets and spaces
- D8 – Contributing to the local character
- D10 – Mitigation of light pollution

Other material considerations

National Planning Policy Framework

10.3 So far as this application is concerned the following sections and paragraphs are considered relevant:

- 2. Achieving sustainable development
- 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.

- 5. Delivering a sufficient supply of housing
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

West Dorset Design and Sustainable Development Planning Guidelines
West Dorset Landscape Character Appraisal

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. It is not considered that the recommendation would prejudice any persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Job creation during construction	Not quantified
Non Material Considerations	

14.0 Climate Implications

14.1 The proposal would result in additional CO2 emissions from the dwellings themselves, during construction and from transport relating to their ongoing use. The proposals must however be considered in the context of the previous grant of planning consent for two additional dwellings on the site. The climate implications, in respect of the provision of a net increase of one dwelling, would be modest.

15.0 Planning Assessment

Principle of development

- 15.1 The site is located outside of the defined development boundary of Bridport, which in the vicinity of the site, is drawn approximately 100m to the east of the site boundary. Although located outside of the defined development boundary the site is contiguous with urban fringe development which extends westwards from the defined development boundary meaning that development of the site would relate well to the urban form.
- 15.2 Being outside of the defined development boundary, the proposal would conflict with policy SUS2 of the local plan, which indicates that development should be strictly controlled with regard to the need to protect and enhance the natural environment. However, the council is currently unable to demonstrate a 5 year supply of deliverable housing sites, the current supply standing at 4.97 years. In light of this, policies for the delivery of housing must be considered out of date and the presumption in favour of sustainable development as set out in the National Planning Policy Framework applies. In accordance with paragraph 11(d) of the framework this means planning permission should be granted unless doing so would conflict with policies of the framework which protect features of particular importance or if doing so would result in significant and demonstrable harm to outweigh the benefits.
- 15.3 In this case, the site's planning history is also of particular relevance. Outline planning permission has previously been granted by a planning inspector at appeal for the construction of two dwellings on this site. That planning consent was granted on 5 October 2020 meaning that the consent remains extant and reserved matters may be submitted up until 5 October 2023, with a further 2 years for implementation after their approval. The existence of that outline planning consent which remains extant at present is considered to constitute a material fall-back position to which significant weight must be attributed as it clearly establishes the principle of residential development on this site.
- 15.4 The current application would result in an additional dwelling above the two which have been previously consented on the site. When taken alongside the existing dwelling to the north eastern corner of the site the four dwellings would result in a development density of 8 dwellings per hectare, whereas the 3 consented dwellings would represent 6 dwellings per hectare. Both represent a low density of development which would reflect the density of development locally. It is not therefore considered that the addition of a single unit above that previously approved

would represent a sufficiently significant change to the character of the development to support a different conclusion in respect of the principle of development.

- 15.5 In view of the reduced weight that can be afforded to policy SUS2 as result of the Council's 5 year housing supply position, the extant planning permission and the relatively limited change that an additional dwelling would add, it is considered that the principle of development is acceptable in this instance.

Landscape

- 15.6 The site is located within the Dorset Area of Outstanding Natural Beauty and is within the Wooded Hills Character Type and the Chideock Hills Sub area as described in the West Dorset Landscape Character Assessment. The Landscape Character Assessment describes the important features of the area as comprising open hilltops with greensand summits, and heathland vegetation; archaeological interest with hillforts on summits and burial mounds; large oak woodlands and arable fields on valley sides; a patchwork of pastoral fields on valley bottoms with species rich hedgerows and occasional orchards. Paragraph 176 of the NPPF directs that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 15.7 The site itself sits on the urban fringe of Bridport and is bounded to the north east and west by development of a similar density to the proposals. While the southern boundary of the site is open there is farm development and some housing further to the south. There is an established treeline which forms the southern boundary of the field within which the site sits (which is within the blue line for the planning application).
- 15.8 While the proposal would result in the development of previously undeveloped land, the incursion into the open landscape would be minor and the development would generally be viewed against the backdrop of the existing urban fringe development within which it would sit. The trees on the southern boundary of the field would provide a visual screen and limit the visibility of the development in closer range views from the south.
- 15.9 The proposals have also sought to limit the impacts by locating the larger scale two storey houses on the southern part of the site where the ground levels are lower, with the lower scale development accommodated in the northern part of the site.
- 15.10 In view of the site's setting, the planning history and the low density nature of the proposed development it is not considered that the proposal would result in a harmful impact upon the landscape or the special character of the Dorset AONB or undermine the setting of the settlement or result in coalescence of settlements. It is not therefore considered that the proposal would be in conflict with policy ENV1 of the Local Plan or policies L1 or L4 of the neighbourhood plan. A planning condition is proposed to require details of landscaping measures to be agreed.
- 15.11 Third party comments on the application have also had reference to the potential impact of the development on the Jurassic Coast World Heritage Site. The boundary of the world heritage site runs from the mean low water mark to the top of the cliff, with the coastline being designated specifically for its geodiversity. Given the

significant distance of the site from the boundaries of the WHS it is not considered that the proposal would have potential to result in a harmful impact upon it.

Design and character

15.12 The layout of the proposal effectively divides the site into four quarters, with the recently constructed plot 1 in the north western corner. The access drive would then continue through the site, turning southwards to follow the plot boundaries. The dwellings would sit relatively centrally within their plots with generous front driveways and space for gardens and landscaping. The layout and pattern of development which would be created is similar to the character which is established by the surrounding development, particularly that to the north and west.

15.13 Third party comments have noted that the layout would be more formal than the layout shown for the appeal scheme, where the inspector referred to the relatively informal layout as a factor counting in the proposals favour. Although the appeal scheme was an outline application, layout was one of the matters for which approval was sought. While it is the case that the current proposal would result in a more formalised layout than previously approved it is not considered this would lead to a development which is out of character with or harmful to the character of the surroundings.

15.14 In respect of the buildings themselves, it is noted that plot 2 is similar to the overall design of the approved and constructed plot 1. The proposal would therefore tie in well with that established character. It is further noted that the scale and appearance of these plots would be similar to the character of the properties immediately to the north, which are late 20th century bungalows.

15.15 The dwellings proposed for plots 3 and 4 would be of greater scale, being two storey properties. It is noted that within the immediate vicinity of the site a mix of scales can be observed with several two storey properties of similar bulk and scale to those proposed. There are also a variety of building types and styles observed in the vicinity. It is not considered that there is any overarching design character established and the area is not subject to any heritage or character designations. The proposed two storey dwellings would have a suburban character, which, although not particularly distinctive would not be unattractive or represent an uncharacteristic addition to the variety of buildings in the area.

Amenity

15.16 The relatively low density and loose knit layout of the proposed development allows for generous separation distances to be achieved between the proposed dwellings and their neighbours. The dwelling on plot 2 would be located in excess of 30m from the nearest dwelling to the north, at The Croft. While the garage to plot 1 would be located closer, there would still be in excess of 20m between it and the neighbouring property. While the separation from the property Tenterden, located to the north west would be less, the scale and layout of the development is such that it would not give rise to potential harmful impacts.

15.17 It is noted that the dwellings to the north are on higher ground than the application site and the land levels continue to fall away further to the south. This change in land

levels and the design approach of locating the larger scale dwellings in the southern part of the site prevents against harm by way of overbearing or loss of light.

15.18 To the west the separation distances are greater, at 35m to the boundaries of the site. In view of these significant separations it is not considered that there would be any potential for harmful impacts by way of overlooking or overbearing.

15.19 To the south of the site, the land levels continue to fall away, meaning that the proposed dwellings would be on higher ground than the residential development which is present there. However, the nearest dwelling is located 82 metres from the southern boundary of the application site and there would be open fields and a substantial tree boundary between the properties. Therefore, while there may be some visibility of the new houses the distance is such that there would not be overbearing or overlooking impacts. As the houses are located to the north, there would be no potential for loss of light.

15.20 It is not therefore considered that the proposals would give rise to any harmful impacts to residential amenity. Furthermore, the dwellings would provide a good standard of amenity for future residents.

Access and highways

15.21 The application has been reviewed by the Highways Authority and following the submission of a revised site plan showing the provision of visibility splays from the access and providing additional space for turning within plots 2 and 3 it has been confirmed that there is no objection on highways grounds, subject to the imposition of appropriate conditions.

15.22 Notwithstanding this it is noted that a number of comments have been received from third parties raising concerns in respect of the suitability of the access and the additional vehicle movements which would arise as a result of the development.

15.23 The proposals would only result in an increase in one dwelling over the previously consented 3, one of which has already been implemented. The access has already been confirmed as being suitable to serve a residential development on the site and it is not considered that the net increase of one additional dwelling would result in a significant increase in vehicle movements or harm to highway safety. In light of the Highway Authority's comments, it is not considered that refusal on highways grounds could be sustained.

Biodiversity

15.24 The application has been supported by a biodiversity survey and report which concludes that there is negligible potential for impact upon roosting bats, no evidence of badger setts and negligible potential for dormice. Some potential for commuting bats, nesting birds and foraging badgers was identified and mitigation is proposed to prevent impacts upon those species. It is noted that some development of the site has already taken place since the completion of that survey, with the construction of plot 1.

15.25 Although a biodiversity plan has not been agreed with the Natural Environment Team, the survey does include a number of recommendations for the provision of

mitigation measures. A condition is therefore proposed to secure appropriate mitigation.

Trees

15.26 Comments have been received from the Tree officer requesting a tree survey and arboricultural impact appraisal and method statement. While no tree survey has been provided, it is noted that there are no trees on the site itself with any trees and hedgerows being confined to site boundaries. Furthermore, the site is not affected by any tree preservation orders. In light of this and the previous grant of planning permission, where no tree survey was provided, it is not considered that a reason for refusal on the grounds of the lack of information regarding trees could be sustained.

Flood Risk and Drainage

15.27 The site is located wholly within flood zone 1 and is not identified as being at risk of flooding from rivers or the sea. The nearest area identified as being at risk of flooding is in excess of 400m to the east of the site. In view of this and the relatively limited site area and building coverage it is not necessary to require a flood risk assessment and it is not considered that the proposal would be likely to give rise to increased risk of flooding elsewhere.

15.28 Comments from the parish council have raised the issue of whether connection to the foul sewer network can be achieved without harm to boundary hedges. It is noted however that the necessary connections to the sewer into this site have already been made in connection with the dwelling which has already been constructed. There would not therefore be a requirement to form additional connections.

16.0 Conclusion

16.1 Although the site is located outside of the defined development boundary of Bridport, policy SUS2 has been given reduced weight as the council is currently unable to demonstrate a 5-year housing land supply and the presumption in favour of sustainable development applies. Furthermore, the site is the subject of an extant outline planning consent for the construction of two dwellings, which is a material consideration to which significant weight is afforded.

16.2 The site sits alongside existing residential development and would be experienced in the context of those dwellings. It is not considered that the proposal would therefore be out of character or would give rise to harmful impacts upon the landscape or special character of the AONB.

16.3 The proposal would be appropriate to the local character and would not give rise to unacceptable impacts in respect of overlooking, overbearing, loss of light or noise and disturbance. There would not be an unacceptable impact on highway safety and where potential exists for protected species to utilise the site, it is considered that impacts can be mitigated. There is therefore no policy with the NPPF which would provide a clear reason for refusal of the development proposed and the benefits of granting planning permission are assessed to outweigh the adverse impacts of the development.

17.0 Recommendation

Grant 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:

Site Location Plan - 18/009/20

Site Plan - 18/009/21 Rev A

Plot 2 - House Plan & Elevations - 18/009/22 Rev A

Plot 2 - House Plan & Elevations - 18/009/23 Rev B

Plot 2 - Garage 18/009/24

Plot 3 - House Plan & Elevations - 18/009/25

Plot 3 - House Plan & Elevations - 18/009/26

Plot 3 - Garage - 18/009/27

Plot 4 - House Plan & Elevations - 18/009/28 Rev A

Plot 4 - House Plan & Elevations - 18/009/29

Plot 4 - Garage - 18/009/30

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

3. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. Prior to commencement of the development approved details of the finished floor level(s) of all the building(s) hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

5. No development shall take place until an ecological design strategy (EDS) addressing biodiversity mitigation and enhancement measures has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

6. Prior to the commencement of any development hereby approved above damp course level, details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenities of the area

7. Before the development hereby approved is first occupied the first 5.0m of the vehicular access(es), measured from the nearside edge of the highway (excluding the vehicle crossing - see the informative note below), including the visibility splays, shall have been laid out, constructed, and surfaced, to a specification which shall have been submitted to, and agreed in writing by, the Local Planning Authority.

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

8. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on the submitted drawings must be

constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

9. Before the development hereby approved is first occupied or utilised the visibility splay areas as shown on the approved plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. Notwithstanding the provisions of the Town and Country Planning General Development Order 2015, or any Order revoking or re-enacting that Order, the visibility splay areas shall thereafter be maintained and kept free from all obstruction above this height.

Reason: In the interest of highway safety

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.

2. Street Naming and Numbering

The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering

3. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and

you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

The Natural Environment Team, Dorset Council recommends that vegetation, hedge, shrubs and tree removal; translocation or cutting back avoids the bird nesting season which runs from mid-February to 31st August. This is in order to avoid impacts to nesting birds and infringement of the legislation.

Vegetation or site clearance as a result of this development should be undertaken outside of the nesting season specified above. In some seasons the nesting period may start before or extend beyond these dates, so the applicant should be aware that the dates are a guide only.

If clearance work has to be undertaken during the nesting season, a breeding bird survey needs to be carried out by a suitably qualified person no more than 48 hours before clearance /cutting works commence. Any active nests identified should be protected by a 5m exclusion zone until the young have left the nest.

As a general rule, it should be assumed that birds will be nesting in trees, scrub, reeds or substantial ditch side vegetation during the core breeding period, unless a survey had shown this not to be the case. In addition, some species are ground nesting, such as the skylark and lapwing, both of which can occur on grassland areas and cleared sites where there is a time lapse between demolition and development.

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

Application Number:	P/PIP/2021/03739
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	LAND SOUTH EAST OF SOUTHWELL BUSINESS PARK SWEET HILL ROAD PORTLAND
Proposal:	Erection of up to 2.no dwellings
Applicant name:	Compass Point Estates
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Susan Cocking, Cllr Rob Hughes, Cllr Paul Kimber

1.0 This application is brought to the Planning Committee for determination as a result of a contrary view from the Town Council in accordance with the Council’s Constitution and Scheme of Delegation.

2.0 Summary of recommendation: GRANT subject to conditions

3.0 Reason for the recommendation: as set out in para 16.1

- Absence of 5 year housing land supply.
- Para 11d 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.
- Notwithstanding the location just outside the defined development boundary, the location is considered to be sustainable.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Although the development is situated outside of the defined development boundary and therefore contrary to policy SUS2, the Council’s inability to demonstrate a 5-year supply of deliverable housing sites means that that the titled balance in favour of granting planning permission is engaged and that this policy must be given reduced weight. There are no other material considerations which would indicate that the development site is unsustainable.

5.0 Description of Site

- 5.1 The site comprises a triangular parcel of land measuring 0.06 hectares on the southern side of Sweet Hill Road. The site is currently undeveloped and is bounded to the east and west by open land (albeit where planning permission or permission in principle has previously been granted for the construction of new dwellings).
- 5.2 There is residential development located immediately to the north of the site, and the land to the south is open countryside. The Southwell Business Park is located to the west.

6.0 Description of Development

- 6.1 The application is seeking permission in principle for the construction of up to 2 dwellings on the site. As the application is for permission in principle only, no details have been provided in respect of access, scale, layout, design or landscaping.

7.0 Relevant Planning History

- 7.1 There is no relevant planning history that applies directly to the site. Permission in Principle has previously been granted for the construction of up to 8 units on land immediately to the west of the site (ref WP/19/00457/PIP). That permission in principle remains extant.

8.0 List of Constraints

- Outside Defined Development Boundary
- RoW: Footpath S3/61; (on site boundary)

9.0 Consultations

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

Consultees

- 1. Rights of Way Officer** – The site is crossed by a public right of way as shown on the definitive map. Condition recommended to require the footpath to be diverted before any works obstructing the path are commenced.
- 2. Highways** – No objection.
- 3. Portland TC** – Portland Town Council objects to this application for the following reasons: We consider this application presents overdevelopment of the site. The development site sits outside the development boundary. We note the site is adjacent to a SNCI and we request that an archaeological survey should be carried out prior to the determination of the application. We note that the corner location makes this a dangerous development in relation to vehicular movement. We draw attention also to the loss of landscape and note there has been no consultation over mineral rights. We have significant concerns over the aggregate effect of multiple developments in this general area which will greatly impact on traffic densities.

4. **Portland Ward** – Comments not received.
5. **Building Control Weymouth Team** - No comment at present
6. **Dorset Wildlife Trust** – Comments not received.
7. **Ministry of Defence** – The MOD has no safeguarding objections to this proposal.
8. **Minerals Safeguarding** – The Mineral Planning authority can confirm that in this case, on the site identified for the proposal, the mineral safeguarding requirement is waived and there is no objection to the proposal on safeguarding grounds as the site is not within any land permitted for mineral extraction and the proposal would not prevent underground access (mining) to additional resources
9. **Archaeologist** – The Dorset HER identifies three burials from the Roman period very close to the site. There is a possibility that more burials may exist in the area which would be appropriate to consider at the technical details consent stage. Considers that the site is too small to warrant pre-determination archaeological evaluation but a condition requiring this may be appropriate.

Representations received

- 9.2 In addition to the above-mentioned comments from consultees, comments have also been received from a neighbouring resident on Sweethill Road in objection to the proposals. Points raised in the objection are:
- Site is outside the settlement boundary.
 - Biodiversity impacts from the loss of the hedgerow on the site.

10.0 Relevant Policies

- 10.1 s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Adopted West Dorset and Weymouth & Portland Local Plan:

- 10.2 The following policies are considered to be relevant to this proposal:
- INT1 - Presumption in favour of Sustainable Development
 - ENV1 - Landscape, seascape & sites of other geological interest
 - ENV2 - Wildlife and habitats
 - ENV4 - Heritage assets
 - SUS2 - Distribution of development

Neighbourhood Plans

10.3 Portland Neighbourhood Plan 2017 to 2031 (made 22/06/2021). The following policies and sections are considered to be relevant:

- Port/EN6 - Defined development boundaries

Other Material Considerations

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

10.4 National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted. Footnote 8 of paragraph 11d provides that for applications involving the provision of housing, housing policies should be considered out of date where the authority cannot demonstrate a five-year supply of deliverable housing site or where the Housing Delivery test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three year

10.5 Relevant NPPF sections include:

- Section 4. Decision taking: 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...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.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

- The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

10.6 National Planning Practice Guidance

10.7 The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 is not considered to 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. It is considered that the statutory aims of the public sector equalities duty have been met.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
Cil Contributions	Cannot currently be quantified

14.0 Climate Implications

14.1 The proposal will lead to additional CO2 emissions from construction of the dwellings and from the activities of future residents.

15.0 Planning Assessment

15.1 As the application is for permission in principle, only the principle of the proposed residential development and the overall number of units proposed is being considered.

15.2 The application site is located outside of the defined development boundary which is drawn tightly to the established boundaries of Southwell and in the vicinity of the site runs along Sweet Hill Road. Policy SUS2 indicates that development should be strictly controlled. However, the council is currently unable to demonstrate a 5 year housing land supply, with the current housing supply position standing at 4.97 years.

This means that policies for the delivery of housing are considered out of date and the presumption in favour of sustainable development applies.

- 15.3 Paragraph 11 of the National Planning Policy Framework indicates that for decision making this means granting planning permission unless that would conflict with specific policies of the framework which indicate that development should be restricted, or where doing so would lead to significant and demonstrable harm to outweigh the benefits of the scheme.
- 15.4 Paragraph 14 of the framework states that the adverse impact of allowing development which conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where the plan became part of the development plan within two years of the decision date; the plan contains policies and allocations to meet its housing requirement; the local planning authority has at least a three year housing supply; and the local planning authority's housing delivery was at least 45% of that required over the previous three years. In this instance while three of those four criteria are met, the Portland Neighbourhood Plan does not include specific policies to allocate land for housing delivery. Therefore, while there is conflict with the policies of the neighbourhood plan, the adverse impact of granting permission would not significantly and demonstrably outweigh the benefits of the scheme.
- 15.5 Although the site is located outside of the defined development boundary of the site and within a defined important open gap, that is due to the boundary having been drawn tightly around the existing development at Southwell. There are however existing dwellings immediately to the east and permission in principle exists for the construction of up to 8 dwellings immediately to the west of the site. Once that site is brought forward the application site would therefore be the only gap in a built up edge on the southern side of Sweet Hill Road. Therefore, the site's location is such that there would remain potential for the development to integrate well with the overall form of the development so will not result in a particular incursion into the open countryside or an uncharacteristic extension of the settlement.
- 15.6 In its response, Portland Town Council has referred to potential archaeological investigation and the lack of consultation over mineral rights. Subsequent consultation has taken place with both the minerals safeguarding team and the County Archaeologist, neither of whom have raised an objection at this stage.
- 15.7 The Town Council also refers to highway safety concerns and the contribution to impact on traffic densities. The highways authority has not raised an objection in respect of highway safety and it is noted that the site's location on the outside of a curve in the road would afford good visibility from any future access. In respect of traffic movements more generally it is not considered that the increase in traffic arising from a development of two dwellings would significantly affect traffic levels.

15.8 The comments from third parties have also raised concern in respect of the loss of an existing hedgerow. It is considered that the impacts of any development on biodiversity interests and any requirements which may exist for mitigation may be adequately addressed at the Technical Details Consent Stage.

15.9 The site is located within 5km of the Chesil and the Fleet European habitats sites. Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area. An Appropriate Assessment has been completed and concluded that mitigation, funded from the council's CIL pot, can be put in place to avoid unacceptable impacts.

15.10 A footpath runs along the south western boundary of the site. Comments have been received from the countryside team advising that if any works are to be carried out which would obstruct the path, a legal order must be confirmed prior to those works commencing. Although it cannot be confirmed that proposals would not obstruct the footpath at this stage, as the footpath sits on the site boundary it is likely that the development can be accommodated without any obstruction.

16.0 Conclusion

16.1 Although outside of the defined development boundary the site is considered to be sustainably located and is in a location where the development may be accommodated without significant incursion into the countryside or harmful impacts upon townscape. In light of the council's current 5 year housing land supply position and the application of the presumption in favour of sustainable development the principle of development is considered acceptable as there are no specific policies in NPPF which would provide a clear reason for refusal and the benefits of the application are considered to outweigh the adverse impacts.

17.0 Recommendation

Recommendation: Grant subject to the following conditions:

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

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

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

Location Plan - LPC 2522 EX 301

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

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

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

4. The minimum number of residential dwellings permitted by this permission in principle is 1 and maximum number of residential dwellings permitted by this permission in principle is 2.

Reason: As required by The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

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 application was acceptable as submitted and no further assistance was required.

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Application Number:	P/PIP/2021/03738
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	LAND NORTH OF 69-72 REAP LANE PORTLAND
Proposal:	Erection of up to 2.no dwellings
Applicant name:	Mr Simon Chambers
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Susan Cocking, Cllr Rob Hughes, Cllr Paul Kimber

1.0 This application is brought to the Planning Committee for determination as a result of a contrary view from the Town Council in accordance with the Council’s Constitution and Scheme of Delegation.

2.0 Summary of recommendation: GRANT subject to conditions

3.0 Reason for the recommendation: as set out in para 16.1 below

- Absence of 5 year housing land supply.
- Para 11d 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.
- Notwithstanding the site’s location outside the defined development boundary, the location is considered to be sustainable.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Although the development is situated outside of the defined development boundary and therefore contrary to policy SUS2, the Council’s inability to demonstrate a 5-year supply of deliverable housing sites means that that the titled balance in favour of granting planning permission is engaged and that this policy must be given reduced weight. There are no other material considerations which would indicate that the development site is unsustainable.

5.0 Description of Site

5.1 The site comprises a rectangular parcel of undeveloped open grassland measuring just below 500 square metres in area, to the western side of Reap Lane in the

Southwell area of Portland. The site is bounded to the north by a terrace of houses, 73-78 reap lane, which face toward the site, with a cycle path running from Reap Lane to a footpath to the west. The western boundary is defined by a footpath, with open fields beyond and the southern boundary is defined by a parking area serving a terrace of houses which face on to the site further to the south. The ground levels rise from the southern boundary to a high point centrally within the site before falling away again to the north.

- 5.2 The surrounding area is comprised of relatively modern residential development at two storeys and predominantly terraced housing in the immediate vicinity. There is a stone building housing an electrical sub-station to the south west corner of the site.

6.0 Description of Development

- 6.1 The application seeks permission in principle for the construction of up to two dwellings on the site. As the permission in principle procedure is being used, no details are provided in respect of the design, layout, scale, access or landscaping, which would be considered at the Technical Details Consent stage.

7.0 Relevant Planning History

91/00194/FUL Decision: REF Decision Date: 03/07/1991

Erect 70 dwellings

98/00586/FUL Decision: GRA Decision Date: 15/09/1999

Residential development (41 dwellings)

91/00201/FUL Decision: REF Decision Date: 03/07/1991

Erect 105 dwellings

WP/18/00607/OUT Decision: GRA Decision Date: 12/12/2018

Erection of 3No. Dwellings with associative parking (land immediately to west of current application site)

8.0 List of Constraints

Land Outside DDBs

Important Open Gaps; Weston and Southwell Portland

Area of Archaeological Potential; Portland

Regionally Important Geological and Geomorphologic site; The Isle of Portland

Landscape Character; Limestone Plateau; Portland

Areas of Local Landscape Importance; Portland Coastline Portland

Minerals and Waste Safeguarding Area

9.0 Consultations

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

Consultees

- 1. Highways** Clarification should be provided as to whether the site access is being formed from the existing private parking area or to the adjacent rights of way.

2. Minerals & Waste Policy The site does lie within the Minerals Safeguarding Area (MSA) designated in Policy SG1 of the Bournemouth, Dorset and Poole Minerals Strategy 2014, and is (at the closest point) within approximately 100m of the Stonehill permission to mine Portland Stone.

However, given the location of the proposed housing site the Minerals Planning Authority does not consider that development on this site would affect future access to additional resources of Portland Stone. It is not within an Area of Opportunity for Mining, as identified in the Minerals Strategy 2014, and would not impact or be impacted by the Stonehills mine.

Taking these points into consideration, the Mineral Planning Authority can confirm that in this case, on the site identified for this proposal, the mineral safeguarding requirement is waived and no objection will be raised to this proposal on mineral safeguarding grounds.

3. Portland Town Council objects to this application for the following reasons. We consider this application presents overdevelopment of the site. It also contravenes Portland Neighbourhood Plan Policy CR4 Sites of Open Space Value as amenity grass area would be lost. We further object in relation to the risk to utilities as there is a gas main at the site and electrical sub-station. We draw attention to the potential flooding issues. The consultation does not appear to have invited comments from the Rights of Way Officer nor the Minerals Authority. The Council supports the objections from neighbours about loss of privacy and light.

Representations received

Total - Objections	Total - No Objections	Total - Comments
4	0	0

In addition to the consultee comments noted above, four letters of objection have been received from neighbours. Matters raised in objection include:

- There is no access to the land.
- There is a gas main at the edge of the land and drainage for the cycle path.
- Loss of light.
- Additional development planned nearby.
- Sub station on the site.
- Flood risk.
- Loss of privacy.

10.0 Relevant Policies

10.1 s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Adopted West Dorset and Weymouth & Portland Local Plan:

10.2 The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV3 - Green Infrastructure network
- ENV4 - Heritage assets
- SUS2 - Distribution of development

Neighbourhood Plans

10.3 Portland Neighbourhood Plan 2017 to 2031 (made 22/06/2021). The following policies and sections are considered to be relevant:

- Port/EN6 - Defined development boundaries
- Port/CR4 - Sites of open space value

Other Material Considerations

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

10.4 National Planning Policy Framework (NPPF):

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted. Footnote 8 of paragraph 11d provides that for applications involving the provision of housing, housing policies should be considered out of date where the authority cannot demonstrate a five-year

supply of deliverable housing site or where the Housing Delivery test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three year.

10.5 Relevant NPPF sections include:

- Section 4. Decision taking: 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...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.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment' - In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

- Section 16 ‘Conserving and Enhancing the Historic Environment’- When considering designated heritage assets, great weight should be given to the asset’s conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).
- National Planning Practice Guidance
- The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 is not considered to 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 and it is considered that the statutory aims have been met.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
CIL Contributions	Cannot be quantified at this stage

14.0 Climate Implications

14.1 The proposal will lead to additional CO2 emissions from construction of the dwellings and from the activities of future residents.

15.0 Planning Assessment

15.1 As the application is for permission in principle, only the principle of the proposed residential development and the overall number of units proposed can be considered.

15.2 The application site is located outside of the defined development boundary which is drawn tightly to the established boundaries of Southwell. The defined development boundary in this area is also the south eastern boundary of an important open gap which sits between the eastern side of Southwell and the southern side of Weston and extends to the coast. The site is therefore located within this important open gap. Policy SUS2 indicates that development should be strictly controlled. However, the council is currently unable to demonstrate a 5 year housing land supply, with the current housing supply position standing at 4.93 years. This means that policies for the delivery of housing are considered out of date and the presumption in favour of sustainable development applies.

15.3 Paragraph 11 of the National Planning Policy Framework indicates that for decision making this means granting planning permission unless that would conflict with specific policies of the framework which indicate that development should be restricted, or where doing so would lead to significant and demonstrable harm to outweigh the benefits of the scheme.

15.4 Although the site is located outside of the defined development boundary of the site and within a defined important open gap, that is due to the boundary having been drawn tightly around the existing development at Southwell. The site's location is such that there would remain potential for the development to integrate well with the overall form of the development so would not result in a particular incursion into the open countryside or an uncharacteristic extension of the settlement or a significant erosion of the important open gap beyond the building line in this area. It is therefore considered that, notwithstanding the policy designations which the site is subject to, that the site would represent a sustainable location for development.

15.5 In its response, Portland Town Council has referred to conflict with Neighbourhood Plan Policy CR4 – sites of open space value due to the loss of an amenity grass

area. While there would be conflict with that policy it is noted that the site is not identified on the supporting maps for the neighbourhood plan as being a local green space.

- 15.6 Paragraph 14 of the framework states that the adverse impact of allowing development which conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where the plan became part of the development plan within two years of the decision date; the plan contains policies and allocations to meet its housing requirement; the local planning authority has at least a three year housing supply; and the local planning authority's housing delivery was at least 45% of that required over the previous three years. In this instance while three of those four criteria are met, the Portland Neighbourhood Plan does not include specific policies to allocate land for housing delivery. Therefore, while there is conflict with the policies of the neighbourhood plan, the adverse impact of granting permission would not significantly and demonstrably outweigh the benefits of the scheme.
- 15.7 Reference is made in the town council comments and third party representations to the presence of medium pressure gas mains in the vicinity of the site. However available records do not show this to be the case.
- 15.8 Concern has also been raised by neighbouring residents in respect of flood risk. The site is in flood zone 1 and is not therefore considered to be at particular risk of flooding and while there are areas identified as being at risk of surface water flooding in the vicinity those do not affect the site itself.
- 15.9 Third party representations have made reference to the impact of the proposal in respect of the potential loss of light and amenity from overlooking. At this stage as detailed design is not a matter for consideration it is not possible to undertake an assessment of those impacts. Such matters would be for consideration during the technical details consent stage. It is not considered that the site is so heavily constrained in this regard as to preclude the principle of development.
- 15.10 In respect of access the Highways Authority has sought to confirm whether access would be from the existing lane or from the public right of way to the west. As the application is for permission in principle only, details of the access are not required at this stage and have not been provided. It is however noted that there are various options to achieve vehicular access and given the context of the site and the scale of development proposed it is not considered reasonable to withhold permission in principle on the basis of highways impacts.
- 15.11 The site is located within 5km of the Chesil and the Fleet European habitats sites. Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area. An Appropriate Assessment has been completed and concluded that mitigation, funded from the council's CIL pot, can be put in place to avoid unacceptable impacts.

16.0 Conclusion

16.1 Although outside of the defined development boundary the site is considered to be sustainably located and is in a location where the development may be accommodated without significant incursion into the countryside or defined important open gap. In light of the council's current 5 year housing land supply position and the application of the presumption in favour of sustainable development reduced weight is afforded to policy SUS2 and the principle of development is considered acceptable as there are no specific policies in the NPPF which would provide a clear reason for refusal and the public benefits of the proposals, are at this stage, considered to outweigh any adverse impacts.

17.0 Recommendation

Grant subject to the following conditions:

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

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

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

Location Plan - LPC 2252 EX 101

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

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

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

4. The minimum number of residential dwellings permitted by this permission in principle is one and maximum number of residential dwellings permitted by this permission in principle is two.

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

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 application was acceptable as submitted and no further assistance was required.

Application Number:	P/LBC/2021/03958
Webpage:	Planning application: P/LBC/2021/03958 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Gun Cliff SPS Bridge Street Lyme Regis
Proposal:	Install an external 4G antenna to the outside wall
Applicant name:	South West Water
Case Officer:	Charlotte Loveridge
Ward Member(s):	Cllr Turner

1.0 Reason application is going to committee

The application relates to land that is leased by Dorset Council from Crown Estates and the application is therefore being reported to Committee in accordance with Dorset Council's Constitution.

2.0 Summary of recommendation:

That the Committee be minded to delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to grant listed building consent subject to conditions, and subject to there being no adverse comment received from the leaseholder on the lapse of the 21 days notice served on them by the applicant.

3.0 Reason for the recommendation: as set out in paras 15.1 – 15.3

- Para 11d 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 in the setting of the heritage assets.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Sea Walls at Gun Cliff - Grade II listed building; less than substantial harm mitigated by public benefit.

5.0 Description of Site

The site location for the antenna is on the top of the buttress on the eastern elevation of Gun Cliff Walls, on the promenade directly south of the Marine Theatre. The single antenna is 7cm diameter and 32cm in height (including metal fixing bracket). The feeder cable is approximately 1cm diameter. The purpose of the antenna is so that South West Water (SWW) can replace the private wire that connects Guncliff Sewage Pumping Station (SPS) with Uplyme Sewage Treatment Works (STW) to support the FTTC (ADSL) circuits at both sites. Guncliff Sewage Pumping Station (SPS) was constructed in the early 1990's by South West Water in order to pump sewage to Uplyme Treatment Works (STW) where it is treated prior to discharge.

The site is within the public realm on Dorset Council land leased from the Crown Estates.

Gun Cliff Walls is a Grade II Listed Building. There are also other Grade II Listed Buildings nearby with Guildhall Cottage (Lyme Regis Town Council Offices), Lyme Regis Museum and the GI* listed 'The Guildhall' which sit above the Gun Cliff Walls in Church Street and Bridge Street. The site also lies within the Lyme Regis Conservation Area.

The South West Coast Path runs just inland along Marine Parade and up through Bridge Street and Church Street; but the promenade provides a popular pedestrian route from Cobb Gate car park to the very eastern end of Marine Parade and the beach at the eastern end of the town.

6.0 Description of Development

Install an external 4G antenna to the outside wall of Gun Cliff Walls.

7.0 Relevant Planning History

1/W/91/000350 Decision: GRA Decision Date: 16/10/1991

Construct new sea walls, new bridge over the river Lim, storm water storage tanks and sewage pumping station

8.0 List of Constraints

SEA WALLS AT GUN CLIFF listed building grade G2. HE Reference: 1324345

GUILDHALL COTTAGE listed building grade G2. HE Reference: 1229434

Grade: II Listed Building: OAKLEY HOUSE List Entry: 1229432.0;

Grade: II Listed Building: LONG ENTRY FLATS List Entry: 1229431.0;

Grade: II Listed Building: SEA WALLS AT GUN CLIFF List Entry: 1324345.0;

Grade: II Listed Building: KENMORE List Entry: 1279208.0;

Grade: II* Listed Building: THE GUILDHALL List Entry: 1228691.0;

Grade: II Listed Building: GUILDHALL COTTAGE List Entry: 1229434.0;

Lyme Regis Conservation Area

Grade II listed building

Within the Lyme Regis Conservation Area

9.0 Consultations

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

Consultees

1. Conservation Officers

- No objection to the principle of the scheme.
- Less than substantial harm which can be outweighed by public benefit.
- Subject to details to minimise the level of visual impact on the setting of various designated heritage assets.
- Conditions recommended.

2. Lyme and Charmouth Ward No comments received.

3. Lyme Regis TC

- No material listing considerations to warrant its refusal.

Representations received

No other representations received.

10.0 Relevant Policies

West Dorset, Weymouth & Portland Local Plan (2015)

ENV4 – Heritage assets

Other material considerations

NPPF (2021)

Section 16 (Paragraphs 190,192,199,194, 200, 201,202 203, 207)

Conservation Area Appraisal: Lyme Regis adopted October 2010

HE Advice Notes 2: Making Changes to Heritage Assets

Conservation Principles

BS: 7913 Conservation of Historic Buildings

HE Good Practice advice Note 2: Managing Significance in Decision Taking

Statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990.

Statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990.

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 is not considered to 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 Public Sector Equalities Duty. The proposed development is not considered to have any impact on persons with protected characteristics.

13.0 Financial benefits

To safeguard critical process control communications from Guncliff Sewage Pumping Station to Uplyme Sewage Treatment Works.

14.0 Climate Implications

None.

15.0 Planning Assessment

15.1 Principle of development

The installation of the communications apparatus would be permitted development conferred to South West Water as a Statutory Water and Sewerage undertaker and a Telecoms Code Operator under Schedule 2, Part 16 (communications), Class A (electronic communications code operators) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); so the

principle of development is accepted and an application for planning permission is not required. This application is to assess the harm to the heritage assets as the structure is being fitted to is a Grade II Listed Building, as such Listed Building Consent is required.

15.2 Scale, design, impact on character and appearance

The scale of the proposal is minimal. The location is determined largely by the subterranean nature of the building. The antenna unit is 30cm in height and will be sited at the top of the projecting buttress just south of the double gates in the wall.

The cabling will be drilled through the 1m thick wall near to the door frame of the gates, and will follow the route of existing mortar joints and will follow the corner joint where the projecting buttress meets the walls to minimise its visibility. The antenna and cabling will be painted to match the colour of the stonework as closely as possible.

15.3 Impact on heritage assets

Correspondence with the Conservation & Design Officer in August 2021 established that the drilling through the frontage and routing of the cable was acceptable and the impact of the antenna will be minimal on the heritage assets. The proposal has been designed to create minimal visual intrusion, which will create less than substantial harm which is considered to be offset by the public benefit. It is considered that the public benefit is the reduced risk of failure for the critical process control communications between Guncliff Sewage Pumping Station (SPS) with Uplyme Sewage Treatment Works (STW). The 4G radio based communications act as a fallback for the newly installed FTTC (ADSL) circuits at both sites.

16.0 Conclusion

The proposal is considered acceptable, and the less than substantial harm to the heritage asset is outweighed by the public benefit of the 4G communications. As such the development is supported by policy ENV4 of the adopted local plan and paragraph 203 of the NPPF (2021).

17.0 Recommendation

That the Committee be minded to delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to grant listed building consent subject to conditions, and subject to there being no adverse comment received from the leaseholder on the lapse of the 21 days notice served on them by the applicant.

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

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

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

Location Plan 1 – 400m
Location Plan 2 – 100m
Site Plan – Antenna Location
Entrance Doorway Plan
Dimensioned Photo Gun Cliff
4G Antenna Height photo
4G Antenna Cable Route photo

Reason: To preserve the architectural and historical qualities of the building.

3. The antenna and antenna cable shall be painted in RAL 7030 – Stone Grey and maintained as such thereafter.

Reason: To safeguard the historic setting and significance of the designated heritage assets and AONB.

4. Any fixings for the routing of the antenna cable and the antenna shall be fitted into the existing mortar joints.

Reason: To preserve or enhance the character and appearance of the heritage asset.