



Western and Southern Area Planning Committee

Date: Thursday, 7 April 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

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To confirm the minutes of the meeting held on 3 March 2022.

4. PUBLIC PARTICIPATION

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

The deadline for notifying a request to speak is 8.30am on Tuesday 5 April 2022.

5. PLANNING APPLICATIONS

To consider the application listed below for planning permission

- a) P/VOC/2021/05510 - Marchesi House, Poplar Close,
Weymouth, DT4 9UN

27 - 44

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).

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.



WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 3 MARCH 2022

A recording of the meeting can be found on the committee page by using the following link:- [3rd March, 2022](#)

Present: Cllrs Dave Bolwell, Kelvin Clayton, Jean Dunseith, Louie O'Leary, Paul Kimber, David Shortell (Chairman), Sarah Williams, Kate Wheller and John Worth.

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

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

Ann Collins (Area Manager – Western and Southern Team), Susan Hetherington (Engineer (Development Liaison)), Anna Lee (Service Manager for Development Management and Enforcement), Charlotte Loveridge (Planning Officer), Hannah Massey (Lawyer - Regulatory), Matthew Pochin-Hawkes (Lead Project Officer), Steve Savage (Transport Development Manager), Emma Telford (Senior Planning Officer), Thomas Whild (Senior Planning Officer) and Denise Hunt (Democratic Services Officer).

104. Apologies

Apologies for absence were received from Cllrs Susan Cocking, Cllr Nick Ireland and Cllr Bill Pipe.

Cllr Louie O'Leary advised that he would be leaving the meeting at 12 noon.

105. Election of Vice-Chairman

Proposed by Cllr Louie O'Leary, seconded by Cllr John Worth.

Decision: That Cllr Jean Dunseith be elected as Vice-Chairman for the meeting.

106. Declarations of Interest

Cllr Dave Bolwell declared that he had predetermined application P/FUL/2021/01762 Land West of Watton Lane, Bridport. He would not take part in debate or vote, however he wished to speak as the ward member on this application.

107. **Minutes**

The minutes of the meeting held on 6 May, 10 June, 8 July, 9 September, 30 September, 4 November and 2 December 2021 and 6 January and 1 February 2022 were confirmed and signed.

108. **Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

109. **Planning Applications**

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

110. **WP/20/00705/FUL - Site P, Osprey Quay, Hamm Beach Road, Portland**

The Committee considered an application to erect a drive-through coffee shop and 9 business units (Use Class E and/or B8) with associated access, parking and landscaping works.

The Senior Planning Officer presented the application for a coffee shop with drive through and separate access to business units with car parking at the rear. The presentation included an aerial photo; site plan showing the site within the Defined Development Boundary (DDB) for Portland and a small part within the Heritage Coast; proposed elevations, floor plans, sections and photos of the site and surrounding area. The key planning issues were highlighted including principle of development; visual amenity; heritage coast and the setting of the World Heritage Site; residential amenity; highway safety and biodiversity.

A change to the recommendation and amendment to conditions had been included in an update sheet circulated to the committee prior to the meeting and is attached to these minutes.

Mr Dan Wilden, the agent, addressed the Committee in support of the scheme.

In response to technical questions put by members it was confirmed that Homes England were the landowners and that a high fence around the site had been removed from the scheme. Officers considered that the scheme would not increase car usage in the general location.

Some members welcomed the scheme as contributing to employment and supporting the local community. However, other members expressed concern regarding busy traffic in the area; the impact on roads adjacent to Portland Beach Road, particularly in light of the highways issues associated with the development of the Lidl site; encouraging driving, blocking of a significant view by the coffee shop and existing cafes operating at Osprey Quay.

Members were advised that Highways Officers were confident that there was sufficient car parking within the proposed site and that the proposal would not result in a major impact on traffic flows in the vicinity.

Proposed by Cllr Paul Kimber, seconded by Cllr Louie O'Leary.

Decision:

(A) That authority be delegated 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 subject to the comments of the Environment Agency in relation to the requirement to prevent the use of the commercial buildings as E (e) provision of medical or health services and E (f) creche, day nursery or day centre; and the conditions (as amended) outlined in the appendix to these minutes.

(B) That authority be delegated 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.

111. **P/VOC/2021/05510 - Marchesi House, Poplar Close, Weymouth, DT4 9UN**

The committee considered an application for the demolition of existing flats and erection of 18 houses and 13 flats in two blocks (variation to condition 7 of planning approval WP/18/00914/FUL - construction management plan).

The Lead Project Officer presented the application that included a site location plan, aerial photo, relevant planning history, approved site plan, a visual of the view from Radipole Lane and approved and revised Traffic Management Plans.

The minor material amendment to vary condition 7 to allow the existing access to be used by construction vehicles was considered necessary as other accesses were prohibitive.

The revised Traffic Management Plan included the requirement for traffic marshalls at the junction with Sycamore Road, a 5mph speed limit, deliveries outside of school run times, use of the car park to the south of the site and a wheel wash facility.

The main issues were outlined including the principle of development, highways, amenity and habitat sites.

Mr Jon Dixon addressed the committee in objection to the variation, explaining some of the issues that the local community had experienced so far.

Mr Scott Fenner, representing the contractor, spoke in support of the application and outlined the safety measures associated with the revised Traffic Management Plan.

Cllr Peter Barrow, Dorset Council ward member for Radipole, addressed the committee in objection to the application, highlighting his concerns regarding children walking to school, the risk assessment that gave rise to the revised Traffic Management Plan and issues with its implementation.

Cllr David Gray, Dorset Council ward member for Radipole, addressed the committee in objection to the variation, providing an explanation why he felt that alternative accesses were not being explored and highlighting that a large number of objectors to the application were asking the Council to keep to the original plan.

The Highways Officer confirmed that the robust nature of the revised Traffic Management Plan and ongoing engagement with the local community was welcomed, noting that there were alternative pedestrian routes to the school that avoided the site.

The overriding concern of the committee related to safety and there was some caution about moving away from the original consent. Concerns were expressed in relation to highway safety, enforcement of the proposed Traffic Management Plan and the inconvenience already experienced by residents.

Following some discussion, Cllr Louie O'Leary proposed refusal of the application which was seconded by Cllr Kate Wheller.

Further debate took place on the potential reasons for refusal, many of which officers advised would not be sustainable on appeal.

Cllr Paul Kimber then proposed deferral of the application in order that a site visit could be undertaken. The proposal to refuse the application was thereafter withdrawn by the proposer and seconder.

Proposed by Cllr Paul Kimber, seconded by Cllr Louie O'Leary.

Decision: That the application be deferred for the reasons outlined in the appendix to these minutes.

Cllr Louie O'Leary left the meeting at this juncture.

112. **P/FUL/2021/01762 - Land West of Watton Lane, Bridport**

The committee considered an application to erect 3 dwellings.

Cllr Dave Bolwell did not take part in the debate or vote on this item, however, he addressed the committee as the ward member during public participation.

The Committee was shown a presentation that included a site location plan, aerial photo, planning history details, photos of the site and recently constructed dwelling, site layout plan and elevations.

The main issues were outlined as the principle of development, landscape and visual impact, design and character, amenity, biodiversity, trees, flood risk and drainage.

An update sheet containing amendments to condition 9 and details of an additional representation had been circulated to the Committee prior to the meeting.

Mandy Powell spoke in objection to the application and covered points relating to the principle of development, loss of local amenity, loss of public visual amenity, detriment to the Area of Outstanding Natural Beauty (AONB) and housing land supply.

Rachel Gershfield, a local resident, addressed the committee in objection to the development, making points in relation to damage to the AONB, impact on amenity, the number of vehicles generated by the development and creeping development.

Phil Summerton addressed the committee in objection to the scheme, raising points in relation to housing land supply, the planning history associated with the site and lack of a safe pedestrian route along Broad Lane.

Simon Ludgate, the Agent, spoke in support of the application referring to comments made by the Appeal Inspector in relation to a previous application for 2 dwellings, the shortfall in the 5 year housing land supply as a material consideration and that the site would be minimal in terms of traffic development and volume.

Cllr Paul Hartmann spoke in objection to the application on behalf of Symondsburry Parish Council highlighting points in relation to the formal layout, detrimental impact on the AONB; the potential for creeping development on the adjacent plot and lack of conformity with Bridport Neighbourhood Plan policies and biodiversity gain.

Cllr Dave Bolwell addressed the committee as the Dorset Council Ward Member for Bridport in objection to the application, also referring to comments of the Appeal Inspector with regard to the previous application, the uniformity of the scheme in the AONB, highway safety, the unsuitability of an alternative footpath to Bridport, the lack of public transport and presumption on car use and open market 3-4 bed houses that did not meet the housing need of Bridport.

In response to a technical point, the Senior Planning Officer advised that housing land supply was based on the West Dorset, Weymouth & Portland Local Plan area only. Information was also provided on housing density per hectare.

Duration of Meeting – Time Limit

Part-way through consideration of this application, a vote to continue the meeting was taken in accordance with Part 2, Paragraph 8.1 of the Council's Constitution.

Decision: That the meeting be extended to allow the business of the meeting to be concluded

Following the decision to continue the meeting, the committee debate on the application commenced.

Cllr Kelvin Clayton stated that the site was outside the DDB and not in accordance with NPPF paragraphs 12 or 14 or SUS2 (3) of the Local Plan, the latter in relation to open market housing; the need for climate resilient development, that the proposal did not meet the needs of the current generation and building on green belt land would permanently harm the ability of future generations to meet their needs. The development also conflicted with the Bridport Neighbourhood Plan that was less than 2 years old.

Members were not supportive of this scheme, considering that the proposal was unsustainable. Those who knew the area well were concerned that Broad Road was dangerous for pedestrians given its use by agricultural traffic, the lack of a pavement and appropriate speed limit.

Further discussion took place on some valid reasons for refusal and the committee received assistance from the Legal Officer in its deliberations.

A lunch period took place between 13.40 – 14.25 which was also used by officers to formulate appropriate wording for the reason for refusal based on the debate by members.

Proposed by Cllr Kelvin Clayton, seconded by Cllr Kate Wheller.

Decision: That the application be refused for the reason outlined in the appendix to these minutes.

113. **P/PIP/2021/03739 - Land south east of Southwell Business Park, Sweethill Road, Portland**

The committee considered a Permission in Principle (PIP) application to erect 2 dwellings.

A presentation was given that included a site location plan, aerial photo and photos of the site.

The site was outside the DDB and identified as an important local gap in the Local Plan, however, officers considered that there would not be a significant reduction in the openness of the gap of this scheme.

Questions were asked about the overall area of undeveloped land towards Portland Bill, the risk of creeping development, loss of open space and quality of the land and soil.

Members were advised that only the site and quantity of development proposed could be considered as part of the PIP application with all other matters provided at a later technical details application stage.

Cllr Paul Kimber proposed refusal of the application on the basis that the site was outside the DDB, that it represented overdevelopment and would lead to a loss of landscape. This proposal was seconded by Cllr Kelvin Clayton. There followed a short adjournment to consider the wording for the refusal, however, upon being put to a vote, the proposal was lost.

Proposed by Cllr Kate Wheller, seconded by Cllr John Worth.

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

114. **P/PIP/2021/03738 - Land north of 69 - 72 Reap Lane, Portland**

The Committee considered an application for the erection of up to 2 dwellings

The application was presented including a site location plan, aerial photo, street view of the site.

Proposed by Cllr John Worth, seconded by Cllr Kate Wheller.

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

115. **P/LBC/2021/03958 - Gun Cliff SPS, Bridge Street, Lyme Regis**

The committee considered an application to install an external 4G antenna to an outside wall on Dorset Council leasehold land.

The committee was shown a site location plan, aerial view, planning history and photos of the site and antenna. The main issues were highlighted including principle of development, impact on heritage assets, scale, design and impact on character and appearance.

An amendment to condition 2 had been included in an update circulated to the committee prior to the meeting.

Proposed by Cllr Sarah Williams, seconded by Cllr Paul Kimber.

Decision: That authority be delegated to the Head of Planning or the Service Manager for Development Management and Enforcement to grant listed building consent subject to the conditions (as amended) outlined in the appendix to these minutes, 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.

116. **Urgent items**

There was no urgent business.

117. **Exempt Business**

There was no exempt business.

118. **Update Sheet**

The update sheet is attached to these minutes.

Appendix - Decision List

Duration of meeting: 10.00 am - 3.25 pm

Chairman

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Planning Committee – Update Sheet

Planning Applications

Application Ref.	Address	Agenda ref.	Page no.
WP/20/00705/FUL	Site P Osprey Quay, Hamm Beach Road, Portland	5a	5-29
<p><u>Change to the Recommendation</u></p> <p>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 <u>and subject to the comments of the Environment Agency in relation to the requirement to prevent the use of the commercial buildings as E(e) provision of medical or health services and E(f) creche, day nursery or day centre.</u> And the following conditions: ...</p> <p><u>Amendment to Condition 3 – Added Text Underlined</u></p> <p>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 within use Class B8, E(a), E(b), E(c), E(d) and E(g).</p> <p>Reason: To ensure that the use remains compatible with surrounding land uses in the area and the application has been considered on this basis.</p> <p><u>Rewording to Condition 4</u></p> <p>The condition currently reads:</p> <p>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.</p> <p>Reason: The application has been considered on the basis of the individual units.</p> <p>The condition will be reworded to the following:</p> <p>No single unit larger than 200 sqm (GIA) shall be used for the purposes of retail of food falling within use class E(a) on the site.</p> <p>Reason: The application has been considered on the basis of the individual units and not the provision of a food retail scheme.</p>			

Amendment to Condition 5 – Added Text Underlined

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 within 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.

Application Ref.	Address	Agenda ref.	Page no.
P/FUL/2021/01762	Land West of Watton Lane, Bridport	5c	47-64

Additional representation received from Andy Anderson on behalf of Rachel Gershfield, the Croft, Broad Lane, asking committee to consider points in respect of housing land supply, residential amenity, previous appeal decision.

The representation has been sent directly to members of the planning committee by email on 02/03/2022

Amendment to condition 9

The condition currently reads:

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.

The condition will be reworded to the following:

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 Permitted Development) (England) 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.

Application Ref.	Address	Agenda ref.	Page no.
P/LBC/2021/03958	Gun Cliff SPS, Bridge Street, Lyme Regis	5f	85-90
<p data-bbox="164 376 547 409"><u>Amendment to Condition 2</u></p> <p data-bbox="164 450 587 483">The condition currently reads:</p> <p data-bbox="164 524 1353 595">2. The works hereby consented shall be carried out in accordance with the following approved plans:</p> <p data-bbox="164 636 612 891"> 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 </p> <p data-bbox="164 931 1241 965">Reason: To preserve the architectural and historical qualities of the building.</p> <p data-bbox="164 1041 826 1075">The condition will be amended to the following:</p> <p data-bbox="164 1115 1353 1187">2. The works hereby consented shall be carried out in accordance with the following approved plans:</p> <p data-bbox="164 1227 785 1482"> Location Plan 1 – 400m Location Plan 2 – 100m Site Plan – Antenna Location Entrance Doorway Plan Photo Elevations of Entrance Dimensions 2 4G Antenna Height photo 4G Antenna Cable Route photo </p> <p data-bbox="164 1523 1241 1556">Reason: To preserve the architectural and historical qualities of the building.</p>			

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Appendix – Decision List

APPLICATION NUMBER: WP/20/00705/FUL

APPLICATION SITE: Site P, Osprey Quay, Hamm Beach Road, Portland

PROPOSAL: Erection of a drive-through coffee shop and 9 business units (Use Class E and/or B8) with associated access, parking and landscaping works.

DECISION:

(A) That authority be delegated 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 subject to the comments of the Environment Agency in relation to the requirement to prevent the use of the commercial buildings as E (e) provision of medical or health services and E (f) creche, day nursery or day centre and the following 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).

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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 within 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) No single unit larger than 200 sqm (GIA) shall be used for the purposes of retail of food falling within use class E(a) on the site.

Reason: The application has been considered on the basis of the individual units and not the provision of a food retail scheme.

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 within 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.

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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.

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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

Appendix – Decision List

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

Appendix – Decision List

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.

(B) That authority be delegated 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.

Appendix – Decision List

APPLICATION NUMBER: P/VOC/2021/05510

APPLICATION SITE: Marchesi House, Poplar Close, Weymouth, DT4 9UN

PROPOSAL: 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).

DECISION: Deferred for a committee site visit and for additional information to be requested from the applicant in respect highway safety matters.

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APPLICATION NUMBER: P/FUL/2021/01762

APPLICATION SITE: Land West of Watton Lane, Bridport

PROPOSAL: Erection of 3 dwellings.

DECISION: Refuse:

1. Having regard to the formal layout of the development in a grid-like pattern, this would result in the development having an urban character contrary to its rural location within the AONB and outside of the defined development boundary of Bridport. Furthermore the proposed development would result in additional artificial light in the AONB contrary to the prevailing landscape character. Hence the proposed development would be contrary to policies ENV1 and ENV12 of the West Dorset Weymouth and Portland Local Plan 2015 and paragraph 130, 174 and 176 of the National Planning Policy Framework 2021.

Appendix – Decision List

APPLICATION NUMBER P/PIP/2021/03739

APPLICATION SITE: Land south east of Southwell Business Park, Sweethill Road, Portland

PROPOSAL: Erection of 2 dwellings.

DECISION: 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.

Appendix – Decision List

APPLICATION NUMBER: P/PIP/2021/03738

APPLICATION SITE: Land north of 69 - 72 Reap Lane, Portland

PROPOSAL: Erection of up to 2 dwellings.

DECISION: 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.

Appendix – Decision List

APPLICATION NUMBER: P/LBC/2021/03958

APPLICATION SITE: Gun Cliff SPS, Bridge Street, Lyme Regis

PROPOSAL: Install an external 4G antenna to the outside wall.

DECISION: That authority be delegated 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

Photo Elevations of Entrance Dimensions 2

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.

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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. It follows the deferral of the application at Planning Committee on 3 March 2022 to allow for a Member's site visit to take place (scheduled for 29 March 2022) and for the applicant to provide additional information in respect of highway safety matters. The report comprises an update to the report that was considered by Members on 3 March 2022.

1.0 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 and recommends that the Head of Planning determines the application accordingly:

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.

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:

1. Construction Environmental Management Plan (CEMP)
2. Construction Phase Plan (CPP) (including Traffic Management Risk Assessment)
3. Traffic Management Plan (TMP) (also appended to the CEMP)
4. Planning related letter from Ken Parke Planning Consultants (dated 10.03.22)
5. Highways related letter from Vectos (dated 11.03.22)

Documents 1-3 include the details required by planning condition 7 and outline mitigation measures associated with the proposed revised construction access. They are proposed to be incorporated in an amended planning condition (see Section 17 of this report). Documents 4 and 5 were submitted following the 3 March 2022 Planning Committee. They provide clarifications, responses and further information.

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.

At Planning Committee on 3 March 2022 the planning application (P/VOC/2021/05510) to which this report relates was deferred. The draft minutes of the meeting state the deferral was to allow *“a committee site visit and for additional information to be requested from the applicant in respect highway safety matters.”*

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

The further information submitted since the 3 March 2022 Planning Committee does not materially change the nature of the proposed development. Accordingly, no further round of formal consultation has been undertaken.

Consultee comments are noted below for completeness. 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. This is further explained in the letters from the Applicant’s planning consultant (Ken Parke, dated 10.03.22) and highway consultant (Vectos, dated 11.03.22), both of which are available to view on the Council’s website.

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’s recent letters further considers ground levels and the sequencing of construction works concluding that they are not conducive to forming the function of a construction traffic access particularly for heavy vehicles delivering materials. The Applicant advises that using Radipole Lane for construction access would prevent some of the houses being built which would then need to be constructed by way of the existing site access from Rowan Close.

The Applicant has also advised that it is not possible to create a new vehicle access from the north of the site (from Sycamore Road) due to the configuration of the development and change in site levels.

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. It provides expanded commentary to address matters raised at the 3 March 2022 Planning Committee.

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.

The approved development comprises redevelopment of Marchesi House to provide a mix of 31 houses and flats. The associated Section 106 Agreement requires a minimum of 11 units (35%) to be delivered as affordable housing, comprising a minimum of No. 7 Affordable Rented units and No. 4 Shared Ownership units. Notwithstanding this minimum requirement, the Applicant (Bournemouth Churches Housing Association – a charitable housing association) has advised it intends to provide all housing as affordable (No. 24 Affordable Rented units and No. 7 Shared Ownership units) subject to funding from Homes England.

Whether 35% affordable housing is subsequently provided or 100%, the development clearly makes a not insignificant contribution to the delivery of affordable housing in the area.

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.

The supporting documents provide a series of measures to manage construction risks. The measures include:

1. Traffic Marshalls to be located at site entrance and junction of Radipole Land/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 (appended to the Construction Phase Plan). This specifically considers the safety of members of the public and pupils walking to/from Southill Primary School. The risk assessment identifies that mitigation measures are required to reduce potential risks to an appropriate level. Following implementation of the mitigation measures specified in the Construction Phase Plan, the risk assessment identifies that the hazard severity level will be reduced from 'high' to 'slight'. It identifies a residual risk score of 10 'Medium Risk' for which tasks should only proceed with control measures in place. Adherence to these control measures are proposed to be secured by planning condition.

The Applicant has further reviewed mitigation measures following the 3 March 2022 Planning Committee. In addition to the measures outlined above, the Applicant proposes to display temporary signage to encourage parents and pupils to use an alternative traffic free route between the nearby public car park and Southill Primary School. The alternative route aligns with the route identified in the Southill School Active Travel Plan (dated 23 April 2019). It follows a series of footpaths to the rear of residential properties and entirely avoids Sycamore Road and Rowan Close. The route is of slightly longer distance (approximately 480m via the alternative route vs. 330m via Rowan Close/Sycamore Road) and will take a slightly longer time to walk (approximately 6 minutes via the alternative route vs. 5 minutes via Rowan Close/Sycamore Road). Whilst no deliveries are permitted during school start/finishing times, the advertisement of the revised route is welcome and will help to further reduce potential conflict between pedestrians and construction vehicles. The display of temporary signing advertising the alternative route is proposed to be secured by condition.

It should be borne in mind that any impacts resulting from construction on the site will only be for a temporary period. Once the development is constructed then the site will be serviced as per any other existing residential development by the normal resident vehicles, refuse lorries, delivery vans etc.

With regard to the suitability of the existing access for construction vehicles, the Applicant's Highways Consultant has evaluated the suitability of surrounding roads. They note that the existing access serving Marchesi House is suitable for refuse and emergency vehicles and consider the access is therefore also suitable for construction vehicles. This conclusion is agreed by officers.

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 Applicant has reviewed highway safety matters following the 3 March 2022 Planning Committee and provided additional information supporting the proposed use of the existing vehicle access for construction vehicles. The additional temporary signage advertising the alternative pedestrian route is a welcome addition.

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. It is considered that the highway impacts would be acceptable. 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 any 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). Notwithstanding the measures outlined within these documents, temporary signage boards identifying the recommended alternative route to/from Southill Primary School (as identified on Vectos drawing ref. 226598_PD0) shall be displayed on site hoardings prior to commencement of development. The signage shall be a minimum of A2 size and at least four signs shall be displayed on the north, east, south and west site hoardings in prominent positions visible from adjacent pedestrian routes. Thereafter the temporary signage shall be retained for the duration of the construction works. The Plans approved under this condition 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 approved 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 and 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 and recommends that the Head of Planning determines the application accordingly:

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.

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